

A Guide to Appeal

*Persons with Developmental Disabilities Services Act
(PDD) Services Act*

Related Documents

Thinking About Filing an Appeal under the *PDD Services Act*
Preparing and Presenting Your Case – Appellant – *PDD Services Act*
Preparing and Presenting Your Case – Director – *PDD Services Act*
Appeal Tip Sheet for Legal Counsel

Prepared by:
Appeals Secretariat

Alberta 

Table of Contents

Purpose of the Guide	1
Commonly used terms	1
Who Can Appeal	2
What Decisions Can be Appealed	2
Mediation	2
Filing an Appeal	3
Time Limits for Filing a Notice of Appeal	3
Time limits when mediation is requested	3
Processing the Appeal	3
Jurisdiction	4
The Appeal Panel	4
The hearing panel	5
Adjournments	5
Withdrawing an Appeal	6
Where and When Appeal Hearings are Held	6
Who May be in Attendance at a Hearing	6
The Parties and Their Roles	7
Preparing for the Hearing	8
Information Presented at the Hearing	8
Recording of Hearings	9
The Order of Proceeding at the Hearing	9
Introductions	9
Housekeeping matters	9
Roles	9
Confidentiality	9
Confirm the issue and documents submitted	9
Confirm the jurisdiction of the Appeal Panel	10
Order of presentations	10
Summary of presentations before the close of a hearing	10
Closing remarks by the hearing panel chair	11
After the Appeal Hearing	11
If a Party is Dissatisfied with the Hearing or the Panel's Decision	11
Contact Us	12
Appendix 1 – Sample Notice of Appeal Form for Appeals under the <i>PDD Services Act</i>	13
Appendix 2 – Resources	14
Notes	15 - 16

Purpose of the Guide

The Community and Social Services Appeals Secretariat has prepared A Guide to Appeal for appeals filed under the *Persons with Developmental Disabilities (PDD) Services Act* to assist parties to:

- understand the appeal process;
- understand their role in the appeal process; and
- prepare for the hearing.

The appeal process described in this guide and those listed below may be amended from time to time. The guides provide information about the general process for appeals and serve only as broad guidelines of what to expect.

Other guides available to assist you with the appeal are:

- Thinking About Filing an Appeal under the *Persons with Developmental Disabilities Services Act*;
- Preparing and Presenting Your Case – Appellant – *Persons with Developmental Disabilities Services Act*;
- Preparing and Presenting Your Case – Director – *Persons with Developmental Disabilities Services Act*; and
- Appeal Tip Sheet for Legal Counsel.

Commonly used terms

In this document and the other documents listed above, the following terms are used:

- **Appellant** - this is the person who filed the Notice of Appeal (individual who is receiving or applied to receive services, or his or her guardian).
- **Director** - this is the PDD staff person (or representative) who made the decision that is being appealed.
- **Persons with Developmental Disabilities (PDD) Appeal Panel** – this is a panel of Albertans from the community appointed by the Human Services Minister and trained to hear appeals under the *PDD Services Act*. Up to three members of this panel will serve as the hearing panel for the appeal hearing. It is important to note that the panel members are volunteers; they are not employees of Human Services and they are not a part of the service delivery regions.
- **Appeals Secretariat** - this is an impartial government body that provides administrative support to the appeal process and the Appeal Panel. The Appeals Secretariat schedules hearings and provides information to all parties about the appeal process. In addition, the Appeals Secretariat maintains two websites, www.appeals.gov.ab.ca, which contains information about the appeal process, and a password-protected website which contains previous decisions issued by the PDD Appeal Panel. These decisions do not contain any personal or identifying information, and may be helpful to parties as they prepare for an appeal hearing. The Appeals Secretariat operates at arm's length from all parties and focuses on providing support services.

As you use this guide to prepare for an appeal, please feel free to call the Appeals Secretariat office at 780-427-2709 (Edmonton and Area) or toll-free at 310-0000 then dial 780-427-2709 if you need assistance.

The information that follows is regarding who can appeal and what decisions can be appealed, which is in the *PDD Services Act* and Regulation. A copy of the *PDD Services Act* and Regulation is posted on the Community and Social Services website at www.appeals.gov.ab.ca.

