

Appeals by Parents / Carers and Children against Child Protection Conference Decisions

SCOPE OF THIS CHAPTER

This procedure relates to the rights of parents/carers and children (if of sufficient age and understanding) to appeal against a Child Protection Conference outcome.

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AMENDMENT

In November 2019, this chapter was updated throughout and should be re-read.

1. Eligibility to use this Procedure

Children and young people (with sufficient understanding) and parent/carers who are eligible to appeal under this procedure include the following:

- Any child or young person who is subject to a [Child Protection Plan](#);
- The parent of a child or young person as defined above or someone who has [Parental Responsibility](#) for him or her;
- Such other person as the Safeguarding Children Partnership consider has sufficient interest in the child or young person's welfare to warrant his or her appeal being considered by them.

All parties must be made aware that this appeal process cannot change a [Child Protection Conference](#) decision made by the Conference Chair at the last conference.

During the course of consideration of an appeal the decision made by the Conference stands. The Appeal Process may decide that a further conference is required.

At all stages of this appeal process, the appellant may bring an advocate or friend to support them. This may include a family member or friend, or a professional such as a Self-Advocacy support worker or a Community Psychiatric Nurse (CPN). If you have any access requirements in relation to the appeal or if you require further copies of these notes, larger print, braille or audio tape formats please contact the Safeguarding Partnership office.

2. Grounds for Appeal against Conference Outcome

The grounds for appealing against a conference outcome may be:

- That the criteria for the decision that the child should have a Child Protection Plan were not met (see **Child Protection Conferences Procedure**);
- That the criteria for the decision that the child should not have a Child Protection Plan were not met (see **Child Protection Conferences Procedure**);
- That the criteria for the decision that the child should continue to have a Child Protection Plan were not met;
- That the criteria for the decision that the Child Protection Plan should be discontinued were not met.

If any person has a concern about the conduct or behaviour of any members of a Child Protection Conference, they should direct their complaint to the agency involved, or to the Conference Chair for further information. If the concern is about the behaviour of the Conference Chair or conduct of the meeting, the matter should be dealt with by Children Social Care Complaints Procedure.

Click on the relevant links for Complaints Procedure for Children's Social Care -

- [Leicester City website: Children's Social Care Complaints](#);
- [Leicestershire County Council website, Complain about Children's Social Care](#);
- [Rutland County Council Website, Compliments, Comments and Complaints](#);
- [Leicester City, Leicestershire and Rutland Children and Young People's Service Procedures Manual](#) (internal procedures).

3. Stage One - Discussion with Conference Chair

If any concerns cannot be resolved immediately following the conference, the Conference Chair will ask the child or parent to set out their appeal and the grounds for it, in writing within 10 working days of the conference. The appellant should address the letter to the Conference Chair. If the appellant feels they need assistance with their written appeal they can seek support from a representative of their choice.

The Conference Chair will then arrange to discuss the appeal with the appellant in a meeting, within 5 working days of the receipt of the written appeal. If the appellant intends to bring a representative with them to attend the meeting, the appellant must notify the Conference Chair of the identity of the representative at least 2 working days prior to the planned Stage 1 meeting. Any costs incurred for a representative will be the responsibility of the appellant.

Notes will be made of the Stage One meeting, and these will include the reason(s) for any decision(s) arising from the Stage 1 meeting. The Conference Chair will then ensure that the notes are sent to the appellant within 5 working days of the Stage 1 meeting. A copy of the notes will also be sent to the line manager of the Conference Chair, the Social Worker, and the Social Worker's Team Manager.

There are three possible outcomes of the Conference Chair's meeting with the appellant:

- The appellant's issues are addressed to his/her satisfaction and resolved;
- On reflection and following discussion with the appellant, the Conference Chair believes that there would be merit in reconvening the conference. In this event the Conference Chair would communicate this view to the allocated social worker and their team manager;
- The appellant's issues are not addressed to his/her satisfaction.

