



## How to make an Appeal

### Appeal against the Decision of a Standards Committee

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#### **What happens once the Tribunal receives an Appeal?**

The Tribunal will acknowledge the appeal against the decision of the Standards Committee. If a Notice of Appeal form (APW05) has not been completed, we will send you a copy for you to complete. If the completed form is not received by the APW within 21 days of receipt by you of the decision of the Standards Committee, your appeal will not proceed.

The President of the Adjudication Panel for Wales or his/her delegate will consider the completed Notice of Appeal and decide within 21 days of receipt whether or not to give permission for the appeal against the decision of the Standards Committee to be heard. The President will consider whether the appeal has a reasonable prospect of success. The decision will be based on the contents of your Notice of Appeal alone, unless further information is requested.

If your appeal does have a reasonable prospect of success, the President of the Adjudication Panel for Wales will appoint a tribunal to consider your appeal against the decision of the relevant Standards Committee. If the President decides there is no reasonable prospect of success, reasons will be given but your appeal will not proceed.

It is possible the President may ask for further information before making a decision. If further information is requested, it must be provided within 14 days of the request. The President will have a further 14 days to decide whether or not to give permission for the appeal from when the further information is received by the Registrar of the Panel.

You have the right to attend the hearing of the tribunal to make oral submissions in addition to the written response that you are asked to make on the Notice of Appeal form if given permission to appeal.

You can call witnesses in support of your response and you can be represented by counsel, a solicitor or any other person of your choosing.

There is no requirement that you should be represented; the choice is yours.

One purpose of the form is to guide those who choose to represent themselves to address the key issues which are likely to affect the outcome of the tribunal.

You may, if you wish, request the tribunal to adjudicate upon your Appeal by way of written representations. However, the final decision whether to proceed on that basis rests with the tribunal.

You are asked in **Section 3** whether or not you consent to the appeal being conducted by way of written representations, as required under regulation 10(3) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001 (SI 2001 No. 2281).

### **Setting out your grounds for appeal.**

You are asked to use **Section 4** of the form to set out your grounds for appeal. You should aim to give an overview of your reasons for disputing the findings of the standards committee. The subsequent parts of the form enable you to provide more detailed information in support of the grounds that you have set out.

### **How do I dispute the material facts?**

You are asked to use **Section 5** of the form to identify any disputes there may be about the material facts or whether you have breached the Code of Conduct. The tribunal will make up its own mind about the material facts, having taken account of what you, the Public Services Ombudsman for Wales or the Monitoring Officer (as appropriate) and the standards committee have to say regarding the alleged breach of the code of conduct.

If, *on the facts as found at the hearing by the tribunal*, there seems to be a possibility that you may have failed to follow the provisions of the code of conduct, the tribunal will proceed to hear submissions as to whether there has been such a failure.

### **What happens after the tribunal has considered the evidence?**

After considering the written and oral submissions the tribunal will reach and announce its view as to whether you have failed to follow the provisions of the code of conduct.

If the tribunal concludes that there has been a failure to follow the provisions of the code of conduct it will move on to consider what action should be taken.

That action might involve you being suspended, or partially suspended, from your membership of relevant public authorities.

**Section 6** of the form can be used to set out any representations you would wish the tribunal to take into account should this stage be reached.

### **Can I send an application to the Tribunal by email?**

The Adjudication Panel for Wales does accept applications and correspondence by email. The details of which are included in the Contact Us section of the Adjudication Panel for Wales' website and at the end of this guidance. You can also submit your appeal by post.

## **What if I have any additional needs?**

Please make sure that you give details of any additional needs when you send us your application. For example, you should say if you or a witness you wish to call will need a signer or an interpreter at the hearing, or need any additional arrangements to be made so you or the witness can come to the hearing.

## **Is my appeal and supporting evidence kept confidential?**

Information provided to the Tribunal in connection with an appeal will only be disclosed to those involved in the case. However, hearings take place in public which will place evidence in the public domain.

## **How will documents be sent to me?**

All procedural documents will be sent by Royal Mail Recorded or Special Delivery unless you have requested service by e-mail.

## **Can I make my application in Welsh?**

The Tribunal accepts appeals and correspondence in Welsh. Hearings can be held in Welsh or English.

## **Can the Tribunal provide advice?**

The Tribunal is an independent Judicial Body and must therefore remain impartial when dealing with disputes. The administrative staff can provide advice about Tribunal procedures; the Tribunal and its staff cannot provide legal advice or guidance about how to present a case.

## **Contact Information**

**Address:** Registrar to the Panel  
Adjudication Panel for Wales  
Welsh Tribunal Unit  
PO BOX 100  
Llandrindod Wells  
LD1 9BW

**Telephone:** 03000 259 805

**E-mail:** [adjudication.panel@gov.wales](mailto:adjudication.panel@gov.wales)

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