



Practice Standard and Procedure (PSP) Update

Title	DISPUTE RESOLUTION PROCESS
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Overview

All disputes should be resolved in a timely way so that the welfare of the child remains paramount. In some situations, it may be required to instigate all of the stages within a short period of time or to escalate the process so that the safety of the child is not compromised

Within Newham the **Dispute Resolution Process (DRP)** is the formal route by which an IRO or Child Protection Chair can escalate their concern to the appropriate management level. Newham's Alert, Escalation and challenge process has been re-launched following a review in December 2019 to ensure compliance with the IRO Handbook. Alerts will now be known as DRP's (**Dispute Resolution Process**).

There are 5 stages which can be commenced at any point and at any stage. The level is determined by the IRO or CP Chair and determining factors would be the urgency and level of authority needed to make decisions to progress the issues identified.

The formal stages reflect the level of management that the concern should raise with and the identified response time. 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.

The process should provide for no more than 20 working days, to resolve the issue. In practice however it can take longer due to, the complexity of the issues raised via the process.

Associated Practice Standard and Context- guidance legislation and research

The IRO Handbook and Care Planning Regulations (2010) clearly place responsibility upon the IRO to 'monitor the child's case' on an ongoing basis. In Newham the Child Protection Chair also have this responsibility?

Areas of Responsibility

The procedure applies to all teams who have children that are looked after and all children who are the subject to a child protection plan.

Procedure details

Work is underway to have the **Dispute Resolution Process** built into Azeus. Until that time the form is in Microsoft Work and will be filed under Documents in Azeus with a Case Note informing the reader of the same.

DISPUTE RESOLUTION PROCESS

1. Introduction

The Care Planning, Placement and Case Review (England) Regulations 2010 which were enacted in April 2011 included the IRO Handbook 2010 which includes the requirement for the Local Authority to produce a Dispute Resolution Process. In Newham this process has been referred to Alerts. To avoid confusion with form of alerts Newham will adoption as of December 2019 adopt the terms that is used in the IRO handbook – the **Dispute Resolution Process**.

2. Scope of these Procedures

The following procedures apply to all children who are looked after and all children who are the subject to a child protection plan.

3. Quality of the IRO/CP Chair Service

This process relates to the statutory process for dispute resolution as defined in the IRO Handbook. Issues relating to IRO/CP Chair performance should be dealt with via initial discussion with the IRO/CP Chair; if issues cannot be resolved they should be referred to the relevant Service Manager.

4. The Legislation

One of the key functions of the IRO/CP Chair is to resolve problems arising out of the care planning process. It is expected that IRO/CP Chair's establish positive working relationships with the social workers of the children for whom they are responsible.

Where problems are identified in relation to a child's case, for example in relation to care planning, the implementation of the care plan or decisions relating to it, resources or poor practice, the IRO/CP Chair will, in the first instance, seek to resolve the issue informally with the social worker or the social worker's managers.

The IRO/CP Chair should place a record of this initial informal resolution process on the child's file. If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO/CP Chair should consider taking formal action.

It is the task of each local authority to put in place a formal process for the IRO/CP Chair to raise concerns and to ensure that this process is respected and prioritised by managers. The process is referred to in the guidance as the local dispute resolution process. It will involve escalating the matter in dispute through THE levels of seniority within the department with identified timescales for a response at each stage.

DISPUTE RESOLUTION PROCESS

The IRO/CP Chair may bypass any stage and progress the dispute to the level s/he considers most appropriate. The formal dispute resolution process have timescales in total of no more than 20 working days.

