

Attendees

It is up to each party to decide if you want other people to attend the hearing for support or to provide relevant evidence. If you have an expert witness, such as a psychologist, you must inform the Appeals Secretariat as soon as you know so the other party can be informed. Knowing in advance who will be attending the hearing allows everyone time to access any additional witnesses they may feel are necessary to respond appropriately and to prepare for the hearing.

Appeal Package

One week before the hearing, appeal packages are sent to each party and to the assigned Appeal Panel. The package includes copies of all submissions. Receiving this ahead of time allows the parties and the panel time to review the information before the hearing.

The appeal hearing, while held in private, is intended to be an open and fair process for both parties. There should be no unexpected information presented by either side.

What happens if I can't attend the appeal hearing?

If an emergency makes it impossible for you or your witnesses to attend the appeal hearing, please notify the Appeals Secretariat immediately so that an alternate date can be arranged.

The Hearing

At the hearing, the Appellant and the Region present their cases and ask questions of each other. The Appeal Panel may also ask questions to complete their understanding of the issues.

Typically, the Appellant presents first and the Region second. After all questions have been answered, the Appellant has the opportunity to reply to the Region's presentation. Following this, both parties are given the opportunity to provide closing comments. The hearing is then closed and no new information is accepted.

The Decision

Once the hearing is over, the Appeal Panel members meet in private to review both the written and verbal information, in order to arrive at a decision. Appeal Panel decisions are final and binding. The Appeal Panel's written decision is sent to both parties by regular mail, usually within one month of the hearing date. The written decision sets out the facts on which the Appeal Panel based its decision and the reasons for the decision itself.

What if I am not satisfied with the decision or process?

There is no appeal from an Appeal Panel decision, but there is a limited ability to ask the Court of Queen's Bench to review the decision (a judicial review). Judicial review only determines whether the Appeal Panel acted within its legal authority, followed a fair process, and made a decision that was not unreasonable in the circumstances.

Parties concerned about the PDD appeal process may also contact the Office of the Ombudsman to review the process.

If you have any questions, please contact:

Appeals Secretariat
780-422-2775
Toll free in Alberta at 310-0000

Persons with
Developmental
Disabilities (PDD)

Appeal Process

The logo for the province of Alberta, featuring the word "Alberta" in a stylized, cursive script font. A small blue square is positioned to the right of the letter "a".

PDD Appeal Process

What is an appeal?

An appeal is a request to have a group of people review a decision made by a Persons with Developmental Disabilities (PDD) Region.

Usually this happens when an individual, or their guardian, is unhappy with a decision made by the PDD Region which affects their services.

The group of people that reviews the decision is called an Appeal Panel. The Appeal Panel can confirm, reverse, or vary the decision of the PDD Region.

PDD Appeal Panels are made up of private citizens who have the authority to hear and make decisions on appeals. These citizens are appointed by the Minister of Human Services, but they are not *employees* of PDD. Because of this, individuals and their guardians can have their disputes with a PDD Region resolved in an unbiased way.

Who can appeal?

Anyone can appeal as long as they meet both of the following requirements:

1. They are receiving PDD services or have applied to receive PDD services; and
2. They are affected by a decision of the PDD Region respecting those services.

Representatives can assist an individual with an appeal, and guardians can appeal on behalf of the individual.

Which decisions can be appealed?

While most decisions made by a PDD Region can be appealed if they affect your services, there are a few exceptions. Decisions that cannot be appealed include:

- Decisions to enter into a contract with a service provider;
- Decisions to end a contract with a service provider; or
- Decisions to change a contract with a service provider.

How do I make an appeal?

Before you appeal, you have the option to choose mediation to resolve the matter. You must apply for mediation within 30 days of receiving the Region's decision. Please contact your local PDD Region for more information about this process. If you choose mediation and are still not happy with the outcome, you have 30 days from the end of mediation to file an appeal with the Appeals Secretariat.

You can begin the appeal process by filling out a Notice of Appeal form and sending it to the Appeals Secretariat. If you did not choose mediation, you must submit your appeal form within 45 days of receiving written notification of the Region's decision you wish to appeal.

You can get a Notice of Appeal form through your PDD Region office or by calling the Appeals Secretariat directly. The form is also available online at www.pdd.org.

The Appeals Secretariat provides administrative support to appeal panels, as well as information on the appeal process to both parties: the Appellant (you, the person appealing a decision) and the Respondent (the Region who has turned down a request).

What happens once the Appeals Secretariat receives an appeal?

Once the Appeals Secretariat receives your appeal form, they review it to make sure it has been properly completed and that the matter is eligible for appeal. Then, if both parties agree, the matter is referred to the Region's Dispute Resolution process, which is a voluntary, informal step of the appeal process intended to encourage resolution of disputes at the regional level.

If the issue is resolved through Dispute Resolution to your satisfaction, there is no need to proceed with the appeal. If not, the appeal can then proceed to an appeal hearing.

Scheduling the Hearing

If you, the Appellant, still wish to proceed to a hearing, a hearing date will be scheduled. Most hearings are held in, or close to, the Appellant's community. Once the hearing is scheduled, a letter will be sent to both parties with the time and location of the hearing and asking that submissions be sent to the Appeals Secretariat three weeks prior to the hearing date.

Preparing Your Submissions

Your submissions should include any and all information that supports your position regarding the appeal. Depending on the issues, it may be appropriate to include reports and assessments, a summary of the matter, and what led to the request the Region denied. Each party's submission needs to reach the Appeals Secretariat office three weeks before the hearing. With their submissions, parties are asked to list all the people who will be attending the hearing on their side.