**West Sussex – Practice Guidance Dispute Resolution Process (DRP)**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

This practice guidance has been written to assist Social Workers and Practice Managers alongside Child Protection Advisors and Independent Reviewing Officers to ensure that problems arising in relation to care planning are swiftly and appropriately resolved to ensure the best outcome for every child that is either the subject of a child protection plan or looked after by West Sussex County Council.

West Sussex introduced a revised Dispute Resolution Process (for IROs and CPAs), in October 2018. This is the next iteration of such, which has redesigned the process for the formal Dispute Resolution and removes the need to have a set process and tracking for all informal Dispute Resolutions, on the basis that it is recognised that raising challenge is an integral part of the IRO/CPA role. **The West Sussex Dispute Resolution Process (DRP) will specifically focus on the safety and welfare of the child**

**Roles and Responsibilities**

* Practice Managers are responsible and accountable for day to day management oversight and decision making in every child’s case allocated within their team. This includes ensuring that policy, procedure, guidance and local practice standards are implemented consistently, which should be routinely discussed in Social Worker supervision and triangulated through published management information by the Practice Manager.
* Chapter 6 of the IRO Handbook[[1]](#footnote-1) outlines that “one of the key functions of theIndependent Reviewing Officer (IRO) is to resolve problems arising out of the care planning process; for example in relation to care planning, the implementation of the care plan or decisions relating to it, resources or poor practice”. Furthermore that “it is the task of each local authority to put in place a formal process for the IRO to raise concerns and to ensure that this process is respected and prioritised by managers”; and that the formal dispute resolution process “should have timescales in total of no more than 20 working days”.
* The IRO has the power to refer the matter to CAFCASS at any point in the dispute resolution process[[2]](#footnote-2) and may consider it necessary to make a concurrent referral to CAFCASS at the same time that s/he instigates the dispute resolution process.
* The individual 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.
* Working Together 2015 and LSCB (Pan Sussex) Child Protection and Safeguarding Procedures[[3]](#footnote-3) outline the role of the Conference Chair [[4]](#footnote-4)(CPA); in essence: that all participants understand the purpose of the conference and are supported to make a full contribution; that the child’s wishes and feelings are shared; that the conference remains focused on the welfare of the child at all times; and that a decision is made as to whether the child should become, remain or cease to be the subject of a child protection plan.
* CPAs by virtue of their role in chairing review conferences have a responsibility to maintain oversight and scrutiny of the progress and impact of child protection plans in keeping the child safe and in making appropriate recommendations for alternative action where this is not the case. In West Sussex they also have a role in quality assuring practice.

**The West Sussex Dispute Resolution Process (DRP) Principles for Good Practice**

* It is expected that **IROs and CPAs will always seek to raise and resolve issues and concerns on an informal level in a timely way, through discussion with the Practice Manager and the Social Worker in the first instance.** A brief summary of this to be added as a case note (the case note titled ‘Informal Issues Resolution‘, on the child’s file. **The child remains the paramount consideration at all times.**
* Constructive feedback should be routinely provided to Social Workers by CPAs and IROs in the course of day to day business.
* IROs and CPAs will initiate and diarise conversations as the first step Stage 1of any Formal Dispute Resolution, where possible, in recognition that direct contact can be far more productive than e-mail communication.
* SWs, PMs and CPAs are expected to prioritise the 30 minute slot diarised prior to every CPC as a routine opportunity to raise and resolve issues informally.
* Escalation to the formal process must take place when issues cannot be resolved informally. It must also be followed in situations where poor practice has meant a child is currently unsafe.

**Lines of Communication**

* IROs and CPAs are individually responsible and accountable for raising and resolving issues/disputes and can do so at any level within the organisation proportionate to the level of concern. Furthermore, they will retain responsibility through any escalation process until such time as the issue/dispute is resolved.
* Where issues cannot be resolved successfully informally, the IRO/CPA must escalate through the formal Dispute Resolution workflow process as follows:

Stage 1 IRO/CPA and Practice Manager - Issue to be resolved/ sufficiently progressed within 5 days of initiation

Stage 2 IRO/CPA and Group Manager - Issue to be resolved or sufficiently progressed within 5 days of escalation to this Stage 2

 Stage 3 IRO/CPA and Service Lead – Issue to be resolved or sufficiently progressed within 5 days of escalation to this Stage 3

Stage 4 IRO/CPA Head of Children’s Social Care. Issue to be resolved or sufficiently progressed within 5 days or escalation to Stage 5.