The IRO/CP Chair has a number of key functions based on keeping the child at the centre of effective planning to ensure that the whole range of the child's needs are met in the best way that is achievable. These functions include:

- Scrutiny by the IRO/CP chair of the care plan at all stages
- Quality assurance of assessments
- Ensuring all statutory regulations are complied with
- Ensuring the legal status of the child is the most effective to guarantee the implementation of the care plan
- Ensuring that there is no 'drift' in implementing the plan
- Resolving problems arising out of the care planning process

The process is set in the context that the primary expectation is that IRO/CP Chairs will establish positive working relationships with the children's social workers in order to work towards an agreed plan that meets the children's needs

In the case of the IRO has the power to refer the matter to CAFCASS at any point in the dispute resolution process [regulation 45] and may consider it necessary to make a concurrent referral to CAFCASS at the same time that s/he instigates the dispute resolution process, although the expectation is that concerns will normally be resolved in other ways (DCSF, 2010b: para 8.10).

The circumstances under which they may do are specified in the Regulations: if the IRO considers the local authority has failed 'in any significant respect' to prepare the child's care plan, review his/her case or effectively implement the decisions; 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 time period' (Reg. 45(3)(a)).

A CAFCASS officer will then be appointed to deal with the case. He/she will make enquiries to try to resolve the matter, but if these are unsatisfactory, CAFCASS may take the case back to court (CAFCASS (Reviewed Case Referral) Regulations 2004). These may be proceedings under the Human Rights Act, proceedings for judicial review, or proceedings under other legislation, most likely the Children Act 1989.

In all instances the **individual IRO/CP Chair 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/CP Chair's view, be in accordance with the best interest and welfare of the child, as well as his/her human rights.

5. Underlying Principles

Standard	Criteria
<p>Every Local Authority should have a dispute resolution process in place that encompasses informal and formal resolution which is accessible to children/families/staff</p>	<p>This policy and procedure is available to all staff and elected members on the IRO/CP Chairs' role in challenging and resolving disputes.</p> <p>Information should be made available to children, young people and families about the IRO role in challenging and resolving disputes</p> <p>This policy and procedure complies with the requirements of the IRO Handbook.</p>
<p>The child should remain central to the challenge and dispute resolution process</p>	<p>Where appropriate the child/young person should be informed by the IRO that they are seeking resolution to a problem on their behalf and they should be kept informed of how the resolution is progressing.</p> <p>Children and young people should be made aware of the IRO/CP Chair's role to challenge and raise disputes so that they know they can request an IRO/CP Chair to challenge and they are able to ask an IRO/CP Chair to account for their actions.</p> <p>The child/young person should be made aware of their right to take their own legal advice and the IRO/CP Chair should ensure that they are supported in doing this.</p> <p>The child/young person should be made aware of their right to access the complaints system and independent advocacy alongside the IRO/CP Chair seeking resolution.</p> <p>The IRO/CP Chair should ensure the timescale for resolution is determined by the needs of the child.</p> <p>Where an IRO/CP Chair has raised any challenge in relation to a child's case this</p>

Standard	Criteria
	<p>should be clearly recorded on the child's file.</p> <p>Children and young people should be able to describe any challenges that an IRO/CP Chair has made on their behalf.</p>
<p>The dispute resolution process should offer a continuum for resolving issues through informal and formal resolution processes</p>	<p>This dispute resolution procedure reflects that there is a continuum of intervention by the IRO/CP Chair which encompasses informal and formal resolution.</p> <p>It is for the IRO/CP Chair to determine where on the continuum they wish to seek resolution and how quickly they wish to move along the continuum if they are not successful in seeking a quick resolution.</p> <p>IRO/CP Chair managers should seek to ensure that there is going opportunities to reflect as to how IRO/CP Chairs operate this continuum of intervention and dispute resolution to ensure emergence of a team approach.</p> <p>The systems for the formal process of dispute resolution must be achievable within 20 working days.</p> <p>This resolution process explicitly states that the IRO can at any point make a referral to CAFCASS.</p> <p>The QA Service has in place a reporting process which evidences challenge and dispute resolutions that are being managed through the informal resolution process, which is reported to SLT on quarterly basis.</p>
<p>There should be a multi-agency system in place for highlighting and resolving issues for children and young people who are Looked After.</p>	<p>The dispute resolution process will ensure shortfalls in service provision or disputes with partner agencies are raised with social worker and their line management.</p> <p>The QA Service will include details of disputes with partner agencies in the reports and will ensure that key partner</p>

