



## Dispute resolution and Escalation Procedure



September 2023

<b>Title</b>	<b>Dispute resolution and Escalation</b>
Purpose	<b>To set out the policy for IROs and CP Chairs and CSC escalating and resolving issues</b>
Updated by	Ranganathan Gajendran, AD for Quality Assurance
<b>Approved by</b>	<b>CSMT</b>
Date	August 2023
Version number	<b>2</b>
Status	Draft
Implementation date:	<b>Immediate</b>
Review frequency	<b>Bi -Annual</b>
Next review date	August 2025
<b>Document Location:</b>	Lambeth Borough Council Tri-X procedures

## Table of Contents

1. Introduction .....	4
2. Purpose and Scope .....	4
Legislation .....	4
3. Roles and Responsibilities of the IRO/CP chairs .....	4
4. Roles & Responsibilities of the Local Authority .....	5
5. Involvement and Participation of Children and Young People .....	6
6. Oversight of the Quality Assurance Service.....	6
7. Dispute Resolution stages.....	6
Informal Stage .....	7
Stages One, Two, Three and Four .....	7
CAFCASS/LSCP .....	7
8. Escalation by IROs to partners.....	8
9. Exceptions (circumstances when the policy is over-ridden).....	8
Evidencing Impact.....	8
Annex A: Underlying Principles .....	9
Annex B - Stages.....	11
Annex C   Examples of Cases/Issues Requiring Resolution .....	13
Annex D : Escalation QA Alerts / Dispute Resolution Flowchart .....	14

## 1. Introduction

Lambeth Children Social Care are committed to promoting the right decisions and planning for children, and strengthening alliances with partner agencies through challenge, communication and good practice that is child focused. Independent Services including the Child Protection Conference Chairs and Reviewing Officers (IROs), based within the Quality Assurance Service are central to this planning. They have a key role in identifying drift and delay for children, highlighting what needs to change to address the causes of delay and to improve outcomes for Children in Care and also those subject to Child Protection Plans.

## 2. Purpose and Scope

It is the responsibility 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. Considering 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.

When there is a difference of opinion over the Care Plan, or where the child's needs are not being met, or review recommendations are not being followed through, the CP Chair/ IRO should attempt to resolve the issue directly with the child's social worker and, if necessary, their practice or team manager. Where the IRO cannot resolve the issue, within a reasonable time period, this is a dispute between the CP Chair/IRO and the case managers. At this point, following a discussion with the line Manager, the CP Chair/IRO should start the Dispute Resolution Process (DRP).

Where the IRO/CP chair has discretion about which level to initially address their concerns, taking into account the nature of their concerns, the circumstances and the current care plan. It is for the IRO/CP chair to consultation with their Service Manager, the most effective way of achieving resolution of the issue. For example an issue relating directly to a child, eg 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.

The formal dispute resolution process within each local authority should have timescales in total of **no more** than 20 working days.

## Legislation

The following legal framework and guidance underpins the statutory duties undertaken by IROs/CP chairs within the Quality Assurance function:

- The Children Act 1989
- The 2004 Children Act
- The Children and Young Persons Act 2008
- The Adoption and Children 2002
- Care Planning Placement and case Review (England) regulations 2010
- The IRO Handbook updated.
- London Child Protection Procedure
- Working Together to safeguard children.

## 3. Roles and Responsibilities of the IRO/CP chairs

The IROs/CP Chairs have 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 of the care plan at all stages including Mid-way Reviews.
- 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 the care plan/CP plan addresses the fundamental issue with time limits that meet the child's needs and as appropriate multi agency.
- Ensuring that there is no 'drift' in implementing the plan.
- Ensuring the plan is child focussed rather than adult focussed.
- Resolving problems arising out of the care planning process

The process is set in the context that the primary expectation is that IRO/CP chair will establish positive working relationships with the children's social workers and other multi- agency partners in order to work towards an agreed plan that meets the children's needs at the earliest opportunity securing long term stability and sustainability.

IROs and CP Chairs have an important role in respect of being independent of the service team and have particular duties and powers arising from that independence. They are in a unique position within a local authority to carry out a critical monitoring and challenging role. This includes highlighting both positive practice as well as assertively identifying and challenging issues of concern that may be impacting on the delivery of services to children & young people.

