

IPA appeal process initiation protocol

Formal escalations relating to a decision made via Programme governance should be escalated to the next level of Programme governance. Informal escalations on items such as general activity or approach should be escalated to the lowest level of Programme governance for the relevant workstream. The governance structure should be used for all escalations and participants should avoid directing concerns to specific points of contact. It is recommended that any formal escalations include clear context, rationale and any impacts if no action is taken (the format of the Change Request form could be used as a guide for the information required) and should have the relevant PSG Constituency Representative.

If a decision escalation cannot be resolved in the Programme governance structure, including PSG, then it can be appealed to the IPA. Participants should always aim to resolve concerns first via Programme governance - this can be done by contacting the relevant meeting Chair via the PMO or via the workstream mailbox. Escalations to Ofgem should take place via the IPA. It is recommended that any formal escalations include the relevant PSG Constituency.

Examples of the appeal scenarios

Below is the non-exhaustive list of scenarios for appeal:

- 1) Appeal against a milestone change decision;
- 2) Appeal against a CR decision; or
- 3) Appeal against a formal decision made at a Level 3 Advisory Group.

Only appeals in relation to decisions in the scope of the MHHS Programme are in scope for escalation to the IPA. For example, appeals over qualification decisions would not fall under the remit of the IPA.

Conduct of parties during the appeal process

While the appeal process is ongoing, it is expected that work continues to be carried out by all the parties involved based on the original decision and in line with the MHHS Programme plan.

IPA Decision Appeal Assessment Approach

When a decision is appealed to the IPA, the IPA will assess the appeal against a prescribed set of criteria and provide a recommendation over whether sufficient grounds exist that may require the decision to be re-considered by the Programme. The criteria to be used as a basis for the assessment are outlined below and may be added to/adapted/refined, as needed, prior to the assessment based on the specific nature of the decision appeal.

Each criteria will be assessed against the below RAG ratings and definition and key supporting observations captured. This will then be used to inform the overall final IPA recommendation.

On receipt of an appeal, we will set out the timeline for our response, which will be as quick as is practical dependent on the nature of the appeal itself.

- **Green** - No observations identified that impact the integrity of the original decision
- **Amber** - Observations identified that may impact the integrity of the original decision but these are not considered material to the overall decision
- **Red** - Observations identified that impact the integrity of the original decision and are considered potentially material to the overall decision

The assessment will be documented in a short IPA report that provides the assessment against the criteria and the overall recommendation and rationale. The report will be provided to the party who raised the appeal, the SRO, the delegated authority who made the original decision (eg., the chair of the relevant advisory group) and Ofgem.

IPA Decision Criteria

Original Decision Process & Decision Rationale:

- 1) **Process adherence:** Did the steps taken to make the decision follow the prescribed governance process including being raised and discussed at the appropriate governance body?
- 2) **Decision authority:** Was the decision made by the appropriate delegated authority, as per the MHHSP governance framework?
- 3) **Decision rationale:** Has the rationale for the decision been clearly documented to provide a clear explanation of the decision made and why?
- 4) **Supporting evidence:** Has the decision been made based on clear and documented supporting evidence that has been gathered via the appropriate programme channels and mechanisms (eg., readiness assessment, impact assessment, IPA reports, other supporting evidence gathered as an input to a decision)?
- 5) **Decision objectivity:** Has any bias been introduced to the final decision (inadvertently or otherwise) e.g. due to a conflict of interest?

Specific to appeals over CR decisions:

- 6) **Options analysis:** Were the key options set out and assessed, with industry input, prior to the final solution being included in the CR for wider impact assessment?
- 7) **Industry impact assessment:** Did the impact assessment follow the prescribed Change Request (CR) process and has the input received been fully considered?

Appeal:

- 8) **Appeal timing:** Has the appeal been raised within a reasonable timeframe of the original decision (or as per the timeframe set out in the appeal process, if defined)?

- 9) **Appeal documentation:** Has the appeal been clearly documented with clear grounds for the appeal and rationale?
- 10) **Appeal rationale:** Does the appeal provide new information that could not reasonably have been known or inferred at the time of the original decision or highlight information that was not adequately considered at the time of the decision? Does this invalidate all or part of the original decision rationale?
- 11) **CR Impact Assessment** - where the decision relates to a CR, did the participant that raised the appeal provide an Impact Assessment against the original CR?
- 12) **Supporting evidence:** Does the appeal documentation include clear evidence that supports the appeal rationale?
- 13) **Risks/issues:** Does the appeal highlight any risks/issues as a result of the original decision that have not been previously considered that may have a significant impact on the programme outcomes or consumers?
- 14) **Unintended consequence:** Does the appeal highlight any unintended consequences that have emerged as a result of the original decision?

IPA contact details for decision appeals:

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