Who Can Appeal

A Notice of Appeal may be filed under the *PDD Services Act* by an individual who is receiving services or has applied to receive services and is affected by a decision of the Director respecting those services.

This means that an adult must meet two conditions to file an appeal under the *PDD Services Act*. The adult must:

- be receiving services or have applied to receive services under the *PDD Services Act*; and
- be affected by a decision of the Director.

What Decisions can be Appealed

Section 2 of the *PDD Services Regulation* outlines decisions made by a Director under the *PDD Services Act* that are exempt from appeal and can therefore not be appealed. The following decisions cannot be appealed:

- a) refusal to enter into a contract with a service provider;
- b) termination of a contract with a service provider; and
- c) amendment a contract with a service provider.

Under the *PDD Services Act*, the Appeal Panel may confirm, reverse or vary the Director's decision.

Mediation

Although not a requirement, prior to appealing a decision of the Director, an individual may request in writing that the matter be referred to a mediator. Mediation is a flexible, voluntary process where the Appellant and staff from the service delivery region meet with an independent mediator for the purpose of finding a solution agreeable to both parties.

It is important to note that a request for mediation must be made **before** an appeal is filed and **within 30 days** from the date the individual was notified of the Director's decision. Please contact your regional service delivery office to request mediation.

On receipt of a request for mediation, the Director shall appoint a mediator who must contact the affected parties to arrange commencement of mediation as soon as is reasonably practicable. Unless otherwise agreed to between the parties, the parties will equally share the fees and expenses of the mediator.

If the parties do not reach an agreement **within 30 days** from the date of the appointment of the mediator or within a longer period of time agreed to by the parties, the mediator may

- recommend terms for settlement to the parties for them to either accept or reject within a time period fixed by the mediator, or
- notify the parties that no recommendation will be made and that the individual affected by the Director's decision may, **within 30 days** of receiving the mediator's notice, appeal the decision of the Director.

Filing an Appeal

The person appealing a decision of the Director fills out the Notice of Appeal form, signs and dates it. A sample copy of the Notice of Appeal form is included as Appendix 1. After completing the Notice of Appeal form, it must be sent or delivered to the Appeals Secretariat office. **The completed form must be received by the Appeals Secretariat within 45 days of the Director's decision** (see also Time limits when mediation is requested below).

The Minister may extend the time for requesting an appeal if the Minister is satisfied that there are apparent grounds of appeal and that there is a reasonable explanation for the delay.

Time Limits for Filing a Notice of Appeal

The 45-day time limit starts the day after the Appellant is advised of the Director's decision and is calculated using calendar days, **not** business days. A Notice of Appeal must be filed **within 45 days** of the time the individual appealing received the Director's decision.

Time limits when mediation is requested

As stated on page 2, mediation is a voluntary process where the parties meet with an independent mediator in an attempt to reach a solution. If mediation is requested by the individual, a Notice of Appeal must be filed **within 30 days** from the day the mediation ends (the Minister may extend the time for requesting an appeal if the Minister is satisfied that there are apparent grounds of appeal and that there is a reasonable explanation for the delay).

The 30-day time limit starts the day after the Appellant is advised of the Mediator's decision and is calculated using calendar days, **not** business days.

Processing the Appeal

When a Notice of Appeal is filed, the Appeals Secretariat Delegate, as designated by the Minister, reviews it to determine if it has been properly completed and if the matter can be appealed. The Appeals Secretariat then opens a file and handles all the steps necessary to:

- schedule the hearing;
- arrange the hearing location;

Notice of Appeal forms are available from any service delivery office or from the Appeals Secretariat at 201 Agronomy Centre, 6903 - 116 Street Edmonton, Alberta, T6H 5Z2.

If the Appellant is unsure how to complete the Notice of Appeal form or to whom to send the form, he/she should contact his/her caseworker or the Appeals Secretariat office at 780-427-2709 (Edmonton and Area) or toll-free at 310-0000 then dial 780-427-2709.

For clarification on the time limits involved when filing an appeal, or information about the processing of an appeal, please contact the Appeals Secretariat at 780-427-2709 (Edmonton and Area) or toll-free by dialing 310-0000 then dialing 780-427-2709.