Standard	Criteria
	agencies are aware of the role of the dispute process.
Outcomes from disputes should inform strategic planning	<p>There is a regular reporting system in place between IRO/CP Chair Services and CYPs Operational Leadership Team to discuss issues being challenged by IRO/CP Chairs and to identify emerging themes.</p> <p>The annual IRO/CP Chair reports provided to the Senior Leadership and in the case of the IRO's, the Corporate Parenting Board to enable them to comment on the IRO's role in tracking and challenging and to raise any emerging themes which need to be addressed.</p> <p>The AD of QA will ensure there is an action plan in relation to this report.</p>

Thanks to the National IRO Managers/DfE Partnership

6. The Process

It is anticipated that issues will usually fall into the following categories:

- Practice
- Judgement
- Clarification of accountability
- Strategic issues

All issues should initially be raised by a direct discussion [face to face or if this is not possible by telephone] with the allocated social worker or responsible team manager to seek to resolve the matter informally. The IRO/CP Chair should place a record of this initial informal resolution process on the child's file and, if resolution is not achieved in a timescale appropriate to the child's needs, the IRO/CP Chair will initiate the formal process set out below.

It is for the IRO/CP Chair to determine [with the support of the Service Manager] the most effective way of achieving resolution of the issue. For example an issue relating directly to a child, e.g. lack of statutory visits, is likely to be dealt with at Stage 1 and escalated quickly if there is no resolution; whereas a serious conflict over the plan itself is likely to be escalated to Stages 2 and 3 from the outset.

Although the statutory requirement for the issue to be resolved is 20 working days it is expected that all staff respond quickly and that the minimum time period is utilised.

If there are a number of issues relating to a particular service, as well as the IRO/CP Chair dealing with individual situations, the Service Manager will report on that issue in the quarterly thematic report to SLT.

It is important to recognise that social work teams and IRO/CP Chairs may have genuine professional disagreements. It is important that the evidence is carefully recorded and analysed. All issues raised need to be recorded accurately and carefully and will form part of the child's file.

Concerns that may be dealt with at an informal level

- Poor preparation by the social worker for the Looked After Review or Conference;
- Quality of reports provided at Review or Conference;
- Repeated absence or late arrivals at conference or review meetings;
- Inadequate management oversight/supervision of a social worker;
- Concerns about lack of effective partnership working with parents.

Concerns that might need formal DRP

- Assessments/care plans not being completed/progressed in time;
- Key documents not completed;
- Non-completion of actions within timescales;
- Social worker visits to the child/ren not being within the expected timescales;
- Concerns about the quality of risk assessments;
- Workers not following Newham policy and procedures;
- Discriminatory practice;
- Evidence of poor partnership working amongst agencies which has compromised the effectiveness of a Care Plan or Child Protection Plan;
- Concerns about lack of child participation;
- Avoidable drift and delay in children's plans;
- Health provision;
- Education provision;
- Placement choice/standard of care;
- IRO not being consulted about final care plan.

7. The stages of the process are outlined below and the Dispute Resolution Process Alert Form is attached at Appendix 1.

The IRO has the powers to enter into dispute at any of the first 3 stages of the DRP. This is determined by the urgency of the matter and the appropriateness of the stage where decisions can be carried out to resolve the matter. CP Chair would in most circumstances commence at stage 1.

Once the DRP has been accessed, the resolution period is 20 working days.

