

## Section 8 – Appeals and Complaints

All parties involved in the safeguarding process have a right to be listened to and have their concerns heard.

This section sets out who can make an appeal regarding the outcome of a safeguarding enquiry and when a response under the complaint process should be considered.

It is important that agencies learn from appeals and complaints, and, where necessary, use them to identify where improvements can be made.

### Appeals

- 8.1 An appeal is where a person seeks a review of the outcome of a safeguarding enquiry completed under the Staffordshire and Stoke-on-Trent Adult Safeguarding Procedures.
- 8.2 An appeal can be made by a person who has been directly involved in a safeguarding enquiry under Section 42 of the Care Act if they feel the process has been undertaken unfairly or that the outcomes have been reached inappropriately.
- 8.3 The request must be made in writing within 20 working days of the person being informed of the outcome of the enquiry. The request should be sent to the Local Authority that completed the enquiry. Reasonable adjustments can be made where necessary.

**Staffordshire County Council –**

**[complaints&customerfeedback@staffordshire.gov.uk](mailto:complaints&customerfeedback@staffordshire.gov.uk)**

**Stoke-on-Trent City Council – [adult.safeguarding@stoke.gov.uk](mailto:adult.safeguarding@stoke.gov.uk)**

- 8.4 The request must make clear the area of disagreement and why it is believed that the enquiry process has not been fairly applied.
- 8.5 The request will be considered by a senior manager and a decision will be made as to the next steps.
- 8.6 An appeal may proceed if the senior manager believes that any of the following apply:
  - Significant information has been overlooked or disregarded in the course of the enquiry.
  - Key individuals were not consulted or able to give their views.

- There were failings in the conduct of enquires or meetings that adversely affected the outcomes.

8.7 In these circumstances the manager may, for example:

- Review the content of the enquiry and any supporting documentation.
- Request further enquiries are completed.
- Request an Enquiry Review Meeting is arranged to consider the issues (refer to Section 4 for more information).

8.8 If the request for an appeal is accepted, the senior manager should provide the applicant with an estimated timescale in which a response will be provided.

8.9 The response should be provided in writing unless an alternative method of communication is agreed with the applicant.

8.10 If the appeal has not been made by the adult or their representative, they should be advised that an appeal has been requested from another party directly involved in the enquiry process.

8.11 The adult and/or their representative should be advised of the outcome of any appeal.

8.12 The outcome of an appeal should be recorded on the relevant Local Authority's electronic recording systems.

8.13 Any learning from an appeal or complaint should be shared with all appropriate parties and in accordance with the agency requirements.

8.14 If the request an appeal for this is not accepted, the Senior Manager should provide the applicant with a rationale and make them aware of the complaints process where necessary.

8.15 These arrangements are without prejudice to any subsequent complaints process that may occur under the statutory system applicable to Local Authorities and other statutory agencies.

## **Criminal Investigations**

8.16 Individuals who have been identified as a source of risk are reminded that if the matter is the subject of a criminal investigation any interviews will be completed by the Police.

8.17 Nothing directly connected with an alleged offence should be discussed with the parties without prior discussion with the police, as

this may affect the quality of any evidence and could adversely affect the prospects of gaining a prosecution.

- 8.18 A delay in contact pending a Police investigation would not be accepted as grounds to appeal.
- 8.19 If any party has concerns relating a Police investigation, these should be directed to the relevant Police force.

## **Complaints**

- 8.20 The appeals process should be used if you have been directly involved in the safeguarding process and feel the process has been undertaken unfairly or that the outcomes have been reached inappropriately. Any other concerns should be raised as a complaint.
- 8.21 Complaints about adult social care fall under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
- 8.22 If the Local Authority is unable to address your complaint under the adult's statutory complaints procedure the informant will be advised of this. If necessary, the informant will be provided with further advice or signposted to the most appropriate organisation.
- 8.23 There are different processes for raising an appeal or complaint in each local authority area. Refer to the relevant local authority website for further information.

Staffordshire County Council - [Comments, compliments and complaints - Staffordshire County Council](#)

Stoke-on-Trent City Council - [Comment on a council service | Comment on a council service | Stoke-on-Trent](#)

## **Adult and/or their representative**

- 8.24 The adult who is experiencing, or is at risk of, abuse or neglect (or their representative) has grounds for making a complaint if they are unhappy with the way in which they have been treated during the safeguarding process.
- 8.25 If the adult (or their representative) feels that they have been treated unfairly or that outcomes have been reached inappropriately, there may also be grounds for an appeal (see above).

- 8.26 If the adult and or their representative remains dissatisfied with the outcome of the complaint, they should contact the Local Government and Social Care Ombudsman as to what further options are available to them (<https://www.lgo.org.uk/>).

**Any other party**

- 8.27 Any other party wishing to make a complaint about the safeguarding process should refer to the relevant Local Authority website for further information.
- 8.28 If the Local Authority complaints team is unable to address your complaint under the adult's statutory complaints procedure then you will be informed of this.
- 8.29 If necessary, the Local Authority will provide you with further advice, allocate to an alternative procedure or signpost you to the most appropriate organisation.
- 8.30 If the complaint is about another organisation or agency, please refer directly to their website for guidance on how to make a complaint.