- send out hearing confirmation letters which include information about where and when the hearing will be held, who must submit and exchange information, and the date by which the information must be exchanged; and
- receive and distribute submitted information to both the parties and the hearing panel before the hearing.

After the hearing is completed, the Appeals Secretariat will send out the hearing panel's written decision to all parties involved.

Jurisdiction

Jurisdiction means the Appeal Panel's authority to hear and decide the issue being appealed. The Appeal Panel's jurisdiction is set out in section 15 of the *PDD Services Act*. If the issue being appealed does not fall under section 15 of the *PDD Services Act*, the Appeal Panel will not have jurisdiction to hear or make a decision on the matter.

If there is an objection to jurisdiction, it should be communicated to the Appeals Secretariat as soon as possible before the appeal hearing. When a party advises the Appeals Secretariat and the other party that they will be raising an objection regarding the jurisdiction of the Appeal Panel, a hearing on the jurisdiction issue is scheduled and both parties prepare written submissions on their arguments. These submissions must be sent to the Appeals Secretariat, to be forwarded to the Appeal Panel and the parties on a date determined by the Appeals Secretariat.

Alternatively, the Appeal Panel may choose to hold a written hearing. In such a situation, both parties will prepare written submissions and forward them to the Appeals Secretariat who will forward them to the Appeal Panel. The Appeal Panel will meet to review the written submissions and will advise the parties in writing of their decision on the jurisdiction objection.

The Appeal Panel

The Minister appoints citizens of Alberta to the Persons with Developmental Disabilities Appeal Panel to hear appeals under the *PDD Services Act*. These individuals have a variety of backgrounds and come from different parts of the province. They are not employees of PDD nor of Community and Social Services.

The Appeal Panel operates at arm's length from the Ministry of Community and Social Services. The Appeal Panel only hears appeals from persons who disagree with decisions made by a Director and have filed a Notice of Appeal. The Appeal Panel is bound by the *PDD Services Act* and Regulation but is not bound by PDD policy.

The members of the Appeal Panel participate in ongoing training on all aspects of the appeal process. A comprehensive training plan has been developed which includes sessions focusing on understanding and interpreting legislation, decision making, decision writing and conducting a fair and impartial hearing. The Appeal Panel is responsible for its own procedures and has control over hearings.

The hearing panel

For each hearing, up to three of the Appeal Panel members will form the hearing panel. The selection of panel members is done by the Appeals Secretariat Delegate, as designated by the Minister.

The Appeal Panel members will have no contact with any party before or after the appeal hearing.

The hearing panel will review all of the submitted documents, hear all of the evidence and arguments at the appeal hearing, and make the decision about the appeal. Although they do not follow court procedures, they do follow the rules of natural justice and the duty of fairness. The principles of natural justice and fairness include the right to adequate notice, the right to be heard, the right to an unbiased decision maker, and the opportunity for both parties to inform the hearing panel about any fact or argument related to the issue under appeal that they would need in order to make a fair decision.

The decisions of the Appeal Panel do not set precedent (i.e. they do not serve as an example or justification for any future appeal panel decisions).

The Appeal Panel has independent (not government) legal counsel. The legal counsel does not usually attend the hearing, but the hearing panel can access their advice prior to the hearing, during the hearing and when writing the decision. Legal counsel will not tell the hearing panel how to decide an issue during an appeal, but they may provide advice on administrative law and the interpretation of legislation.

The Appeal Panel's legal counsel may also review draft decisions made by the hearing panel to ensure it complies with legislation.

All attending Appeal Panel members will be present throughout the entire hearing and decision making process.

Adjournments

Once an appeal hearing is scheduled, unexpected circumstances or events, such as an illness or other emergency, may arise which require the hearing to be adjourned (postponed). Any party to an appeal can ask for an adjournment of the hearing. The request must be made **as soon as the need for an adjournment is realized**. The request must include:

- how much of a delay is required (e.g. number of days, weeks or months); and
- the reason(s) for the delay (please be specific and give as much detail as possible).

The Appeals Secretariat will notify the other party of the adjournment request and will give that party an opportunity to provide a response to the request. The hearing panel will consider the request and the other party's response, and may grant or deny the requested adjournment. The hearing panel will then notify the Appeals Secretariat to

For assistance with asking for an adjournment, please contact the Appeals Secretariat at 780-422-2775 (Edmonton and Area) or toll-free by dialing 310-0000 then dialing 780-422-2775.

