



Independent Reviewing Officer Dispute Resolution Policy and Procedure

This policy sets out the purpose and procedure for Independent Reviewing Officers (IRO) when raising a concern in relation to a child who is looked after by Buckinghamshire Children's Services.

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1. Legal Context

The IRO role is set out in the Children Act 1989, strengthened in the Children and Young Person's Act 2008 and subject to a number of legal and regulatory requirements. The primary task of the IRO is to ensure that the care plan for the child fully reflects the child's current needs and that the actions set out in the plan are consistent with the local authority's legal responsibilities towards the child

The IRO Handbook 2010 sets out the responsibilities and intentions of the IRO in discharging their duties for children looked after. The IRO Handbook 2010 can be found at

[iro_statutory_guidance_iros_and_las_march_2010_tagged.pdf \(publishing.service.gov.uk\)](#)

The amendments to regulations are intended to ensure the contribution of the IRO in order to improve care planning and secure better outcomes for children who are looked after. See Appendix 4 for relevant section on the Resolution process.

2. Statutory duties of the IRO

- Monitor the performance by the local authority of their function in relation to the child's care plan.
- Participate in any review of the child's care plan.
- Ensure that any ascertained wishes and feelings of the child concerning their plan and support are given due consideration.
- Perform any other function which is prescribed in regulation.

3. Roles and Responsibilities of the IRO

The IRO service is located within Quality, Standards and Performance, Childrens Services. The Quality, Standards and Performance Assistant Director has overall responsibility for quality assurance processes and directly manages the IRO Service manager. However, the Independent Reviewing Officer (IRO) is personally responsible for activating the resolution process, even if this step may not be in accordance with the child's wishes and feelings.

Where the Independent Reviewing Officer (IRO) is absent on leave or other reason the function of that Independent Reviewing Officer will be covered by Independent Reviewing Service Manager or delegated to another Independent Reviewing Officer (IRO).

There are two functions of the Independent Reviewing Officer (IRO) role:

- i. Chairing the child's Looked After Review process
- ii. Monitoring the child's care plan and support on a regular basis

3.1 Chairing the Child's Looked After Review

The primary function of the IRO is to ensure the care plan for the child fully reflects the child's current needs, ensuring the child's wishes and feelings are fully incorporated within the process and taken in to account where appropriate.

The IRO must be satisfied that the assessments underpinning the care plan are relevant and address the appropriate areas of need for the child.

The care plan should, by the point of the second Looked After Child review clearly state the intended permanency plan for the child and the logical actions and timeline for achieving this without delay.

The child's looked after review is part of a continuing planning process for the child and is held in order to make plans, safeguard and promote the child's welfare. The IRO is responsible for endorsing the care plan for the child and making decisions that are relevant to achieving this. The IRO must review and agree the final care plan to be presented to the Court in respect of the child.

IRO decisions are required to be completed and sent to the team manager within five working days of the child's looked after review taking place. The team manager has five working days thereafter in which to raise a concern otherwise the decisions will be confirmed. Any disputed decisions should be notified in writing to the IRO and all attendees of the child's looked after review. The IRO review report will be completed within fifteen working days of the CLA review and distributed to relevant parties within twenty working days.

3.2 Monitoring the child's case on an ongoing basis

The responsibility of the IRO to monitor the child's case on an ongoing basis is strengthened by the IRO Handbook 2010. The IRO is required to monitor, in between a child's looked after review, the appropriateness of the care plan in meeting the needs of the child. The IRO will also consider if all actions and decisions have been enacted by the relevant professionals in a timely manner. The IRO is required to be updated of any significant changes or events within the child's life or intended changes within the care plan. The IRO should record their midway oversight on the child's electronic record.

The IRO also has a duty to monitor the performance of the local authority's function as a corporate parent and to identify any areas of poor practice. This should include identifying patterns of concern emerging not just around individual children but also more generally in relation to the collective experience of its children looked after services they receive. The IRO should immediately alert the IRO service manager and assistant Director of Quality Assurance about more general concerns around the quality of the authority's services to its children looked after.

Equally important, the IRO should recognise and report on good practice.

4. Why do we need a Formal Resolution Process?

The children and young people with whom we work are the most vulnerable in society. To adequately protect these children and facilitate them to reach their full potential, we place standards, guidance and requirements upon social workers and their managers. This serves to avoid 'drift' and to ensure we make timely decisions based on clear assessment. The

ongoing intervention and monitoring of work being undertaken assists in safeguarding children.

It is important that everyone is aware of key indicators and ensures that best practice is being maintained.

A key function of the IRO is to resolve problems arising from the child's Care Plan and ensure all necessary actions are executed in a timely manner. Where problems arise in relation to care planning, implementation or decision making relating to this, resources or poor practice, the IRO will in the first instance attempt to resolve the issue in an informal way through discussion and 'notification' of concern to the social worker and Team Manager.

