

## CHAPTER 5

### REVIEWS AND APPEALS

#### 5.01 Reviews:

- (1) Any person who believes themselves to be unjustly affected by the decision of a Social Development Administrator regarding entitlement may request a Review of this decision.

A person affected by a decision of a Social Development Administrator respecting the granting, suspension, reduction or continuance of Social Assistance has the right to request that the Social Development Administrator's decision be reconsidered by a higher authority (Band Manager). This is not the right to appeal against the guidelines but on the interpretation of the guidelines.

- (2) Within fifteen days of the receipt of a request for a review, the Band Authority shall have the circumstances in which the Social Development Administrator's decision is based and the reason for the request investigated. The Band Authority will advise, in writing, the applicant or recipient of their decision either to uphold or change the decision of the Social Development Administrator. A carbon copy of the Band Manager's decision regarding the outcome of the review must be directed to the Director of Social Development, Atlantic Regional Office.

5:02 Appeals:

- (1) Any person may appeal the review of a Social Development Administrator's decision which they believe affects them unjustly in respect to their entitlement.

If a person requesting the review is dissatisfied with the decision of the Band Authority, they may appeal the decision directly to the Appeal Board.

- (2) Appeals shall be made to a Board established for this purpose.

- (3) The appeal board shall consist of not less than three people:

- (a) The Regional Director of Social Development or a Chairperson appointed by them;

- (b) A Chief, not of the Band of the appellant;

- (c) A third party appointed by the Regional Director;

At least one of the appointed shall have professional or technical knowledge related to the field of Social Services. The above appointees may be selected for one or more appeals or for a term prescribed by the Regional Director of Social Development.

- (4) The appeal board shall adhere to the following:

- (a) Request a report from the reviewer and not proceed until this has been received;

- 5.02(4) (b) Hold all meetings in camera;
- (c) Ensure that written or oral evidence is collected from all affected parties;
- (d) Reach a decision and make an order based on this decision;
- (e) Record all proceedings;
- (f) Assure that decisions in favour of the appellant are retroactive;
- (g) Send a written notice of the decision to the appellant and the Regional Director of Social Development within thirty (30) days following the notice of appeal.

(5) In regards to these guidelines, the decision of the Appeal Board shall be final.

(6) The Regional Director of Social Development shall advise the Social Development Administrator of the decision and any action to be taken and assure the immediate implementation of this decision.

5.03 Each office administering Social Assistance shall display in a conspicuous place a notice designating the rights for a review and appeal. It is the Social Development Administrator's responsibility to advise the applicant/recipient of these rights and the procedure required in asserting them.

NOTE: The Social Development Administrator is responsible for assuring that the applicants and/or the recipients of Social Assistance are aware of these rights and that they are advised of the time limit and that the right to a review or to appeal lapses after the time limit is up.

5.04 A person desiring a review or an appeal shall make this request:

- (1) Within thirty (30) days of the date on which the decision was known to them;
- (2) In writing, stating the grounds on which their request or appeal is based. The Social Development Administrator or the Regional Director of Social Development should assure that the appropriate forms are available to the applicants and recipients. However, the request or appeal can be made in any written form. These forms are only to simplify the process and a person cannot be denied this right because of failure to use the prescribed form.
- (3) When, for a valid reason, a person is unable to exercise these rights, any reasonable individual may act on their behalf.

5.05 If during the period of a review or an appeal urgent need appears evident, assistance may be provided as in an emergency situation. (See Section 3.04 (3)).

**SOCIAL ASSISTANCE - ATLANTIC REGION**

**ASSISTANCE SOCIALE-REGION DE  
L'ATLANTIQUE  
AVIS D'APPEL**

**NOTICE OF APPEAL**

**TO:**

**Regional Director  
Social Development  
Dept. of Indian & Inuit Affairs  
Atlantic Regional Office  
P. O. Box 160, 40 Havelock Street  
Amherst, Nova Scotia  
B4H 3Z3**

**Le Directeur régional  
Bureau régional des Maritimes  
Ministère des Affaires indiennes  
et du Nord canadien  
C.P. 160  
Amherst N.É.**

**Pursuant to Section 5.02 of the Social Assistance Regulations,  
Conformément à l'article 5.02 du Règlement sur l'assistance sociale,**

I \_\_\_\_\_ of \_\_\_\_\_  
Je \_\_\_\_\_ Name - Nom de \_\_\_\_\_ Address- Adresse

**hereby give notice of appeal from the decision of the Social Development Administrator/Supervisor  
interjette appel par les présentes de la décision de l'agent du bien-être social/surveillant de la**

of \_\_\_\_\_ Reserve/Regional rendered Réserve/du District de  
de \_\_\_\_\_

on \_\_\_\_\_ that (see note)  
rondue le \_\_\_\_\_ Date et selon laquelle (voir remarque)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date

Signature

**NOTE: Please state as clearly and concisely as possible what the decision was with which you disagree.**

**REMARQUE: Veuillez expliquer aussi clairement et brièvement que possible quelle est la décision que vous contestez.**