For assistance with withdrawing an appeal, please contact the Appeals Secretariat.

advise all parties whether the adjournment is allowed. If the hearing is adjourned, the Appeals Secretariat will schedule a new hearing date (if applicable) and send a new hearing confirmation letter to all of the parties. If the hearing panel does not adjourn the hearing, as requested, all parties must attend the hearing and present their case as originally scheduled.

Withdrawing an Appeal

Appellants may withdraw or abandon their appeal at any time. After filing a Notice of Appeal, the matter(s) under appeal may be resolved before an appeal hearing takes place, or the Appellant may change his/her mind and decide not to continue with an appeal. If an appeal is resolved, withdrawn or abandoned, the file will be closed.

The Appellant must contact the Appeals Secretariat as soon as he/she decides not to continue with the appeal. The other parties may also be advised of the intention to withdraw an appeal via a letter from the Appellant or the Appellant's legal counsel, if legal counsel has been involved with the appeal. In any event, the Appeals Secretariat will notify the other party and hearing panel if an appeal has been withdrawn or abandoned.

Where and When Appeal Hearings are Held

Hearings are generally held in the region or community where the Appellant resides. Hearing room arrangements are made using government or public meeting facilities within the region, though hearings may also take place by teleconference or videoconference. The Appeals Secretariat will advise the parties by letter of the date, time and location of the hearing. Appeal hearings normally start in the morning and can last all day! therefore, all parties are asked not to schedule any other appointments for the day. Normally the hearing panel will discuss break, lunch and closing times with the parties at the hearing.

Who May be in Attendance at a Hearing

The members of the hearing panel, the Appellant and the Director will be in attendance at the appeal hearing.

In addition to the parties listed above, the following persons may attend a hearing:

- representatives (including legal counsel) for the Appellant and/or Director;
- support persons;
- other PDD program staff;

- witnesses;
- a note taker for the appeal panel only; and/or
- a court reporter (the party bringing a court reporter does so at his/her own expense).

Please let the Appeals Secretariat know the number of witnesses and support people who will be attending. This will assist in the booking of appropriate facilities and an adequate amount of time needed to hear the appeal.

Legal counsel is not required for an appeal hearing; however, it is each party's option to have legal representation. If a party chooses to have legal representation, all other parties must be told. For further information, an Appeal Tip Sheet for Legal Counsel is available.

The Parties and Their Roles

All persons involved in an appeal must take steps to ensure that the confidentiality of information provided through the appeal process is protected.

- **An Appellant** is the party (individual or guardian) affected by a decision of a Director who has filed a Notice of Appeal under the *PDD Services Act*.
- **Representatives**, are not required, although the Appellant or the Director may choose to have representation. A representative may be any person (family member, friend, support worker, advocate, legal counsel, etc.) the Appellant or Director feels would be able to assist them in presenting their case. A representative assumes the responsibility of presenting the case for a party and is subject to the rules of the appeal hearing as instructed by the hearing panel. Although a representative will represent his/her client by asking witnesses questions, the Appellant or Director will be able to explain his/her viewpoint, describe the impact of, or reasons for, the Director's decision, etc., by answering questions posed by their representative. However, the hearing panel may allow both the representative and the party to present the case and ask questions.

Legal counsel must be made aware that this is a less formal process than court proceedings and does not follow the Rules of Court. For further information see the Appeal Tip Sheet for Legal Counsel. The hearing panel follows the guidelines in the *Administrative Procedures and Jurisdiction Act*, and therefore can set its own procedure (e.g. hearsay evidence may be admitted).

- **A Support Person** is someone (a family member, friend or other interested person) that a party may choose to bring for support during the hearing. A support person should be able to attend the full hearing; however, he/she does not provide evidence, does not participate in the presentation of a party's case and does not ask questions. A support person attends the hearing to give moral support and help with staying organized. The Appellant, Director, or any other party to the appeal may bring one or more support persons to the hearing.
- **Witnesses** are individuals who have first-hand knowledge of events or information related to the matter under appeal. Each party may bring witnesses who can provide any information believed important and relevant for the hearing panel to know in deciding on the appeal. At the Appeal Panel's discretion, witnesses may be excluded from the hearing until they are called in to make submissions. A party can ask any person believed relevant to the appeal to be a witness, but if the witness is not able to attend, for any reason, the hearing panel cannot compel him/her to do so.
- **The Director** is the party that has made the decision under appeal which is directly affecting the Appellant.

