

SFJCTDG2 - SQA Unit Code F2SV 04

Process appeals against decisions made by courts/tribunals



Overview

This standard is about receiving appeals against decisions made in courts/tribunals, collating the relevant documentation and notifying all relevant parties regarding a pending appeal. It includes identifying whether the case is appealable.

Cases can be either criminal or civil in courts, or tribunal cases.

There are two elements

- 1 Record cases for appeal
- 2 Provide papers for cases going to appeal

Target Group

This standard is for individuals whose responsibilities include processing cases going to appeal.

Performance criteria

Record cases for appeal

You must be able to:

- P1 check that the documentation received in lodging an appeal is complete and that all of the necessary information is provided and within required timescales, including the names of agents, appeal and service documentation
- P2 ensure that the correct fees are tendered, where relevant, and that these are processed correctly
- P3 address any incomplete documentation promptly, setting out clearly and correctly what is sought
- P4 identify the grounds given for the appeal and check their validity
- P5 notify the relevant person promptly, where required, should you believe that the grounds for appeal are invalid
- P6 notify the relevant internal and external parties promptly that an appeal is lodged
- P7 ensure that all relevant files are updated correctly, and where an appeal is pending, ensure that this is marked clearly
- P8 register and forward correctly those cases to be appealed

Provide papers for cases going to appeal

You must be able to:

- P9 obtain all necessary papers, including transcripts of the initial case where relevant
- P10 obtain a report from the court/tribunal official presiding over the initial case where required, setting out the rationale for the decision which is now the subject of the appeal
- P11 collate files correctly, ensuring that they contain all relevant information required by the court/tribunal officials who will consider the appeal
- P12 notify all relevant internal and external parties promptly and correctly that an appeal is pending
- P13 monitor and record any responses received from relevant internal and external parties, referring these promptly, where necessary, to the relevant authority
- P14 determine, where relevant, whether fines are payable according to the initial ruling, and whether these have been paid in part or in full ahead of the appeal
- P15 where fines have been paid in part or in full ahead of an appeal, determine correctly the impact for the appeal and notify the relevant authority
- P16 maintain accurate and up to date case files, keeping confidential information secure

Knowledge and understanding

You need to know and understand:

Record cases for appeal

- K1 current organisational requirements and procedures for the collation and preparation of papers for cases going to appeal
- K2 current organisational procedures for processing appeals
- K3 fees associated with lodging an appeal, where applicable
- K4 criteria that must be met for there to be competent grounds for appeal
- K5 the timescale within which an appeal has to be lodged
- K6 the parties to be notified of cases going to appeal and how to do this
- K7 your levels of authority and responsibility, and to whom to refer should these be exceeded

Provide papers for cases going to appeal

You need to know and understand:

- K8 the procedures for obtaining reports from presiding officials regarding their decisions on cases going to appeal
- K9 how to establish, where applicable, whether fines have been paid, in part or in full, ahead of an appeal, and how to determine the impact of any such payments upon the outcomes of an appeal
- K10 procedures for dealing with exceptions and any unauthorised information
- K11 the importance of ensuring that information is distributed correctly, and how to do this
- K12 the importance of ensuring files are maintained and up to date, and how to do this
- K13 the importance of maintaining confidentiality and how to do this

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