

Appeals Practice Guidance

Adult Social Care

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Adult Social Care Appeals Practice Guidance

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It is the responsibility of every individual to ensure that they are working to the most current version of this document.

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1. Introduction

1.1. This document provides guidance to Adult Social Care teams on receipt of an appeal about a decision taken by the council in relation to a person's care and support arrangements.

1.2. Anyone who is receiving social care support, or their representative can make an appeal to request for a review of a decision(s) taken by the council about:

- a Care Act assessment of need
- a personal budget funding allocation
- the person's support plan

1.3. Process Templates

There are various supporting templates provided with this guidance. It is recommended that these documents are used when responding to an appeal as they cover all relevant areas of the appeals process – however this is not a requirement and care managers/allocated workers can produce their own.

1.4. Financial Assessments:

The council has a separate policy that addresses any complaints or appeals regarding a person's charging and financial assessment. (See [Central Bedfordshire Council Charging Policy](#)).

1.5. Mental Capacity:

The council should always assume an adult has the mental capacity to make decisions, including those related to care and support, unless the contrary is established. The test for mental capacity is specific to each decision. A person can have mental capacity to make some decisions and not others. (See [Central Bedfordshire Council Mental Capacity Act Policy](#)).

1.6. Advocacy:

Some people may require advocacy support throughout the appeals process. There are various types of [independent advocacy services](#) available, depending on the person's needs. If the person requests an advocate, the care manager should support them to arrange this.

Definitions:

- A **Stage 1 Appeal** is an appeal that can usually be looked into quite quickly via a telephone conversation or meeting to address any concerns and determine prompt resolution.
- A **Stage 2 Appeal/Complex Appeal** is an appeal that requires further investigation before a decision has been made. This may also include a review of assessments and documents and any additional information or evidence provided by the person making an appeal that may not have been previously considered.
- A **complaint** is when a person expresses their dissatisfaction with a particular situation, i.e. quality of service received.

With regard to decisions - a complaint cannot overturn a decision; it can only look at whether the correct procedure has been followed. If, following investigation, it is identified that the correct procedure has not been followed, then the complaint procedure could *recommend* the decision be reconsidered. (See Central Bedfordshire Council Complaint Policy)

- An **appeal** is to formally request that a legal or official decision be changed.

An appeals process is usually the mechanism used when someone is simply unhappy with a decision and wants it to be reconsidered. This process can offer a simple way for people to request a review of a decision rather than having to go through the complaint procedure which may take longer to progress.

2. Appeals Process

- 2.1. Information about how to appeal should be made available to the person at the point of their assessment by the care manager/allocated worker. The ASC Appeals leaflet is available on the [Policy Hub](#).
- 2.2. If a person or their representative does not agree with a decision about their care and support arrangements, they can appeal this decision in the following way:
 - by completing the appeals form.
 - Face to face conversation or telephone call to the Contact Centre (for support to complete the form if required).
- 2.3. The appeal request should be made within 3 months of the date the person receives their assessment and should include:
 - What decision / assessment the person is appealing
 - The reason for the appeal
 - Any additional information to support the appeal e.g. documents, needs not considered etc.

Receiving and acknowledging the appeal:

- 2.4. An appeal may be received directly to the allocated worker, Contact Centre or via the online appeal form. When a person phones Contact Centre, the Contact Centre should support the person to complete the form online.
- 2.5. If the care manager is contacted about an appeal, the person should be directed to the online form or to the Contact Centre to support them to do this.
- 2.6. The Business Development team will provide all received appeals to the Operations Manager to action.
- 2.7. The Operations Manager is responsible for acknowledging the request and ensuring any information relating to the appeal is recorded on the person's social care record (see [Recording Appeals information](#)).
- 2.8. The Operations Manager will determine which approach should be considered to address the appeal.

2.9. The acknowledgement should be made to the person within **5 working days** of receipt of the appeal.

2.10. Each appeal will be assessed by Operations Manager and a decision made on the most appropriate and proportionate option for resolution. This will be via:

- **Stage 1:** Early resolution, where the council will aim to resolve any appeal via discussion with the person making the appeal, with the aim of achieving a prompt resolution. Stage 1 appeals should be completed within 28 days of the appeal being acknowledged.
- **Stage 2 (Complex):** Review, where the council will review the original decision and any additional information received and make a final decision. Complex appeals should take 28 days, from acknowledgement plus up to 30 additional working days.





2.11. The Operations Manager will identify a responsible officer to contact the person making the appeal. The responsible officer will make contact with the person to discuss their concerns with the aim to resolve the appeal as timely as possible.

Recording appeals information:

2.12. Receipt of appeals will be logged on the Appeals JADU Dashboard by the Business Development team and should also be recorded on the person's social care records.

2.13. Confirmation that the appeal has been acknowledged should be sent to the Business Development Team via ASCAppeals@centralbedfordshire.gov.uk to be logged on the Dashboard.

2.14. The acknowledgment letter and any communications, meetings or actions relating to appeals should be recorded in the persons social care records by the relevant care management team. Documents should be uploaded as an attachment, ensuring that the title of the document, document type and document sub-type is reflective of the communication ([see example template appeals letters](#)).