Preparing for the Hearing

The following is a general overview for both parties about preparing for the hearing.

In order to ensure both parties are prepared for the hearing, parties must provide written information concerning their case to the Appeals Secretariat for distribution to the hearing panel and other party to the appeal by a date prior to the appeal hearing. The document submission date, usually three weeks before the hearing date, is identified and confirmed by the Appeals Secretariat. The information that each party must provide includes:

- name of legal counsel or representative, if applicable;
- any objections or rebuttal to the Appeal Panel's jurisdiction to hear and decide the issue under appeal;
- the names of witnesses who will present information at the hearing, if any;
- the names of support people who will be attending; and
- the documents that are being submitted to the hearing panel as information to be considered in the appeal.

If the Appellant or Director is bringing legal counsel, the Appeals Secretariat must be informed as soon as possible so the other party can be notified and then decide if they wish to also bring legal counsel. This helps to avoid delays in scheduling the hearing.

The hearing panel does not have any information about the situation that has led to the appeal other than the documents submitted to the Appeals Secretariat and exchanged between the parties. The hearing panel relies on verbal and written information presented during the hearing by all parties. The hearing panel does not conduct its own investigation about a case, so the parties must present the information that they want considered at the hearing.

It is your responsibility to organize and send six copies of your document submissions to the Appeals Secretariat, by a date determined by the Appeals Secretariat. Those documents received by the Appeals Secretariat will be given to both parties and the hearing panel one week prior to the hearing. This allows time for all parties to review the information in advance on the appeal hearing. Any information you will be presenting at the hearing should be included in your written submissions. There should be no surprises for either party at the hearing.

If new documents are submitted at the hearing, it will likely cause a delay in the process because both the hearing panel and other party may need the opportunity to review and consider this additional information. In some cases, the other party may also ask for time to prepare rebuttal evidence (e.g. complex medical reports), which could result in an adjournment of the hearing to another date days or weeks away.

Information Presented at the Hearing

The hearing panel can accept any information (verbal or written) that it believes will assist it in making a decision. A key factor for the panel is whether the information relates to the matter under appeal. The best evidence is from persons (witnesses) who have first-hand knowledge of events or have first-hand information related to what they are speaking about. The hearing panel must consider any evidence that is, in its opinion, reliable and relevant to the matter being heard and weigh it accordingly.

Recording of Hearings

Unless a party has requested in advance that an audio recording or written transcript be made for a given hearing, hearings are not recorded and the Appeal Panel does not permit anyone to make a written transcript, audio recording or video recording of any appeal hearing without prior consent. If a party wishes to have an audio recording or written transcript of a hearing, the party must make the Appeals Secretariat aware of their request as far in advance of the hearing as possible. The Appeals Panel will consider these types of requests on a case by case basis and will inform all participants in advance of the hearing as to whether the hearing will be recorded and if so, in what fashion. Parties should note that if the Appeals Panel grants the request to record the hearing or have a court reporter present, the Appeals Panel will not generally be responsible for the extra costs associated with the attendance of a court reporter or production of transcripts of hearings. Such costs will typically be the responsibility of the party making the request.

The Order of Proceeding at the Hearing

Introductions

All of the parties will be asked by the hearing chair if everyone expected to be present at the beginning of the hearing has arrived. All persons will enter the hearing room together and will take their seats. The hearing will be called to order by the hearing chair. Introductions of all persons in attendance at the hearing will be completed, including:

- hearing panel members;
- Appellant(s) and their attendees; and
- Director and his/her attendees.

Housekeeping matters

The hearing chair will provide information to the parties that will assist with the smooth running of the hearing, such as a reminder to turn off cell phones and Blackberries throughout the hearing, the location of restrooms and the timing of breaks. When breaks are taken, the parties will always leave and re-enter the room at the same time.

Prior to the start of the hearing, after lunch, and during breaks, the parties are to wait outside the hearing room until the hearing panel calls them in. Panel members will not speak privately with any of the parties at any time.