If the matter is not addressed to the satisfaction of the appellant, they have two options open to them, depending upon the outcomes specified above. These options will be communicated to the appellant in writing by the Conference Chair at the same time that the meeting notes are shared.

The two options open to the appellant are:

- To withdraw his/her appeal in writing to the Conference Chair;
- To take their appeal to the investigation stage (Stage Two) of this procedure. The Conference Chair will ask the appellant to confirm their intention to continue their appeal, in writing to the Conference Chair, within 10 working days of receiving the written notes of the meeting.

See **Appendix 1: Stage 1 Letter** .

4. Stage Two - Investigation

When the Conference Chair receives the written notice of the appellant's wish to proceed to Stage 2 of this procedure, the Conference Chair must inform their line manager, who will:

- Arrange the appointment of a Stage 2 investigator;
- Agree a start date for the investigation with the reviewing officer. The investigation should not take longer than 30 working days from start to finish.

When the investigator has been appointed, the line manager of the Conference Chair will send a letter (see **Appendix 2: Stage 2 Appoint Reviewing Officer**) to the appellant to:

- Acknowledge receipt of the letter of intention to proceed to Stage 2 Investigation;
- Introduce the reviewing officer.

It is then the reviewing officer's responsibility to:

- Make contact with the appellant;
- Inform the appellant of the timescale set for the investigation;
- Explain to the appellant that he/she (the reviewing officer) will make one of two decisions as a result of their investigation either:
 - Uphold the appeal and recommend that a Conference is reconvened;
 - Not uphold the appeal.

The Stage 2 investigator will review all of the relevant and available written evidence and may wish to speak to practitioners or the appellant in the course of their investigation. The reviewing officer will compile a written report detailing:

- The evidence they have considered;
- Their findings;
- Their decision in the case - whether or not the appeal should be upheld.

Within 5 working days of the conclusion of the investigation, the reviewing officer's report should be shared with:

- The appellant;
- The Conference Chair;

- The Conference Chair's manager;
- The social worker;
- The social worker's team manager.

In the event that the reviewing officer concludes that the appeal should not be upheld, the appellant has two options open to them. These options will be communicated to the appellant in writing by the reviewing officer at the same time that the investigation report is shared (please see **Appendix 3: Reviewers Report Letter**).

The two options open to the appellant are:

- Not to take the appeal to Stage 3 of this procedure;
- To take the appeal to the Panel meeting stage (Stage 3). If this is the appellant's chosen option, the reviewing officer will ask the appellant to confirm their intention to continue their appeal, in writing to the Safeguarding Children Partnership Manager, within 10 working days of the appellant receiving a copy of the investigation report.

5. Stage Three Independent Review by the Safeguarding Children Partnership (Panel Meeting)

When the Safeguarding Children Partnership Manager receives the written notice of the appellant's wish to proceed to Stage 3 of the Safeguarding Children Partnership procedure, the Safeguarding Children Partnership Manager will as soon as practicable:

- Write to the appellant to acknowledge receipt of the letter; (see **Appendix 4: Panel Appeal Acknowledgement**);
- Inform Independent Advisor of the Safeguarding Children Partnership that:
 - An appeal has reached Stage Three of the Safeguarding Children Partnership Procedure;
 - A thorough investigation has already taken place;
 - The appeal has not been resolved;
 - A Stage 3 Panel Meeting is required within 20 working days of the appellant's written notice to proceed.

The Panel Chair will decide on the precise composition of the Panel based on the expertise needed to resolve the issues presented by the case. As a minimum, the independent appeal panel will consist of the following:

- Safeguarding Children Partnership Independent Advisor (chair of this panel) or delegate;
- At least 2 other senior representatives from Safeguarding Children Partnership partner agencies who have not had any previous involvement with the case.

The Panel Chair can invite advisors to the Panel to attend the meeting as necessary where specialist advice is needed.

A letter (see **Appendix 5: Panel Appeal Date and Details Confirmation**) will be sent by the Safeguarding Children Partnership office on behalf of the Independent Advisor of the Safeguarding Children Partnership to invite the following people to attend the Panel meeting:

- The appellant;
- Their advocate/representative;
- The case holding social worker;
- The social worker's team manager;
- The Conference Chair;
- The Conference Chair's line manager;
- The Stage 2 reviewing officer.

