



# Appeal and grievance procedures\*

\*Extract of EIF Operations manual

As a result of the Fund being public entity that utilises public funds in pursuit of its objectives, the Fund needs to abide to the principles and provisions of, natural justice. The said principles and provisions dictate that potential and actual loan and grant beneficiaries of the Fund have a right of recourse, against the Fund, in the event that the beneficiary is discontent with the decision or procedure followed by the Fund in allocating the loan or grant. Such right of recourse is limited to appeals against the Fund's decisions on loan and grant applications and appeals against the processing procedures of the grant and loan applications (procedural fairness).

The purpose of this section is to ensure that appeals submitted to the Fund in respect of rejected applications are dealt with in an efficient, effective and consistent manner.

The following ground rules will apply:

1. The Fund shall appoint a dedicated Appeals Administrator ("AA") from amongst its senior staff members.
2. The AA must create and maintain an easy-to-reference database of all the appeals made ("Appeals Log"), which only he/she will have the right to add, amend, substitute and/or delete data from. All staff members of the Fund will have the right to view the Appeals Log
3. Appellants may compile their appeals in any format provided that the appeal;
  - is made in writing;
  - is made within 21 (twenty one) working days of receiving written notice of the Fund's decision;
  - is made within 90 (ninety) days of submitting applications in the case of procedural complaints;
  - clearly outline the grounds for the appeal, e.g. why the appellant feels her/his application has been prejudiced by the Fund; and
  - is addressed to the CEO or Board Chairperson.
4. Appeals hierarchy: Appeals against -
  - decisions and work or conduct of staff members of the Fund must be made to the CEO
  - decisions and work of the CEO, FMC and TAP must be made to the Board; and
  - decisions of the Board must be made to the Chairman of Board, and in exceptional cases, to the Minister of the ministry to which the Fund reports to administratively.
5. Appeals may be submitted via email, fax, courier or hand-delivered to the offices of the Fund or submitted with any staff member of the Fund. A staff member who receives an appeal application must forward same to the AA within 24 hours of receipt of the appeal application.
6. The AA shall, within 24 hours of receipt of an appeal application:
  - capture the appeal in Appeals Log;
  - assess the merits of the appeal in order to determine whether or not the grounds of the appeal fall within the terms of appeals process. After making his/her determination, the AA must, in writing:
    - notify the appellant(s) whose grounds for appeal do not fall within the terms of the appeal process; or
    - advise, the appellant(s) were reasonable grounds for appeal have been established; and
    - submit his/her determination to the CEO.
7. The CEO must, within 24 hours, assign a senior staff member (who has not had any previous dealings with the application in question) ("Appointed Staff Member") to investigate the substance of the appeal.
8. The Appointed Staff Member must finalise his/her investigation and submit a report to the CEO within 7 working days.
9. The CEO will have the discretion to rule on appeals except those in which a review of his/her decisions is required. In his/her ruling the CEO may:
  - choose to resolve all such appeals through the FMC or the Executive Committee; or
  - refer the appeal to the TAP or Board for reconsideration and review.
  - regardless of the CEO's prerogative, a decision must be made within 2 working days after receiving the report.
10. The CEO must at all times present reports relating to appeals requesting/requiring revision of his/her decisions to the Board.
11. For the purposes of expediting the Board decision, a Board subcommittee (Review Committee - RC) shall be established to review and rule on appeals referred to the Board.
12. Regardless of where the ruling is made (CEO, FMC, Executive Committee, Review Committee), the AA must inform appellants within 3 working days of such ruling.
13. Under normal conditions, the Fund must finalise an appeal within 60 working days of receiving an appeal notice.