

Dispute Resolution Procedure

Introduction

One of the key functions of the of the Independent Reviewing officers role is to resolve problems arising out of the care planning process for both children looked after and children subject to child protection plans.

The IRO handbook statutory guidance for independent reviewing officers and local authorities on their functions in relation to case management and review of looked after children, only focuses on the care planning of looked after children. However, the handbook acknowledges that there is a correlation between both children subject to a child protection plan and children who become looked after. Therefore as the care planning is interlinked many local authorities have adopted the same standard with regard to care planning for both groups of children.

It is with this principle in mind that Rochdale's Dispute Resolution Procedure has been designed.

Terminology

Conference and Review officer is the person that chairs and reviews all children who are subject to a child protection plan

Independent Reviewing officer (IRO) is the person that chairs and reviews all children that are looked after by the local authority.

For the purpose of this procedure the initials **IRO** will be used.

The terms child relates to both children and young people for the purpose of this procedure

Functions of the IRO in Quality Assurance

'The primary function and focus of the IRO is to quality assure the care planning and review process for each child and to ensure that his/her current wishes and feelings are given full consideration'
s.1.21 IRO Handbook

- To review all care planning arrangements of the local authority in relation to the concerned child
- To monitor the performance of the local authority's function
- Identify themes and issues emerging in relation to areas of concern for individual children as well as report upon the quality of the services they receive.
- Ensure that plans for children are based a detailed and informed assessment, that the assessments are up to date, effective and led by a child's individual needs.
- To identify areas of good practice and share these accordingly to promote such practice further
- Chair the child's review
- Monitor the child's case on an on-going basis

The IRO will NOT case manage, supervise or devise the care plan s.1.22 IRO handbook

In exercising the function of quality assurance the IRO can have access to the following

- ICS case notes
- Child protection plans
- Care plans for Looked after Children
- Care planning meeting notes
- Matching meeting notes
- Health Action Plans
- Personal Education Plans
- Assessments such as core/parenting/initial/psychologist/psychiatric that relate to the child and family members.
- Pathway plans for Care leavers
- Permanence plans
- Core group minutes

Dispute resolution Procedure- process for escalation

The formal Dispute Resolution Procedure within each local authority should have timescales in total of no more than 20 days. (Section 6.2 IRO handbook)

IRO's can at any point in the dispute resolution process refer a concern to CAFCASS if it is felt that this is in the child's best interest. It is for the IRO (and their manager) to determine the level of concern. This will be based upon the presenting issues and historical concerns relating to the case.

On doing so the Head of Service will be informed with the reasons why.

The IRO can determine what level to begin the process of the Dispute resolution procedure dependent on the concerns. The IRO will make a decision about the timescale in which the problem should be resolved and make this clear to the operational managers at each stage of the resolution process.

Both informal and formal dispute resolution procedures will be recorded on the child's file. For Rochdale this will be in the child's ICS record.

There will be times when the IRO may be advised that obstacles in the way of resolving the issue are outside the control 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 Local Authority to meet the needs of the child as identified in the child's care plan, the IRO should continue to escalate the issue. (Section 6.5 IRO Handbook)

How will this work in practice

Refer to attached flow chart

Stage One - The Review

At the end of every statutory review, the **IRO** will identify a set of recommendations which are formulated within the review meeting, determine the timescales for each recommendation and identify the person responsible for implementing that recommendation. Those recommendations that are of sufficient concern to the IRO that warrant entering into dispute resolution will be known as 'starred' recommendations. **IRO** to notify the **IRO Manager** of the details of every starred recommendation made.

Starred recommendations must be considered when the **IRO** is of the opinion that the local authority have not prepared the care plan in accordance with the regulations, not reviewed a child's care plan within the regulations or effectively implemented a decision taken in consequence of a review.

A case may also be referred to **CAFCASS** when an **IRO** is of the opinion that the Local authority are in breach of their duties in any material respect, and having drawn the failure or breach to the attention of persons at an appropriate level of seniority within the responsible authority, it has not been addressed to the satisfaction of the **IRO** within a reasonable period of time.

Examples of when a starred recommendation may be used are:

1) Implementation of Significant action within the Care Plan – i.e.

