

THE CARE TRIBUNAL

A Guide to the Appeals Process and Procedures

Contact Details from 27th April 2015

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THE CARE TRIBUNAL – A GUIDE TO THE APPEALS PROCESS AND PROCEDURES

1. INTRODUCTION

This booklet explains the Appeal process and procedures of the Care Tribunal. It is intended for individuals, and/or organisations, who wish to appeal to the Tribunal. The Tribunal deals with a variety of appeals against decisions made by various regulatory bodies. The range of appeals are listed at Annex 1.

2. THE TRIBUNAL, ITS CONSTITUTION AND MEMBERSHIP

The Care Tribunal is established under the Health and Personal Social Services (Quality, Improvement and Regulation) Northern Ireland Order, 2003. It deals with those appeals provided for under the legislation listed at Annex 1. The Tribunal's powers are limited to Northern Ireland.

The Tribunal is an independent judicial body set up under statute. The members of the Tribunal are appointed by the Lord Chancellor and the Department of Health Social Services and Public Safety (DHSSPS). Although the Tribunal is funded from taxes and the administrative support provided by civil servants, the Government cannot influence its decisions.

The Tribunal has a judicial head – known as the 'Chairman'. The Chairman is responsible for the legal management of the Tribunal and provides guidance on practice and procedure. His/her responsibilities are specified in the Regulations that set out the procedures of the Tribunal. The Care Tribunal Regulations can be accessed at the following Links: www.opsi.gov.uk/sr/sr2005/20050178.htm , http://www.opsi.gov.uk/sr/sr2006/nisr_20060342_en.pdf, http://www.opsi.gov.uk/sr/sr2008/nisr_20080249_en_1 http://www.opsi.gov.uk/sr/sr2009/nisr_20090042_en_1 .It is the Chairman's job to consider each appeal and to make any decisions or directions about the appeal before it comes to a Hearing.

Each Tribunal is convened to hear a particular appeal. Its membership comprises a legally qualified member who acts as the Chairman and 2 lay members who will have experience relevant to the specific appeal.

3. WHO CAN APPEAL TO THE TRIBUNAL AND ON WHAT GROUNDS?

Certain individuals, or organisations, concerned with the provision of care or education whose livelihood, or organisation, may have been affected by a particular decision of the relevant regulator can lodge an appeal with the Tribunal. The Tribunal deals with appeals from:

- individuals who work, or have worked with children, against a decision made by the DHSSPS or the Independent Safeguarding Authority (ISA) to include his/her name on the Disqualification from Working with Children (NI) list (the DWC list); or
- individuals who work, or have worked, with vulnerable adults, against a decision made by the DHSSPS or the ISA to include his/her name on the Disqualification from Working with Vulnerable Adults (NI) List (the DWVA list);
- individuals whom the Department of Education (DE) or the ISA has decided to prohibit from working with children;
- proprietors, prospective proprietors, managers and prospective managers of an “establishment” or “agency” as set out in Health and Personal Social Services (Quality Improvement Regulations) (Northern Ireland) Order 2003 against a decision of the Regulation and Improvement Authority (RQIA) in respect of their registration; and
- Social Workers and Social Care Workers against a decision of the Northern Ireland Social Care Council (NISCC) in respect of their registration.

The Tribunal can also consider applications from individuals who are the subject of a disqualification order issued by a court prohibiting them from working with children. Such applications can only be made after a qualifying period has elapsed¹.

More details about the decisions against which you can appeal are set out at Annex 2.

4. MAKING AN APPEAL

4.1 How to Appeal

If you wish to appeal you can complete the appropriate form provided with this booklet. Please provide **all** the information required. If you are unsure about completing any part of the form you can contact the Secretary to the Tribunal to receive guidance. Send the completed form to the address provided on the form. Annex 3 identifies the appropriate notice of appeal form to be used and provides guidance on the timescales by which you must lodge your appeal with the Secretary to the Care Tribunal.

4.2 When to Appeal

It is important that your appeal application is received within the statutory time limit. The timescale varies depending on the particular jurisdiction under which the Care Tribunal will hear your appeal. Please refer to Annex 3 for details.

