

Guidance Note 12 Complaints procedure

I. Making a complaint during the application/selection phase

The project LPs whose project proposals are rejected are informed in writing about the reasons why their application was not eligible or was not approved. Any questions submitted by LPs on behalf of partners in relation to the assessment of their Application Form will be examined and answered by the MA/JS. Projects that are not selected for funding have the right to make a formal complaint against the Programme's decision not to select a proposal. However, such a complaint must be well-grounded and follow a specific procedure. Please note that further details and specific complaint forms may be published with each call.

In principle, complaints can only be made on the following grounds:

- (1) the reasons for rejection/ineligibility do not correspond to the information provided by the Lead Partner, and;
- (2) the project assessment and selection process failed to comply with the specific procedures laid down in the call publication and Programme Manual that materially affected or could have materially affected the decision.

Only the project's LP can make a complaint. Potential complaints from PPs must be channelled through the LP. Before making a complaint, the LP must contact a Programme Facilitator in an attempt to resolve the issue. A complaint will not be considered eligible if this prior attempt at reaching an amicable agreement with the JS hasn't taken place.

Formal complaints must be submitted in writing (post or email) to the JS within 28 calendar days after the official notification of the non-selection of the project by the MA and should be addressed to the Programme Manager.

The complaints will be examined and answered by a complaints panel involving the chair of the PMC, and representatives of the JS and the National Authorities. If deemed necessary, the complaints panel may decide to refer a complaint to the PMC.

II. Making a complaint during the project implementation phase

Complaints against a decision made by the MA/JS during project implementation are dealt with as follows:

The MA/JS and the LP will do everything possible to settle any dispute arising between them during project implementation and the interpretation of the Grant Offer Letter in an amicable way. If no amicable agreement is reached, the dispute may be submitted for consideration to the complaints panel, which involves the chair of the PMC, and representatives of the JS and the National Authorities. This formal complaint must be submitted in writing (post or email) to the JS within 28 calendar days after the notification of a decision and should be addressed to the JS. Complaints made against other Programme bodies should also be submitted to the MA/JS and will be dealt with following the same process.

Please note that no complaint can be made after the final Project Report has been certified by the Certifying Authority.

Complaints related to first or second level control must be made to the responsible National Authority according to the applicable national rules.

III. Actions following a Complaint

If a complaint is upheld, the JS will endeavour:

- To resolve the object of the complaint
- To restore matters to situation they would have been in, had things not gone wrong (as far as is possible)

The complaints panel will not have the ability to substitute a decision of the JS or selection committee relating to an application form, progress report or payment claim. In these situations, the complaints panel will declare the original decision void, and require that the matters is reconsidered, taking into account the findings of the complaints panel. For example, if a complaint relates to the selection process, the project will not be consider approved, however the decision to reject the project will be set aside and the application will be taken through the selection process again.

IV. Legal action

At any time, but preferably only after the failure of the above procedures, each party may submit the dispute to the courts. The place of jurisdiction is, as defined in the Grant Offer Letter, England and Wales.