



Conference and Review Service: *Outcome Resolution Practice Guidance*

Purpose and context:

All Local Authorities are required to have an Outcomes Resolution Process (ORP) in accordance with the Adoption and Children Act 2002 and the statutory guidance in the IRO handbook 2010.

The IRO has a statutory duty to monitor and scrutinise the performance by the Local Authority of their functions in relation to care planning for individual children or young people. 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 Social Workers for the children for whom they are responsible. Where problems are identified in relation to a child or young person, 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 and/or the Social Worker's Manager. If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO should consider taking formal action. This process therefore applies to concerns arising in relation to cared for children.

The IRO may bypass any stage and progress the dispute to the level they consider most appropriate. The formal outcomes resolution process within each Local Authority should have timescales in total of no more than **20 working days**.

At any stage of the process, the IRO will have access to independent legal advice.

There will be times when the IRO may be advised that obstacles in the way of resolving the issue are outside or beyond the control of the Local Authority, for example, in relation to staffing, interagency or resource issues. However, if these are impacting on the ability of the department to meet the needs of a child as identified in the child's care plan, the IRO should continue to escalate the issue.

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 while they instigate the outcomes resolution process.

Having a clear process in place prevents confusion and provides consistency and continuity for all practitioners to address any issues of concern regarding a particular child or young person. It also ensures a clear audit trail, evidence of positive outcomes, efficiency of services and improvements for children and young people.

When to use this process:

Outcomes Resolution should always be used in the child's best interests and they must remain the focus. Highlighted below are examples of where it is appropriate to instigate this process albeit this is not an exhaustive list:

General Issues:

- Preparation for cared for review (e.g., non completion/ child/ren not prepared and report not shared in advance).

- Social Worker Report does not fully identify the child's needs/ insufficient evidence of the child's voice & inclusion within the assessment, planning and review process.
- Plan is not progressing/ delay in accessing appropriate services.
- Assessments not completed in a timely manner.
- Non completion of decisions / failure to meet timescales.
- Unsuitable/inadequate family time arrangements.
- Concerns arising about inadequate health or education provision.
- IRO not notified of a significant event in the child's life.
- IRO not in agreement with the Care Plan or planning not in the child/ren's best interests.
- Delays in applications for bank accounts, passports etc.
- Delay in life story work.

Failure to Meet Statutory Requirements for the Child:

- No allocated Social Worker.
- No up-to-date assessments.
- No up-to-date quality care plan or pathway plan.
- Statutory visits not being completed, or children not being seen alone, where appropriate, in their placement by Social Worker.
- No up-to-date quality PEP.
- No up-to-date quality health assessment.
- No up-to-date quality Placement Plan.

Care Plan Implementation:

- Drift/delay in the implementation of the child's care plan / achieving legal permanence.
- Delay in progressing a child's permanence plan (second review onwards).
- Failure to implement a significant element of the child's care plan.
- Failure to notify the IRO of potential significant changes to the child's care plan.

Dispute Around the Provision of Services:

- Concern around the suitability of living arrangements to meet the child's needs.
- Family finding / foster care/ home search.
- Foster care, home choice or about the standard of care.
- Concern around professional practice.
- Un-regulated care arrangements.

When this process should not be used:

Outcome Resolution should always be used in the child's or young person's best interests, and they must remain the focus. This process has been developed to address where an issue of poor practice, or delay in the progress of the child / young person's plan is identified and impacts on the child. This process is not to be used to

address a complaint or a grievance with another member of staff. The appropriate HR and other procedures should be used in these instances.

Involvement of Children / Young People:

The individual IRO is personally responsible for activating the Outcomes Resolution Process, even if this step may not be in accordance with the child's wishes and feelings, but may, in the IRO's view, be in accordance with the best interest and welfare of the child, as well as his / her human rights.

Where appropriate, the child / young person should be informed by the IRO that they are seeking resolution to a problem on their behalf, and they should be kept informed on how the resolution is progressing.

The child / young person should be made aware of their right to access the complaints systems and independent advocacy alongside the IRO seeking resolution.

Informal Challenge:

Informal challenges would be identified by the IRO with oversight of the planning for the child or young person. The IRO team manager is available to advise and reflect with the IRO upon the process of challenging.

If the matter is not resolved at the informal stage in a timescale that is appropriate to the child's needs, the IRO should consider taking formal action.

Practice issues should be raised within 3 working days, depending on what the issue is, as some may require immediate action. In the first instance, the IRO should discuss the issue directly with the Social Worker involved. The challenge and outcome should be recorded on the child's record by the IRO as a case note with the drop down heading of **IRO- Informal Challenge**.

The IRO should also ensure the workers line manager is updated to make them aware that an issue has been discussed directly with a member of their team. This will enable the Team Manager to decide if there are any outstanding issues for them to address and to ensure that there is follow up on any actions agreed with the IRO.