¹ The Care Tribunal can only consider any such applications where the order has been in place for 5 years or more, if you were under the age of 18; or 10 years or more if you were aged 18 or over when the order was made.

4.3 Help with Appealing

Please phone the number at the front of this guide if you require help with the Appeal process. The Secretary to the Care Tribunal can guide you through the Appeal process. As an impartial body advice can not be given on how to present your case and/or what evidence you should give. You can also seek advice e.g. from the Citizens Advice Bureau, a law centre, a solicitor, a trade union or professional association. Some individuals may qualify for public funding. To find out if you would be eligible for public funding you should seek advice from a solicitor, the Citizens Advice Bureau or a law centre.

If you wish to seek help, do so immediately, to ensure you do not exceed the time limit for lodging an appeal.

You can get someone else to fill in the notice of appeal form, but you **must** sign it yourself. You can, if you wish, name a representative to whom all correspondence should be sent about your appeal. If you do this, please make sure the representative has agreed before submitting his/her details. If you later change your mind about having a representative please advise us without delay.

4.4 Withdrawal of Appeal

You can withdraw your appeal at any stage by writing to the Secretary of the Care Tribunal, at the address on the front of this guide, giving notice of your wish to withdraw. By withdrawing, the Chairman of the Care Tribunal will have to dismiss your appeal. This means the decision of the Respondent² will stand. You may also be ordered to pay the costs of the relevant Respondent in preparing its case, if the Chairman thinks that this is appropriate.

4.5 Arrangement if Appellant dies before Appeal is Heard

The Chairman may direct that the appeal be dismissed. He can, however, appoint someone to continue with the appeal should a relative or acquaintance wish to pursue it on the appellant's behalf.

4.6 On Receipt of Appeal by the Secretary to the Care Tribunal

When your appeal arrives with the Secretary to the Care Tribunal, written confirmation of its receipt will be sent to you. We will also copy your appeal and any papers you have sent with it to the Respondent in your case.

4.7 Changing the Reasons for Appeal

You can change the reasons you give in support of your appeal, or application, either before, or at the hearing, but only with consent of the Care Tribunal. Consent may be subject to certain conditions, such as a requirement that you are responsible for adding to the expenses of the Respondent in your case. The Respondent may also change the reasons it gives for opposing the appeal, but again only with the consent

² For the purposes of the work of the Care Tribunal, respondent means the body or regulator that made the decision against which you are appealing

of the Care Tribunal. If you want to change the reasons for your appeal before the hearing, write to the Secretary to the Care Tribunal, at the address on the front of this guide, explaining what changes you want to make and provide your reasons.

4.8 Response to Appeal by the Respondent

When the Respondent in your case receives a copy of your notice of appeal, it will tell us whether it opposes the appeal, and if so why. This will contain information about the decision and the Respondent's reasons for the decision. A copy of all material received will usually be sent immediately to you.

4.9 Further Information

We will, as appropriate, write to you asking you to provide the names and contact details of witnesses whose evidence you want the Care Tribunal to consider.

You will also be asked to provide a provisional estimate of the time you think you will need to present your case at a hearing and asked when you think you will be ready for the hearing. You may request a preliminary hearing if you consider that there are matters that need to be dealt with before you are ready for the full hearing.

We will also ask you if you want the Chairman to exercise any of the powers he/she has to help in the preparation of your case. This includes making orders to provide information or documents, to exclude specified evidence, to order the attendance of named witnesses, to restrict reporting or exclude the press or public from the hearing. We will send you a form on which you can set out your specific requests.

You will have to provide this information within a set time limit – usually 3 or 4 weeks from the date of receiving the request for information from the Secretary to the Care Tribunal. We will let you know when you must provide this further information when we write to you. Any additional information you provide will be copied to the Respondent.

Generally, at the same time as we ask you for more information, we will seek further information from the Respondent. We will copy all information received from the Respondent to you.

4.10 Changing Further Information Provided

Generally, an opportunity will be available to amend, or to add to any further information provided from either party but if you wish to amend or to add to anything you must do so within 5 working days of receipt.