The resolution and escalation protocol are the means by which effective challenges are made. Where problems are identified through the review, conference processor mid-way review of the child's file the IRO/CP chair has a responsibility to address these issues by raising a practice alert to seek resolution.

The individual IRO/CP chairs are 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.

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.

The circumstances under which they may do are specified in the Regulations: if the IRO/CP chair 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. The Corporate Director (DCS) of Children, Families and Education should be informed if such action is to be taken.

#### **4. Roles & Responsibilities of the Local Authority**

The local authority decision-making in relation to children's care planning (for the child at home or in the care of the local authority) should be clear and transparent in order to confirm how the needs of the child will be met. The LA must follow a clear process to make decisions in a timeframe appropriate to the child's needs and at the earliest opportunity to secure stability and permanency in the longer term either with birth family or alternative carers.

When an escalation has been raised by an IRO/CP chair the respective social workers and managers as well as senior managers have a responsibility to ensure that they respond to the escalation in writing within the timescale as outlined in this process.

## 5. Involvement and Participation of Children and Young People

In the event that any issues require an escalation the IRO/CP chairs must also ensure the child understands that, aside from the IRO/CP chair's planned actions to seek resolution of the issues, a looked after child is entitled to access independent advocacy (commissioned through the local authority) and to make use of the local authority's complaints process to pursue resolution themselves should they wish to do so.

Where appropriate the child / young person should be informed that they are seeking resolution to a problem on their behalf, and they should be kept informed of how the resolution is progressing.

Children and young people should be made aware of the CPIRO's role to challenge and raise disputes so that they know they can request an IRO to challenge, and they are able to ask for an IRO to account for their actions.

## 6. Oversight of the Quality Assurance Service

The QA Service has a key role in the tracking and recognition of good practice as well as dispute resolution to support the local authority's improvement journey, raise standards and improve outcomes for children/young people known to the Local Authority.

The IRO/CP chair must ensure that copies of all good practice as well as QA escalations (and written resolutions) are forwarded to the AD of QA for monitoring purposes. This will be presented to PPOP on monthly basis and highlights of the same will be shared in the annual reports for the CP conference and IRO services.

## 7. Dispute Resolution stages

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/teams] 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 the timescale set out the IRO/CP will initiate the formal process set out below.

It is important to recognise that social work teams and IRO/CPAs 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 and therefore transparency, respect and language are crucial.

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 face to face. 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 accordance with Lambeth timescales set out in the Annex 2 and in accordance with the child's needs the IRO/CP Chair should invoke the escalation process.

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 to ensure that there is no drift or delay for the child.

The individual IRO/CP chair is personally responsible for activating the escalation on in Mosaic, even if this action is not in accordance with the child's wishes and feelings but in the professional opinion of the IRO/CP Chair, will promote the child's best interests and welfare and/or will protect the child's human rights.

The IRO has the powers to enter into dispute at any of the 3 stages of the RDP. 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.

### Informal Stage

The IRO/CP chair will seek to consult with the social worker/team manager to bring to their attention the issue of concern.

Working collaboratively with the social worker (& team manager as required), the IROs/CP chairs will aim to seek resolution wherever possible at the informal stage in a face-to-face meeting. This level of the alert is to support early intervention with regard to resolving matters quickly to prevent formal escalation of a dispute/concern.

The IRO will determine the time frame (taking account of the child's needs) in which the informal practice alert is to be resolved and notify the social worker/Team Manager.

The IRO will determine the timeframe for resolution when raising an informal practice alert which should take account of the child's needs and timescales.

The total number of working days to fully complete the formal dispute resolution process is **20 working days**.

### Stages One, Two, Three and Four

Please refer to Annex 2

The stage two dispute issue(s) raised by the IRO/CP chair will be recorded together with the rationale and reasons for formal escalation to stage three to the Assistant Director.