It is expected that informal issues will be concluded within a maximum of **5 working days** where possible. If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO should consider taking formal action.

When managers are not available (i.e., due to absence or annual leave), the process of seeking resolution should not be delayed and the dispute should be responded to by either their nominated cover or immediate line manager. There is an expectation that the Team Manager will respond within 5 working days to acknowledge the issues identified and confirm that actions are agreed and completed.

Formal Outcome Resolution Process – ORP stages 1 to 5:

Alongside the formal written challenge recorded on LCS, it is good practice in Outcomes Resolution Process to hold a meetings/ discussions with the relevant IRO, social worker, team manager, IRO team manager, service manager and senior manager, assistant director, and director dependent upon the stage to discuss the issues of concern and agree on resolution. Minutes will be taken of the meetings/ discussions and recorded as an IRO oversight in the case notes on LCS.

When the IRO has identified issues/concerns that are not resolved via the informal route, the IRO will commence a Formal Challenge using the **Stage 1 of the Outcomes Resolution Process**. The IRO will complete the Outcomes Resolution Stage 1 form on LCS and discuss with the appropriate manager before submitting. This form will clearly outline the concerns with a focus on the impact to the child and family. The IRO Team Manager is available to advise and reflect with the IRO about the nature of the challenge and what level to submit it. It is then sent to the responsible **team manager for a response within 2 working days**.

If no resolution can be reached at Stage 1 of the Outcomes Resolution Process, or if communication has not happened and the concerns remain, the IRO will commence **Outcomes Resolution Process Stage 2**. The IRO will complete the Outcomes Resolution Stage 2 form on LCS. This form will clearly outline the concerns with a focus on the impact to the child and family. It is good practice to meet to discuss the nature of the challenge and agree a resolution. The completed ORP Form is sent to the responsible service manager. There is an expectation that the **service manager will respond within 3 working days**.

If the matter has not been resolved at stage 2 then the IRO will complete the Outcomes **Resolution Stage 3 form** on LCS. This form will clearly outline the concerns with a focus on impact to the child and family. It is good practice to meet to discuss the nature of the challenge and agree a resolution. The completed ORP form is sent to the responsible senior manager. There is an expectation that the **senior manager will respond within 4 working days**.

Outcomes Resolution Stage 4 follows a similar process. The IRO will complete the Outcomes Resolution Stage 4 form on LCS. This form will clearly outline the concerns with a focus on impact to the child and family. It is good practice to meet to discuss the nature of the challenge and agree a resolution. This form will have the oversight of the IRO Team Manager and IRO Service Manager before going to the Assistant Director for their consideration and response. There is an expectation that the **assistant director will respond within 5 working days**.

The final stage is **Outcome Resolution Stage 5** which follows the same process with the ORP form being sent to the Director. The **director will respond within 6 working days**.

The Outcomes Resolution Process does not need to be followed sequentially. Dependent on the nature and seriousness of the concerns the IRO may bypass any stage and progress the dispute to the level they consider most appropriate. For example, any unregulated living arrangement needs to be escalated to stage 4 through the assistant director.

The formal outcomes resolution process within each Local Authority should have timescales in total of no more than **20 working days**.

Referral to CAFCASS [Section 118, 2002 Act]:

If no resolution has been achieved, the IRO can refer the matter to CAFCASS 'if the IRO considers it appropriate to do so'. This action should be considered when all internal attempts to resolve practice issues have failed to produce a better outcome for the child / young person. The practice issues in question would relate to the failure to implement aspects of a child's care plan that might be in breach of the child's human rights.

The authority to refer a situation of concern to CAFCASS applies to all cared for children, including cared for children by voluntary agreement (Section 20 of the Children Act 1989) and those cared for under a Care Order (Section 31 of the Children Act 1989). CAFCASS will then enter into a final Outcome Resolution with Local Authority. CAFCASS has the power to initiate Proceedings under section 7(1) of the Human Rights Act (1989), claim for Judicial Review and other proceedings (for example under the Children Act 1989).

Outcome Resolution with External Agencies:

It is acknowledged that there may be times where external professionals/agencies may not have undertaken their duties in relation to care planning tasks for a child/young person. Where this has happened and where this has led to a delay in the care planning process, the IRO should work in collaboration with the professional/agency with an expectation that there is an early resolution to any issues of concern. The details of the discussion should be recorded on the child's file and the Social Worker notified.

A formal challenge will only be followed if this resolution cannot be achieved. Advice should be sought from the IRO Team Manager/ Service Manager ahead of doing this. In the event a formal challenge is raised, the IRO will complete the **IRO challenge to professional agency** on the child's LCS record. The IRO will be responsible for overseeing the challenge until the matter is resolved.

In cases where a resolution cannot be agreed, the IRO will escalate this to Line Management of the service.



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https://cumbrialscb.proceduresonline.com/chapters/p_conflict_res.html

Contact Date



Time

Type of Contact

Flowchart for Internal Outcome Resolution Process



