

How to appeal decisions for services

What is an appeal?

An appeal is a request to reconsider a decision taken by Torfaen Adult Social Care Services in relation to the outcome of the assessment or review.

The aim of the procedure is to ensure that appeals are dealt with fairly, efficiently, effectively and within an open and transparent process.

Who can appeal?

An appeal may be made by the person with or without support; or the appeal may be made on an individual's behalf by someone else: a family member, a friend, or anyone who has the consent of the person (if they have capacity to consent), or who are doing so in their interest (if they lack capacity). 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. They are eligible to appeal in relation to the following:

- Eligibility – the decision about whether a person is eligible to receive care and support through the local authority's "what matters" Individual Assessment process
- Assessment – the process and outcome of the professional assessment undertaken to determine eligible needs.
- Review – the process of determining whether a person continues to meet this local authority's "what matters" Individual Assessment process for care and support intervention.
- Support planning – the level of choice

and control the person has about how the outcomes in their support plan are to be met, including how they were supported throughout this process.

- Direct payments – the amount of money allocated to the person to achieve the outcomes set out in their support plan.

Timescale

- The appeal must be lodged within 10 working days of the individual receiving notification of the decision made by Torfaen Adult Social Care Services.
- Torfaen Social Care Services will have discretion to accept an appeal outside of 10 working days if circumstances have prevented the individual from raising an appeal. However an appeal will not be accepted if the issue or event being appealed against took place over 12 months previously.

Appeals process

- In the first instance, an individual or a person acting on their behalf may appeal to the Group Manager by letter, phone or email. Alternatively they may decide to phone, write or email the Business Support Team:

Torfaen Social Care and Housing
Civic Centre
Pontypool, Torfaen
NP4 6YB
Tel: 01495 761608

socialcareCallTorfaen@torfaen.gov.uk

There are two stages within the appeals procedure:

Stage 1

An appeal at Stage 1 needs to be dealt with by a Group Manager responsible for overseeing your case.

You must make your appeal within 10 working days of the date you received the decision relating to the assessment or review or from the date of the incident or matter you wish to appeal against.

You need to clearly identify the issues of the appeal and the outcome you are seeking.

We will acknowledge receipt of the appeal within 5 working days of receiving it.

You may be offered an advocate to support you in relation to the appeal.

The timescale for us to consider your appeal is 10 working days from the day the request is received.

The Group Manager will review relevant records and take full account of the details provided by you. They will then decide whether they need to meet with you or whether they have sufficient information to proceed without doing so.

The Group Manager will write to you with the outcome within 10 working days from the date we considered your appeal. They will advise you at that time that if you remain dissatisfied with the outcome of the appeal at Stage 1, you can request matters to proceed to the second stage of the appeals procedure.

Stage 2

You or your representative will need to make a request in writing to proceed to Stage 2. This should be within 10 working days from the date of receiving the Stage 1 appeal letter.

You should set out why you are appealing the outcome at Stage 1. You can attach written details setting out the reasons why you remain dissatisfied.

The Head of Adults Services will convene a panel of appropriate Senior Colleagues who will review the case at Stage 2, and must be provided with all relevant records including the Stage 1 review letter that was sent to you. They must write to you within 10 working days of receiving the appeal.

The Head of Adults Services will have discretion to involve others in their deliberations if deemed necessary. In addition, they may decide that a meeting with you or an advocate may be helpful.

This concludes the appeals process. Should you remain dissatisfied with the outcome of the appeal you will have the right to approach the Local Government Ombudsman. You should do so within 12 months of the conclusion of the appeal process.