**Appeals Policy and Process**

An appeals process is available to all providers facing corrective actions following an audit against the Specialist Quality Mark (SQM) audit, or a refusal or withdrawal of their SQM application and/or accreditation. An appeal may be made at any stage in the audit process that follows that the submission of an application for an audit to be scheduled, although it is recognised that an appeal is most likely to follow the outcome of an audit.

The provider may appeal on the following grounds:

(a) the Audit was not correctly carried out

(b) the SQM Auditor refused to accept a reasonable explanation as to why a Critical Quality Concern should have been disregarded and therefore should not have had the effect of leading to the issue of a refusal to award SQM accreditation

(c) any other reasonable grounds. An appeal on the ground of unreasonableness will need to demonstrate that the information provided has been misinterpreted or has been given undue weight in the context of the audit process or that the Auditor had failed to take into account material evidence and/or facts in existence at the time of the audit.

Providers that are considering making an appeal accept that:

* Events occurring after an audit has taken place are not relevant to the findings at that audit. For example, if a procedure was found not to be in effective operation at the time of the audit, the fact that afterwards, it was in effective operation, is not relevant to the audit findings; and
* Appeals relating to events that have occurred after an audit has taken place are not irrelevant. In some circumstances, they may be relevant to the LAA/SQM Contract Manager’s decision e.g as to the Sanction, if any, to be applied. However, in the absence of exceptional circumstances, representations solely that, if a fresh audit were to be carried out, the applicant would be found to be fully compliant, are unlikely to affect the decision made.

**Appeals Procedure**

Applicant providers must submit their appeal in writing in the first instance\* to the Recognising Excellence SQM Contact Manager within 14 calendar days of the decision being contested.

The written appeal must be clear on the grounds and basis for the appeal and the reason why the decision is being contested. Where there is documentation available to support the appeal, this should also be provided at this stage.

The SQM Contract Manager of Recognising Excellence will:

* Notify the Legal Aid Agency (LAA) of the appeal
* Consider the representation received from the Provider
* Consider the SQM Auditor’s report and recommendation including the basis for the quality concern(s) and audit outcome. This is likely to include speaking with the Auditor and/or requesting copies of their audit notes and file review forms, in addition to reviewing the formal audit report
* Provide a written response to the Provider within a period of 10 working days of receipt of the appeal
* Provide feedback to the Auditor and/or Lead Auditor\* should an audit decision be overturned. This may result in further follow up action e.g. refresher training or the implementation of a personal development plan
* Inform the Legal Aid Agency of the outcome of the appeals process which will include the sharing of all documentation and correspondence received and resulting from the appeals process .

\*In the event that the SQM Contract Manager acted as Lead Auditor for the audit being contested, to ensure that the appeals process is impartial and transparent for all parties, the appeal will be allocated to an alternative Manager/Lead Auditor to progress.

The SQM Contract Manager’s decision to either confirm or overturn the SQM Auditor’s findings will be deemed final and will not give rise to the opportunity of a further appeal or any right of review. The activation and outcome of the appeals process will not impact upon the Providers eligibility to re-apply for accreditation against the Specialist Quality Mark at a later date.

The Legal Aid Agency will be notified of all appeals received and the outcome which will include the sharing of all documentation received and resulting from the appeals process.