DCS & Executive Director to be alerted at Stage 4 by IRS/CPA Team Manager and Head of Service to be informed.

 Stage 5 IRO/CPA/Team Manager and DCS & Executive Director (see above)

All formal disputes must be resolved within 20 working days. The IRO /CPA must use their professional judgement, in conjunction with their manager where needed , to decide whether the issue(s)/ concern(s), raised in a dispute have been satisfactorily progressed, to warrant no further formal escalation and therefore closing down . If the Dispute Resolution is closed down then any new escalation of the original issue, must be raised at the next Stage upwards. Appendix 1 contains a revised flowchart outlining the escalation process.

* The Mosaic Guide to record each stage of the formal process can be found here:

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**Accountabilities for Recording**

* CPAs and IROs will take responsibility for completing the entire Stage 1 – 4 Case Notes on Mosaic, entitled “Dispute Resolution Process” for Formal Disputes, on the child’s file.
* Stage 5 if required to be completed by the IRS/CPA Team Manager
* Case note alerts to be included at each Stage, to the child’s social worker and relevant manager
* A brief email, to be sent to the relevant Manager at each Stage initiated, alerting them to the Case note on Mosaic. IRO/CPA Team Manager to be copied in.
* Childrens Social Care Managers will respond within the timescales agreed[[5]](#footnote-5).
* CPA/IRO will complete the Case note ‘Dispute Resolution Resolved ‘ at the end of the process

**Children presented to ICPC and subject of CP Plans**

**CPAs will raise issues/disputes where**:

* There is evidence that the child is not safe (immediate and longer term)
* The child has not been seen or seen alone to ascertain their welfare; and seek their views and understand their lived experience
* There is limited assurance that the safety plan is sufficient to mitigate the presenting risk to the child
* There is limited evidence that the child’s wishes and feelings have been appropriately considered
* There is limited evidence that parents/primary carers have a clear understanding of what needs to continue/change/improve as part of ‘next steps’
* There is limited evidence of contingency planning in cases where the CP Plan is not resulting in reduced risk to the child
* There is limited evidence of multi-agency engagement to progress the CP Plan[[6]](#footnote-6)

**The CPA will consider**:

* How do we know the child is safe (enough) i.e. there is evidence that the Plan is sufficient to manage/reduce risk? Has the child been seen? Does this provide assurance that risk is reducing/mitigation is sufficient for now?
* Whether statutory guidance has been used effectively to appropriately recognise and respond to risk i.e. strategy discussions held within timescale, involving the right people, addressing the right issues, reaching the right threshold decision and leading to sufficient action to safeguard the child; quality Sec 47 etc.
* Whether there is evidence of the child’s understanding of the risks and their safety plan and/or the plan for safety (e.g. other family members)
* Whether parenting capacity and parental/primary caregiver understanding of the risks has been appropriately assessed
* Whether any identified deficits in parenting capacity have a corresponding action to support these with a contingency for how things will progress if things cannot look different
* Whether there is sufficient “grasp” and understanding of day to day family life
* Whether there has been sufficient professional enquiry/curiosity around risk and safety

**Children Looked After**

The statutory role of the IRO is to seek assurance that the care plan for the child fully reflects their current needs and that the actions set out in the care plan are consistent with the local authority’s legal responsibilities toward the child.

**IROs will raise issues/disputes where:**

* There is no up to date assessment that reflects the needs of the child
* The child has not been seen or seen alone to ascertain their welfare; and seek their views and understand their lived experience
* There is evidence that the child is not safe and sufficient steps are not being taken to mitigate/manage the risk
* There is limited evidence that the child’s wishes and feelings have been appropriately considered
* There is limited evidence that significant others (parents, others with parental responsibility, carers, relevant professionals) have been consulted about the care plan
* The care plan is not relevant, viable or achievable
* There is drift and delay in progressing key actions within the care plan that will impact negatively upon the child’s welfare
* There is no permanence plan at second review (parallel planning is acceptable as long as this is being progressed within the child’s timescale)
* The legal status is not appropriate to support the care plan
* The placement is not appropriately meeting the child’s needs
* There is a delay in progressing the Pathway Plan/No PA/Delay in Transition Planning