If the appellant requires additional representation, it is the appellant's responsibility to arrange such representation and to pay any fees incurred. The appellant must inform the Safeguarding Children Partnership Manager no less than 5 days prior to the Panel meeting date, of the identity of their representative. Ultimately it shall be at the discretion of the panel chair as to who shall be present in the panel meeting.

The appellant can request more information from a Safeguarding Children Partnership Business Officer to help with the process of the panel and preparing for their attendance.

The relevant documents will be provided to all members of the panel no later than five working days prior to the Panel Meeting (see **Appendix 6: Covering Letter for Documents required by Panel**).

The relevant documents will include copies of:

- The social worker's report to the previous child protection conference;
- Child protection conference record agreed by the Conference Chair;
- Any previous, relevant child protection conference reports and records;

- The child protection plan(s) associated with the conference records;
- The notes made by the Conference Chair of the Stage 1 meeting held with the appellant;
- The Stage 2 report, completed by the reviewing officer;
- This Safeguarding Children Partnership Procedure;
- Any written documentation or report provided by the appellant.

When the Chair is satisfied with the attendance at the Panel Meeting, the Appeals Panel will commence.

The Chair will address any questions or concerns from the Appellant.

All attendees should understand that the presentations session is about clarifying what each party's opinion of the appeal is, rather than an opportunity to cross-examine attendees.

The meeting will begin with a presentation from the Appellant (or advocate/supporter) who will state:

- The grounds for their appeal;
- The evidence to support it; and
- Their desired outcomes to the proceedings.

They will be invited to expand upon any relevant themes, which could aid the Panel's deliberation. The Chair will ensure that the presentations are reasonable and relevant, and will exercise discretion as necessary in limiting either the scope or substance of the presentation, or its duration.

This will be followed by a presentation by the Departmental representative.

The Chair will ensure that Panel members have the opportunity to ask questions and seek clarification from attendees as necessary. The Chair will ask the Appellant, Departmental representative and other attendees to ask questions and raise points of information and opinion as relevant to the appeal.

The Chair will use discretion as to when proceedings have sufficiently reached their objective, and Panel members are in a position to reach their findings and recommendations. The Chair will draw proceedings to a close and advise of the next steps.

At this point, the Panel will go into closed session (with the Safeguarding Children Partnership Manager and any panel advisers) to deliberate on their findings and conclusions.

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

- To uphold the original [Child Protection Conference](#) decision;
- To recommend that the Child Protection Conference be reconvened with the same or different Conference Chair to consider any recommendation regarding the decision that the child should be or continue to be subject to a [Child Protection Plan](#) and the Category of Significant Harm on which any such decision is based;
- To decide that they have insufficient information to make a decision and set out a timescale for completing the task and set a date for a further hearing;
- To decide whether there are any learning points for a specific agency.

The Panel does not have the authority to reverse a Conference decision.

The Panel Chair will ensure that the minutes of the Panel meeting are sent to the appellant and to all those who were sent records of the original Child Protection Conference (see **Appendix 7: Letter following Panel Meeting**).

The Panel should communicate any specific concerns and recommendations relating to practice or procedure on the part of any Safeguarding Children Partnership safeguarding partner or relevant agency to that agency.

6. Reconvened Conference

The Chair of a reconvened Child Protection Conference must ensure that all those present have seen or are briefed at the start of the Conference about the decisions and any recommendations made by the Panel.

The Conference should again consider, taking fully into account any recommendation made, whether the criteria for a Child Protection Plan are met (namely the risk of continuing significant harm), and if so, the relevant Category of Significant Harm.

7. When an appeal is not upheld by the Stage 3 Panel Meeting

An appellant who continues to be dissatisfied with the outcome of the process may wish to pursue their case via the [Local Government Ombudsman](#) or seek legal advice about other legal remedies such as Judicial Review.