Attachments					
<div><div>+</div><div></div><div></div><div></div></div>					
<input type="checkbox"/>	Title	Document Type	Document Sub Type	Date	
<input type="checkbox"/>	Appeal Outcome Letter	Appeals	Outcome Letter	02/02/2024 00:0...	C
<input type="checkbox"/>	Appeal Acknowledgement Letter	Appeals	Acknowledgement Letter	22/01/2024 00:00...	C
<input type="checkbox"/>					

2.15. The Business Development team should be notified of specific actions taken during the appeal process. This is to record information on the JADU Dashboard for reporting purposes. The Operations Manager and allocated worker are responsible for sharing this information with the Business Development team:

Action / Record Type	Where to be recorded:	
	JADU Appeal Dashboard (Business Development Team)	Social Care Records (CareDirector)
Receipt of appeals via online form	X (automated if form is used)	X
Confirmation that the appeal has been acknowledged	X	X
Meetings or actions relating to appeals		X
Change to stage 2/complex appeal	X	X
Final decisions	X	X

2.16. Final decisions should also be recorded within the person's care records. Notification of the appeal outcome should also be sent to the [Business Development Team](#) to be logged on the Appeals Dashboard.

Stage 1 – Early Resolution

2.17. Wherever practicable and reasonable, the officer responsible for the appeal will contact the person at the earliest opportunity to discuss the appeal.

2.18. The officer responsible will facilitate a discussion with the person to resolve any issues. If this involves a face to face meeting with the person, this will take place within a reasonable timescale.

2.19. If resolution is made through discussion, a summary of the meeting, including any agreed actions, will be sent to the person as a record of the appeal outcome ([see example discussion record template](#)).

2.20. Notification of an early resolution outcome should be sent to the [Business Development Team](#) to be logged on the Appeals Dashboard, this will be recorded as:

- Stage 1: Early Resolution - Original Decision upheld
- Stage 1: Early Resolution - Appeal Upheld

2.21. If early resolution is not reached, the appeal progresses to the second stage ([see example letter to notify the person of the move to stage 2](#)).

Stage 2 – Complex

2.22. If the person has disagreed with **the assessment**, the involved care manager and an Operations Manager (who may not have been previously involved) will be involved in the review.

- 2.23. The review will consider the original assessment documents and any additional information provided by the person as part of their appeal.
- 2.24. The following decision may be made:
- a. The original assessment was correct
 - b. The assessment needs to be updated based on the additional information
- 2.25. If the person has disagreed with **their support plan or personal budget**, a manager who has not been involved with the case so far will undertake the review.
- 2.26. The following decision may be made:
- a. The original decision was correct
 - b. Accept the appeal and agree to change the plan / allocation
 - c. Arrange a meeting with the person to discuss this further (this can happen if the issue is about risk either to the person or others)
- 2.27. If the Operations Manager has been involved in any initial care and support planning, the appeal may be referred to the Head of Service or Assistant Director.
- 2.28. The Care Management team must complete the review within 28 days of acknowledgement of the appeal to allow time for informing the person of the final decision.
- 2.29. Complex case reviews involving other managers may take up to 30 additional working days. If it is anticipated there may be any delay in this, the Operations Manager will write to the person to inform them of this ([see hub for example documents](#)).
- 2.30. If an additional 30 days is required, notification should be sent to the [Business Development Team](#) to be logged on the Appeals Dashboard.
- 2.31. Any meetings or actions relating to appeals should be recorded in the persons social care records, including uploading any attachments as SW Correspondence and letter, ensuring that the title of the document is reflective of the type of communication ([see hub for example documents](#)).

Stage 2 – Decisions

- 2.32. Once the review is complete the Operations Manager/Senior Manager will write to the person to provide notification of the full decision ([see hub for example documents](#)).
- 2.33. Notification of the final decision/outcomes should also be sent to the [Business Development Team](#) to be logged on the Appeals Dashboard, this will be recorded as:
- Stage 2: Original Decision upheld
 - Stage 2: Appeal Upheld
- 2.34. Once the final decision has been made, and the person notified, there is no further appeal to adult services. The person may wish to refer this to the Local Government and Social Care Ombudsman

3. Care & Support provision during the appeal:

- 3.1. If a person is appealing a decision regarding the need's assessment, the care manager should assess the risks to ensure the safety and wellbeing of the person or their carer during the appeals process.
- 3.2. If the risk assessment identifies areas of concern, which require a change to the care and support arrangements, this should also be considered during the appeal review.

4. Equality and Diversity

- 4.1. The council will be proactive about putting in place arrangements to ensure that they do not unfairly discriminate against individuals on the grounds of their protected characteristics. Equality should be integral to the way in which any support is prioritised and delivered.

5. Monitoring and Reporting Arrangements

- 5.1. Head of Community Assessment Service and Head of Safeguarding & Quality Improvement will receive reporting data by the 8th of each month, reporting the previous month.
- 5.2. The Quality Improvement team will monitor appeals received and report on themes or learning points for practitioner.
- 5.3. This information will be reported to Practice Governance and influence the Quality Improvement Plan.

6. Related Policies

- ASC Appeals Process
- Central Bedfordshire Council Complaints Policy

7. Evaluation and Review

- 7.1. This document will be reviewed every 2 years unless statutory guidance changes where a review will take place sooner.

8. Appendices

- [Appendix 1 - Appeals Process flowchart](#)
- [Suggested Appeals Process Letters \(available on ASC Policy Hub\)](#)

Appendix 1: Appeal Process – Flowchart / Cross-Functional Process

