**Terms of Reference for the Community Care Appeal Panel**

1. **PURPOSE**

The Appeal Panel (the Panel) is established to consider appeals from service users or their representatives (hereafter referred to as ‘appellants’) against charges, formal complaints relating to charging, Risk and Quality decisions to ensure law and policies are applied correctly and exercise discretion for exceptional circumstances.

1. **CONSTITUTION**

These terms of reference set out the Panel membership, remit and responsibilities. The Panel is authorised by the Financial Programme Board to act within its terms of reference.

1. **MEMBERSHIP**

The membership shall consist of:

* Chief Finance Officer (CFO), NEL CCG (Chair)
* Expert Advisor on the Financial Charging Policy, or designate
* Two (2) members of focus (Adult Social Care)
* One (1) member of the Customer Care Team

The Panel shall co-opt attendance as required to transact business.

The chair will preside at all meetings and members are expected to attend. In the event that a member is not able to attend, a named deputy should be agreed with the chair.

A quorum will consist of at least four (4) members including;

* One (1) representative from the CCG (CFO)
* Expert Advisor on Financial Charging Policy, or designate
* One (1) member of focus (Adult Social Care)
* One (1) member of the Customer Care Team

1. **FREQUENCY OF MEETINGS**

Meetings will be held every four (4) weeks unless there are no appeals to consider. The Customer Care Team will organize the meetings, take minutes and communicate Panel decisions, verbally and/or in writing, to appellants.

1. **AGENDA**

Appeals that arrive with the Customer Care Team 2 week prior to the next Appeals meeting with will be heard. Anything after this date will be included on the following month’s agenda.

The agenda will be agreed with the chair seven (7) working days before the meeting and circulated no later than five (5) working days before the meeting.

Evidence from both focus CIC and the appellant (via the Customer Care Team) must be provided in advance of the meeting using the standard template to enable the Panel to reach an informed decision.

1. **AUTHORITY**

The Panel is authorised by the Financial Programme Board to investigate any activity within its Terms of Reference.

All members and employees of focus CIC / NEL CCG are directed to cooperate with any request made by the Panel.

The Panel is authorised by the Financial Programme Board to obtain outside legal or other independent professional advice if it considers this necessary.

1. **DUTIES AND RESPONSIBILITY**

The Panel shall receive appeals from:-

* appellants
* the Risk and Quality Panel about their decisions
* complainants who have made a charging complaint and wish for their complaint outcome to be reviewed

For all appeals received, the Panel will:-

* Review evidence from both appellants and focus CIC to ensure fair and consistent decisions are made
* Aim to make a decision on individual appeals within 3 months unless there are exceptional circumstances. If appellants do not provide requested information within three (3) months the appeal will be closed
* Ensure that appellants’ comments are captured and fed back to service areas to inform changes in service provision and to improve service user/carer experience.
* Decide, what (if any) lessons have been learnt e.g. flaws/ omissions in current process and/ or practice and agree any actions arising from lessons learned e.g. identified changes to process/ practice; who will lead on this within what timescales.
* Ensure that a decision letter is sent to the appellant within ten (10) working days of the Panel meeting date.

A quarterly report will be produced for the Financial Programme Board and the Delivery Assurance Committee, which will include:-

* Number of appeals heard
* Reason for appeal
* Decision made, including value of any debt written off / payments as a gesture of goodwill
* Lessons learnt and any actions being taken and will be reported back through the Contract Leads.

1. **PANEL REVIEW (ESCALATION PROCESS)**

If the appellant indicates they are dissatisfied with the outcome of the Panel decision the appeal will be presented to the Panel Review Meeting, who will consider whether or not an informed decision was made based on due process after taking into account all appropriate evidence.

The membership shall consist of, at least:

• One member of the Appeals Panel

• The CCG Chief Operating Officer

The decision of the Panel Review is final; if the appellant wishes to appeal further then this can only be done via the Ombudsman.

1. **DECLARATION OF INTEREST**

If any member has an interest, monetary or otherwise, he or she will declare that interest as soon as possible and not participate in the discussion. The declaration must be recorded in the notes. The chair may take a view that the member should withdraw from the Panel until the Panel consideration is complete. There would be no right of appeal against that decision.

1. **BUSINESS CONDUCT**

* All members to have must read papers before the meeting and contribute to the discussion and decisions of the Panel.
* All members have an equal voice. The chair will facilitate active participation of all members but in the event of a divided committee view, the chair will take a decision.
* Members are expected to arrive on time and participate in the full meeting.
* Members, including co-opted attendees, shall maintain the confidentiality of the subject matter and not disclose any information to a third party without authorization of the chair.
* Unless members are on call, mobile telephones should be switched off during meetings.

1. **DATE OF AGREEMENT FOR TERMS OF REFERENCE AND DATE OF NEXT REVIEW**

These Terms of Reference are subject to annual review – the next review will be in September 2021.

1. **DATE OF TERMS OF REFERENCE RATIFICATION BY REPORTING COMMITTEE**

These Terms of Reference were ratified by the Financial Programme Board on the 10th December 18.