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ADULT SOCIAL CARE APPEALS

GUIDANCE

Applicable to:	All staff in Adult Social Care
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Introduction

Lambeth Adult Social Care strives to develop high quality services for residents. There may be occasions when this might not happen, and we are keen to resolve the concerns raised quickly and fairly. Sometimes, users of services or their representatives will use the Adult Social Care complaints process when they are wanting to appeal a decision. For example, where a person or carers may wish to challenge an assessment outcome or proposed level of support to be provided within their care and support plan.

The purpose of this guidance is to resolve any concerns reported to Adult Social Care before a formal complaint is raised. This document sets out the appeals framework and offers guidance to managers who have been allocated an appeal to consider.

The appeal process does not replace the complaints policy and procedures but is the formal process to challenge some decisions made around assessments/reviews, care and support as well as finances, it should be used as the first stage in resolving disputes.

Legal framework

Appeals are part of The Care Act 2014 ([S.72 Part 1](#)). The section makes suggestion on an appeal process rather than layouts a specific framework. The suggestions have helped develop our appeals form and this guidance.

What is an appeal?

An appeal is where a person disagrees with a decision made by our Adult Social Care Team and are therefore requesting a review of the decision.

When can an appeal be made and what is the timescale?

- Outcome of an assessment
- Outcome of your review
- Your care and support plan
- Indicative personal budget
- Outcome of your financial assessment
- A decision about whether independent advocacy will be provided

It is the first stage before making a formal complaint and the aim is to resolve the person's concerns within a 2-week timeframe. We have an [appeal form](#) on our external website. The appeal form should be used if there is a disagreement on any of the above. Some of the above is also part of our complaints policy. If the appeals process does not resolve the concern successfully, the complaint process would then be the appropriate next stage.

What doesn't come under an appeals process?

- Delays in services
- Quality of services
- Attitude or behaviour of staff
- There is already a complaint about the same issue
- A complaint has been investigated about the same issue and resolved

The above would fall under the Adult Social Care Complaints Policy which can be found on our SharePoint.

Who can make an appeal?

- Any adult who has had a Care Act assessment completed.
- Or a person's representative this could be a relative, carer, an advocate.
- Or someone with power of attorney or has your consent to appeal on your behalf.

The appeal form can be found on our external website, the person making the appeal may want to do this verbally due to their disability and therefore the member of staff taking the call should support the taking of information and complete the appeal form in mosaic.

The appeal form

The form has 9 sections these include:

- Name, address, telephone number, and option of an email address.
- Please tell us what you are appealing about, options are outcome of assessment/review, or care and support plan, or personal budget, or
- Please outline what is it that you disagree with?
- Is there any other information you want us to consider which we may have not already been given?
- If you are appealing on behalf of someone, please provide the following details, your name, relationship to the person, and contact details (telephone number/email address)
- Our address if the person would like to post the appeal, which we can provide or take over the phone and complete in mosaic.

Allocation of an appeal

The appeal form will be sent through by the council's complaints team, Business Support will log the appeal on mosaic and send to the manager of the team it relates to. It will then be allocated to an appeals officer, which is either a Team Manager, Service Manager or Head of Service, who will complete an investigation and feedback the outcome to the person who raised the concern. An acknowledgement of the appeal will be sent by the allocated appeals manager to the person making the appeal with 3 days of the manager being allocated to the appeal.

Role of the appeals manager

The appeals manager must follow the below objectives:

- The appeal is completed within the required timeframe, there may be times when this is not possible, so the appeals manager must inform the person making the appeal of this and ensure this is recorded on mosaic. The appeal is properly investigated.
- The person making the appeal, or their carer/representative is respected, and consideration is given in removing any communication barriers that the person(s) may have due to their disability.
- The person making the appeal, or their carer/ representative is given a clear, outcome in a format that they can understand, this could be in writing or verbally, or another method that the person suggests.

There are three stages the appeals officers needs to complete as part of the appeals process.

First stage:

The appeals manager should firstly review the appeal form and decide if the person has clearly outlined the reasons for why they disagree with a decision, if there is a lack of information, the appeals manager may want to contact the person or the person acting on their behalf to clarify any missing information.

The appeals manager may also want to check the records and documents on mosaic before contacting the person, as this may fill in some of the possible missing information that is needed.

Second stage:

The appeals manager should check the person's records and information on mosaic and establish the facts and if there is evidence to support the person's appeal.

The appeals manager may need to speak to the person making the appeal, carers/their representative, staff, and anyone else who can assist if further

information is needed. As part of reviewing the records, the appeals manager should consider:

- Did we manage the process well?
- Was there a person centred and strengths-based approach?
- Were there gaps, timescales missed, inaccurate or missing information, and if so can we resolve this?
- If the person making the appeal has submitted evidence/information, does it support their appeal and if not, why not?

All the above will guide your decision making and help you formalise a response to the person making the appeal.

Third stage:

Once the appeals manager has reviewed all the relevant information and facts, they should decide on the outcome and feedback to the person who has made the appeal in the format they have requested. The below is what should be considered when making a decision:

- If all aspects of the appeal are upheld or partly then the appeals manager should clearly outline this.
- Acknowledge and apologise if we have made any errors.
- Suggest what needs to happen next so the person gets the required support needed.

Once the person making the appeal is satisfied with the outcome then the appeal can be closed. If the person feels the issue is ongoing and the appeals manager disagrees and has explored all avenues to resolve the situation. Then they can consider requesting further review via complaints process.

All of the above should be part of completing the appeals manager's appeals section in mosaic.

The appeals manager should consider if the appeal can be used as an exemplar of good work or how practice could be improved. They should use the Lambeth Adult Care Quality Assurance Framework to guide their decision making about the above, with support available from the Principal Social Worker and Safeguarding Head of Service. The appeals manager should also check if the service user would like to be involved in the above as part of our engagement work with residents.