- Delay in the Discharge of Care Order
- Delay in initiating care proceedings
- significant documents incomplete – Care Plan, Court reports, Adoption process records
- Placement issues – placement not appropriate to meet child's needs – lack of action taken to address this
- Placement move planned without a full assessment of the child's needs and matching not taken place to evidence that the planned move is the correct move
- Transition planning – lack of clear plans for any child leaving care or those requiring transition to adult services

2) Accessing other resources – i.e.

- School placement
- Referral to CAMHS
- Children's Advocacy service / Independent Visitor

- Additional aids and adaptations for children with disabilities

3) Inadequate / poor practice – i.e.

- No PEP, despite previous recommendations
- No up to date care plans
- Statutory visits not undertaken
- Delays in completion of 'life story' work and 'later life' letters

Recommendations

- **IRO** produces 'starred' recommendations' with clear timescales for completion
- **IRO** electronically forwards the recommendations to the **Allocated Worker**, the **Team Manager** and the **IRO Manager** within 2 working days.

Stage One - to be completed within 2 working days

Stage Two - Ratification of the Recommendations

- The **Team Manager** will respond, electronically, to the **IRO** with signature (**i.e. only the Team Manager to authorise the recommendations**) stating that the recommendations are either agreed or not agreed
- If agreed, this must be recorded on the child's ICS record
- If not agreed the **IRO** informs the **IRO Manager** and a decision is made whether to progress to stage three
- If the **Team Manager** doesn't have the remit to make a decision in respect of a particular Starred Recommendation then the **IRO** and the **IRO Manager** will refer directly to relevant **Service Head** at **Stage 4**

Stage Two - to be completed within 2 working days

Stage Three - Notification of Decision

- The **IRO** will meet with the **Team Manager** with a view to resolving the matter informally
- If there is no agreement following discussion, the **IRO** will inform the **IRO Manager**.
- The **IRO** will inform the young person of what is happening ensuring the young person understands the issues – this may be done via the **child's advocate** if they have one

- The **IRO** will inform the young person that they have a right to complain to the local authority and of the local authority's responsibilities to provide them with an independent advocate should the child so wish
- All discussions to be recorded on the child's ICS record by the **IRO**
- **Complaints Officer** to inform the **IRO** if a complaint is made

Stage Three - to be completed within 4 working days

Stage Four - Informal Resolution

- **IRO** to discuss with **IRO Manager** to decide whether to progress – consideration should be given at this stage whether the issue that has not yet been resolved is a matter for CAF/CASS / Courts or whether it is within the remit of the agency for resolution
- **IRO, IRO Manager, Team Manager** and **Senior Manager** to have meeting / discussions about the recommendation(s) and whether informal resolution can be reached. A compromise may be reached but the decision whether to pursue the issue rests with the **IRO**.
- The **IRO Manager** will inform the **Safeguarding Service Manager** and seek advice where necessary
- The child/young person may choose to concurrently pursue the issues through the complaints procedures at the informal stage

Stage Four - to be completed within 4 working days

Stage Five - Formal Resolution with Children's Services

- The **IRO** and the **IRO Manager** will seek discussions with the **Assistant Director of Children's Social Care**.
- If resolution is not agreed the **IRO** and **IRO Manager**, with advice from the **Safeguarding Service Manager** where appropriate, will need to decide if the matter is for internal decision making only and cannot be referred further by the **IRO**

OR

- The matter continues to be unresolved and progression to stage six is required

Stage Five- to be completed within 4 working days

Stage Six - Formal Resolution within the Local Authority

- If resolution is not agreed and legal advice has been considered the **IRO, IRO Manager & Safeguarding Service Manager** will discuss the unresolved issue with the **Director**. All details should be documented including the reasons for a 'potential breach of human rights' or a breach of the Care Planning, Placement and Review of Cases Regulations 2011.
- If the **Director** is not able to provide an acceptable resolution, the **Safeguarding Service Manager** will be required to refer the matter to the **Chief Executive** for discussion. If the **Chief Executive** is not able to provide an acceptable resolution, the **IRO and IRO Manager** MUST refer the matter to **CAFCASS**

Stage Six - to be completed within 4 working days

Stage Seven - Decision by CAFCASS

Once the **IRO** has referred the matter, CAFCASS have 14 days in which to decide whether to proceed or not.

Performance Management

The number of dispute resolutions and the themes arising from them will be collated on a monthly basis. The information gathered from these will be used in supervisions with IRO's in order to track outcomes and the themes will be feedback to the Director of Children's Services and the Senior Management team and RBSCB.