

# ESCALATION POLICY FOR CHILDREN SUBJECT TO CHILD PROTECTION PLANS And LOOKED AFTER CHILDREN

## CHILDREN SUBJECT TO A CHILD PROTECTION PLAN

The purpose of this procedure is to promote the welfare and safeguard children in receipt of a service from the London Borough of Bexley or another agency. The procedure outlines the escalation and dispute resolution process that should be followed when concerns about practice and/or the child's safety and progress are identified by the Child Protection Chair (CP Chair). This procedure covers all children and young people subject to a child protection plan.

### 1. Children subject to a child protection plan

Practice is governed by the London Child Protection Procedures which sets out how agencies and individuals should work together to safeguard and protect the welfare of children. The London Child Protection Procedures incorporate the government statutory guidance Working Together to Safeguard Children (DfES 2018). There is no specific responsibility on local authority's to have an escalation procedure for children subject to an initial and review conference, however it is regarded as good practice. Therefore this procedure states the expected practice and quality of service which will be provided to such children and their family.

### 2. What issues will be raised as an escalation by the CP Chair

The criteria for initiating an escalation are solely related to the needs of the child. Issues concerning resources, sickness or other organisational issues will not prevent the CP Chair from raising escalations. There are two main reasons an escalation maybe raised – the first being concerns regarding progression of a child protection plan. The second may be concerns regarding Social Work practice, which may include where the social worker has:

- a) Not adequately prepared for the child protection conference; (such as completing words and pictures with children and young people to obtain their views, wishes and feelings, explaining to parents/carers and the wider family the reason for a child protection conference being held, sharing the conference report with the child and their family 48 hours before the conference, arranging an interpreter and translation of documents in time for the conference).
- b) Not consulted with the child, their family and other agencies to help understand the context of the worries, exploring what level of effective help and support is most appropriate for their identified needs.

c) Demonstrated that the quality of recording does not explain the worries for the child, does not provide a balanced account of the child's experiences, provides incorrect information and the case records are not up to date.

d) Shown that timeliness is not being achieved in relation to responding to new worries, completing child protection visits, convening core group meetings, completing reports and the child protection plan is not progressing in the best interests of the child.

This may also include cases where the child or young person has raised concerns about the quality of the service they are receiving.

### **3. Complaints**

An escalation by a CP Chair does not exclude a child or another adult on the child's making a complaint using the council's complaints procedure. The CP Chair has a duty to inform children and their parents of their rights and assist in obtaining an advocate and/or legal representation.

### **4. Timescales for responding to the Formal Escalation**

Team manager and service manager	5 days	(Stage 1)
Head of service	5 days	(Stage 2)
Assistant director	5 days	(Stage 3)
Director	8 days	(Stage 4)

Once the escalation has been raised, the CP Chair can consider requests from managers for further time to provide a resolution to the escalation, before further escalation to the next stage.

### **5. Criteria for initiating an escalation are summarised in the following categories:**

- **Non completion of child protection conference decisions;**  
There is a significant concern that the child protection plan is not being progressed within a reasonable timescale and this is causing significant delay for the child to have increased signs of safety.
- **Issues of human rights/Participation of the child, their family and professionals;**  
There are worries that children and their families are not actively included in the preparation, recommendations and decision making process of the child protection conference and core group meetings. Children and their families have not had the child protection process explained, options to attend with an advocate have not been provided, their wishes, views and feelings have not been obtained and where the conference report has not been shared.
- **Allocation of social worker;**  
Children and their families have not been provided with a stable and consistent social worker. The allocated social worker has changed more than twice without consideration of the needs of the child. There have been difficulties in the transition between social work teams, such as delays in allocation. A child raises a concern or a complaint about their allocated social worker's practice.
- **Endorsement of protection plan;**

Not keeping the CP Chair informed of significant events, or failing to consult the CP Chair of significant changes that need to be made to the CP Plan, disagreement with all or part of the CP Plan.

- **Signs of safety practice framework and expectations;**

The social worker has not applied the signs of safety principles, expectations and bottom lines for preparing for a child protection conference.

- **Statutory requirements not fulfilled;**

The social worker visits and core group meetings are not being held regularly.

