

## Southampton Local Authority Dispute Resolution Process

### IRO Case Resolution

It is the task of each local authority to put in place a formal process for the Independent Reviewing Service to raise concerns and to ensure that this process is respected and prioritised by managers.

This IRO Case Resolution process ensures that Southampton Council has an operational process and recording system in place.

One of the key functions of the IRO role is to resolve problems arising out of the care planning process. Therefore, where the IRO is of the view that the Local 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 attempt to resolve such issues using the dispute resolution process.

#### 1. Informal and formal stages of the IRO Case Resolution Process

**The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review (2015) makes clear that** 'where disagreements or differences in opinion arise in the course of the review process between those present, every effort should be made to resolve the matter on an informal basis.'

In most cases it will be possible to address concerns through dialogue, which is evidenced via the process outlined below however, if the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO should consider taking formal action. The formal dispute resolution process within each local authority should have timescales in total of no more than 20 working days.

The IRO, in consultation with the Lead IRO, may bypass any stage and progress the dispute to the level he/she considers most appropriate.

If it proves impossible to reach agreement at any stage of the process, the discussion would progress to more senior managers in as short a timescale as possible.

## **2. Referral to Cafcass**

The Independent Reviewing Officer has the power to refer the matter to Cafcass at any point in the dispute resolution process and may consider it necessary to make a concurrent referral to Cafcass at the same time as she/he instigates the IRO Case Resolution process however, at all times the IRO must discuss the dispute in the first instance with the Lead IRO and be supported in seeking internal resolution by escalating to the Deputy Director of Children's Services.

## **3. IRO Legal Advice**

If required, separate legal advice is available to IROs.

## **4. Involvement of children and young people in resolving concerns**

'The individual Independent Reviewing Officer (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' **IRO Handbook 2010**

Children have a right to have their voices heard and will have the opportunity of participating in the IRO Case Resolution process, where the outcomes that they themselves identify will be fully considered. The IRO will support the child in having their own views, wishes and feelings clearly represented and considered.

In the event that any formal dispute has been activated the IRO must also ensure the child understands that, aside from the IRO's planned actions to seek resolution on the dispute(s), the child is entitled to access independent advocacy and to make use of the complaints process to pursue resolution themselves.

## **5. Raising concerns and resolving difficulties in respect of Final Care Plans**

There is an expectation that the Independent Reviewing Service will receive a copy of the Final Care Plan before it is submitted to the court. Ideally this will give time for any concerns to be raised with the Team Manager and social worker.

It is also expected that the Independent Reviewing service will have access to any specialist assessments that have been undertaken for the court

It may be possible to time the review to consider the Final Care Plan to be submitted to court however, if that is not possible, the Care Plan should be shared with the IRO to gain his/her views. Such views should then be included in the Final Care Plan submitted to court.

Where the IRO is concerned about a Final Care Plan which is to be submitted to court in care proceedings, there are considerations, which apply in addition to the usual dispute resolution process.

- Given the constraints of time just prior to the final hearing in most cases, it may be necessary for concerns to be raised simultaneously with the social worker, Team Manager and the appropriate Head of Service.
- Failing the availability of all three, then the Deputy Director for Children's Services should be contacted by the IRO.
- If it has not been possible for a resolution to be achieved and the IRO in consultation with the Lead IRO takes the view that there is a need to inform the court of the difference of view, the Children's Guardian will be informed and advice from CAFCASS sought. Advice will be taken by the Independent Reviewing Service as to the most appropriate means of informing the court, including a request that the Guardian makes the court aware of the IRO views.

## **6. Recording the dispute**

The IRO will ensure that all actions taken to resolve a dispute are recorded on the child's case record.

## **7. Making A Difference**

'As part of the monitoring function, the IRO also has a duty to monitor the performance of the local authority's function as a corporate parent and to identify any areas of poor practice. This should include identifying patterns of concern emerging not just around individual children but also more generally in relation to the collective experience of its looked after children of the services they receive.' IRO Handbook 2010

The Lead IRO will provide a regular analysis of the emerging themes/patterns and practice issues raised and the impact of such intervention(s). This report will be submitted to the Deputy Director of Children's Services

## **8. Complaints about IRO practice**

If there are concerns about the performance of a child's IRO or about the organisation and conduct of a review, the Complaints Procedure will be followed.

## **Appendix A: Flowchart –raising a dispute and timescales for resolution**