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Stoke-on-Trent Safeguarding Children Board

APPEALS AND PROFESSIONAL DISAGREEMENTS

APPEALS PROCEDURE

Section C 08

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C08 Appeals Procedure



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01 Eligibility

NB This procedure does not deal with complaints about individual agencies or about individual practitioners or the provision (or non-provision) of services. Complaints about these matters will not be dealt with under this procedure and should be responded to in accordance with the relevant agency's complaints handling process.

Eligibility to use this procedure

Where a parent or any person with Parental Responsibility or a child who has been the subject of a Child Protection Conference has concerns about the decisions made at the Conference, they may make an appeal under this procedure. To use this procedure, a child must be of an age and level of maturity that means that he or she understands the nature and meaning of the decision and how the appeal process will work.

Appeals under this procedure may be specifically about:

- A decision to make a child the subject of a Child Protection Plan or to continue the Child Protection Plan
- The decision as to the category under which the Child Protection Plan was created was appropriate
- A decision that the child should not continue to be a subject of a Child Protection Plan

Where an appeal is made under this procedure, the decision made by the Conference will stand until the appeals process has been completed.

At all stages of the appeals process those making the appeal may have a supporter or advocate to support them.

02 Grounds for Appeal

Grounds for Appeal against a Conference Outcome

The grounds for appealing may be:

- That the criteria for a Child Protection Plan were not met - Initial Child Protection Conference Procedure or
- That the criteria for a Child Protection Plan were met and that the decision not to make the child the subject of a Child Protection Plan was incorrect; and/or
- That information, which was taken into account by the conference when the decision was made, is now known to be incorrect.

03 Making an Appeal

Wherever possible, any concerns raised about the outcome of a conference should be resolved informally, by discussion between the person raising the concern and the Conference and Review Manager.

If any concerns cannot be resolved immediately following the conference, the Conference and Review Manager will advise the child, parent or person with Parental Responsibility of their right under this procedure to write to the designated manager for safeguarding (Strategic Manager, Conference and Review) within 28 days of the conference, explaining that they wish to appeal and the reasons why. Assistance will be provided by a professional, where appropriate, to help with the written appeal.

On receipt of an appeal, the designated manager for safeguarding (Strategic Manager, Conference and Review) will initially confirm that it is appropriate for it to be dealt with under this procedure or if not, pass it to the relevant agency to be dealt with under that agency's own formal Complaints Procedure.

Where necessary, the designated manager for safeguarding (Strategic Manager, Conference and Review) will contact the person making the appeal to clarify the nature of their appeal or to obtain additional information, and will acknowledge receipt of the appeal in writing within 7 working days.

04 Initial Review

If the designated manager for safeguarding (Strategic Manager, Conference and Review) decides that the appeal should be dealt with under this procedure, a copy should be sent to the Conference and Review Manager of the relevant Child Protection Conference and the child's lead worker/allocated social worker.

The designated manager for safeguarding (Strategic Manager, Conference and Review) should consider, in consultation with the Conference and Review Manager, whether, in light of the information provided in support of the appeal, the Child Protection Conference should be reconvened.

If it is decided not to reconvene the conference, the appeal will be referred to an Appeals panel for consideration.

If it is decided to reconvene the conference, then the person making the appeal should be advised of this and it should be explained that the appeal will therefore be regarded as suspended until after the reconvened conference has been held. Where the person making the appeal remains dissatisfied following the reconvened conference, then he/she may re-instate their appeal.

05 The Appeals panel

The Appeals Panel will consist of three professionals who have had no previous or present direct line management responsibility for the case in question. The panel chair will be the Strategic Manager, Safeguarding and Quality Assurance or his/her nominee. The other two members will be nominated by the Stoke-on-Trent Safeguarding Children Board member agencies, in consultation with the panel chair and according to the needs of the case.

The panel chair may co-opt other professionals where specialist advice is needed.

Where a panel is to be convened, the person making the appeal will be notified in writing of the details of the venue, date and time of the panel hearing, and invited to attend. The invitation will include an explanation of who the members of the panel are and the process for hearing the appeal.

The Conference and Review Manager who chaired the conference will also be invited to attend the panel hearing.

At the panel hearing, the person making the appeal and the Conference and Review Manager will be invited to present their views to the panel and will then leave for the panel to make its decision.

The panel will base its decision on the information contained in the written appeal, the conference reports and the conference minutes, together with any relevant protocols and procedures and any other documentation considered relevant by the panel. The person making the appeal and the Conference and Review Manager, will be made aware of, and have access to, a copy of any written documents made available to the panel.

The panel may make one or more of the following decisions based on a majority decision:

- To state that the Child Protection Conference procedures were followed correctly and support the original Child Protection Conference decision
- To decide that the child should no longer be the subject of a Child Protection Plan or should be made the subject of a Child Protection Plan
- To recommend that the Child Protection Conference be reconvened with the same or a different conference and Review Manager as Chair to reconsider the decision about the child becoming the subject of a Child Protection Plan and/or reconsider if the category under which the Child Protection Plan was created is appropriate
- To decide that the panel has insufficient information to make a decision and set out a timescale for completing the task and set a date for a further hearing

If the panel decides that the child should no longer be the subject of a Child Protection Conference, this will have effect as if it had been the decision of the conference.

If the panel decides to reinstate a child as the subject of a Child Protection Plan, this will apply from the date of the panel decision, but will not be counted as a new Child Protection Plan.

The panel chair will ensure that a clear record is made of the decision and the reasons for the decision. The record of the panel meeting will be sent to the person making the appeal, the child's social worker or lead worker and to the Conference and Review Manager of the relevant conference, who will ensure that a copy is circulated to all those who were sent minutes of the Child Protection Conference.

06 Reconvened Conference

The Conference and Review Manager who chairs a reconvened Child Protection Conference must ensure that all those present have seen or are briefed at the start of the conference about the panel decision, the panel's written statement of reasons for the decision and any recommendations made by the panel.

The conference should again consider, taking fully into account any recommendation made, whether the criteria for making a child the subject of a Child Protection Plan are met, and if so, which of the categories is the appropriate category under which to create a Child Protection Plan.

07 Further Challenge

There is no further right of appeal and a person who is dissatisfied with the outcome of the appeals process should be advised that if they wish to take the matter further, they should contact the Local Government Ombudsman or seek legal advice about other legal remedies which may be available to them.