4.11 Complying with an Order made by the Chairman

The Chairman may require you to take a specified step in connection with your appeal – e.g. to send in a copy of a particular document – and may order that if you do not comply within the specified time your appeal will be dismissed. This means that failing to comply may cause your appeal to end.

4.12 Striking out an Appeal

In looking at your appeal, if the Chairman thinks that your case has no reasonable chance of success, he/she will tell you so and warn you that if you continue with proceedings you might be required to pay the Respondent's costs (see Section 7. Cost Issues, Page 9). The Chairman can also strike out your appeal if he/she considers it frivolous or vexatious.

5. THE HEARING

5.1 Appeals Heard Together

Where two or more appeals relate to the same person, and where he/she considers it appropriate, the Chairman may order that the appeals be heard together. However, before making such an Order, he/she will give you and the Respondent an opportunity to comment on the matter. In making any Order, the Chairman will take into account your and the Respondent's views, the costs of hearing the appeals separately and any delay in hearing them together, or separately.

5.2 Oral or Paper Hearing

You may request that your appeal be decided without an oral hearing. If no oral hearing takes place, the Care Tribunal will decide your appeal on the basis of the written evidence which you and the Respondent provide. Your decision does not preclude attendance by the Respondent to give oral evidence.

5.3 Notice of and Venue for the Hearing

Appellants will generally be notified at least 20 working days in advance of the date, time and venue for the hearing.

Some hearings may take place near the usual address, or business address of the Applicant, if appropriate, if agreed by the Chairman. Use may also be made of video links.

5.4 Attendance at the Hearing

You do not have to attend the hearing. You can choose to be represented by someone else. By choosing not to attend you may be disadvantaged – for example, you will not be able to respond to, or advise your representative if you have one, about matters that may arise at the hearing.

5.5 Representation at the Hearing

You can be represented at the hearing by anyone you choose, whether a lawyer or not.

5.6 Services of an Interpreter or Signer

If you need an interpreter or signer, please let us know as soon as possible. We will arrange for one to be at the hearing.

5.7 Hearing in Public

Appeal hearings are normally held in public. That means that the press is usually entitled to attend. However, neither party, nor their witnesses, may photograph or record any of the proceedings. In exceptional cases, for example, where it is necessary to safeguard a child's welfare, or to protect someone's private life, or to preserve the anonymity of a service user, or to avoid injustice in other legal proceedings, you can ask that the hearing, or part of the hearing, be in private. You can do so by writing to the Chairman or, at the hearing, by asking the Chairman.

5.8 Giving Evidence

You can give evidence at the hearing on your own behalf, and you may call any adult to give evidence on your behalf; although the Chairman has the power to restrict the number of witnesses if the evidence does not appear to be relevant, or seems likely to be repetitive.

5.9 Children and Vulnerable Adults Giving Evidence

There are restrictions on children and vulnerable adults giving evidence. They can only appear as witnesses where it is essential, and then only if an application is made in advance. Special arrangements may be made for children and vulnerable adults to give evidence. In some cases the Care Tribunal may appoint a person with appropriate skills or experience in facilitating the giving of evidence by children and vulnerable adults. For the purposes of the giving of evidence at a Care Tribunal Hearing, a vulnerable adult is an adult who has a mental disorder or impairment or physical disorder which would affect his/her ability to give oral evidence.

5.10 Withholding of Medical Evidence

The Respondent can ask the Care Tribunal not to disclose to you the contents of any medical report held about you. In considering whether to grant this request, the Chairman may appoint someone to assess whether disclosure of the report might have an adverse effect on your wellbeing. If the Chairman considers that the report is relevant to the Respondent's case, but that disclosure would not be in your interests, the Care Tribunal may consider the report as part of its deliberations but direct that it should not be disclosed to you.

5.11 Witnesses who Refuse to Attend the Hearing

If someone is reluctant to appear at the hearing to give evidence you should write to us explaining why it is important for him/her to attend and how his/her evidence will be relevant. If the Chairman agrees he/she may require the witness to attend the hearing in which case, we will send you a summons addressed to the witness with a covering letter explaining what you need to do.

