



Appeal Procedure for Electricity Demand Reduction (EDR) Pilot Application Stage

What is the Applications stage?

1. Organisations or individuals who have had their eligibility to take part in the EDR Pilot confirmed¹ by DECC, must submit an application form, a Measurement and Verification (M&V) Plan and supporting evidence (together an “*application*”) as set out in the Participant Handbook² and M&V Manual³ on the EDR pages of the UK Government website⁴ (together the “*Requirements*”) at the time an application was submitted. These submitted documents, outlining and evidencing the nature, eligibility, size and proposed M&V processes of the proposed project, must in DECC’s opinion meet the “*Requirements*” in order for the participant’s application to proceed from the Application Stage⁵ to the Submit a Bid⁶ stage of EDR Pilot. The evaluation questions included in the application are not material to the decision of DECC to approve or reject a participant in the scheme.
2. Application forms, M&V plans and other supporting evidence were required to be submitted via the online portal by 23:59 on 31 October 2014.
3. DECC will offer participants who have indicated that they are in a position to submit an application in respect of a rationed bid, the chance do so in accordance with paragraphs 2.14 to 2.16 of the Participant Handbook. Information on this process, including the appeals procedure for decisions on rationing, will be sent separately to participants.

DECC’s commitments

4. DECC will process information consistently and in line with the “*Requirements*” and any amendments to these documents published on the EDR pages of the UK Government website at the time the application was submitted⁷.

Objectives of the Appeals Process

5. The objective of this appeals procedure is to provide a clear and fair process for a participant to challenge a decision by DECC to reject their application.

¹ Following their successful completion of the Expression of Interest stage

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/337539/EDR_Participant_Handbook_FINAL.pdf

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/363435/edr_pilot_scheme_m_v_manual.pdf

⁴ <https://www.gov.uk/government/publications/electricity-demand-reduction-pilot-guidance-and-forms>

⁵ The “Application” stage is described in Section 2 of the Participant Handbook.

⁶ The “Submitting a Bid” stage is described in Section 3 of the Participant Handbook.

⁷ <https://www.gov.uk/government/publications/electricity-demand-reduction-pilot-guidance-and-forms>



Grounds for appeal for application

6. Appeals can only be made on the following grounds:
- a) Failure by DECC to process information as required by the scheme, sent to it via <https://itportal.decc.gov.uk/edr>.
 - b) Failure by DECC to:
 - i) Respond to queries concerning an application within 10 working days; and
 - ii) that failure has led to the participant being unable to submit a completed or acceptable application according to DECC by 23:59 on 31 October 2014.
 - c) Failure by DECC to comply with paragraph 4 where that failure has led to the participant being unable to submit an acceptable application by 23:59 on 31 October 2014 or a later date as set by DECC.

Appeal process

7. If Participants believe they have grounds for appealing as set out in paragraph 6 then they may submit an appeal in writing, "*the application to appeal*"⁸ which must be submitted via email to edr-project@decc.gsi.gov.uk with the following information clearly stated:
- a) Name of the organisation lodging the appeal including the EDR Participant and project number;
 - b) Name of the person managing the appeal within the organisation;
 - c) Reason or reasons why you believe that you have grounds for appeal as outlined in paragraph 6;
 - d) Any supporting evidence.

First appeal for application

8. An appeal can only be lodged within five working days, including the day DECC sent email confirmation of a rejected application, unless DECC has informed the applicant by e-mail of a separate deadline. The appeal deadline is on the fifth working day before 17:00⁹.

⁸ Please include in the email subject box your application number followed by "application to appeal".

⁹ For example if a rejection letter was sent on Monday 15 December the deadline for lodging an appeal would be before 17:00 on Friday 19 December.



9. DECC expects to acknowledge receipt of your first appeal within two working days via email.
10. The appeal will in the first instance be heard by a member of the Electricity Demand Reduction Team in DECC who has not been involved in processing applications.
11. The person hearing the appeal must only uphold an appeal if in his or her opinion the appeal demonstrates that one or more grounds of appeal in paragraph 6 are true.
12. The person hearing the appeal has five working days from when DECC acknowledges receipt to seek any evidence (both written and oral), decide the outcome of the appeal, inform the Participant of the outcome of the appeal, and if applicable the remedy, via email.
13. If an appeal has been upheld under paragraph 11, the applicant who has submitted the appeal must be allowed to submit their application again and this will be processed in accordance with the Requirements. However, the application must contain the same information as the original submitted application, together with any revisions that respond to requests made by DECC in the participant update on the original application, or can be amended only if DECC decides the outcome of the appeal results in a need to amend the application¹⁰.

Second appeal for application on appeal process only

14. An applicant who is not content with the outcome of the first appeal may submit a second appeal which will be reviewed by another, more senior, member of DECC staff.
15. The second appeal must be submitted in writing via email to edr-project@decc.gsi.gov.uk within five working days of receiving the decision of the first appeal.
16. DECC will acknowledge receipt of the second appeal within two working days via email.
17. In the case of a second appeal, the **only ground for appeal is that the Participant believes the first appeal was not conducted in accordance with paragraphs 8 to 13 above.**

¹⁰ Participants will not have an automatic right to amend their application following a successful appeal. However, the outcome of the appeal may reveal that an application was rejected due to the Participant following advice from DECC that was not consistent with the requirements. In this scenario it may be necessary for a Participant to make reasonable amendments to their application. This will be set out in the appeal response.



18. The second appeal will be heard by a staff member in DECC who is more senior than the person who reviewed the first appeal and has not been involved in processing the relevant application or in hearing the first appeal. A person considering a second appeal must only allow the appeal if they are satisfied the evidence proves that the first appeal was not carried out in accordance with paragraphs 8 to 13.
19. The person hearing the appeal has two working days from when DECC acknowledges receipt to gather evidence, decide the outcome of the appeal, inform the potential Participant of the outcome of the appeal, and if applicable the remedy, via email.
20. If the second appeal has been upheld under paragraph 18, the applicant who has submitted the appeal must be allowed to submit their application again and this will be processed in accordance with the Requirements. However, the application must contain the same information as the original submitted application, together with any revisions that respond to requests made by DECC in the participant update on the original application, or can be amended only if DECC decides the outcome of the appeal results in a need to amend the application¹¹.
22. The decision of the person hearing the second appeal shall be final.

Amendments to the appeal procedure

23. These procedures will be kept under review to ensure fairness and may therefore be revised by DECC at any point.

¹¹ Participants will not have an automatic right to amend their application following a successful appeal. However, the outcome of the appeal may reveal that an application was rejected due to the Participant following advice from DECC that was not consistent with the requirements. In this scenario it may be necessary for a Participant to make reasonable amendments to their application. This will be set out in the appeal response.