

**North Yorkshire County Council
The Children and Young People's Service**

Title	Local Dispute Resolution
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Introduction

This procedure outlines the action to be taken in the following circumstances.

- When the IRO is not in agreement with the Local Authority Care Plan
- When the IRO is concerned that the Care Plan is not being implemented in a timely manner for the child
- When the IRO is concerned that the Local Authority is not implementing the decisions in a timely manner for the child.
- When the decisions of the IRO made at the Looked After Review are not agreed by the Local Authority Service Manager

The local dispute resolution process must be completed within 20 working days.

The timescales outlined below may alter with the needs of the child and of their individual situation.

The IRO should determine the pace of the process and whether the times prescribed below for each stage should be reduced or extended.

The IRO should determine at which stage to commence the process and where appropriate can by pass any stage of the process and go direct to the stage where the level of decision making is required to seek a resolution within the timescale for the child.

The IRO can request a placement freeze until the dispute is resolved if the dispute is centred on a proposed placement move.

The IRO can at any point in the dispute process refer a case to CAFCASS at the same time as seeking an internal resolution to the process.

Scope

This procedure applies to all Children's Social Care staff.

Legislation and Standards

Problem Resolution Procedure in Respect of Planning for Children - Procedure

Adoption and Children Act 2002

The Review of Children's Cases (Amendment)(England) Regulations 2004

Independent Reviewing Officers Guidance, June 2004

The Adoption Agencies Regulations 2005

The Children and Family Court Advisory and Support Service Regulations 2004

IRO Handbook: Statutory Guidance D of E 2011

Actions

Contents

Section 1 Triggers to the Local Dispute Resolution Procedure coming into operation

Section 2 Local Dispute Resolution: General Issues and Process

Section 3 Local Dispute Resolution: Specific Process

Action	Responsibility	Timescale
1. Triggers to Local Dispute Resolution Protocol coming into operation.		
Resolution in all Circumstances Initially, the IRO should attempt to resolve the dispute informally in discussion with the Team Manager and Group Manager A quality alert form needs to be raised to highlight the problem A note must be recorded on the Child's LCS file highlighting the IRO is seeking resolution to an issue. When the IRO feels they have exhausted informal resolution through the quality alert system or that the situation needs to progress immediately into formal resolution, the IRO should issue/re-issue the quality alert stating clearly that they are seeking resolution through formal dispute resolution. This will commence the 20 day timescale to seek resolution.	IRO	
1A Where a Team Manager is in Disagreement with Decision of Review		
Decision made at review	IRO	
Where the Team Manager considers the decision of review and cannot agree them on behalf of the Local Authority the IRO must be informed.	Service Manager	Within 5 working days of receiving the review decisions
IRO should seek to resolve the problem through discussion with the Team Manager/Group Manager	IRO	Within two working days

Problem Resolution Procedure in Respect of Planning for Children - Procedure

Action	Responsibility	Timescale
If resolution is not achieved at this stage, the local Dispute Resolution process should be initiated (Section 2) and the review participants should be informed of this.	IRO	Within 24 hrs
1B When a Child is Moving and it is felt that this is not in the child's best interests The IRO should be satisfied that the child understands what is being proposed, and if this is not the case, ensures that this is achieved.	IRO	
If the IRO decides that the move does not meet the child's needs and is not in their best interests the IRO should request that the Team Manager freezes the placement move.	IRO	Immediate
The formal dispute resolution process will then come into place (see Sections 2 & 3)	IRO	See timescales in section 3
1C Where the IRO believes that the child's human rights are being breached	IRO	At any stage
Referral to CAFCASS See Guidance Section 6 Criteria for Referral to CAFCASS When the IRO has the view that the child's rights have been breached and attempts to resolve the issue have failed, or where the IRO feels it appropriate to do so (Section 25B (3) 1989 Act) after discussion with the IRO Manager.	IRO / IRO Manager	
Prior to making a referral to CAFCASS the IRO should inform the Head of Service that a referral to CAFCASS is being considered.	IRO Manager	
The IRO Manager should then inform the Head of Service that a decision has been recorded to curtail the referral to CAFCASS process and explain why this decision has been made.	IRO Manager	
The referral to CAFCASS may run concurrently with the formal dispute resolution process.	IRO Manager	
2. <u>Dispute Resolution Process: General Issues and Process</u> 2.1 Timescales The formal dispute resolution process should be completed within 20 working days.		20 working days