You will have to give or send the summons to the person concerned, giving him/her at least 5 days' notice of the date he/she has to attend unless they agree to a shorter period of notice.

You may also have to pay the witness any expenses incurred, if the Chairman decides you should do so. If a summoned witness does not attend where sufficient notice has been given and an undertaking to reimburse expenses made, he or she will be committing an offence. However, summoned witnesses can apply to the Chairman (in writing) to have the summons varied or set aside.

5.12 Preparation for the Hearing

The Secretary to the Care Tribunal usually prepares a Care Tribunal 'bundle' of papers that will include the support documents you sent and the documents sent by the Respondent. We will copy the 'bundle' and distribute it to the members of the Care Tribunal, the respondent and you. We aim to distribute the bundles at least 2 weeks before the date of the hearing.

However, the Chairman may sometimes require the Appellant and the Respondent to provide an appropriate number of copies of the papers they wish to present and he/she may also require that these papers be submitted in a specified order. He/she may also direct that you and the Respondent in your case exchange these papers.

The Chairman may direct that either you or the Respondent be allowed to inspect and take copies of the other party's papers and may require someone not involved in the Appeal to disclose documents in his/her possession.

5.13 Procedure at the Hearing

It is up to the Chairman to decide the order of proceedings and evidence, which he/she will explain at the beginning of the hearing. Whatever the details of the procedure, you will be given the opportunity to say why you think the decision of the Respondent in your case is wrong, and the Respondent will be given the opportunity to say why the decision was made.

Both parties have a chance to question every witness (with the possible exception of child and vulnerable adult witnesses where the Care Tribunal, in regulating its own procedure, may decide that the parties should not directly question the witness). The evidence must concentrate on the points that are in dispute in relation to the issues that the Care Tribunal has to decide.

When all the evidence has been heard, the parties have a chance to sum up. This is an opportunity to highlight what you see as important points that have already been made to the Care Tribunal. You cannot introduce anything new at this stage. The Care Tribunal will then retire to consider its decision.

5.14 Report of Hearing

Normally, everything said at a public hearing can be reported. However, in advance of the hearing the Chairman may make an Order restricting what can be reported, to prevent you, or a child or vulnerable adult, being identified. The Care Tribunal can also make a restricted reporting order at the hearing. If you want to request that the Chairman make a restricted reporting order you should write to the Chairman at the address given at the front of this guide, setting out your reasons.

6. THE DECISION

6.1 A Majority Decision

The decision does not have to be unanimous. Where the 3 members of the Care Tribunal cannot agree, the majority view will prevail.

6.2 Evidence Taken into Account in Deciding an Appeal

The Care Tribunal decides your appeal on the basis of the evidence which you and the Respondent submit and the comments which both of you make. If there is a hearing, this includes both the written evidence submitted in advance and the oral evidence given at the hearing. However, there may be occasions where information or evidence will not be admissible. For example, in the case of appeals against a decision by the Department of Education to prohibit working as a teacher or working with children, information or evidence that was not available to the Department of Education at the time it made its decision cannot be considered by the Care Tribunal.

The Care Tribunal will either find in your favour or direct that the appeal be dismissed. If your appeal is allowed, the Respondent's decision will be overturned.

The Care Tribunal, in some cases, may be minded to allow the appeal but impose conditions. This only applies to cases involving registration with a regulatory body. For example, the Care Tribunal may disagree with the regulatory body about cancellation of registration, but may impose certain registration conditions of its own.

6.3 Notification of the Care Tribunal's Decision

If there is an oral hearing, the Care Tribunal may announce its decision at the end of the hearing. However, this is not usual. The most common practice is that parties to the appeal are notified of the decision in writing. The written decision will normally be sent to you within 10 working days of the hearing and will include the reasons for the Care Tribunal's decision. Whether or not there is an oral hearing, you will be notified in writing of the decision.

6.4 Reconsideration of the Care Tribunal's Decision

There are some grounds under which the Tribunal may review and reconsider its decision. In most cases you can ask for a review if you think that a mistake by the Care Tribunal staff led to the wrong decision, or if you were not at the hearing for a

good reason, or there is a mistake on the face of the decision. You cannot ask for a review simply because you do not agree with the decision. The Care Tribunal itself can also decide to review its decision.

