

## Starred Decisions and Dispute Resolution Process

1. The Independent Reviewing Officer has a key responsibility to resolve problems arising out of the care planning process. In compliance with the Care Planning, Placement and Case Review Regulations the IROs must notify senior managers of significant concerns in relation to case management by issuing starred decisions.
2. These are decisions that are crucial to the progression and achievement of the care plan within agreed timescales and/or crucial to the child/young person and of sufficient concern to warrant notification to senior managers.
3. A starred decision must be issued if the Independent Reviewing Officer is of the opinion that:
  - The review of the child's case has not been completed to the standards required by the Regulations;
  - Children's Services are failing to properly implement the child's Care Plan
  - The Independent Reviewing Officer is unable to endorse the child's Care Plan
  - There are issues of drift or potential delay
4. If starred recommendations are made at a Review meeting, they should be indicated on the record of decisions by use of an asterisk and sent to the relevant Team Manager & Service Manager. Wherever possible a starred decision should only be issued following a conversation between the IRO and the Team Manager.
5. If there is agreement about the decisions, the Team Manager will acknowledge agreement on the child's file and monitor the required actions to ensure their completion.
6. If the Team Manager does not agree with the starred decision they should discuss this with the Independent Reviewing Officer. If agreement is not reached within 5 working days of notification of the decision, the Independent Reviewing Officer will register the dispute by discussing the matter with the Service Manager and will follow the resolution process outlined below.
7. The outcome of starred decision must be reported to the Independent Reviewing Officer within the timescale specified. If the issue identified has not been addressed within the agreed timescale, then the Independent Reviewing Officer will notify the Service Manager and if the issue is not then resolved in a timely manner, will follow the resolution process described below.
8. Starred decisions are monitored and tracked as required by the Independent Reviewing Officer but also tracked on a monthly basis by the Head of Service for Quality Assurance & Safeguarding. This is then taken into monthly performance meetings with the wider leadership team for Operational Director oversight
9. Where the starred decision does not affect change within the timescale set by the IRO the case will be discussed with the Head of Service with a view to escalating to formal dispute

resolution. Prior to escalation the IRO will also have a discussion with the Service Manager or Head of Service for the social work team.

1	<b>Dispute Registered</b>	<b>Timescale</b>
2	The IRO and HoS Safeguarding & QA should meet with the relevant Service Manager and Head of Service for further discussion to try and resolve the issue.	Within 5 working days of Service Manager discussion
3	If a resolution is not reached or timescales not met the The IRO and HoS Safeguarding & QA should meet with the relevant Head of Service and Operational Director for further discussion to try and resolve the issue.	Within 5 working days of Principal Manager/Service Manager discussion
	If the matter is not resolved the Independent Reviewing Officer will take legal advice about whether the failure to implement the Care Plan might be considered to breach the child's human rights and whether referral to the Children and Families Court Advisory Service (CAFCASS) may be required.	
4	Following legal advice, the Executive Director Families and Well-being should be notified in writing of the case and the causes for concern, and a meeting should be arranged.	Within 5 working days of taking legal advice
	If the Executive Director does not resolve the dispute, the Independent Reviewing Officer must refer the case to CAFCASS if the failure to implement the Care Plan might be considered to breach the child's human rights.	

10. In some cases, there will be time available to pursue the full dispute resolution procedure within the local authority. In other situations, the matter will be of sufficient urgency that the dispute resolution process needs to be curtailed (e.g. where there is a plan to change a placement within a matter of weeks). It is the responsibility of the IRO to make the decision about whether and when a referral is necessary, based on the timetable for the child.

11. The Independent Reviewing Officer has the responsibility to ensure timely progression of the dispute resolution process to ensure it is referred to the appropriate level of management. The Independent Reviewing Officer may refer the matter to CAFCASS at any point in the process and may consider it necessary to make a concurrent referral to CAFCASS at the same time as the dispute resolution process is instigated. The Independent Reviewing Officer should inform the Operational Director if a referral to CAFCASS is being considered.

12. Once a referral has been made CAFCASS will enter into a final dispute resolution with the local authority before proceedings are instituted. CAFCASS will make a decision about whether to proceed with the case in the courts within 14 days of referral.

### 13. Referral to CAFCASS

The Independent Reviewing Officer can make a referral to CAFCASS by contacting CAFCASS Legal initially by telephone but the referral should always be confirmed in writing to the duty lawyer who will provide the necessary contact details. The CAFCASS Legal Duty Helpline telephone number is: 0844 353 3392.

14. The information which should accompany a referral is:

- Copies of any final care order and the final care plan filed in proceedings.
- The report of the Children's Guardian immediately preceding the making of any care order.
- All subsequent review documents.

- A report by the Independent Reviewing Officer explaining why the matter is being referred at this stage and setting out what steps have been taken to resolve the dispute
- Where the child is of sufficient understanding, a report by the Independent Reviewing Officer on the child's wishes and feelings, including the child's views in relation to any potential court proceedings.
- Names and contact details for any relevant involved professionals
- Any other relevant documentation including a chronology and statement of issues, a list of important people in the child's life and their relationship and involvement with the child; and information about diversity issues for the child and family including whether the child or family members will need additional assistance to aid communication.
- The most recent Care Plan