Should the concern be significant or not resolved to the satisfaction of the IRO the concern will be escalated to the attention of the Team Manager (Stage one) Head of Service (Stage two) Service Director (Stage three) for 'resolution'.

5. The purpose of the formal Resolution process

The Resolution process is designed to be a proactive tool to advise social workers, team managers and senior managers that standards defined by Children's Social Care have not been adhered to or that there are areas of good practice routinely evidenced. A Resolution procedure is a statutory requirement for children who are Looked After and the IRO has the power to refer to CAFCASS at any point in the process. This system will also be used to highlight areas requiring action by practitioners and managers.

Managers should be aware and accountable when standards are not being maintained and should ensure work is purposeful and avoids 'drift'.

The team manager is required to ensure that the concern raised is discussed with the practitioner and action taken to bring the case up to accepted practice standards.

If the issues cannot be resolved by a team manager (stage 1) the resolution tool will be escalated to the relevant Head of Service (stage 2). At this level a Head of Service will chair a resolution meeting to address the practice issues and prevent the resolution from escalating to stage 3 of the Resolution Process. It is envisaged that a resolution meeting can also address any issues of capability and refer to HR for advice.

5.1 Notifications

The IRO must record the issue of concern within the resolution tool on the child's record (within LCS forms) within three days following a child's looked after review or Midpoint Review update. The resolution tool is delegated at the appropriate stage to the relevant manager. The team manager (stage 1) has ten days or timeline specified within the resolution to explore the issue with the social worker and provide a written response to the IRO.

5.2 Resolution Process

The Team Manager will chair a Resolution Meeting within five days to address the practice issues and respond to the IRO.

If the matter is not resolved or timescale not adhered to the IRO will refer this issue to the Head of Service. The Head of Service has five working days to respond.

5.3 Legal advice and referral to CAFCASS

The IRO can at any point consider whether it is appropriate to take independent legal advice or make a referral to CAFCASS for a resolution. This process can be commenced in tandem with Buckinghamshire's Dispute Resolution Process. Before an IRO refers to CAFCASS they will discuss with the IRO service manager and Assistant Director of Q&A.

September 2021

Appendix 1 - Categories for notification and/or dispute

- 1 **Missing/incomplete/poor standard documentation** - managers 'sign off' to agree content and to quality assure. Documentation includes but is not limited to; Care Plan, Child & Family Assessment, Pathway Plan.
- 2 **Care Plan 'drifting' or not agreed by IRO** (Timescales not met etc) - where the Care Plan has not been clearly set out, the Care Plan has not been approved by the appropriate panel, or the Care Plan is not adapting to changes in the child's life of the family's situation.
- 3 **No SW or ATM/TM attend review** - when neither a SW or ATM/TM is present at a Review.
- 4 **Decisions not carried out** - where one or more decisions are carried forward due to lack of action. This does not apply to decisions that have intentionally not been acted upon and the IRO agrees it is not appropriate to take it further.
- 5 **Statutory visits not being done** - where the SW is not undertaking the agreed level of statutory visits to the child.
- 6 **Children not being seen/seen alone** - where the SW is not meeting with the child alone.
- 7 **Health** – where the relevant medical, dental, hearing and optical assessments and immunisations have not been undertaken within timescales or other necessary health assessments are outstanding for more than one Review.
- 8 **Health** – identified needs not being met.
- 9 **Drift in permanency planning** - not agreed and in place by the second Review; or not being proactively followed up and regular permanency planning meetings held.
- 10 **Education - PEP not up to date** - where a child does not have a PEP or an up to date PEP at the time of the Review.
- 11 **Education** – identified needs not being met.
- 12 **IRO not notified of significant events** – see appendix 2
- 13 **Final care plan not referred to IRO for approval**

Any case that has an outstanding IRO Resolution on it should not transfer to another team until the resolution has been resolved by the allocated SW/TM.

All IRO Resolutions will be processed and tracked for quality assurance purposes.

IRO Resolution's that are not resolved in the appropriate timescales will be escalated to the Assistant Director of Quality Assurance.

Appendix 2 - Significant changes to be notified by social worker to the IRO

Although this is not an exhaustive list, below are examples of significant changes and events which would require notification to the IRO.