To ask for a review, write to us explaining in detail why you think the decision should be reviewed. There is a time limit for your request. We must receive your letter within 10 working days of the date the written decision was sent to you.

The Care Tribunal panel will consider whether the decision should be reviewed, unless the Chairman considers that your application has no reasonable prospect of success. If the panel considers that there is a reason why the decision should be reviewed there will be another hearing.

6.5 Appeal against a Decision of the Care Tribunal

The Care Tribunal's decision about the facts of the case is final. But if you, or the Respondent, think the Care Tribunal was wrong about the law, either of you can appeal against the decision to the High Court. There is a time limit for appealing. You must lodge an appeal within 28 days from the date that the decision was sent to you. A solicitor will be able to advise you about appealing. Some individuals may be entitled to public funding to help with the expense. To find out if you are eligible for public funding you should contact a solicitor, the Citizen's Advice Bureau or a law centre.

6.6 Written Decision made Public

All the Care Tribunal's decisions are made public, whether or not there is a hearing, except to the extent that it is necessary to hold any details back to comply with an order on restricted reporting. The full decisions will be published on the Care Tribunal's website. (<http://www.caretribunalni.gov.uk/>)

7. COSTS ISSUES

7.1 Costs of Appealing to the Care Tribunal

The Care Tribunal makes no charge for its services. However, if you choose to be professionally represented, or to call your own expert, you will be responsible for meeting these costs.

7.2 Help with the Cost of Appealing

Trade Unions and professional associations often provide a service to assist their members. Some people have legal expenses insurance that may meet or contribute towards the cost of appealing. Public funding may be available to some individuals for instructing a solicitor.

7.3 Liability to Pay the other Party's Costs

In some circumstances, the Care Tribunal can order you to pay all or some of the expenses incurred by the Respondent. This will only happen if the Care Tribunal thinks you acted unreasonably in bringing the appeal, if you persist with your case, after being told it might mean you would have to pay costs, or if you withdraw your appeal. You may also be ordered to make a payment as a condition of varying your reasons for appealing after the appeal has started. The sum you may be asked to pay in such circumstances will be a matter for the Care Tribunal Chairman to decide, but in doing so he/she will take into consideration your financial circumstances and the costs incurred by the Respondent in responding to your case.

If the Care Tribunal thinks that the Respondent has acted unreasonably in its conduct of the appeal proceedings, it can order the Respondent to make a payment towards your expenses.

7.4 Enforcement of Costs Order

If a party is ordered to pay expenses, but does not do so, the Order can be enforced by the other party in the same way as an Order of a County Court.

8. COMPLAINTS

8.1 Complaints about the Secretary or a Member of the Care Tribunal

If you have any complaints about the Secretary or the way in which your appeal is handled, you should write directly to the relevant Chair of the Care Tribunal c/o the Secretary to the Care Tribunal at the address given at the front of this guide. Complaints about any member of the Care Tribunal should be referred to the relevant Chairman at the same address. Please state the nature of your complaint and provide as much detail as possible.

If you have any queries about the contents of this booklet or are unsure about how to proceed with your appeal, you should contact the Secretary to the Care Tribunal at the address given at the front of this guide.

JURISDICTIONS OF THE CARE TRIBUNAL

APPEALS	LEGISLATION
<p>Decisions of the Department of Health, Social Services and Public Safety in respect of:</p> <ul style="list-style-type: none"> • Inclusion on the list of those considered unsuitable to work with children; 	<p>The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (Article 3).</p>
<p>Decisions of the Department of Education in respect of:</p> <ul style="list-style-type: none"> • The prohibition of individuals from teaching or working with children; 	<p>Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007.</p>
<p>Decisions of the Department of Health, Social Services and Public Safety in respect of:</p> <ul style="list-style-type: none"> • Inclusion on the list of those considered unsuitable to work with vulnerable adults. 	<p>The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (Article 35).</p>
<p>Decisions of the Independent Safeguarding Authority in respect of:</p> <ul style="list-style-type: none"> • Decisions to include an individual or not to remove an individual in the new barred list/s 	<p>The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007</p>
<p>Decisions of the Regulation and Improvement Authority (RQIA) in respect of:</p> <ul style="list-style-type: none"> • “establishments” and “agencies” as identified in the Health and Personal Social Services (Quality, Improvement and Regulation) (NI) Order 2003; • Refusal to waive disqualification to work in or otherwise be involved in the running of a children’s home. 	<p>The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (Section 22).</p> <p>The Children (Northern Ireland) Order 1995 as amended by the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (Section 78A).</p>

