

Procedure for the Appeal of Child Protection Case Conference Decisions



Version	Date	Author	Changes
1.0	05/01/17	CCIG	
2.0	January 2018		

1. Request for an appeal to take place

- This process allows for a request for an appeal of the decision to register or to de-register at pre-birth or initial or review child protection case conferences.
- The child or a family member may request an appeal of the decision. See appendix 2.
- A request for an appeal of the decision must be made in writing, stating why the decision made at the case conference was unreasonable. Help to do this will be available to those who request such support, for example from advocacy services. The sole ground for an appeal is that the case conference arrived at a decision in respect of child protection registration that could not be supported by the information shared and assessed at the meeting. The fact that a child or family member disagrees is not in itself reason for an appeal to be conducted.
- The appeal request should be submitted within 28 days of the pre-birth or initial or review child protection case conference. In exceptional circumstances this may be extended.
- The appeal request should be addressed to the chair of the Child Protection Committee, who will determine whether the request is properly made under this procedure and whether to proceed to an appeal or give reasons as to why not. In the absence of the chair, the vice chair will undertake this.

2. Responding to the request

- The original decision and any child protection plan stands, pending the outcome of the appeal.
- The appeal will be conducted by a sub-group comprising 3 members of the Child Protection Committee, as determined by the chair or vice chair of the Child Protection Committee.
- The appeal group will make a decision on the basis of the information available to the pre-birth or initial or review child protection case conference, a report from the chair of the case conference outlining the conduct of the meeting, the minute of the conference and the appeal request letter.
- The appeal group will decide whether or not the decision was reasonable in all the circumstances, specifically giving consideration to the risk of significant harm through abuse or neglect.
- The appeal group may either remit the case back to a child protection case conference or find the original decision to be justifiable. The appeal group does not have the power to de-register a child. If the decision is to remit back then a case conference will be held to consider additional relevant factors raised by the appeal group. This case conference will be held within 21 days.