- Proposed change of care plan
- Where agreed decisions from the Child's review are not carried out within the specified timescales.
- Major change to family or friends time arrangements
- Changes of allocated social worker
- Any safeguarding concerns involving the child, which may lead to enquiries under S47 of the Children Act or other meetings not attended by the IRO.
- Complaints from or on behalf of child, parent or carer
- Unexpected changes in the child's placement provision which may significantly impact on placement stability or safeguarding arrangements
- Significant changes to birth family circumstances
- Where the child is charged with any offence leading to referral to young offending services, pending criminal proceedings and any convictions or sentence as a result of such proceedings
- Where the child is excluded from school
- Where the child is reported as missing from their approved placement or there are child exploitation concerns.
- Significant health, medical events, diagnoses, illness, hospitalisation, serious accident
- Panel decision in relation to permanency

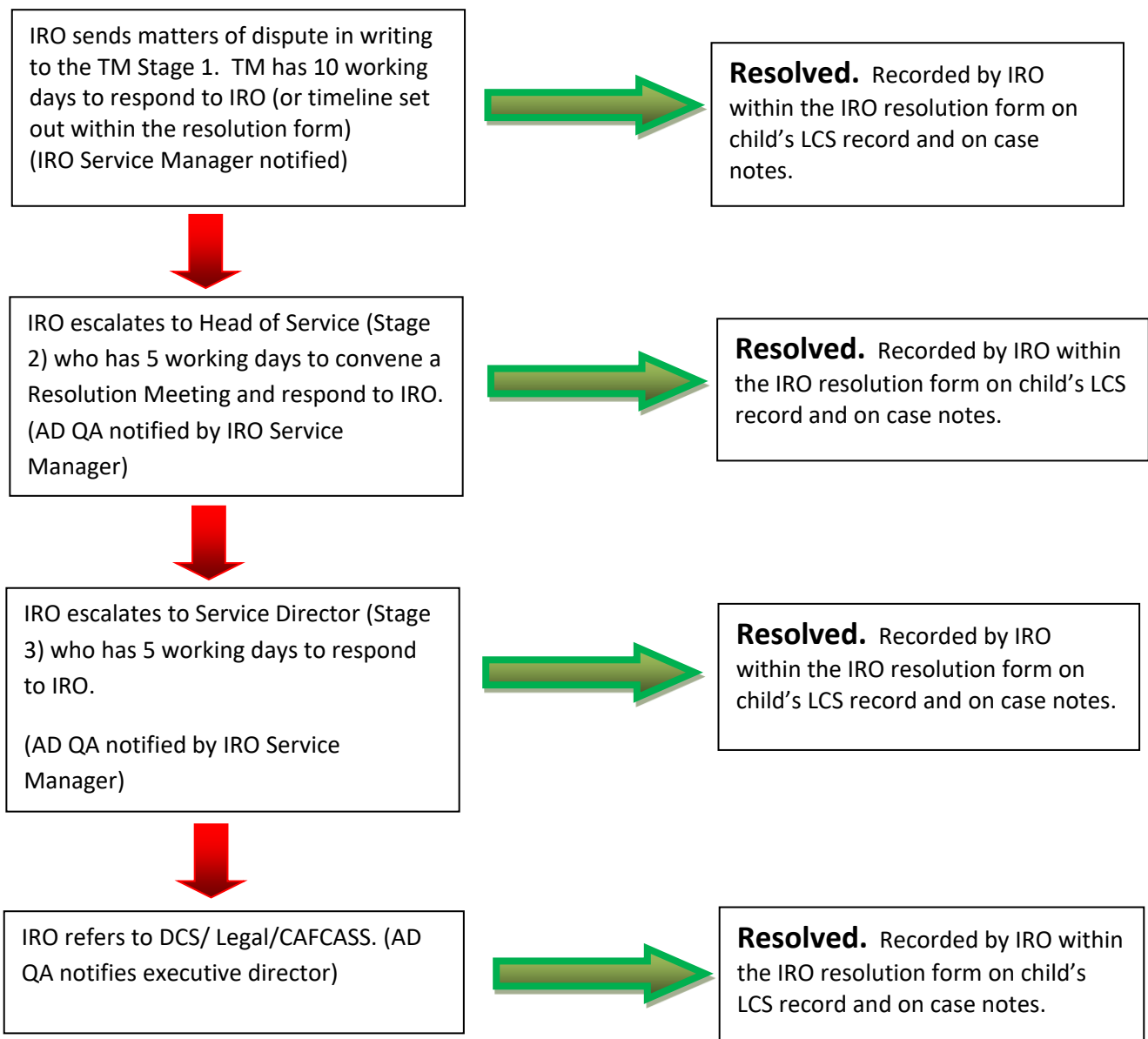
Appendix 3 - Buckinghamshire IRO Resolution Flowchart

IRO will complete decisions within five working days, the full report within 15 working days and send out within 20 working days of the review. On receipt of the decisions the Team Manager has five working days in which to raise a concern otherwise the decisions will be accepted. If the TM disagrees with any decision within that initial five working day period this should be notified in writing to the IRO and all those who attended the review.

If the IRO has matters of concern the IRO will discuss them with the TM within 3 working days of the review in order to seek an informal resolution.