<p>Stage 1 (formal)</p>	<p>IRO/CP Chair raises with Practice Lead the dispute complete the Dispute Resolution Form. All emails should be headed Dispute Resolution Alert.</p> <p>The form summaries summary the concerns, the impact on the child and confirms the evidence that will be required in order for the dispute to be closed- not progressed.</p> <p>Maximum timeframe for a response is five days.</p> <p>The LAC request email or CPRS (should be c.c into the email to ensure the dispute is tracked.</p> <p>The recipient Practice Lead will enter their response on the form and return to the IRO/CP Chair.</p> <p>Should the situation is resolved the IRO/CP Chair should record in brief the outcome on the DRP – make a record on case notes and upload the completed form and advise LAC request email or of the outcome.</p>	<p style="text-align: center; font-weight: bold; letter-spacing: 0.5em;">T W E N T Y W O R K I N G D A Y S</p>
<p>Stage 2 if issue unable to be resolved or there is a serious safeguarding issue</p>	<p>IRO/CP Chair will escalate to the Practice Lead’s Service Manager if the matter cannot be resolved or if the matter is serious. The updated dispute resolution form should be forward to the relevant Service Manager cc to the LAC Request email box .</p> <p>Maximum timeframe for response is 5 working days.</p>	
<p>Stage 3 if issue still not resolved or there has been a failure to respond to a serious safeguarding issue or potential breach of human rights</p>	<p>IRO/CP Chair to escalate to Operations Director and alert Assistant Director of QA - expected outcomes on the updated Dispute Resolution form cc LAC Request Email box and ???</p> <p>Maximum time frame for response is 5 working days.</p>	

<p>Stage 4 [expectation stages 4 and 5 are rarely used] if issue still not resolved or there is a continuing failure to respond to a serious safeguarding issue or potential breach of human rights</p>	<p>IRO/CP Chair to escalate to Corporate Director of CYPS, coping in the Operations Director and relevant HoS/AD.</p> <p>Maximum time frame for response is 5 days</p>	
<p>Stage 5 (IRO ONLY) if issue still not resolved or there is a continuing failure to respond to a potential breach of human rights</p>	<p>IRO to escalate to CAFCASS and alert DCS</p>	

8. The Role of the IRO / CPC Service Managers During the Dispute Resolution Process

The relevant Service Managers from the Quality Assurance Service are responsible for management and supervision of the IROs and Child Protection Chairs.

The role of the relevant Service Manager during the management alert process is:

- To ensure that timescales are met and tracked by the IRO / CP Chair
- To provide briefing to senior managers as to the view of the on the issue being raised and possible routes to resolving the issue, if necessary;
- To provide the IRO / CPC Chair the opportunity to reflect on their responsibility to the child and remit in respect to alerting the Local Authority in respect to shortfalls in practice. This reflection will take into consideration the issue being raised and providing feedback on the strengths and weaknesses of the case being brought forward;
- To ensure that throughout the process, lines of communication remain open and clear and that the issue does not become clouded, personalised, or lost in other processes;
- To encourage resolution prior to the issue reaching the Service Manager stage.

9. Examples of issues that should be addressed through the IRO/CP Chair Dispute Resolution Process

Failure to meet statutory / IRO Handbook /Working Together requirements for the child:

- Assessments not completed in a timely manner/poor quality.
- Need for assessment to be updated to improve understanding of the child's circumstance (in its broadest terms, and reflects a range of different

assessments, including risk assessments; viability assessments, parenting assessments; CIN assessments

- No up to date/poor quality Care Plan.
- No up to date/poor quality pathway plan.
- Statutory visits not being completed or children not being seen alone, where appropriate, in their placement by the social worker.
- No up to date/poor quality Placement Plan.
- IRO/CP chair not notified of significant event in the child's life.
- IRO given insufficient time to contribute to the child's care plan before filing in Court
- Core group meetings not held, recorded or actions shared

Care / Child Protection Plan Implementation:

- Drift/delay in the implementation of the child's care plan.
- Delay in progressing a child's permanence plan (second review onwards).
- Failure to implement a significant element of the child's care plan.
- IRO not in agreement with the Care Plan.
- IRO not being consulted about final care plan.
- Core Service Meetings not having taken place or not within the prescribed timescales, or not being effective in progressing the plan

Voice of the Child/Young Person:

- Insufficient evidence of the child's voice & inclusion within the assessment, planning and review process
- Insufficient evidence of the child's voice & inclusion within the Child Protection conference process
- Delays in applications for CICB, passports etc.

Concerns regarding young person's safety:

- Missing episodes
- CSE/sexually harmful behaviour
- Criminality/gangs links.

