

Appeals Process in Relation to a Child Protection Registration

SCOPE OF THIS CHAPTER

This Appeals Procedure should be only used for appeals which relate to decisions about placing a child/young person's name on the Child Protection Register.

Complaints about individual agencies/professionals, their performance and provision (or non-provision) of services will not be dealt with under the appeals process and should be responded to in accordance with the relevant agency's complaints process (the Child Protection Registration Appeals process is separate from the Children Order Representation and Complaints Procedure).

Complaints about the management of the Child Protection Case Conferences should always be addressed to the relevant HSC Trust through the HSC Complaints Procedures.

1. Persons Eligible to Appeal

A parent, a person who has parental responsibility, or a person who was invited as the primary carer of a child/young person who has been subject to a Child Protection Investigation and Child Protection Case Conference.

Children/young people, according to their age and understanding, who have been subject to a Child Protection Investigation and Child Protection Case Conference, may also appeal the decision.

2. Criteria for Appeal

- SBNI Regional Child Protection Policy and Procedures in respect of the Child Protection Case Conference were not followed, with associated implications for the decisions and outcome of the Child Protection Case Conference;
- Information presented at the Child Protection Case Conference was inaccurate, incomplete or inadequately considered in the decision-making process;
- The threshold for registration/de-registration was not met;
- The category of registration was not correct.

3. Process for Appeal

All parties must be informed in writing of the right to appeal the decision in respect of placing a child/ young persons name of the Child Protection Register.

All parties must be made aware from the outset that this appeals process cannot itself change a Child Protection Case Conference decision and that during the course of an appeal, the decision made by the Child Protection Case Conference stands. The Child Protection Plan will continue to be followed, pending the outcome of the appeal and potentially any reconvened Child Protection Case Conference.

At all stages of this appeals process, the appellant may be supported by an advocate or friend. Where this applies, the Chairperson should be notified in advance of the meeting and will give consideration to the appropriateness of the proposed support arrangement. It is identified within the Practice Guidance Regarding the Role of Support Persons at Child Protection Case Conferences, Looked After Children Reviews and Family Support Planning Meetings, (CSIB, 2014), that key considerations will be the suitability of the support person, and the matter of their access to the child/young person's/parent/carer's personal information. Where an identified support person is not permitted to attend, the reason for this should be explained and recorded.

Particular consideration must be given to children/young people who may not be as articulate or able to fully understand the process, and may need an advocate.

Stage One – Initial

Staff Involved

A Health and Social Care Trust Senior Manager (Band 8B or above) not connected with case

If a parent/carer/child/young person wishes to appeal against the decision of a Child Protection Case Conference regarding registration or de-registration, they should inform the Case Co-ordinator. The Case Co-ordinator will advise the Chair of the Child Protection Case Conference of the receipt of the Appeal.

The Chair shall advise and forward the Appeal to a Senior Manager (Band 8B or above – not connected with the case) to consider the Appeal

Any request to appeal the decision of a Child Protection Case Conference should be forwarded in writing to the Child Protection Case Conference Chairperson within 15 working days of the Child Protection Case Conference.

The appeal request should be acknowledged in writing by the Child Protection Case Conference Chairperson within 3 working days.

The Senior Manager will facilitate a meeting with the Appellant within 5 working days from date of appeal request being received.

The purpose of this meeting is to:

- Allow the parent/carer (and child/young person, if appropriate) to voice their concerns and grounds on which they wish to appeal the decision;
- Provide the opportunity to discuss the reasons for the decision;
- Advise about other complaints procedures, where relevant; and

- The Senior Manager shall review relevant documentation and where necessary interview staff involved in the Case Conference

Within 3 working days of the meeting the Senior Manager will confirm in writing the points of appeal discussed, the outcome of the discussion and any actions agreed. The letter should also advise the appellant of their right to move to Stage Two of the process if there was no satisfactory resolution.