<p>Decisions of the Northern Ireland Social Care Council in respect of:</p> <ul style="list-style-type: none">• The registration of social workers;• The registration of social care workers.	<p>The Health and Social Services Act (Northern Ireland) 2001 (Section 15).</p>
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Decisions against which you can Appeal

➤ **Persons included on the Disqualification from Working with Children (DWC) (NI) List – decision by the Department of Health Social Services and Public Safety (DHSSPS)**

You can appeal to the Care Tribunal if:

- you have been included on the list of those considered unsuitable to work with children (the DWC (NI) List) by the DHSSPS; or
- you have had your application to the DHSSPS to remove your name from the list refused; or
- you have been provisionally included on the list for more than 9 months and the DHSSPS has not confirmed your permanent inclusion.

In the last two cases the right of appeal is not automatic. You first have to get permission from the Chairman of the Care Tribunal to appeal. If you want to appeal against a decision of the DHSSPS not to remove your name from the list, and you have applied for permission to appeal before, the Chairman will only consent to the appeal going ahead if new evidence relating to the initial incident, or your suitability, has come to light since your last application.

If the Chairman gives consent for your appeal, it will go ahead automatically – you will not have to send in a separate appeal application.

You will also be able to apply to the Care Tribunal to have your name removed from the DWC (NI) List on the grounds that your circumstances have changed since you were originally included on the list and that you are now suitable to work with children. However, you cannot make such an application until:

- you have been included on the list for 5 or more years, if included when you were aged under 18 years; or
- you have been included on the list for 10 or more years, if included when you were aged 18 years or over.

➤ **Persons included on the Disqualification from Working with Vulnerable Adults (DWVA) (NI) List (the DWVA list) – decision by the DHSSPS**

You can appeal to the Care Tribunal if:

- you have been included on the list of those considered unsuitable to work with vulnerable adults (the DWVA List) by the DHSSPS; or
- you have had your application to the DHSSPS to remove your name from the list refused; or

- you have been provisionally included on the list for more than 9 months and the DHSSPS has not confirmed your permanent inclusion.

In the last two cases, the right of appeal is not automatic. You first have to get permission from the Chairman of the Care Tribunal to appeal. If you want to appeal against a decision of the DHSSPS not to remove your name from the list, and you have applied for permission to appeal before, the Chairman will only consent to the appeal going ahead if new evidence relating to the initial incident, or your suitability, has come to light since your last application.

Note: If you are placed on the DWC list as a result of a referral to that list only (the primary listing) you may also be placed on the DWVA list (the secondary list) and vice versa. This is because the nature of the alleged misconduct is considered by the DHSSPS as to bring into question your suitability to work with any vulnerable person.

On appeal against the primary listing, if the Care Tribunal allows your appeal it will direct that your name be removed from both lists. However, if the Care Tribunal dismisses your appeal, your name will remain on both lists unless you have appealed against the primary AND the secondary listing.

➤ **Persons included on the Unsuitable Persons (UP) List and prohibited from teaching or working with children - decision by the Department of Education (DE)**

You can Appeal to the Care Tribunal if:

- you have been prohibited by the DE from teaching or working with children on the grounds that you are not suitable to work with children:

OR

- DE refused to revoke your prohibition on review.

