

**Resolution Process for Children Looked After**

Process for Resolving Disputes around Care Planning for Children Looked After

**April 2020**

The IRO has discretion about which level to initially address their concerns, taking into account the nature of their concerns, the circumstances for the child and the current [**Care Plan**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/care_plan.html).

The respective manager has 5 working days to respond to the escalation and if the matter cannot be addressed within that time period, the IRO can use their discretion to await manager's full response or escalate to a more senior level.

As the local dispute resolution process is a statutory requirement and therefore subject to Guidance all communication between the IRO and manager is conducted in writing (email). Telephone calls relevant to the resolution should be summarised in e-mail communication.

Should the escalation not be resolved at Team Manager level the matter will be progressed to the respective Service Manager - stage 2

At stage 2 the manager of the IRO Service will seek immediate advice from the relevant Service Manager as to how the escalation will be addressed and the timescales involved. Resolution can involve convening a meeting with relevant parties. Should such a meeting be proposed the IRO Group Manager will seek advice from the IRO re their involvement in such a meeting as well as agreement to the proposed timescales. It is the IRO discretion as to whether to accept the timescales proposed by the Service Manager or progress the concern to the Director level.

Should the matter not be satisfactorily resolved the IRO will progress the matter to stage 3 to the Divisional Director of Children’s Social Care, then the Corporate Director of Children and Culture and finally the Chief Executive using the above processes.

At the stage 3 process the IRO will provide a written submission. The IRO Group Manager seeking advice as to how the escalation will be addressed, the timescales proposed by the service manager and the agreement of these by the IRO.

The IRO has the discretion to refer matters subject to IRO escalations to [**CAFCASS**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/cafcass.html) at any time. It is expected CAFCASS will be advised by the IRO of any matters pending at stage 5 and above.

All IROs have access to independent legal advice at any time. This can be secured by advising the IRO Group Manager of the S&QA service

In issuing escalations the IRO should be directed to how the local authority's action / inaction is potentially breaching the children's human rights. This usually relates to:

* Article 3 - right of the child to protection;
* Article 6 - right of the child to a fair hearing;
* Article 8 - right of the child to family life.

It is recognised the IRO may have a preference for one care plan over another for a child. However, IRO escalations should only be initiated if there is a risk of child's human rights being breached in the development and or execution of the plan. This can include if there is a view that the assessment was not comprehensive or adequate (involved the right people, addressed the right issues), the proposed care plan does not logically arise from the assessment or the care plan proposed does not appear viable or sustainable.

**The IRO's Responsibilities**

* To draft all IRO escalations using the standard form issuing at the respective level of manager (Stage 1 or2) and informing the IRO Group Manager.
* To consider and if in agreement act on requests from Managers for further time in the IRO escalation resolution process;
* To progress IRO escalation to the next level of Manager if matter is not satisfactorily resolved;
* To seek independent legal advice if required;
* To advise the court appointed Guardian.
* To draft when required a statement for Stage 3 (Divisional Director) and above escalation This statement will be used in seeking a resolution at this stage and if progressed will be updated for Stage 4 - Director Child Protection, Children's Services and Stage 5 - Chief Executive;
* To log the issuing and progress of the IRO escalation a case note on ICS and to update child and relevant parties on the resolution by the next Looked After Review;
* To consider and request update from child and or their parents ahead of scheduled review should this be required to confirm resolution of the IRO escalation.

The IRO has the authority to refer the case to CAFCASS where they consider it appropriate to do so and must consider a referral to CAFCASS where, having drawn any failures as set out above to the attention of persons of appropriate seniority in the Local Authority, the issues have not been addressed to their satisfaction within a reasonable period of time.

**Social Worker Manager's Responsibilities**

* To respond within 5 working days to the concerns of the IRO specifically addressing the requested action;
* To request from the IRO further time if required to resolve the escalation.
* To alert their manager if it's likely that the escalation will be progressed.

**Safeguarding and Quality Assurance Group Manager's Responsibilities**

* To facilitate IRO request for independent legal advice;
* To advise IRO should they be acting outside regulations or Tower Hamlet’s procedures;
* To advise IRO escalation responses that remain outstanding on at least a monthly basis;
* To establish and implement a range of quality assurance arrangements that will evaluate the conduct of IROs and operation of the IRO service;
* To notify the allocated IRO of cases identified via other quality assurance arrangements in which an escalation had not been issued but where the LA practice fell short of published practice standards. Such a notification may include advice about further auditing of the IROs allocated cases.

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| **1st Formal Escalation** to Team Manager  | **5 days**  |
| **2nd Escalation** to Service Manager  | **5 days**  |
| **3rd Escalation** to Divisional Director  | **5 days**  |
| **4th Escalation** to Director of Children’s Services | **5 days**  |
| **5th Escalation** to Chief Executive / CAFCASS |  |