The Assistant Director will have 4 working days to respond to the practice alert. The alert will be put on hold until the agreed date for completion of the task by the social worker / team manager. The hold date will be visible in the work trays of the CPC or IRO who will check if the task has been completed. If the task has been completed the CPC/ IRO will close the alert in Mosaic. Where the IRO/CP chair is not given a satisfactory response, or no response at all, or the task has not been completed, the practice alert will be escalated to Stage four.

### CAFCASS/LSCP

At any stage of the dispute resolution process the IRO/CP chair will need to consider whether to refer the matter to CAFCASS under Section 118 of the Adoption & Children Act 2002 or the LSCP (**Local Safeguarding Children Partnership** following consultation with Senior Management and ensuring that the Executive Director for Children, Families and Schools (DCS) must be informed.

Additionally, the IRO/CP chair may need to consider seeking legal advice independent from the local authority's legal team during any stages of the escalation process.

The IRO guidance states that the dispute / problem resolution process should allow for no action prejudicial to the child (e.g., change of placement or de-accommodation) to be taken until a resolution has been reached. Depending on the outcome of this, it may be necessary to reconvene the child's LAC review to confirm any agreed changes to the care plan.

It is important that the timescale for each stage is adhered to and it is the responsibility of the individual IRO/CP chair to ensure adherence or to appropriately escalate the dispute.

Dispute resolution should be a two-way process and if the service raises concerns around either an IRO or CP chair in relation to the plan for the child the DRP should work in reverse and QA should track these and their outcomes and include in the QA monthly report.

## **8. Escalation by IROs to partners**

In the first instance the IRO/CP chair will escalate concerns to Director Children's Social Care who then escalate issues with the senior managers of partnership agency. This is based on the existing Lambeth Safeguarding Children Partnership, Multi-Agency Escalation Policy. The policy was reviewed in March 2022 and will be reviewed again in May 2024.

At no time should professional disagreement detract from ensuring that a child is safeguarded. The child's welfare and safety are paramount, and all professionals and agencies are responsible for communicating such concerns as per the guidance provided in Working Together (2018) and the London Child Protection Procedures. IROs must always record escalations to partner agencies on the child's file on Mosaic.

## **9. Exceptions (circumstances when the policy is over-ridden)**

There are certain instances where the escalation policy described here should be over-ridden and the Director for Children's Services (DCS) and the Lambeth Safeguarding Children Partnership should be made immediately aware by whoever first comes to know. These instances include child death, life changing injury, abduction of child on CP plan or in care, immediate threat of judicial review or a case that may attract media attention.

### **Evidencing Impact**

A monthly report should be compiled by the DPP/AD and presented to SLT and CSMT/SAM by the Director of PPP– this should include individual issues raised in the previous month 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 / Annual Report.



## Annex A: Underlying Principles

Standard	Criteria
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>This policy and procedure is available to all staff and elected members on the IRO/CP chair's role in challenging and resolving disputes.</p> <p>Information should be made available to children, young people and families about who are Looked After that the IRO role in challenging and resolving disputes.</p> <p>This policy and procedure comply with the requirements of the IRO Handbook.</p>
The child should remain central to the challenge and dispute resolution process.	<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. It must be recorded on the child's file.</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 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>
The dispute resolution process should offer a continuum for resolving issues through informal and formal resolution processes.	<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>

Standard	Criteria
	<p>IRO/CP chair's managers should seek to ensure that there is consistency in the team as to how IRO/CP operate this continuum of intervention and dispute resolution to ensure a consistent team approach.</p> <p>The systems for the formal process of dispute resolution must be achievable within <b>20 working days</b>.</p> <p>This resolution process explicitly states that the IRO can at any point make a referral to CAFCASS. The DCS must be informed that the IRO is intending to make a referral.</p> <p>The QA Service has in place a reporting process which demonstrates challenge and dispute resolutions that are being managed through the informal resolution process, which is reported to CSMT.</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>QA has a system in place for highlighting shortfalls in service provision or disputes with partner agencies via the LSCP QAPM subgroup.</p> <p>The LSCP must have a process in place ratified by the Partnership Board who will retain oversight of the multi-agency challenge and dispute process.</p>
<p>Outcomes from disputes should inform strategic planning</p>	<p>There is a regular reporting system in place between IRO/CP Services and CSC SMT/CSMT to discuss issues being challenged by IRO/CP chair and to identify emerging themes.</p> <p>The annual IRO/CP reports provided to the Director of CSC and in the case of the IRO's, Elected members also has sight of this 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 QA AD will ensure there is an action plan in relation to this report.</p> <p>The LSCP's annual report outlines which multi agency issues around the planning for children and delivery of services has been raised and the outcomes of the DRP..</p> <p>The IRO Service Manager produces a report for the VOS and Corporate Parenting Board which specifically includes the IRO role in raising challenges and problem resolution. (e.g. <i>"What IRO have resolved for Children and Young People"</i>)</p>

