A GUIDE FOR CUSTOMERS

How to Appeal Against a Decision Made by Northamptonshire Adult Social Services

If you are unhappy with a decision made by the Council in relation to your assessed needs, the application of the eligibility criteria or the service provision allocated to you, you have the right to ask for that decision to be looked at again. We would treat this as an appeal.

An appeal must be registered within 12 months of the decision being made. However, further consideration will be given where there are exceptional circumstances.

The aim of this procedure is to be clear and accessible. To promote independence and equality. To ensure good communication with our customers and reach proportionate and fair decisions in a timely and efficient way.

Who can appeal?

‘You’ the customer who receives the service, or your carer or representative, may make an appeal against a decision.

In accordance with the Care Act 2014, Section 67. An appeal may also be made by an independent advocate for people who have substantial difficulty in being involved with assessments, care planning or care reviews; it may be an independent advocate appointed under the Mental Capacity Act, or any other independent advocate.

If someone is making the appeal on your behalf, we may still need to ask for your consent, so that we are satisfied that you are happy for that person to represent you and for your personal information to be shared with them.

In cases where you are unable to represent yourself, it may also be necessary for us to assess whether the person raising the appeal is acting in your best interests.

How it works:

An appeal consists of three stages:

- Review of the Decision
- Independent Review
- Council’s Final Decision

How do I make an appeal?

You should contact either:-

- The Manager of the service which made the decision. You can do this either by telephone, email or in writing.

The worker involved with you will be able to give you the details of this person

- The Complaints & Compliments Service - their address and contact details are provided at the end of this information sheet.

It is helpful to us if you can give ‘clear’ reasons why you wish to appeal? And why you do not agree with decision that has been made.

Your appeal will be logged and given a reference number. An acknowledgement of the appeal will be sent to you and the timescales will be monitored by the Complaints and Compliments Team. You can track the progress of your appeal by contacting the Complaints and Compliments Team.

Timescales:

Every effort will be made by staff to keep to the timescales set out in the appeals procedure, however please be aware that it may be necessary for us to extend these on occasions to allow for further information to be requested or for a re-assessment or review of your care to take place. We will always discuss this with you first.

Once you have lodged an appeal your current care provision should remain unaffected until a decision has been reached about your future care provision. However, the Council will exercise discretion in reviewing this decision if you and / or your representative are considered not to be engaging with or intentionally stalling the progression of the appeal in line with this procedure.

Stage One – Review of the Decision:

At stage one the Team Manager of the service responsible for your care management will look at the situation to see if an appeal is appropriate. In some cases the person appealing may actually be making a complaint. A complaint is treated differently and if this is the case, you will need to contact complaints@northamptonshire.gov.uk to log your complaint. All Policies and procedures are available online at http://www3.northamptonshire.gov.uk/councilservices/council-and-democracy/have-your-say/Pages/compliments-comments-and-complaints.aspx
If an appeal is considered to be the best way forward, a member of the management team will look at how the decision was made. They will try to do this within **30 working days** from receiving your appeal, but we will discuss with you the possibility of extending the deadline and the reasons why if more time is needed. They will check that all relevant information was considered during the assessment of your support needs and ensure that you were treated fairly when a decision was made.

The result of the Review will be sent to you in writing by the responding manager.

**Stage Two – Independent Review:**

If you are not happy with the result of the stage one review decision you may wish to take your appeal to the next step, this must be done within **10 working days**. The Complaints and Compliments Service will be your initial point of contact. You will need to explain why you are not happy with the result of the review at stage one.

The Independent Review will take place within **30 working days** of the request being received.

An independent manager will be asked to undertake a review of your case. This is a Manager who is Independent of the team who is responsible for your care and has not been involved in any decisions about your care to date. They will make contact with you and any other interested parties to understand your appeal.

Their role is to consider all of the evidence available to assess whether the decision has been reached fairly and in accordance with Local and national guidelines.

The result of this investigation will be sent in writing to you by the Independent Reviewing Manager.

**Stage Three – Council’s Final Decision**

This is where the local authority makes a decision considering the Independent reviewer’s recommendations.

The Independent Reviewers outcome and recommendations will be shared with a senior manager for their review and sign off. The senior manager will send you a final decision summary within 30 working days of your request to escalate your appeal. The senior managers response will detail any adjustments or changes that are required to your care and / or financial arrangements.
This is the final stage of the appeals procedure. However, if following the above reviews being completed, should you still remain unhappy then you may approach the Local Government and Social Care Ombudsman Service to consider your case:

The Local Government & Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

Tel: 0300 061 0614 OR visit www.lgo.org.uk for more information and to complete an online complaint form.

This information can be made available in other languages and formats upon request, such as large print, Braille, and audio.

For more information contact the Complaints and Compliments Service, Northamptonshire County Council, Area W6, One Angel Square, Northampton NN1 1DN. Telephone: 01604 363436 or email complaints@northamptonshire.gov.uk

Links to Resources:

Contact us online
- Web form

Telephone us
- 01604 363436

Write to us
The Complaints and Compliments Team Service
Northamptonshire County Council
One Angel Square
Northampton
NN1 1ED

complaints@northamptonshire.gov.uk

For the purpose of this procedure an Independent Manager may mean a Team Manager, Principal Care Manager or Care Manager.