The HSC Trust Assistant Director of Safeguarding should be informed of the outcome of Stage One and also receive a copy of the letter to the appellant.

The Senior Manager undertaking Stage 1 will advise the Chair and participants of the of the original case conference.

Stage Two - Appeal Panel

If the appellant is not satisfied with the outcome of Stage One, they should write to the Assistant Director HSC Trust (Safeguarding), to inform him/her that they wish to move to Stage Two, within 5 working days of receipt of the letter informing the appellant about the outcome of Stage One.

Timeframe for Appeal Panel to be Held

The Assistant Director will be responsible for setting up a Panel within 10 working days from receipt of notification from the appellant to move to Stage Two of the appeal process.

Chair of the Panel

A member of the Local Safeguarding Panel with knowledge and experience of the Child Protection Case Conference process will be appointed as Chairperson of the Appeal Panel.

Membership of the Panel

Panel members - two senior managers from agencies other than that of the Chairperson of the Appeals Panel with knowledge and experience of the Child Protection Case Conference process.

One member must be from Social Services.

No Appeal Panel member should have been involved in the Child Protection Case Conference that prompted the appeal.

The HSC Trust will provide a minute-taker.

The Panel will:

- Receive and consider all of the written material including – all correspondence related to the appeal; Case Conference reports and minutes; minutes of meeting from Stage One; any written submissions from the appellant;
- Meet with the parent (and child/young person, if appropriate);
- Interview the Child Protection Case Conference Chairperson;
- Interview any other Child Protection Case Conference members, as necessary;
- Reach a decision and recommendation about the appeal and state the reasons for this.

Outcome of Appeal Panel

The Appeal Panel does not have the authority to reverse a Child Protection Case Conference decision.

Within 5 working days of the Appeal Panel being held, the Panel Chairperson will write to the parent advising of the Panel's recommendations and reasons for this, copying this correspondence to the Assistant Director (Safeguarding).

4. Appeal Upheld

It is the responsibility of the Panel Chairperson to notify the Assistant Director for Safeguarding, at the earliest opportunity, to enable a reconvened Child Protection Case Conference to be held within 15 working days of the date of the Appeal Panel.

If a Child Protection Case Conference is to be reconvened the Chairperson for the reconvened Child Protection Case Conference (not previously involved in any capacity with the case) will be provided with relevant information from the Appeal Panel meeting by the Assistant Director.

The Chairperson of the reconvened Child Protection Case Conference must ensure that all those present are briefed at the start of the reconvened Child Protection Case Conference about the outcome of the Appeal Panel. The reconvened Child Protection Case Conference will consider the previous Case Conference report, and any information related to the criteria for appeal.

The reconvened Child Protection case Conference may take into consideration information which becomes available between the Case Conference subject to appeal and the reconvened Conference

The decision of the reconvened Child Protection Case Conference will be final and cannot be further appealed.

The outcome will be recorded in the Child Protection Case Conference minute – these will be circulated to all parties involved within 15 working days. The minute record of the reconvened Child Protection Case Conference will be placed in the child/young person's and parent's/carer's file – both paper and electronic files.

If the decision is made to place the child/young person's name on the Child Protection Register, the Child Protection Register must be updated, as required, immediately within

one working day of the reconvened Child Protection Case Conference. The reason for any changes to the Register must be noted on the electronic record.

5. Appeal Not Upheld

The decision of the Appeal Panel is final.

The Panel Chairperson will advise the appellant regarding their right to contact the Northern Ireland Public Services Ombudsman, or the Commissioner for Children, or to seek legal advice if they remain dissatisfied with the outcome of the above process.

6. Records

All records relating to the appeal must be placed in the child/young person's and parent/carer's file alongside other records relating to child protection – paper and electronic.

7. Learning

The Appeal Panel Chairperson will share any identified learning points with the relevant agency Assistant Director; any multi-agency learning with the Chairperson of the Safeguarding Panel; and any regional multi-agency learning with the Chairperson of the SBNI.