- **Pre-proceedings plan;**

There are worries that the pre-proceedings process is not clear about the expectations to parents/carers about how to make improvements in their parenting capacity. The social worker is not reviewing the pre-proceedings plan and the plan is not helping to reduce worries and increase safety for children.

- **Case management review (CMR) panel;**

The child protection plan has been in place for 6 months or more and the recommendation is for the child protection plan to continue beyond this time. There is no clear plan about the expectations of what needs to be different for the children, for the child protection plan to no longer be needed.

❖ The child protection chair is able to request that a collaborative audit is completed on a child's record, where there are concerns; that the plan is not strong enough to keep the child safe or where practice standards are not being demonstrated across the case file. This request is made to the head of service for quality assurance and professional standards.

- **Non provision/lack of provision/delay in provision of service;**

The child protection cannot be progressed due to the identified resources not being available to help improve the safety of the child and to help progress the child protection plan.

## **LOOKED AFTER CHILDREN**

The IRO Handbook is the Statutory Guidance, in force from April 2011 which amends Section 118 of the Adoption and Children Act 2002 and Section 26 of the Children Act 1989. It states:

### **1. Informal dispute resolution process**

One of the key functions of the IRO is to resolve problems arising out of the care planning process. It is expected that IROs establish positive working relationships with the social workers of the children for whom they are responsible. Where problems are identified in relations to a child's case, for example in relation to care planning, the implementation of the care plan or decisions relating to it, resources or poor practice, the IRO, will in the first instance, seek to resolve the issue informally with the social worker or the social worker's managers. The IRO should place a record of this initial informal resolution process on the children's file. (IRO consultation case note) If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO should consider formal action. (S 6.1 IRO Handbook)

### **2. Formal dispute resolution process**

It is the task of each local authority to put in place a formal process for the IRO to raise concerns and to ensure that this process is respected and prioritised by managers. The process is referred to in the guidance as the local dispute resolution process. It will involve escalating the matter in dispute through a number of levels of seniority within the department with identified timescales for a response at each stage. The IRO may bypass any stage and progress the dispute to the level s/he considers most appropriate. The formal dispute resolution process within each local authority should have timescales in total of no more than 20 working days.' (S 6.2 IRO Handbook)

### **3. What constitutes a reason for raising initiating the dispute resolution process**

The updated Statutory Guidance for Care Planning, Placement and Review Regulations 2010 states:

*'Where the IRO is of the view that the responsible authority:*

- *Has failed to address the needs of the child set out in the revised plan; and/or*
- *Has failed to review the case in accordance with the regulations; and/or*
- *Has failed to implement effectively any decision made at a review; or*
- *Is otherwise in breach of its duties to the child in any significant way.*

The IRO must advise staff at an appropriate level of seniority of this failure. It will be important that senior managers then work to resolve the failure within a timescale that meets the needs of the individual child.' (Section 4.40 Volume 2 Care Planning Placement and Case Review)

### **4. Referral to Cafcass**

The IRO has the power to refer the matter to Cafcass at any point in the dispute resolution process (regulation 45) and may consider it necessary to make a concurrent referral to Cafcass at the same time that s/he instigates the dispute resolution process.

### **5. Complaints**

Instigating the formal dispute resolution process by an IRO does not exclude a child or another adult on the child's behalf taking separate action which could include; making a formal complaint and/or making an application to the courts.

The IRO has a duty to inform the child of their rights and assist in obtaining an advocate and/or legal representation .The IRO will also consult and keep informed the child and other relevant persons at each stage of the escalation process as appropriate.

## **6. Timescales for responding to the Formal Escalation**

Team Manager/Service Manager	5 days	(Stage 1)
Head of Service	5 days	(Stage 2)
Assistant Director	5 days	(Stage 3)
Director	8 days	(Stage 4)
Escalation to Cafcass	At any time	(Stage 5)

Once the escalation has been raised, the IRO can consider requests from managers for further time to provide a resolution to the escalation, before further escalation to the next stage.

## **7. Escalations for Young People in transition to Adult Services**

If the criteria for initiating an escalation is related to transition arrangements for a young person, the IRO will open the escalation on Liquid Logic, and will send the escalation information to the Adult Services in an email – the response will then be transferred by the IRO into the liquid logic form.

