

Your Right to Reconsideration and Appeal

If you feel a decision resulting in a refusal, reduction or discontinuation of your request for Affordable Child Care Benefit (ABBC) is in error, you may request a review of that decision. You are encouraged to first discuss the issue with an ACCB Adjudicator. If you and the Adjudicator still disagree, you may request a reconsideration. The Reconsideration Decision is a new and final Ministry decision. If you disagree with the Reconsideration Decision, you may appeal that decision to the Employment and Assistance Appeal Tribunal.

The Appeal Tribunal is an independent, arms-length body that is responsible for the overall management and administration of the appeal process.

Affordable Child Care Benefit while awaiting the outcome of a Request for Reconsideration

You may be eligible to continue to receive the benefit while you are awaiting the outcome of your reconsideration request if you were already in receipt of a benefit.

If a reconsideration request is initiated about a decision that resulted in a discontinuation or reduction of ACCB, the benefit is reinstated at the previous rate until a decision is delivered.

If a reconsideration request is initiated about a decision that resulted in a refusal to pay ACCB, no benefit is paid until a decision is delivered.

People who apply for or receive Affordable Child Care Benefit (ACCB) have a right to quality service, fair access, and transparent decision-making.

Overview of the Reconsideration and Appeal Process

How the Process Works

When making decisions about an individual's eligibility and entitlement, Ministry staff are bound by the provisions of the legislation and regulations that govern the British Columbia ACCB Program.

Deadlines are important, so remember to record the dates you submit your paperwork and Request for Reconsideration form.

Reconsideration

A decision that results in the refusal, reduction or discontinuation of ACCB can be reconsidered.

Every effort is made to resolve these issues at the Child Care Service Centre (CCSC).

Step by Step Instructions

Step 1 – Reconsideration

You can request a reconsideration of a Ministry decision by obtaining and completing a Request for Reconsideration form. You can obtain this form at the CCSC.

Advise an ACCB Adjudicator that you wish to seek reconsideration of a decision. The Adjudicator will complete sections 1 and 2 of the Request for Reconsideration form, describing the decision made by the Ministry and citing the legislation under which the decision was made. You must complete sections 3 and 4 of the form and return it, along with any additional documentation you feel may be relevant, to the CCSC within 20 business days of being notified of the original decision. You may include additional documentation or information with your Request for Reconsideration form.

Reconsideration and Appeals

You may wish to ask an advocate to assist you in completing the Request for Reconsideration form. Your submission will be reviewed and a decision made by a Reconsideration Officer based on the act and regulation. This decision will be made within 10 business days of the Ministry receiving the completed Request for Reconsideration form.

Step 2 – The Appeal Tribunal

If you disagree with the Reconsideration Decision, you may appeal to the Appeal Tribunal. Reconsideration Decisions that refuse, reduce or discontinue ACCB under the *Child Care Subsidy Act*, may be appealed.

The Appeal Tribunal will decide whether the Ministry reasonably applied the legislation, and whether the Ministry decision was reasonably supported by the evidence submitted.

You will be required to submit a completed Notice of Appeal form within seven (7) business days of being notified of the Reconsideration Decision, or you will be legally

deemed to have accepted the Ministry decision and you will not be permitted to file an appeal after that date.

Once the Appeal Tribunal has received your notice of appeal, the Appeal Tribunal will appoint a panel of three (3) Appeal Tribunal members to hear your appeal. A hearing will normally take place within 15 business days after you deliver the appeal form to the Appeal Tribunal.

The appeal panel will review the Reconsideration Decision, along with the information and documentation used to make this decision and any supporting oral or written testimony.

You are responsible for presenting your side of the case. You will be permitted to submit new information to the Tribunal and the panel will determine if it's admissible. You will be permitted to present oral or written testimony in support of information before the panel.

You may have someone represent you or assist you in clarifying or making your case for the appeal. You may request the appeal be heard in

writing, by teleconference (allow one hour), or in person (allow two hours).

A Ministry representative will present the Ministry's case and is not in a decision-making capacity.

The appeal panel will either confirm or rescind the Ministry decision.

A majority decision will normally be made within five (5) business days of the hearing. The Appeal Tribunal will send you and the Ministry a copy of the written decision of the appeal panel within five (5) business days of it being received by the Appeal Tribunal.

For more information:

Contact the CCSC by calling:
1-888-338-6622

Or visit the Ministry website at:
**gov.bc.ca/
affordablechildcarebenefit**



Ministry of
Education and
Child Care

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Child Care
Service Centre
(CCSC)