Health Issues

- Management of complex physical health conditions
- Concerns arising about inadequate health provision.
- No up to date/poor quality health assessment.
- SDQ
- Inadequate follow up of identified health needs..

Education Issues

- Concerns arising about inadequate education provision.
- No up to date/poor quality PEP.

Issues around contact with family members

- Need to plan/review sibling or parental contact
- Inappropriate high level of contact

Staff Turnover/Sickness

- No allocated social worker.
- Impact of social work sickness
- Social work has left and case has not been allocated
- Impact of staff turnover on case progression.
- Non-attendance of worker at review / child protection conference

Dispute around the provision of services:

- Concern around the suitability of the placement to meet the child's needs.
- Family finding/placement search.
- Placement choice/standard of care.
- Concern around professional practice.

Concerns about the Placement

- Concern about the physical environment of the placement.
- Carer unable to manage child's behaviour
- Unregulated placement
- Child needs to move to a more stable or resilient placement.

Review Decisions outstanding

- Previous decisions outstanding or delayed.

Life Story / Later Life Letters Arrangements

- There have been reminders to social workers concerned about staying put

Staying Put Arrangements

- There have been reminders to social workers concerned about staying put arrangements for young people approaching 18 that needed to be confirmed or finalised.

CP Chair

- Parents not being given a copy of the social worker's report at least two days before an Initial and 5 days before a Review conference;
- The social worker's report not being available on Azeus for the Independent Chair at least 2 working day before the conference;
- Repeated absence of a manager at Child Protection Conferences;

- The social worker arriving after the start time of the conference unless there is an exceptional reason;
- Significant decisions of the Child Protection Plan not being carried out by the social worker and Children's Social Care or the core group partners. ;
- Evidence of poor partnership working amongst agencies which has compromised the effectiveness of the child protection plan;
- A social worker's report being assessed as not meeting the required standard to contribute to effective decision making about the safeguarding of a child;
- Social worker visits to the child/ren not being within the expected timescales or showing no evidence of direct work or not showing evidence of effective work with the family;
- Core Service Meetings not having taken place within the prescribed timescales or not being effective in progressing the plan;

10. Evidencing Impact

A quarterly report (Appendix 1) should be compiled by the IRO / CPCC Service Manager and presented to SLT by the Assistant Director for QA – this should include individual issues raised in the quarter and any thematic issues. Any necessary actions should be identified and agreed at that meeting and an Action Log maintained. At subsequent meetings identified actions should be reviewed and progress recorded. This information will be provided in the IRO/CP Chair / Child Protection Annual Report.

CYPS Formal Dispute Resolution Form

Date of Alert			
Name of Child		Child's Azeus Number	
From Worker & Service		To Worker & Service	
Allocated Social Worker		Service / Practice Lead	

FORMAL STAGE 1

<i>Dispute Resolution Category</i>	TICK IF APPLICABLE	<i>Dispute Resolution Category</i>	TICK IF APPLICABLE
Statutory / IRO Handbook /Working Together requirements for the child not met:		Staff Turnover/Sickness	
Care / Child Protection Plan Implementation		Dispute around the provision of services	
Voice of the Child/Young Person		Concerns about the Placement	
Concerns regarding young person's safety		Review Decisions outstanding	
Health Issues		Life Story / Later Life Letters Arrangements	
Education Issues		Staying Put Arrangements	
Issues around contact with family members		Other <i>(please specify)</i>	

Summary of Concern(s) including any background and action already taken

Requested action with timescale not to be longer than 5 working days for any stage	
<i>Action Required</i>	<i>Timescale to be completed by</i>

Response expected within 5 calendar days.

Response by Receiving Manager (including actions taken/outcome/impact)			
Date		Name & Designation	

Response expected within 5 calendar days.

Resolution of Alert (recorded by instigator) <i>(If not resolved, re-escalate to appropriate management level or state what further action is needed with timescale)</i>

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Date		Name & Designation	

Date finished and saved by Instigator of Alert – copy to be sent to SM & QA Inbox for entry onto tracker			
Date		Name & Designation	

FORMAL STAGE 2

Response expected within 5 calendar days.

