



**South Gloucestershire Safeguarding Children
Board
(SGSCB)**

**How can I appeal about the decision of a
Child Protection Conference?**

Information for Parents, Carers and Young People

**If you need this information in other languages,
in large print, Braille or on audio tape, or any help
to access council services, please phone 01454
868008.**

**Leaflet SGSCB 5
April 2008
E520-4-008-08**

Department for Children and Young People

Introduction.

This leaflet explains your rights to appeal against a decision of a Child Protection Conference (as opposed to making a complaint about the child protection work of individual agencies and their employees and their performance and the provision or non provision of services which should be handled in line with the particular agency's complaints procedure) See the end of this leaflet for complaints against Children's Social Care.

The decision that a child is made the subject of a Child Protection Plan is made at a Child Protection Conference. This is a meeting of professionals from different agencies which is held as part of the Child Protection Procedures, when agencies are concerned that a child may be suffering, or is likely to suffer, significant harm.

The Child Protection Procedures are Guidelines which different agencies involved have to follow in protecting children. These agencies include the Department for Children and Young People, the Police, Health, Housing, NSPCC, Leisure and Community Resources, and Probation.

A copy of the South Gloucestershire Procedures are publicly available on www.swcpp.org.uk

Who can Appeal?

Any child over the age of 10 who is subject to a Child Protection Plan

Any person with parental responsibility for a child who is the subject of a Child Protection Plan or has been considered for a Child Protection Plan

If you are a child or have parental responsibility, you can ask someone to appeal on your behalf but we will need to know that you have asked them to do this for you.

In what circumstances can I appeal?

The only ground for Appeal is that the Conference decision is unsound. To show that this is the case you must demonstrate one or more of the following conditions:

- the requirements for a Child Protection Plan as laid down in the Child Protection Procedures were, on the basis of the information presented, not met in your case;**

- **significant information relevant to the Child Protection Plan decision was not available to the conference – this means information about the facts which would alter how the professionals at the Conference would view the risk to the child;**
- **staff from the other Agencies present at the conference significantly disagreed with the decision, and this was not taken into account by the Chairperson;**
- **the child protection procedures were not properly followed and you can demonstrate that this affected the way the Child Protection conference was carried out and therefore affected the decision for the Child Protection Plan;**
- **the way the Child Protection conference was carried out prevented any person attending the conference being able to participate fully and this had a clear impact upon the Child Protection Plan decision.**

How do I make an Appeal?

Appeals should be made in writing to the Quality Assurance and Reviewing Manager at the address at the end of this leaflet. Receipt of your appeal will be

acknowledged within 2 working days. If you cannot write, please phone, and the Quality Assurance and Reviewing Manager will arrange for someone to help you make your appeal. If you want help with making your appeal you can request that an independent advocate helps you.

In presenting your case, it would be helpful if you explain why you believe the decision was unsound. Please include supporting factual evidence if possible.

What happens next?

In most cases, the Quality Assurance and Reviewing Manager will look at what you have to say in relation to the conditions shown above and make a decision on whether further investigation is required on the basis of the evidence you have provided.

We will aim to inform you within 10 working days of the Appeal being received, as to whether your Appeal will be investigated and who will investigate. The Investigating Officer may be the Quality Assurance and Reviewing Manager or another manager from Children's Social Care who is not involved with your family.

If your Appeal concerns a decision made by the Quality

Assurance and Reviewing Manager, it will be forwarded immediately to their Line Manager, who is the Strategic Lead for Safeguarding and Child Protection, who will decide whether and how to investigate.

If an investigation is to take place, we will aim to set up an Appeals Panel within 30 working days of the start of the investigation. The investigating officer's report is given to the Panel 5 working days prior to the panel along with a copy of your appeal and any other relevant documents. You will, however, be sent a copy of the report 10 working days before the hearing. This will give you the opportunity to have your written response to the report included with the papers given to the panel prior to the Panel Hearing.

What happens during the Investigation?

The investigating officer will meet with you as soon as possible to make sure they understand your objection to the conference decision. They will explain which condition(s) they will be looking at in deciding whether the decision for a Child Protection plan was sound. They will also explain how the investigation will be carried out. This will include the investigating officer looking at of any relevant paperwork including the conference

notes and could include interviews with any staff or family members who are involved.

Do I attend the Appeal Panel?

You are invited to attend the Panel but you do not have to attend if you do not want to. Your views can be presented to the Panel by way of your original letter of Appeal and any written response to the Investigating officer's report. If you do want to attend the panel you should indicate this as soon as possible in order for this to be included in the arrangements for the Panel Hearing.

Similarly if you want an independent advocate to assist you at the Panel Hearing by attending the panel on your behalf or attending with you to support you or speak on your behalf, you will need to request this as soon as possible.

What happens at the Appeals Panel?

The Appeals Panel is made up of staff from a minimum of 3 Agencies and a legal adviser. No staff involved in the original decision for a Child Protection Plan or staff still working with the family will be involved in the Panel.

The Investigating Officer attends the Panel to explain his or her report and the Panel can request any other person to attend whom it believes may help with the decision making process. This could be your social worker, health visitor, or other professional who has been working with you.

The Panel will consider the evidence provided in any written submissions and from the Investigating Office and any information presented verbally on the day of the hearing and make a decision. The Panel's decision is final. You will be informed of the Panel's decision, by letter, within 5 working days of the Panel hearing.

What happens if the Panel upholds the Appeal?

If the Panel upholds your Appeal a Child Protection conference will be set up within 15 working days of the Panel. This will consider the impact of the findings of the investigation upon the child(ren) concerned. This may, or may not, result in the child(ren) needing a Child Protection Plan.

The original Chair of the Child Protection Conference will chair this conference unless your complaint was about the way they handled the process.

In exceptional circumstances, for example, where the finding is that the child should not have been made the subject of a Child Protection Plan, the Panel may recommend to the Director of the Department for Children and Young People that the need for the Child's Protection Plan be immediately removed from the Children's Integrated System and the record of the need for the plan be deleted.

Individual Agency Responsibilities

This Appeals Procedure relates only to the decisions made at a Child Protection Conference by staff from a number of Agencies. It does not provide an appeals process for complaints arising from the actions of individual Agencies.

If your comments/concerns are considered to be about the service provided by a particular Agency, the Quality Assurance and Reviewing Manager will refer them to that Agency for investigation under their procedures.

Contact Details for Appeal and Complaints

For an Appeal under the Child Protection Plan Appeals Procedure please write to:

**The Quality Assurance and Reviewing Manager,
Department for Children and Young People,
South Gloucestershire Council**

CQRU

PO Box 2082

South Gloucestershire Council

Castle Street

Thornbury, South Gloucestershire

BS35 9BQ

Tel: 01454 866254

For complaints about Children's Social Care, please write to:

**The Complaints Manager,
Department for Children and Young People,
South Gloucestershire Council**

PO Box 2082

South Gloucestershire Council

Castle Street

Thornbury, South Gloucestershire

BS35 9BQ

Tel: 01454 866374