Roles

The hearing chair will confirm or explain the role of each party in attendance at the hearing (a detailed summary of these roles was previously provided on page 7).

Confidentiality

The hearing panel does not share any personal or confidential information that it learns before, during, or after the hearing, with anyone other than those involved with the case, unless allowed by the *Freedom of Information and Protection of Privacy Act (FOIP Act)*. All persons involved in an appeal must take steps to ensure that the confidentiality of information provided through the appeal process is protected.

Confirm the issue and documents submitted

Prior to hearing opening statements from the parties, the hearing chair will confirm the issue or matter being appealed and will provide a list of all documents the hearing panel has received.

Confirm the jurisdiction of the Appeal Panel

If no objection regarding jurisdiction was raised prior to the hearing, the hearing chair will ask the parties at the beginning of the hearing if there is any objection regarding the jurisdiction of the Appeal Panel to hear the issue under appeal. If an objection is not raised, the hearing chair will proceed with hearing the issue under appeal.

If an objection concerning jurisdiction is raised, the hearing panel will either:

- hear each party's position on jurisdiction, then adjourn the hearing and provide a written decision on jurisdiction at a later date; or
- hear each party's position on jurisdiction, then call a break to allow the hearing panel time to make a decision on jurisdiction and provide a verbal decision on jurisdiction after the break. If the hearing panel decides it has jurisdiction, the hearing panel may:
 - proceed to the issue under appeal; or
 - schedule a hearing date for the issue under appeal; or
- hear each party's position on jurisdiction, reserve its decision on jurisdiction to a later date and directly proceed to hear the issue under appeal, with the parties understanding that if the hearing panel decides it does not have jurisdiction, it will not make a decision on the issue under appeal.

Order of presentations

Each person who will be providing evidence at the hearing will have the opportunity to present his/her information without interruption and then be questioned by the other parties. The order of presentations is generally as follows:

- the Appellant and witnesses for the Appellant; then
- the Director and witnesses for the Director.

Once the Appellant has finished his/her presentation, the hearing panel will provide the Director the opportunity to ask questions. The hearing panel will then ask their questions.

The Director will then present information to the hearing panel in the same way as the Appellant. After the Director's presentation, the Appellant and hearing panel will each ask questions.

The Appellant then has the opportunity to ask questions about any new information that was provided during the Director's presentation and/or questions arising from the Director's presentation. If there was information given during this part of the process that the Appellant wishes to clarify, he/she can do so at this time.

Although the appeal hearing does not follow the formalities of a court proceeding, all persons in attendance are expected to conduct themselves appropriately and show respect and courtesy to all participants in the process. All persons should refrain from making distracting comments and gestures while another person is presenting information to the hearing panel.

Summary of presentations before the close of a hearing

Just before the conclusion of the hearing, the hearing panel chair will invite both parties to provide a brief summary of the information presented in their case.

- The Appellant summarizes the information already provided to support the position that the Director's decision should be overturned (reversed) or varied by the hearing panel.
- The Director summarizes the information already provided to support the position that the decision was correct and should be upheld (confirmed) by the hearing panel.

No further questioning or new information is permitted during or after the giving of summaries.

Closing remarks by the hearing panel chair

The hearing panel chair will make closing remarks and advise the parties about the timeline for issuing the hearing panel's decision. The parties are to exit the hearing room at the same time.

After the Appeal Hearing

The hearing panel meets privately after the conclusion of the hearing and reviews all the evidence presented by the parties. The hearing panel determines which evidence is reliable, relevant and important, reviews the relevant legislation and then reaches a decision. The hearing panel will prepare a written decision which includes:

- a statement of the issue considered;
- the findings of fact on which it based its decision;
- the decision; and
- the reason(s) for the decision.

Findings of fact are information presented by the parties that the hearing panel found to be relevant, important and credible. Reasons explain why the hearing panel decided to confirm, reverse or vary the decision of the Director.

The hearing panel's decision will normally be sent to the parties by the Appeals Secretariat within 30 calendar days of the appeal hearing. In some instances, it may take longer than 30 calendar days to issue a decision.