Response by Service Manager (including actions taken/outcome/impact)			
Date		Name & Designation	

Response expected within 2 calendar days.

Resolution of Alert (recorded by instigator) <i>(If not resolved, re-escalate to appropriate management level or state what further action is needed with timescale)</i>			
Date		Name & Designation	

Date finished and saved by Instigator of Alert – copy to be sent to SM & QA Inbox			
Date		Name & Designation	

FORMAL STAGE 3

Response expected within 5 calendar days.

Response by Operations Director of CYPS (including actions taken/outcome/impact)			
Date		Name & Designation	

Response expected within 2 calendar days.

Resolution of Alert (recorded by instigator)			
Date		Name & Designation	

Date finished and saved by Instigator of Alert – copy to be sent to SM & QA Inbox			
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DISPUTE RESOLUTION PROCESS

Date		Name & Designation	
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Once completed this form should be saved as a PDF document and placed on the child`s file *by the instigator of the Dispute Resolution Process*

FORMAL STAGE 4

Response expected within 5 calendar days.

Response by Corporate Director CYPS (including actions taken/outcome/impact)			
Date		Name & Designation	

Response expected within 2 calendar days.

Resolution of Alert (recorded by instigator)			
Date		Name & Designation	

Date finished and saved by Instigator of Alert – copy to be sent to SM & QA Inbox			
Date		Name & Designation	

Once completed this form should be saved as a PDF document and placed on the child`s file *by the instigator of the Dispute Resolution Process*

Workflow Quick Guide in Azeus

Introduction

- 1) Input your observation note which you would like to send to SW/PL/POD stating whether Informal or Formal DRP,
- 2) The finalise CYPS Dispute Resolution Form document once the resolution has been completed will be converted to a PDF and saved in Documents in Azeus

DRP QA Tracker

- 1) The QA Service will report on the IRO/CP Chair activity in relation to Informal and Formal DRP
- 2) The tracker will capture (via entry by the individual IRO/CP Chair) the number of Informal and Formal DRP issued by IRO's/CP Chair and the type of concerns that are being raised.
- 3) It will also capture the timeliness of responses to concerns raised.
- 4) The information in the Tracker will be analysed and included in the IRO / CPCC Chairs quarterly and Annual Reports
- 5) The Tracker is Stored in QA Directory in the [Add hyperlink](#)

Quarterly Report to SLT

Purpose of the Report

The key aim of this report is to provide a regular overview of the number of escalations by IRO's/CP Chair's via the formal Dispute Resolution Process (

Quarterly Dispute Resolution Summary

Between January 2020 and April 2020 there have been ?? DRP and in the same period last year there were ??.

IRO Activity for Quarter 1 (Jan – March 2020) responses to Dispute Resolutions

	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Contact with CAF/CASS
Jan						
Feb						
March						
Total						

CP Chair Activity for Quarter 1 (Jan – March 2020) responses to Dispute Resolutions

	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Contact with CAF/CASS
Jan						
Feb						
March						
Total						

Dispute Resolution Process breakdown by team

Team	No of Children	Number of Families	Category Number
Assessment			
Intervention East			

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Intervention West			
Children with Disabilities			
Children Looked After			
Care Leavers			
Fostering			
Adoption			
Total			

Dispute Resolution Breakdown by category

<i>Escalation Category</i>	<i>Number</i>	<i>%</i>
Statutory / IRO Handbook /Working Together requirements for the child not met:		
Care / Child Protection Plan Implementation		
Voice of the Child/Young Person		
Concerns regarding young person's safety		
Health Issues		
Education Issues		
Issues around contact with family members		
Staff Turnover/Sickness		
Dispute around the provision of services		
Concerns about the Placement		
Review Decisions outstanding		
Life Story / Later Life Letters Arrangements		
Staying Put Arrangements		

Informal Dispute Resolutions

Formal Dispute Resolutions

Comments and issues in relation to the Dispute Resolution Process