

## Freedom of information request NCC-036564-18

Thank you for your recent freedom of information request for ease I have provided our response alongside each point raised as follows:

1. Is there an **appeals process\*** in place for when a service user (or their representative) disagrees with an assessment of their care and support needs or changes made to a package of care?

**\* We are defining an *appeals process* as including the best practice set out in the Care Act 2014 under section 72: Part 1 appeals:**

- (a) Who may (and may not) bring an appeal;
- (b) Grounds on which an appeal may be brought;
- (c) pre-conditions for bringing an appeal;
- (d) How an appeal is to be brought and dealt with (including time limits);
- (e) Who is to consider an appeal;
- (f) Matters to be taken into account (and disregarded) by the person or body considering an appeal;
- (g) Powers of the person or body deciding an appeal;
- (h) What action is to be taken by a local authority as a result of an appeal decision;
- (i) Providing information about the right to bring an appeal, appeal procedures and other sources of information and advice;
- (j) Representation and support for an individual bringing or otherwise involved in an appeal;
- (k) Investigations into things done or not done by a person or body with power to consider an appeal.

**Yes  If "Yes" please answer questions 2 to 4**

The Council has a complaints process for people to use if they are unhappy about any aspect of the social care process, including the assessment or changes made to a care package please see the following link on Nottinghamshire County Council website: [Social care complaints | Nottinghamshire County Council](#) .

Once we have completed our complaints process, and if the complainant remains dissatisfied they may contact the Local Government Ombudsman by writing to: Local Government Ombudsman PO Box 4771 Coventry CV4 0EH

**No  If "No" please answer i to iii**

- i. What is the total number of occasions where a service user (or their representative) disagreed with an assessment of their care and support needs or changes made to their package of care? **Please provide information from the most recent complete year of data you have**
  - ii. What proportion of these disagreements were accepted by your Local Authority? **Please provide information from the most recent complete year of data you have**
  - iii. How do you respond to disagreements that have been raised by service users (or their representatives) when they have disagreed with an assessment of their needs or changes made to a package of care?
2. What other sources of national guidance or legislation helped inform and define your appeals process? **Please provide sources for this information, such as links or copies**

The process is compliant with the Care Act 2014 and associated statutory guidance the following links may be of information to you:

<https://www.nottinghamshire.gov.uk/media/121193/haveyoursayeasyread.pdf>

<https://www.nottinghamshire.gov.uk/media/1428/201504careandsupportassessmentfactsheet1.pdf>

<https://www.nottinghamshire.gov.uk/media/1429/the-care-and-support-eligibility-criteria-regulations-2015-factsheet-230415-1.pdf>

<https://www.nottinghamshire.gov.uk/media/129303/adult-social-care-strategy.pdf>

<https://www.nottinghamshire.gov.uk/care/adult-social-care/advocacy>

3. What time limit do you set to resolve appeals?

In most cases the Council will aim to respond to complaints within 20 working days of receiving the complaint.

**Should answering question 4 exceed the 'appropriate limit' under the FOI Act please prioritise questions 1 to 3 with regards to a response.**

4.

- i. What is the total number of occasions where a service user (or their representative) appealed an assessment of their care and support needs or changes made to their package of care? ***Please provide information from the most recent complete year of data you have***

Over the last 12 months to date there have been more than 2.485 complaints received by the Council's Complaints and Information Team in relation to adult social care. These are formal recorded complaints. In the first instance most people will make contact with the worker/Team Manager for the team that has undertaken their assessment or review if they are unhappy with any elements of this. Every effort would be made to resolve issues at this stage. If the individual is not happy with the outcome of this, they would be referred to the Complaints and Information Team. It is not possible within the timescales to interrogate every complaint record to identify if the complaint relates to an assessment of care and support needs or changes to people's packages of care.

- ii. What proportion of these disagreements were accepted by your Local Authority? ***Please provide information from the most recent complete year of data you have***

Over the last 12 months to date there have been in excess of 2.485 complaints received by the Council's Complaints and Information Team in relation to adult social care. It is not possible within the timescales to interrogate every complaint record to identify if it the complaint relates to an assessment of care and support needs or changes to people's packages of care.

I trust the above information is of assistance to you.

If you wish to raise any concerns about the way your request was dealt with, then please write to the Team Manager, Complaints and Information, County Hall, West Bridgford, Nottingham, NG2 7QP or e-mail [foi@nottsc.gov.uk](mailto:foi@nottsc.gov.uk) quoting the reference number above.

With kind regards

Lorraine Hayes  
Complaints Information & Mediation Officer  
Complaints & Information Team  
Chief Executives Department  
Nottinghamshire County Council  
West Bridgford  
Nottingham  
NG2 7QP  
0115 97 72788