**The IRO will consider:**

* Does the assessment involve the right people?
* Does the assessment address the appropriate issues?
* Whether the care plan is relevant, viable and achievable
* How do we know the child is safe? Has the child been seen? Does this provide assurance that the child is safe or there is sufficient risk management in place
* Whether statutory guidance has been used effectively to appropriately recognise and respond to risk/need and promote the welfare of the child (e.g. return interviews for missing, statutory visits completed)

**Timescales for escalation**

* The IRO Handbook is clear that all formal disputes must be resolved within 20 working days. It therefore follows that once a formal dispute is initiated by either an IRO or CPA this timescale must be adhered to. It logically follows that if resolution cannot be reached by the IRO/CPA and Practice Manager, this will need to be escalated within five days; and then every five days thereafter for each escalation stage.
* All formal disputes are recorded on a tracking system which is managed by the CPA/IRS Embedded Co-ordinator, overseen by the IRS/CPA TM’s and updated within required timeframes. The IRO/CPA will be reminded to state whether the dispute has been satisfactorily progressed/ resolved, or if not escalate to the next Stage.
* When a dispute has been resolved the IRO/CPA must complete the ’dispute resolution resolved’ case note within 5 working days.
* Formal Disputes are to be discussed monthly in supervision with the IRO/CPA. The relevant TM will follow up/intervene with any dispute upon request or where there is delay in reaching a resolution within the 20 working days.
* The IRO has the power to refer the matter to CAFCASS at any point in the dispute resolution process[[7]](#footnote-7) and may consider it necessary to make a concurrent referral to CAFCASS at the same time that s/he instigates the dispute resolution process.

Appendix 1

**Formal Process**

CPA/IRO completes ‘Dispute Resolution Process Stage 1’ in the Dispute Resolution Step and notifies Practice Manager, Team Manager, IRS and IRS Embedded Coordinator by email

Satisfactory response by PM in timeframe?

**YES**  **NO**

CPA/IRO completes the step ‘Dispute Resolution Resolved’ and adds a case note within 5 working days

**PROCESS ENDS**

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 **NO**

 **NO**

 **NO**

 **NO**

 **NO**

 **NO**

 **NO**

 **NO**

 **NO**

 **NO**

 **NO**

CPA/IRO completes the step ‘Dispute Resolution Resolved’ and adds a case note within 5 working days

**PROCESS ENDS**

CPA/IRO completes the step ‘Dispute Resolution Resolved’ and adds a case note within 5 working days

**PROCESS ENDS**

 **NO**

Stage 5 – DCS and Executive Director informed

**PROCESS to be resolved within 20 working days**

**PROCESS ENDS**

CPA/IRO completes ‘Dispute Resolution Stage 4’ and notifies Head of CSC and IRS Embedded coordinator

Satisfactory response by Head of CSC in timeframe?

**YES**  **NO**

CPA/IRO completes ‘Dispute Resolution Stage 3’ and notifies SL and IRS Embedded coordinator

Satisfactory response by SL in timeframe?

**YES**  **NO**

CPA/IRO completes ‘Dispute Resolution Stage 2’ and notifies GM/IRS TM/ IRS Embedded coordinator

Satisfactory response by GM in timeframe?

**YES**  **NO**

CPA/IRO completes the step ‘Dispute Resolution Resolved’ and adds a case note within 5 working days

**PROCESS ENDS**

1. Independent Reviewing Officer Handbook - Statutory guidance for independent reviewing officers and local

authorities on their functions in relation to case management and review for looked after children (2010) [↑](#footnote-ref-1)
2. [regulation 45] [↑](#footnote-ref-2)
3. <https://sussexchildprotection.procedures.org.uk/> [↑](#footnote-ref-3)
4. Section 5.12 [↑](#footnote-ref-4)
5. For IRO Disputes this must be fully concluded within 20 working days [↑](#footnote-ref-5)
6. It is acknowledged that the LA has limited control over this. However, it is expected that senior managers become involved to escalate to their counterpart in the agency of concern [↑](#footnote-ref-6)
7. [regulation 45] [↑](#footnote-ref-7)