

# **ANGUS COUNCIL ADOPTION & PERMANENCE PANEL AND FOSTERING PANEL APPEAL PROCEDURE**

## **INTRODUCTION**

Under the Social Work (Scotland) Act 1968 and the Social Work (Representation Procedure)(Scotland) Directions 1996, children, their parents, foster carers and adopters or prospective foster carers and adopters, have the right to make representations, including complaints, concerning the local authorities discharge or failure to discharge any of their legal functions.

In respect of children and their parents, the appropriate route for complaint regarding the service they have received will be through the Angus Council Complaints Procedure. In addition, parents have the right to contest legal proceedings either at Children's Hearings or in Courts.

If carers or applicants are dissatisfied with the decision by the Agency Decision Making following the Adoption or Fostering Panel they may wish to lodge an appeal.

## **PROCESS**

- 1 The carers/ applicants shall write to the Director of Social Work and Health stating the basis of their appeal within 20 working days of being advised in writing of the agency decision.
- 2 If the Director is satisfied the appeal should be upheld, he or she will be able to decide the matter on the basis of the original recommendation and decision and a written representation from the Appellant. Alternatively, the Director may consider it appropriate to convene an Appeal Panel to consider the matter. In this case the Director will ask the Complaints Officer to convene such a panel on his/ her behalf.
- 3 The Appeal Panel will consist of three suitably qualified and experienced members, none of whom has been involved in the original consideration leading to the agency decision. At least one of the members will be from an external agency. One of the members will be appointed as Chair.
- 4 The Complaints Officer will write to panel members confirming their appointment and explaining their remit.
- 5 The Complaints Officer will write to the Appellant, and the Agency Decision Maker within 20 working days of receipt of the written appeal advising of a proposed date for the Appeal Panel and where this is to be convened. The date for the Appeal Panel will be set within a further period of 20 working days from the date of this letter.

- 6 The Appellant will be sent a copy of the papers that were considered by the Agency Decision Maker when making his/her decision.
- 7 The Appellant and the Agency Decision Maker will be asked to advise the Complaints Officer of any other persons or representatives that they wish to call or papers they wish to lodge for consideration by the appeal panel. This information should be received no later than ten days prior to the appeal hearing.
- 8 The complaints officer will ensure that all papers are distributed to panel members and other relevant parties as soon as practical but in any event in no less than five working days prior to the Hearing.
- 9 All parties to the appeal will be advised in advance of the process to be followed during the appeal.
- 10 The person who chaired the Adoption or Fostering Panel in respect of which the appeal relates shall be invited to attend the appeal hearing.
- 11 The Appeal Panel may adjourn proceedings to another suitable date not more than 15 working days from the date of the original hearing, if it requires further information or advice or if the Appellant or the Agency Decision Maker or any other party for either of them cannot, due to exceptional circumstances, be present at the hearing and it is reasonable that the hearing should be adjourned.
- 12 If for any reason there is an unavoidable delay, the Complaints Officer will contact the Appellant to agree a new timescale for the hearing.
- 10 The Chair of the Appeal Panel will submit a written report of the hearing to the Director of Social Work and Health within 20 working days of hearing the evidence. The panel will either recommend that the Agency Decision Maker's decision is upheld, not upheld, or upheld in part. The Director may, if the appeal is upheld or upheld in part, determine that the matter is referred back to the Adoption or Fostering Panel for reconsideration and then through the normal process back to the Agency Decision Maker.
- 11 There is no further right of appeal following the decision of the Director of Social Work and Health.
- 12 The Director will advise that Appellant, the Agency Decision Maker, the Chair of the Panel, and the appeal panel members of the decision in writing within 10 working days of receiving the report from the appeal panel.
- 13 The Complaints Officer will send all papers relating to the appeal to the Panel Coordinator. The Panel Coordinator will convene an Adoption or Fostering Panel within 20 working days to reconsider the case if this is the decision of the Director.