## Annex B - Stages

<p><b>Stage 1 (formal)</b> Team Manager</p>	<p>IRO/CP will always notify the social worker, team manager/service manager about an alert that they raised.</p> <p>The email should outline the summary of concerns and with agreed actions and timescales is on Mosaic work step assigned to them.</p> <p>The recipient will enter their response on the form in alerting the initiator via email this has been completed.</p> <p>Once the situation is resolved the IRO/CP should record in brief the outcome on the DRP and close it promptly.</p> <p><b>4 working days</b></p>	<p><b>T W E N T Y  W O R K I N G  D A Y S</b></p>
<p><b>Stage 2</b> If issue unable to be resolved or there is a serious safeguarding issue Service Manager</p>	<p>IRO/CP chair to escalate to the workers SM</p> <p><b>4 working days</b></p>	
<p><b>Stage 3</b> If issue still not resolved or there has been a failure to respond to a serious safeguarding issue or potential breach of human rights AD for the service</p>	<p>IRO/CPA to escalate to Director CSC and alert QA AD - expected outcomes on the Alert Form may require updating.</p> <p><b>4 working days</b></p>	
<p><b>Stage 4</b> [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 the Director coping in the and relevant AD.</p> <p><b>4 working days</b></p>	

<p><b>Stage 5</b> if issue still not resolved or there is a continuing failure to respond to a potential breach of human rights.</p> <p>Director of Children, Families and Schools</p>	<p>IRO to escalate the alert to the Executive Director/DCS. This will be an exception and rare event. <b>4 working days</b></p> <p>At any stage of the dispute resolution process the IRO/CP chair will need to consider whether to refer the matter to CAFCASS under Section 118 of the Adoption &amp; Children Act 2002 or the LSCP (<b>Local Safeguarding Children Partnership</b>) following consultation with Senior Management and ensuring that the Executive Director for Children, Families and Schools (DCS) must be informed.</p> <p>Additionally, the IRO/CP chair may need to consider seeking legal advice independent from the local authority's legal team during any stages of the escalation process.</p>	
--	---	--

## **Annex C Examples of Cases/Issues Requiring Resolution**

- **Failure to meet LA Statutory Responsibilities:**
  - Non-allocation of a social worker.
  - Children not being visited regularly and/or seen alone in their placement by the social worker.
  - Children subject to child protection plans not being visited and/or seen alone.
  - There have not been sufficient core group meetings between child protection conferences (CP).
  - Health assessments or PEPs not carried out within statutory timescales.
  - Poor preparation for review/conference and decisions not being implemented.
- **Unacceptable Drift in Care Planning:**
  - No clear care plan in place.
  - Avoidable drift/delay in the implementation of the child's care plan.
  - Care plan not meeting the individual needs of the child.
  - Failure to implement a significant element of the child's care plan.
  - Failure to notify the IRO of significant changes in the child's care plan such as:
    - Decision to change the child's care plan.
    - Decision to change the child's placement.
    - Decision (with reasons) not to implement significant recommendations made by the IRO at the child's review.
- **Dispute Regarding Provision of Services**
  - Concern about whether appropriate resources have been allocated to meet the child's individual needs.
  - Concern around the suitability of the placement.
  - Concern around professional practice.
- **Safeguarding**
  - Avoidable drift/delay in implementing the child protection plan.
  - S47 enquiries not initiated when there are new child protection concerns/incidents.
  - Protocols/guidance not being recognised for children missing or at risk of CSE.

## Annex D : Escalation QA Alerts / Dispute Resolution Flowchart