3. Following the appeal group meeting

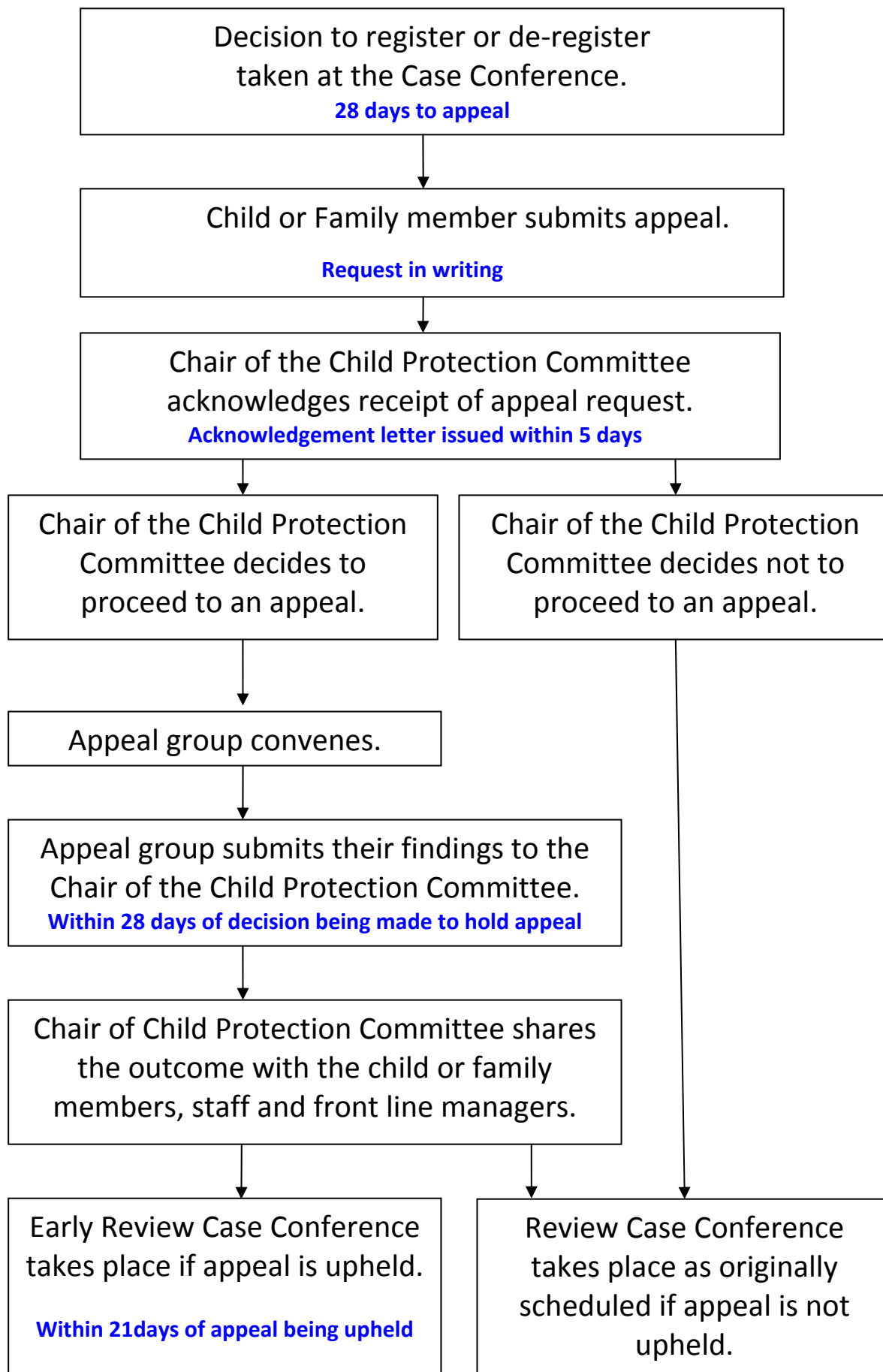
- The appeal group will advise the chair of the Child Protection Committee of their findings. It should be clear who will be informed, when and how, for example if giving written or verbal feedback or using advocacy services would be appropriate.
- Due to the sensitivities involved, it is important to be mindful of the anxiety this may cause staff and the family. Whilst early feedback on the outcome of the appeal to managers and workers may be helpful in allaying any anxiety, it will be important to maintain and follow due process. Discussions about the outcome of the appeal should not take place with the person who initiated the request until the Chair of the Child Protection Committee has formally responded to them.
- The chair or vice chair of the Child Protection Committee and the appeal group will agree on how any matters requiring urgent remedial action should be addressed with the relevant Team or line manager.
- It is important that staff and front line managers involved in the case receive feedback. Consideration should be given to convening a core group involving the family or a professionals meeting to enable wider discussion and shared learning to take place.
- Key learning points from the appeal should be identified and reported to the Child Protection Committee.
- The key learning points should also be collated centrally to aggregate and contribute to wider organisational learning.

4. Timescales

- The appeal should be completed within 28 days of the request being received. A letter acknowledging the appeal request will be issued within 5 days.

See Appendix 1

Appendix 1: Appeal Process



Appendix 2

Dear Child Protection Committee Chairperson

Re: Request to appeal Child Protection Case Conference decision reached on _____ (date)

Child/Young Person's name(s) _____

Date of Birth _____

Current address _____

I wish to appeal the decision made at the case conference for the following reason(s):

Please acknowledge receipt of this request

Name:

Signature:

Address:

Date:

Appendix 3

Enquiries to: Freda McShane

Date:

Dear

Re: Request to appeal Child Protection Case Conference decision reached on (date)

I acknowledge receipt of your letter (dated) and will let you know as soon as possible whether or not an appeal shall take place.

Yours sincerely

Freda McShane
Independent Chairperson of Falkirk Child Protection Committee

Appendix 4

Enquiries to: Freda McShane

Date:

Dear

Re: Request to appeal Child Protection Case Conference decision reached on (date)

I have considered whether your request was properly made under the appeal procedure and I am writing to tell you that I have asked for an independent appeal group to meet and decide whether the decision was reasonable.

The appeal group is expected to report back to me within 28 days and I will write to you to inform you of their decision. The Child Protection Registration will continue meantime.

Yours sincerely

Freda McShane

Independent Chairperson of Falkirk Child Protection Committee

Appendix 5

Enquiries to: Freda McShane

Date:

Dear

Re: Request to appeal Child Protection Case Conference decision reached on (date)

I have considered whether your request was properly made under the appeal procedure and am writing to tell you that I have decided not to proceed with your appeal request for the following reasons:

Yours sincerely

Freda McShane
Independent Chairperson of Falkirk Child Protection Committee