You **cannot** appeal against an automatic prohibition. An automatic prohibition applies if:

- at any time since April 2006 you were found guilty of a serious criminal offence involving a child under 16 when you yourself were over the age of 18
- your prohibition is as a consequence of permanent inclusion on the DWC (NI) List
- your prohibition is a consequence of you being subject to a disqualification order issued by a court

➤ **Proprietors and managers of establishments and agencies – decision about registration by the Regulation and Quality Improvement Authority (RQIA)**

You can appeal to the Care Tribunal if:

- you are a proprietor, prospective proprietor, manager or prospective manager of an establishment or agency as defined in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and
 - your registration has either been refused, cancelled, varied or made subject to certain conditions; or
 - you have had a request to have the conditions of your registration refused; or
 - the RQIA has made any other decision about your registration with which you disagree.
- The RQIA has refused to waive your disqualification from carrying on or being involved in the management or finance of a children's home; or refused to waive the disqualification in respect of any person you wish to employ in a children's home of which you are the proprietor.

➤ **Social workers and social care workers – decision about entry on the Social Care Register by the Northern Ireland Social Care Council (NISCC)**

You can appeal to the Care Tribunal if:

- your registration on the relevant part of the register has been refused or cancelled; or
 - your registration has been made subject to conditions, or where conditions have been varied; or
 - your entry on the register has been removed, altered or restored;
 - you have been suspended from the register, or your application to have your suspension lifted has been refused.
- **Persons with a disqualification Order issued by a court prohibiting them from working with children – Order imposed by court during sentencing for relevant offence**

You cannot appeal to the Care Tribunal against the Order but you can apply to the Care Tribunal to have the Order revoked. However, the Care Tribunal can only consider any such applications where the Order has been in place for:

- 5 years or more, if made when you were under the age of 18; or
- 10 years or more if you were aged 18 or over when the Order was made.

Appeals by those barred by the ISA from working with children or vulnerable adults

The Care Tribunal decides appeals against decisions made by the Independent Safeguarding Authority (ISA) to bar individuals from working with children or vulnerable adults. Appeals can only be made on a point of law or on a finding of fact and applicants must first apply for leave to appeal. You should note that Article 8(3) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 provides that the decision whether or not it is appropriate for an individual to be included in a barred list is not a question of law or fact.

Barring Decision

The ISA will bar individuals from working with vulnerable groups by placing their name on the “Children’s List” and/or the “Adults’ List”.

Those already included on the Disqualification from Working with Children’s List, the Disqualification from Working with Vulnerable Adults’ List or the Unsuitable Persons List will, in most cases, automatically be placed on the new ISA Barred lists. Such individuals can only appeal against the ISA decision not to remove them from the new barred lists.

APPEAL FORMS AND TIME LIMITS IN WHICH TO SEND IN YOUR APPEAL APPLICATION TO THE TRIBUNAL

Individuals included on DWC list and/or the DWVA list	Appeal Form	Time limit for Appeal application
Appeal against Department of Health Social Services and Public Safety (DHSSPS) decision to include on list or refusal by the DHSSPS to remove from the list	DWC/ DWVA Appeal Form	3 months from first day following receipt of written notification of inclusion on the list.
Application in respect of inclusion where individual has been provisionally included for more than 9 months	DWC/DWVA Appeal Form	May apply any time after provisionally included for 9 months where decision on permanent inclusion has yet to be decided.
Prohibition from teaching or working with children		
Appeal against Department of Education's (DE) decision to prohibit from teaching or working with children or not to revoke an existing decision.	DE Appeal Form	3 months from the first day following receipt of written notification of prohibition.
Appeals against a decision of the ISA	APP/SVG	3 months from the First Day following receipt of a written notification of inclusion on list.
Proprietor/Manager of establishment or agency		
Appeal against refusal to register, cancellation of registration, imposition of or variation of conditions of registration.	App/A22	28 days from receipt of the written notification of the decision against which you are appealing.
Appeal against Justice of the Peace Order immediately cancelling registration.	App JP	28 days from service of the Order.
Social Workers and Social Care Workers		
Appeal against decision about entry on the Social Care Register as maintained by the Northern Ireland Social Care Council (NISCC).	NISCC Appeal Form	28 days from receipt of the written notification of the decision against which you are appealing.