

Dispute Resolution Process (DRP)

Purpose and Legal Framework

Members of the reviewing and insights service play a key role in providing quality assurance and oversight for the care, protection, and support plans of children in need of our care and protection. They are often referred to as the “critical friend” by helping to provide an independent view, oversight, reflection, and challenge in order to help ensure we continue to provide outstanding support and care to the children and families we help.

Responsibilities for Independent Reviewing Officers (IROs) is outline in the [IRO Handbook](#), which amends Section 118 of the Adoption and Children Act 2002 and Section 26 of the Children Act 1989, states:

'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.'
(Section 6.2 IRO Handbook)

The IRO Handbook states: 'the individual IRO is personally responsible for activating the dispute 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'. (Section 6.4 of the IRO Handbook)

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 Children Act 1989 Guidance and Regulations - Volume 2: Care Planning, Placement and Case Review)

The Handbook also makes it clear that IRO escalations should be made regardless of whether 'obstacles in the way of resolving the issue are outside or beyond the control of the local authority e.g. staffing, interagency or resource issues. If these are impacting on the ability of the Department to meet the needs of the child as identified in the child's care plan.

Therefore, the criteria for initiating a dispute resolution are solely related to the needs of the child and not capacity of operational teams, resources or specific workers performance or behaviour.

A dispute resolution does not exclude a child or another adult on the child's behalf taking separate action, such as making a formal complaint or 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 dispute, as appropriate.

A DRP can be initiated in the following circumstances:

- Where the child's plan (child protection, care plan, pathway plan) is of poor quality, incomplete, or not being progressed as agreed,
- There is drift and delay in achieving permanence for the child,
- There are concerns the child may be at risk of significant harm and there are inadequate safety plans in place to help create sufficient safety,
- There are concerns about the quality of support or professional practice given by those responsible for the child's good care and safety,
- There are concerns about the home or place where the child is living or being moved to,
- There is a lack of planning or poor education provision for the child,
- The child's health assessments and needs are not being properly provided for,
- There is inadequate planning and support for the child as they approach adulthood and get ready to leave our care,
- There are concerns about management oversight or decision making for the child,
- There are concerns about meeting statutory, professional, or organisational requirements,
- The IRO is not being kept informed or their views sought on significant changes in the child's circumstances or care plan,
- Where a review of the child's record indicates a significant concern about the child's safety, support, oversight, permanence, or progress on their plan.
- Where they believe decisions are being taken that are not in the child's best interest,
- Where the human rights of the child or their family members are not being taken into account or at risk of being violated,
- Where the views of all those with parental responsibility are not being sought before decisions are made regarding the child's care plan.

In most cases, the person initiating the DRP will seek to resolve any dispute through informal means by requesting a meeting with the child's allocated social worker and their line manager within five working days. This discussion is never to take place via email, but be in person, virtually, or a phone discussion. The IRO will ensure a summary of the discussion and whether it resolved the dispute is recorded in case notes on the child's Mosaic record.

Should the informal meeting not resolve the dispute, or where the significance of the dispute requires the formal process to be initiated, the person initiating the DRP will start the process using the DRP form on Mosaic and task it to the appropriate manager for which the dispute is being raised.

The Service Manager for Reviewing and Insights will be made aware of all DRPs raised for a child as well as the outcome of each stage and when it has been resolved. A DRP should not be raised higher than one progressive step, unless there is a belief the safety and welfare of a child may be placed at increased risk of significant harm by not taking higher level action more immediately. Before raising a DRP at a higher level, the Service Manager of Reviewing and Insights must be informed of this and the reasons for doing so.

An IRO has the discretion to refer matters relating to children in care to CAFCASS at any time. However, doing so before exhausting all levels of the DRP should not be done unless the IRO is of the view the urgency or significance of the concern warrants doing so. The IRO will always consult the Service Manager for the Reviewing and Insights Service and the Head of Adolescents and Safeguarding before making a referral to CAFCASS and the reasons for doing so.

Independent Legal Advice

The IRO Handbook states that all IROs must have access to independent legal advice at any time. This may be required when raising DRPs. This can be secured by advising the Service Manager for Reviewing and Insights who will seek approval from the Head of Adolescents and Safeguarding to appoint an independent legal provider having determined that this is necessary. CAFCASS and the Children's Legal Centre provide information and guidance on legislation, regulations and legal options but do not provide legal advice.

Complaints

If there are concerns or complaints about the performance of a child's IRO or about the organisation and conduct of a review, the matter should be referred in writing to the Service Manager for Reviewing and Insights who will look into the matter and feedback to both parties within **10 working days**. If the matter is not resolved satisfactorily the concern should be escalated to the Head of Adolescents and Safeguarding who will review the complaint and respond within **10 working days** to all relevant parties.

Timescales

Timescales for DRPs is outlined in the attached flowchart. The entire timescale from stage one to five is **20 working days**.

Exceptions can be made to the timescales of escalating a DRP if the IRO is of the view that taking additional time is warranted in order to ensure key information or persons required to inform the process are not yet available, but can be made available within a reasonable period of time. Any delay must take account that the 20 working day timescale cannot be exceeded.

Exceptions can also be made to escalate to a higher stage in a shorter timeframe where the IRO is of the view the significance of the dispute requires a more immediate response in order to prevent the child suffering more immediate significant harm or where the child and/or their parents human rights may be infringed upon.

The IRO must inform the Service Manager of Reviewing and Insights who will then confirm the delay is warranted with the Head of Adolescents and Safeguarding.

Who can initiate a DRP and when?

IROs can raise DRPs up to stage 6, for children in our care. They can raise DRPs up to stage 5 for children supported through a child protection or child in need plan.

The fostering independent reviewing officer (FIRO) can raise DRPs up to stage 5 where it relates to an annual review of one of our carers.

The manager for quality assurance can raise DRPs up to stage 5 where auditing and quality assurance activities have identified significant issues relating to the safety and welfare of a child or where practice and support does not meet professional or statutory requirements.

The local authority designated officer (LADO) can raise DRPs up to stage 5 where it relates to a council employee or someone contracted to undertake work for the council who is subject of an allegation against professional's process.

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DISPUTE RESOLUTION PROCESS (DRP) FLOWCHART

