



Independent Reviewing Officers and Child Protection Chairs

Dispute Resolution and raising issues of Quality Assurance Process

Introduction

It is important that Independent Reviewing Officers (IROs) and Child Protection Chairs have positive working relationships with Social Workers. Where problems are identified in relation to a child's case the IRO/CP Chair should, in the first instance, seek to resolve the issue informally with the Social Worker or the Social Worker's manager. The aim is to always resolve problems at the lowest possible level and in a way which supports Social Workers to do their best for children.

All communication should be recorded on the child's record using an **IRO communication case note**. The IRO/CP chair is responsible to ensure the actions are SMART and that the social worker and team manager are notified on the system

Difference between Dispute Resolution process and raising issues of quality assurance.

The dispute resolution process is a requirement of the IRO handbook. It ensures that the IRO is able to advocate on behalf of the child or young person and ensure that their plan is the right one and permanency is being achieved without drift and delay.

The following constitute grounds for immediate use of Formal DRP:

- There are safeguarding issues which the LA is failing to recognise or to resolve. E.g. Failure to address CSE risks
- The IRO cannot endorse LA care plan for the child
- The care plan/child protection plan is not being progressed by the LA within reasonable timeframes.
- There is delay in securing legal emotional and placement permanence;
 1. The child has no permanency plan at the 4month review
 2. A child who has been in care for a 12 month period is not in their permanent placement and reasonable steps are not being taken to resolve this
- There is a potential for a breach of the child's human rights
- There has been a failure to carry out key decisions from the previous review within agreed timescales. E.g. Around significant issues such as linking, contact, life story work, education
- Provision for the child is not appropriate to meet their assessed needs. E.g. Inappropriate accommodation such as bed and breakfast

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- Repeated attempts to resolve any lower level issue have failed
- The child or young person's views do not inform the plan

These need to be raised and recorded following the attached process in Annex A.

Resource limitations are never an acceptable reason to delay use of the DRP. If the outcome for the child remains poor the IRO/CP Chair has a responsibility to elevate their concerns regardless. The IRO/CP Chair, when using the DRP will make reference to relevant legislation, Torbay procedures and also to Torbay's pledge to children in care.

Cause for Concern/Informal Dispute

There are situations where the IRO/CP Chair need to raise quality assurance issues that are important to ensure that the record of the assessment, intervention and decision making process is available to the child in later life.

Examples include:

- Lack of a chronology or uploaded document
- Delays in ensuring the record is up to date
- Other Practice Standards are not being met

These issues need to be raised and recorded using a **IRO Communication/cause for concern** case note

Referral to CAFCASS

Since 2002 IRO had had the authority to refer the case of any Looked After Child to CAFCASS if they are of the view that the child's human rights have been breached and all attempts to resolve the matter have been exhausted. The scope of such referrals was extended by the IRO Handbook. The IRO now has the authority to refer to CAFCASS if the IRO considers it appropriate to do so.

When considering a referral to CAFCASS the IRO should consider the impact of the referral on the child and their timetable.

Prior to making a referral to CAFCASS the IRO must notify their Head of Service and explain the reasons for doing so.

The IRO can make a referral to CAFCASS Legal by phone and followed up in writing. Contact details can be found at www.cafcass.gov.uk

It is the responsibility of CAFCASS and not the IRO to determine if a legal remedy should be sought.

Roles and Responsibilities

The individual IRO/CP Chair is responsible for activating the Dispute Resolution Process (DRP), even if this action is not in accordance with the child's wishes and feelings, but may, in the professional opinion of the IRO/CP Chair, be in the child's best interests and/or will protect the child's human rights.

A DRP may be initiated immediately or following a notice period (up to but not usually exceeding 15 working days.)

Both informal and formal dispute resolution procedures will be recorded on the child's file.

There will be times when the IRO/CP Chair 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 department to meet the needs of the child as identified in the child's care plan or Child Protection Plan, the IRO should continue to escalate the issue (6.5 IRO Handbook)

The Head of Service should be made aware of the initiation of every DRP and Quality Assurance Issue, and informed when it has been resolved.

The Head of Service must be made aware of both the quantity of issues raised both resolved and ongoing and any emerging themes.

Annex A - Dispute Resolution Process

Informal Dispute Resolution /Quality Assurance Issue/Cause for Concern				
The IRO/CP Chair brings the issue of concern to the attention of the social worker and seeks to resolve the matter. The IRO/CP Chair needs to be clear about what the issue is and their preferred solution with a specific timescale proportionate to the issue.				
Stage	To	cc.	Recording	Timescale
	Social Worker /Team Manager		Any challenge must be recorded on an IRO Communication/cause for concern case note with a clear timeframe for resolution	As early resolution as possible, up to a maximum of 15 working days
Formal Dispute Resolution				
If the matter is unresolved, there is dispute, or needs <u>immediate</u> escalation, the matter will be progressed to the Formal Dispute Resolution Process.				
Stage 1	Social Worker/Team Manager	Team Manager, IRO Manager	DRP form completed and added to Dispute Resolution Process case note on PARIS	Up to 5 working days. If no response, escalate immediately to Stage 2
Stage 2	Team Manager/Service Manager	Social Worker, IRO Manager	DRP form completed and added to Dispute Resolution Process case note on PARIS	Up to 5 working days. If no response, escalate immediately to Stage 3
Stage 3	Head of Service	Team Manager, Service Manager, IRO Manager, Social Worker	DRP form completed and added to Dispute Resolution Process case note on PARIS	Up to 5 working days. If no response, escalate immediately to Stage 4
Stage 4	Assistant Director	Head of Service, Service Manager, Team Manager, IRO Manager, Social Worker	DRP form completed and added to Dispute Resolution Process case note on PARIS	Up to 5 working days. If no response, escalate immediately to Stage 5
Stage 5	Director of Children's Services	Assistant Director, Head of Service, Service Manager, Team Manager, IRO Manager, Social Worker	DRP form completed and added to Dispute Resolution Process case note on PARIS	Up to 6 working days