

EUROPEAN STRUCTURAL FUNDS 2014 – 2020 PROGRAMMES

EUMIS CLAIMS AND ARTICLE 125 VERIFICATIONS

DISPUTE RESOLUTION PROCESS

Introduction

1. There may be instances where a Lead Partner does not agree with decisions made by the Managing Authority (MA) in relation to:
 - the processing of claims on the Scottish Government Structural Funds management information system (EUMIS);
 - the findings from verification checks on claimed expenditure (Article 125 verification checks);
 - the findings from file checks on participant or final recipient documentation in order to evidence claimed milestones, outputs and results;
 - the findings from contract checks on claimed procured expenditure;
 - the processing of change requests on EUMIS.

This document sets out the process for the resolution of any such disputes.

It is anticipated that this process will only be used in exceptional circumstances i.e. where the decision relates to issues out with usual project management practices.

Timescales

2. Should a Lead Partner wish to enter dispute resolution, an appeal must be lodged in writing within **10 working days** from the date of the decision being communicated to the Lead Partner by the MA.
3. The appeal can only be lodged by a Lead Partner.
4. Any appeal must be addressed to the appropriate Growth Team Leader (i.e. the Growth Team Leader responsible for the Strategic Intervention / Operation(s) being disputed) as set out below and submitted via email:

Inclusive
Ms Lynda Smith
Team Leader – Inclusive
European Structural Funds and State Aid Division
3rd Floor

5 Atlantic Quay
150 Broomielaw
Glasgow, G2 8LU
(Lynda.Smith@gov.scot)

Smart

Mrs Susan Tamburrini
Team Leader – Sustainable
European Structural Funds and State Aid Division
3rd Floor
5 Atlantic Quay
150 Broomielaw
Glasgow, G2 8LU
(Susan.Tamburrini@gov.scot)

Sustainable

Mr Jim Millard
Team Leader – Smart
European Structural Funds and State Aid Division
3rd Floor
5 Atlantic Quay
150 Broomielaw
Glasgow, G2 8LU
(Jim.Millard@gov.scot)

Grounds

5. In order for an appeal to be considered, the Lead Partner must be able to demonstrate that at least one of the points listed below has occurred:
- the MA did not follow published procedures correctly;
 - the decision made by the MA was out with the scope of any of the published European Commission Structural Fund legislation or National guidance documentation e.g. *The National Rules on Eligibility of Expenditure*; *Document Retention Guidance* etc.

Process

6. Once received, the appeal will be allocated to a Team Leader or similar who is independent from the Growth Team under which the appeal has been logged. This person will be known as the Appeal Officer. For instance, a decision relating to an Operation under the Inclusive Team would be considered by someone other than the Inclusive Growth Team Leader.
7. The Team Leader for the Growth theme that is the subject of the appeal will arrange for all information relevant to the Strategic Intervention / Operation(s) to be made available to the Appeal Officer.

- 8.** The Appeal Officer will arrange for the appeal and any corresponding information to be stored on the Scottish Government data management system (eRDM) and record a new entry on the appeals log. The appeals log records the date of receipt, basic details about the Lead Partner making the appeal, the eRDM appeal reference, a brief description of the decision being disputed and the Lead Partner's rationale for the appeal.
- 9.** The Appeal Officer will carry out such checks and investigation as they believe necessary to fully explore the appeal. The Appeal Officer will issue their findings to the Lead Partner within **10 working days** of receipt.
- 10.** A brief summary of the findings will be recorded on the appeals log along with the date the findings were sent to the Lead Partner and the eRDM response reference.
- 11.** Should the Lead Partner not be satisfied with the findings, they may further appeal the decision – this must be lodged in writing within **30 working days** of the date the findings were sent to the Lead Partner.
- 12.** The appeal must be addressed to the Head of Division as set out below and submitted via email:
- Mr David Anderson
Head of European Structural Funds & State Aid Division
European Structural Funds and State Aid Division
3rd Floor
5 Atlantic Quay
150 Broomielaw
Glasgow, G2 8LU
(David.Anderson@gov.scot)
- 13.** The Head of Division will arrange for this final appeal to be saved to eRDM, and update the appeals log including the eRDM letter reference.
- 14.** The Head of Division will undertake a review of the appeal and reach a decision. **This decision is final.**
- 15.** The Head of Division will provide a written response to the appeal within **10 working days** of receipt. The appeals log will be updated with the decision date and the eRDM response letter reference.