



# Child Protection Appeals Protocol

Appeals procedure for the operation of Child Protection Conferences and decisions about children being made the subject of a Child Protection Plan

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## Document Control

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## Introduction

The London Child Protection Procedures (2020) require that each safeguarding partnership and other agencies should have a local protocol in place with a policy and procedure to address professional disagreements and dissent about the outcome of child protection conferences.

### **This protocol outlines:**

- i. When an appeal can be made about the management of child protection conferences and their decisions.
- ii. Who can appeal?
- iii. How such appeals are to be resolved
- iv. How other complaints about the management of child protection cases should be dealt with.

## 1. When an appeal can be made:

An appeal can be made on the following grounds:

- i. That the criteria for the decision that the child should have a Child Protection Plan were not met
- ii. That the criteria for the decision that the child should continue to have a Child Protection Plan were not met
- iii. That the criteria for the decision that the Child Protection Plan should be discontinued were not met; and/or
- iv. That the information on which the conference decision was based proved substantially incorrect.

## 2. Who can appeal:

- i. Children/young people, parents, carers and advocates (if they are representing and attending the Conference with, or on behalf of a person in the above category) who are the subject of conferences.
- ii. Any professional who attends the conference who has formally dissented at the conference.

## 3. How to appeal:

Anyone who wishes to appeal the decisions of a child protection conference should put this request in writing and address it to the Team Manager, Child Protection Chairs, the Quality Assurance Service via [CPRIS@lambeth.gov.uk](mailto:CPRIS@lambeth.gov.uk) . The appeal must be made within 10 days after the Child Protection Conference was held.

## 4. What happens next:

On receipt of a written request of the appeal, the Team Manager, Child Protection Chairs, Safeguarding and Quality Assurance Service will:

- i. Acknowledge the receipt of the complaint in writing in 3 working days and outline the next steps
- ii. Where necessary, contact the complainant to clarify that s/he understands the basis on which the appeal is being made.

- iii. Will inform Lambeth Complaints team and if there are issues which fall outside of these procedures this should be directed through the appropriate channel.

## 5. Appeal Stages:

### Stage 1 – Informal Stage

The informal stage is to work towards resolving issues arising. Either a full written response or a meeting should be arranged within 10 working days.

If a meeting is progressed this will be attended by the Complainant, the Child Protection Chair and the Team Manager, Child Protection Chairs. The Team Manager will provide a written summary of the concerns raised and any resolutions agreed within 28 working days of the meeting being held, this will include the complainant's right to move to Stage 2 of the appeals, if they remain dissatisfied.

The Local Authority Complaints Officer and the Service Manager for Safeguarding and Quality Assurance will be informed of the outcome of Stage 1 and also receive a copy of this letter.

### Stage 2 – Formal Stage

The Team Manager, Child Protection Chairs, Safeguarding and Quality Assurance Service will determine whether the appeal is upheld. The complainant will receive written notification of the decision within 5 working days of the receipt of the complaint.

The possible outcome of the Appeal is either **not upheld** or **upheld**.

If the appeal is upheld, the Child Protection Conference will be reconvened within 15 working days of the outcome of Stage 1 to reconsider the decision initially made. A different CP Chair will be allocated to chair the re-convened conference. The reconvened conference does not assume that the outcome will change but allows for a further multi agency consideration of whether the child is at continuing risk of significant harm. The CP Appeals process then ends.

If the Appeal is not upheld, the Safeguarding and Quality Assurance Service will take no further action. The complainant has access to Stage 2 of the procedure should they wish to appeal the outcome of Stage 1.

### Stage 2 – Formal Stage

If the complainant disagrees with the outcome of **Stage 1** and wants the decision of the conference to be reviewed; the complainant must write to the Team Manager, Child Protection Chairs, Safeguarding and Quality Assurance Service; within 3 days having received the outcome of Stage 1.

### Stage 2 – Formal Stage

Following the above, the Service Manager, Safeguarding and Quality Assurance Service will:

- i. Acknowledge the receipt of the complaint in writing in 24 hours
- ii. A Complaint Meeting at Stage 2 should be arranged and held within 28 days to attempt to resolve the areas of concern.
- iii. The following will be considered at the complaints meeting:
  - a. Reports submitted to the Child Protection Conference
  - b. Correspondence re complaint at Stage 1.

The focus of the meeting should still aim to address areas of dissatisfaction and to resolve matters. Following the meeting the complainant should receive a letter to confirm what was agreed and to advise the complainant of their right to move to Stage 3 within 28 days, if they are still dissatisfied.

The CSC complaints team need to be informed of the Stage 2 and be provided a copy of the outcome of the Stage 2 appeal that is sent to the person undertaking the appeal.

### Stage 3 – The Appeal Panel

If the complainant disagrees with the outcome of **Stage 2** and wants the decision of the conference to be reviewed; the complainant must write to the Service Manager, Quality Assurance Service; within 3 days having received the outcome of Stage 2.

The Local Safeguarding Children Partnership Business Manager should also be informed if the complainant wishes to progress to an Appeal Panel

#### **The Multi-Agency Appeal Panel will comprise the following members:**

The Chair of the Panel will be a senior manager from the Safeguarding Children Partner agencies and at least two senior representatives from Safeguarding Children Partnership agencies, none of whom have previous or present direct line management responsibility for the case in question. At present this will include a Service Manager from CSC, a health representative, police representative, and education representative.

The Multi-Agency panel will undertake the following:

- i. Arrange an appeal panel within 15 days of the escalation to Stage 3.
- ii. Consider the bundle of documents to the Multi-Agency Senior Managers Appeal Panel. The bundle of documents will include all the individual reports that were submitted to the Child Protection Conference together with the conference record and Chair's summary; the last Single Assessment completed, Safety Plan and any other documents/ records reviewed at Stage 1
- iii. The complainant will receive written notification of the Stage 3 panel outcome within 5 working days of the panel being held. The panel chair will write and send the outcome and the minutes from meeting to the complainant.  
  
If a reconvened Child Protection Conference is recommended – the above also needs to be provided to the multi-agency network that attends the reconvened conference
- iv. To communicate any specific concerns and recommendations relating to practice or procedure on the part of any LSCP agency relevant Board member.

The Panel may make one or more of the following decisions based on a majority view:

- That Child Protection Conference procedures were followed correctly;
- That Child Protection Conference procedures were not followed correctly and recommend how to remedy this;
- To support the original Child Protection Conference decision;
- Recommend Child Protection Conference is reconvened with the same or different conference chair, to reconsider a recommendation regarding decision that the child should be or continue to be, subject to a Child Protection Plan and the category of Significant Harm on which such decision is based;
- To decide they have insufficient information to make a decision and set out a timescale for completing the task and set a date for a further panel;
- To decide whether there are any learning points for a specific agency;

N.B. The Panel **does not** have the authority to reverse a Conference decision.

If a reconvened conference is recommended. This should be arranged within 15 days of the panel recommendations being shared.

#### **Further Challenge:**

A complainant / appellant who continues to be dissatisfied with the outcome of the above process could pursue their grievance via the [Local Government and Social Care Ombudsman](#) or choose to seek legal advice about remedies such as judicial review.