



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Appeals

72 Part 1 appeals

- (1) Regulations may make provision for appeals against decisions taken by a local authority in the exercise of functions under this Part in respect of an individual (including decisions taken before the coming into force of the first regulations made under this subsection).
- (2) The regulations may in particular make provision about—
 - (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.

Status: This is the original version (as it was originally enacted).

- (3) Provision about pre-conditions for bringing an appeal may require specified steps to have been taken before an appeal is brought.
- (4) Provision about how an appeal is to be dealt with may include provision for—
 - (a) the appeal to be treated as, or as part of, an appeal brought or complaint made under another procedure;
 - (b) the appeal to be considered with any such appeal or complaint.
- (5) Provision about who is to consider an appeal may include provision—
 - (a) establishing, or requiring or permitting the establishment of, a panel or other body to consider an appeal;
 - (b) requiring an appeal to be considered by, or by persons who include, persons with a specified description of expertise or experience.
- (6) Provision about representation and support for an individual may include provision applying any provision of or made under section 67, with or without modifications.
- (7) The regulations may make provision for—
 - (a) an appeal brought or complaint made under another procedure to be treated as, or as part of, an appeal brought under the regulations;
 - (b) an appeal brought or complaint made under another procedure to be considered with an appeal brought under the regulations;
 - (c) matters raised in an appeal brought under the regulations to be taken into account by the person or body considering an appeal brought or complaint made under another procedure.
- (8) The regulations may include provision conferring functions on a person or body established by or under an Act (including an Act passed after the passing of this Act); for that purpose, the regulations may amend, repeal, or revoke an enactment, or provide for an enactment to apply with specified modifications.
- (9) Regulations may make provision, in relation to a case where an appeal is brought under regulations under subsection (1)—
 - (a) for any provision of this Part to apply, for a specified period, as if a decision (“the interim decision”) differing from the decision appealed against had been made;
 - (b) as to what the terms of the interim decision are, or as to how and by whom they are to be determined;
 - (c) for financial adjustments to be made following a decision on the appeal.
- (10) The period specified under subsection (9)(a) may not begin earlier than the date on which the decision appealed against was made, or end later than the date on which the decision on the appeal takes effect.