The timescales will be the same as for children's services; the IRO will alert the service manager and head of service in the relevant children's services of their actions.

## **8. Legal Advice**

The IRO Handbook states all IROs must have access to independent legal advice at any time. CAF/CASS and the Children's Legal Centre provide information and guidance on legislation, regulations and legal options.

It is intended that where possible, the IRO will try to address the concern informally and seeking a resolution without the need to raise a formal escalation, this will be recorded as an IRO consultation on Liquid Logic.

## **9. Criteria for initiating an escalation are summarised in the following categories:**

- **Non completion of Looked After Review Decisions;**  
Where there is a significant concern that the care plan is not being progressed within a reasonable timescale and this is causing significant delay for the child.
- **Issues of Human Rights;**  
Non participation of the child and parents in decision making (where appropriate) e.g. sharing the pre-meeting report, not seeking advice before any change of placement; discriminatory practice; not informing the child of their rights and advocacy; not seeking parent's consent and restricting contact between children and their families,

where a child is being cared for by the local authority in accordance with the Children Act 1989 section 20.

- **Allocation of social worker;**  
Children have not been provided with a stable and consistent social worker. The allocated social worker has changed more than twice without consideration of the needs of the child. There have been difficulties in the transition between social work teams, such as delays in allocation. A child raises a concern or a complaint about their allocated social worker's practice.
- **Signs of safety practice framework and expectations;**  
The social worker has not applied the signs of safety principles, expectations and bottom lines for looked after children team.
- **Concerns regarding permanency planning;**  
There has been inadequate, insufficient and/or delayed assessments; drift/delay in family finding, legal planning and lack of contingency planning.
- **Concerns about progress of the child;**  
There are worries about the quality/appropriateness of the placement, access to and arrangements for education, health, contact, emotional and behavioural support and leisure activities. There has been insufficient preparation for moves or independent living, and inadequate life story work completed.
- ❖ Independent reviewing officer is able to request that a collaborative audit is completed on a child's record, where there are concerns; that the plan is not strong enough to keep the child safe or where practice standards are not being demonstrated across the case file. This request is made to the head of service for quality assurance and professional standards.
- **Endorsement of care plan;**  
The social worker/manager has not kept the IRO informed of significant events, or has not consulted the IRO of significant changes that are to be made to the care plan, including court care plans; disagreement with all or part of the care plan.
- **Statutory requirements not fulfilled;**  
The social work visits, health assessments; personal educational plan (PEP), pathway plans and permanency planning meetings are not being completed in accordance with statutory requirements. The health summary has not been received in time for the last looked after child review.
- **Case management review (CMR) panel;**  
There is no reunification plan for children who have been accommodated under Children Act 1989 section 20. The young person's request to discharge from care form has not been completed and signed by the director of children's services.
- **Non provision/lack of provision/delay in provision of service;**  
The care plan cannot be progressed due to the identified resources not being available to help improve the success of the child and to help achieve appropriate permanency or rehabilitation home to their parent or wider network of family and friends.
- **Voice of the child is not evident and life story work has not been completed;**

There has been no planning or completion of life story work completed within 1 month of the child coming into care and life story work has not been routinely completed to reflect the child's family history, experiences and memories.

#### **10. Recording escalations for looked after children & children subject to a CP Plan)**

A Liquid Logic escalation form is completed. The decision that a formal escalation is resolved sits with the IRO/CP Chair. They will complete the form with an explanation as to why it has been resolved or why it is being escalated to the next stage.

#### **11. Role of the Service Manager of the Independent Reviewing and Conference Team**

The service manager will support the CP Chair through the dispute resolution process.

The service manager will audit cases identified through internal quality assurance arrangements for cases, where an escalation may or may not have been raised. The aim is to ensure that the local authority understands the practice within the organisation, recognising good practice and learning from practice, which could have been better.

The service manager will prepare the findings of audits to be presented in an internal quarterly quality assurance service report.

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Charmaine Malcolm

Service Manager for child protection chairs and independent reviewing officers

Professional standards and quality assurance service