Where the IRO escalates the challenge the formal dispute resolution process set out below should be completed within **20 days**.

The IRO has the power to refer the matter to CAFCASS at any point in the dispute resolution



Appendix 4 - Chapter 6. IRO HANDBOOK - Dispute resolution

6.1 One of the key functions of the IRO is to resolve problems arising out of the care planning process. It is expected that IROs 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 will, in the first instance, seek to resolve the issue informally with the social worker or the social worker's managers. The IRO should place a record of this initial informal resolution process on the child's record. If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO should consider taking formal action.

6.2 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. The process is referred to in the guidance as the local dispute resolution process. Taking into account different management structures within each local authority there are likely to be some variations in the process, but it will involve escalating the matter in dispute through a number of levels of seniority within the department with identified timescales for a response at each stage. The IRO may bypass any stage and progress the dispute to the level s/he considers most appropriate. The formal dispute resolution process within each local authority should have timescales in total of no more than 20 working days.

6.3 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.

6.4 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.

6.5 There will be times when the IRO may be advised that obstacles in the way of resolving the issue are outside or beyond the control of the local authority, for example in relation to staffing, interagency or resources issues. However, if these are impacting on the ability of the department to meet the needs of a child as identified in the child's care plan, the IRO should continue to escalate the issue.

6.6 The resolution of disputes is a time-consuming activity and can create tensions between the IRO and the local authority. The managers of IRO services and senior managers in the local authority responsible for corporate parenting, will need to ensure that IROs have sufficient time and support in order to carry out this function of their work effectively.

6.7 The IRO should ensure that all actions s/he takes in an attempt to resolve a dispute is recorded on the child's case record.

Appendix 5 - Independent Reviewing Officer Practice Standards

Introduction

Buckinghamshire Council is committed to improve outcomes for children looked after by ensuring they are at the centre of all that we do. Buckinghamshire Councils IRO Practice standards are set out to support IROs effectiveness and positively impact on the child's care planning process. This set of standards does NOT replace the statutory guidance found in Chapter 6 of the IRO Handbook which is available online and should be read in conjunction with Buckinghamshire's Independent Reviewing Officer Dispute Resolution Policy and Procedure.

[iro_statutory_guidance_iros_and_las_march_2010_tagged.pdf \(publishing.service.gov.uk\)](#)

Independent Reviewing Officer Practice Standards

The IRO'S primary focus is to quality assure the care planning and review process for each child and to ensure that his/her current wishes and feelings are given full consideration.

The IRO handbook draws on a model of best practice to improve outcomes for children looked after and this document serves to ensure that every child in care can expect the best possible service from their IRO.

One of the most important aspects of the IROs role is to meaningfully engage with children and to remain child-centered in everything they do.

Practice Standards

Ensure the child is at the centre of all they do.

1. The IRO will ensure that the child's views, aspirations and wishes are given full consideration.
2. The IRO will be satisfied that each placement is meeting the needs of the child.
3. The IRO is to ensure that each child knows who their IRO is and how to contact them between reviews, which should be clearly noted in the record of the review.
4. Each child's review is a process that requires necessary information to be available, such as the child's care plan and recent child and family assessment to enable all the relevant people to contribute ensuring clear and informed judgements are made about the progress of the care plan.
5. All care plans and decisions to have a timescale attached that meets the child's needs and a named person to implement them.

6. The IRO will identify where there is drift in care planning and utilise Buckinghamshire's local authority formal dispute resolution process where needed.
7. The IRO should be satisfied that plans for permanency have been identified by the at the earliest opportunity, but by the second review.
8. The IRO will be satisfied that the local authority is meeting the requirements of the care planning regulations including fulfilling its duty as corporate parent.
9. The IRO will record the child's review in accordance with the timescales set out in the IRO Handbook.
10. The IRO pro-actively monitors the progress of the care plan and the implementation of the review decisions. The IRO will provide midway oversight in between reviews and record this on case notes using the IRO oversight drop down and label the subject tab IRO midway oversight.
11. The IRO will determine whether a review needs to be convened when there is a significant change/event in the child's life.
12. The IRO will engage with the child's guardian in line with the CAFCASS protocol in order to ensure effective communication about the child's care plan.
13. The IRO will provide both positive and constructive feedback to all the stakeholders in order to achieve good outcomes for children.
14. The IRO will provide a link role to a particular social work team to facilitate good communication, support social works team understanding of the IRO role and maintain the relationship between the IRO service and the social work team. This will entail bimonthly meetings between the Team Manager and the IRO and IRO attendance at the social work team meeting 3 monthly or at an agreed frequency between managers.

More information

More detailed information and relevant Department for Education (DfE) publications can be found online at: <https://www.gov.uk/government/organisations/department-for-education>

September 2021