If a Party is Dissatisfied with the Hearing or the Panel's Decision

A party who is not satisfied with the hearing process or the decision of the Appeal Panel under the *PDD Services Act* may apply to the Court of Queen's Bench for a judicial review of the decision. **The time limit to apply for a judicial review is six months from the date of the hearing panel's decision.** A judicial review is not a re-hearing; rather, it is a review of the process by which the decision was arrived. Upon completion of the judicial review, the Court of Queen's Bench may confirm the decision of the Appeal Panel or it may send the issue back to the Appeal Panel to be re-heard.

In order to have a decision of the Appeal Panel judicially reviewed by the Court of Queen's Bench, the assistance of a lawyer will likely be required. Contact information for legal assistance can be found in Appendix 4 of this guide. Contact information for the Court of Queen's Bench locations around Alberta can be found online at www.albertacourts.ab.ca/qb/.

If a party believes the appeal process or hearing was unfair, he/she may file a complaint with the Office of the Ombudsman. The Office of the Ombudsman cannot change a decision of the hearing panel; however, it can review the process and make recommendations. The Ombudsman's office number is 780-427-2756 in Edmonton or 403-297-6185 in Calgary. Additional information is available online at www.ombudsman.ab.ca.

Contact Us

For more information about filing an appeal under the *PDD Services Act* or the appeal hearing process, please contact the Community and Social Services Appeals Secretariat by:

Phone:

780-427-2709 (Edmonton and Area) or toll-free at 310-0000 then dial 780-427-2709

Mail or in person:

Community and Social Services
Appeals Secretariat
201 Agronomy Centre
6903 - 116 Street
Edmonton, Alberta T6H 5Z2

Information is also provided on the Community and Social Services' website:

www.appeals.gov.ab.ca

Appendix 1 – Sample Notice of Appeal Form for Appeals under the *PDD Services Act*

The personal information provided on this form is collected under the authority of *Persons with Developmental Disabilities Services Act* in the form prescribed by the *Persons with Developmental Disabilities Services (Ministerial) Regulation*. The information is also managed in accordance with the *Freedom of Information and Protection of Privacy Act*. The personal information will be used for purposes related to the administration of the Appeals Secretariat. If you have any questions about the collection of your personal information, please contact: PDD Appeal Unit, Appeals Secretariat, and Community and Social Services at 780-427-2709.

- 1 My name is _____
My address is _____
My telephone number is _____

2 Person Appealing Decision

I am a person who has been affected by a decision of the director.

- the guardian under the *Adult Guardianship and Trusteeship Act* of _____,
who is a person who has been affected by a decision of the director. name of adult

- 3 the agent under the *Personal Directives Act* of _____,
who is a person who has been affected by a decision of the director. name of maker of personal directive

Decision to be Appealed

The decision I am appealing is _____
Set out date of decision and a summary of the decision being appealed

I received the decision and the right to appeal on _____
date (yyyy-mm-dd)

My reasons for appealing the decision are:

4 _____

Dispute Resolution

I understand that before proceeding with a formal hearing of my appeal this matter can be referred to a dispute resolution process to attempt to resolve the matter.

- I agree to having my appeal referred to a dispute resolution process.
 I do not agree to having my appeal referred to a dispute resolution process

Date (yyyy-mm-dd)

signature of person affected by the decision
or guardian or agent, whichever is applicable

Mail or fax completed Notice of Appeal to:

Community and Social Services
Appeals Secretariat
201 Agronomy Centre
6903 - 116 Street
Edmonton, Alberta T6H 5Z2
OR Fax to: 780-422-1088

Appendix 2 – Resources

Agency	Phone Number	Website
Alberta Association for Community Living	780-451-3055 Edmonton	www.aacl.org
	403-717-0361 Calgary	
Gateway Association	780-454-0701	gatewayassociation.ca
Community and Social Services Appeals Secretariat	780-427-2709	www.appeals.gov.ab.ca
Court of Queen's Bench	310-0000, and ask for the location nearest you	www.albertacourts.ab.ca/qb/
Law Society of Alberta	1-800-661-1095	
Legal Aid Alberta		www.legalaid.ab.ca
• Law Line	1-866-845-3425	
Office of the Ombudsman		www.ombudsman.ab.ca
	780-427-2756 Edmonton	
	403-297-6185 Calgary	



Notes