Problem Resolution Procedure in Respect of Planning for Children - Procedure

Action	Responsibility	Timescale
2.2 Principle The IRO must always act in the best interests of the child.	IRO	
2.3 Recording The IRO should ensure that all attempts to resolve a dispute are recorded on case notes (LCS).	IRO	
2.4 Referral to CAFCASS See Guidance Section 4 The IRO will need to consider with the IRO Manager whether the issue raised requires a referral to be made to CAFCASS.	IRO	
2.5 Independent Legal Advice (See Guidance Section 5) In the first instance Legal advice should be sought from North Yorkshire Legal Services who will advise on access to independent legal advice if this is required.	IRO	
3 Formal Dispute Resolution: Specific Process Meeting can either be had face to face or by phone Child/Families Rights The IRO needs to ensure that the child/family are aware of the complaints process, and advocacy services. The IRO needs to ensure that the child is able to access the complaints process/advocacy services and legal advice and that they have the necessary support to access these services. 4 Request For Placement freeze The IRO needs to consider whether a request for a placement freeze is required pending the resolution of the dispute.		
3.1 Stage One: Meeting		
The Group Manager, Team Manager, Social Worker, IRO Manager and IRO should meet to attempt to resolve the issue.	IRO	Within 5 working days of the IRO notification of formal dispute resolution being sought
A brief record of the meeting must be completed at the end of the meeting and circulated to those who were present. The meeting note must be placed on the child's LCS file	IRO	

Problem Resolution Procedure in Respect of Planning for Children - Procedure

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<p>A copy should be sent to the Head of Safeguarding if:</p> <ul style="list-style-type: none"> • There was no agreement/ resolution proposed and the matter must proceed to Stage Two. • Where there was resolution to Stage One, the participants of the review need to be informed of the outcome. • Where the resolution was significantly different to the original Review recommendations a reconvened Review should be considered. 	<p>IRO Manager</p> <p>IRO</p> <p>IRO</p>	
Notes from this meeting, and any subsequent stages, should be recorded on LCS.		
3.2 Stage Two: Meeting		
<p>Where a resolution has not been found, the case will progress onto Stage Two.</p> <p>The IRO, Group Manager, IRO Manager and Head of Safeguarding will meet to attempt to resolve issues.</p> <p>If deemed appropriate, the Group Manager may invite the Social Worker and Team Manager to the meeting. Further information/ assessment about the child and their situation may be sought.</p>	IRO	Within 10 working days of the IRO notification of formal dispute resolution being sought
Notes of the meeting should be recorded and circulated to those who attended.	IRO	Within two days of stage Two meeting
Following the meeting, a decision must be taken as to whether the case should be escalated to Stage 3.	IRO/IRO Manager	Within 1 day of Stage Two meeting
3.3 Stage Three		
On escalation of the case, all paperwork must be passed to the Head of Service.	IRO	Immediate
<p>The Head of Service considers representations from the IRO and IRO Manager.</p> <p>Where the case does not involve the child's human rights, the Head of Service will make the final decision.</p>	AD	
Following the Head of Service decision, the parents, carers or other interested parties will be advised of the outcome and informed of their right to pursue the matter through the complaints procedure.	IRO	Within 14 working days of the IRO notification of formal dispute resolution being

Problem Resolution Procedure in Respect of Planning for Children - Procedure

Action	Responsibility	Timescale
		sought
Where the case involves the child's human rights and the Head of Service is unable to resolve the issue, the case should be escalated to Stage Four.	IRO	
3.4 Stage Four		
The Director of CYPS must be briefed on all cases that are escalated to Stage Four.	IRO Manager	
The Director of CYPS should consider the case if there is a possibility that they make take a different view to the Head of Service or are in a more advantageous position to resolve the problem.	Director of CYPS	
If it is unlikely that the Director of CYPS will be unable to resolve the problem and that a delay would only disadvantage the child, the matter should go directly from the Director to the Chief Executive.	IRO/IRO Manager	Within 18 working days of the IRO notification of formal dispute resolution being sought
3.5 Stage Five		
The case should be presented to the Chief Executive for consideration.	IRO	
The Chief Executive must make a decision regarding the case.	Chief Executive	Within 20 working days of the IRO notification of formal dispute resolution being sought
<p>If there is a concern that the response of the Chief Executive does not prevent a breach of the child's human rights, the matter should be referred to CAFCASS. A case should not be referred to CAFCASS if:</p> <ul style="list-style-type: none"> • The child is of sufficient age and understanding to bring proceedings themselves without the need of an adult to act on their behalf. • A suitable adult is willing and able to bring proceedings on behalf of the child • The existing dispute resolutions have not been exhausted within the local authority and the process is operating within a timescale that is reasonable for the particular circumstances. 	IRO	
If a child wishes to bring proceedings themselves, access to	IRO	Immediate

Problem Resolution Procedure in Respect of Planning for Children - Procedure

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a suitably experienced solicitor and an explanation of public funding must be arranged.		

Problem Resolution Procedure in Respect of Planning for Children - Procedure

Local Dispute Resolution Flowchart

