Appealing the Director’s Decision

WHAT IS AN APPEAL?
Reports of abuse that have been investigated by a Protection for Persons in Care (PPC) investigator will result in a decision made by the PPC director. If a person does not agree or is unhappy with the director’s decision, they can appeal it. Submitting an appeal means asking an appeal panel to review the director’s decision.

WHAT IS AN APPEAL PANEL?
The appeal panel is made up of three people who are appointed by the Minister of Seniors and Community Supports, under the Protection for Persons in Care Act, to hear the appeal. The appeal panel is independent of the PPC office.

WHAT CAN BE APPEALED?
All parts of the director’s decision can be appealed, including:

1. whether the report of abuse is founded or unfounded;
2. the director’s approval or rejection of the investigator’s recommendations; and
3. the actions the director has stated that the service provider or individual involved must take to prevent the abuse of clients.

HOW DO I APPEAL?
To appeal, you must complete and submit a written Notice of Appeal within 15 days after being notified of the director’s decision. A Notice of Appeal form is available by calling the Appeals Secretariat office, the PPC office or by visiting www.seniors.alberta.ca/PPC. Or, you can submit a letter containing all of this information:

- your name
- your contact information, including address, telephone number, fax number and e-mail address, if applicable
- a brief description of the director’s decision you are appealing and the date the decision was made
- the date you received notification of the director’s decision
- your role in the report of abuse (i.e., are you the complainant, service provider, client or other individual involved?)
- the reasons for requesting the appeal
- the file number on the copy of the director’s decision that you received
- the date on which the notice of appeal is made
- your signature

Mail the form or your letter to the Appeals Secretariat (contact information on back). You can withdraw your appeal at any time by writing or calling the Appeals Secretariat.
ROLE OF THE APPEALS SECRETARIAT

When the Appeals Secretariat receives a notice of appeal, they open a file and confirm the details of the appeal. The Appeals Secretariat also schedules the hearing, arranges the location of the hearing, sends letters to inform the appeal panel and other people involved of the details of the hearing and if they must provide any more information.

WHO CAN APPEAL?

Only the following people can appeal the director’s decision, and if they do, they are called an “appellant.”

1. Complainant (the individual that reported the abuse).
2. Service provider (the individual or organization that provides care or support services to the client).
3. Client (the individual who was allegedly abused).
4. Individual involved (the person who allegedly abused a client or allegedly failed to prevent abuse of a client).

WHAT HAPPENS NEXT?

Submitting written information

Before the hearing happens, the appellants and the director must send in copies of any written information that they want the appeal panel to consider. A copy of everything is given to each appellant and the director. This is done to make sure that everyone discloses all information with each other. The date that everyone has to send in their information will be set by the Appeals Secretariat.

The Appeals Secretariat may arrange a preliminary meeting to clarify information before the hearing takes place.

The appeal hearing

All those involved must agree to the type of appeal hearing that will take place, and all will be notified of the final details by letter.

There are two types of hearings that can happen:

1. An oral hearing, where appellants attend a meeting in-person with the appeal panel, or
2. A meeting of the appeal panel, where they review the written materials submitted by the director and appellants.

What happens if I can’t make an in-person appeal hearing?

If an in-person hearing is set, and you can’t attend, you must tell the Appeals Secretariat. If you don’t, the appeal panel can go ahead with the hearing and make a decision in your absence.

Do I need to have a lawyer at an in-person appeal hearing?

Legal counsel is not required to be present at an appeal hearing. However, appellants and the director may have a lawyer present or may arrange for a lawyer to fully represent them.

When do I know the result?

Generally, the appeal panel issues a detailed written decision within two weeks of the hearing. A copy of the decision will be given to everyone involved.

The appeal panel’s decision is final. However, if a person does not feel the process was fair, they may apply for a judicial review to the Court of Queen’s Bench.
CONTACT INFORMATION

Appeals Secretariat
6th fl Centre West Building
10035 - 108 Street
Edmonton, AB
T5J 3E1

Phone: 780-427-2709

Fax: 780-422-1088

Protection for Persons in Care
Station M, Box 476
Edmonton, AB
T5J 2K1

Information and Reporting Line: 1-888-357-9339

www.seniors.alberta.ca/PPC

To view the Act online visit www.qp.alberta.ca

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