

**Independent Reviewing Officers and Child Protection Chairs**

**Dispute Resolution**

Effective challenge and resolution of professional dispute is an integral part of safeguarding and protecting children.

One of the key functions of the Independent Reviewing Officer’s (IROs) and Conference Protection Chairs (CPCs) is to raise and resolve concerns arising from the care planning and child protection process.

This is a restorative model of dispute resolution to support improvement in practice in which positive working relationships are established between IROs, CPCs, Social Workers and Team Managers and that these relationships enable the swift resolution of concerns to support positive outcomes for children.

The Dispute Resolution Process consists of two distinct stages and are consider under either an informal stage or formal stage.

**Informal Stage**

The IRO handbook states

*“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 file. If the matter is not resolved in a timescale that is appropriate to the child’s needs, the IRO should consider taking formal action”*

The majority of concerns should be resolved at an informal level if at all possible with the following process being followed:

* Any concerns should in the first instance be discussed and communicated to the Social Worker and Team Manager together within 1 working day of identification (this must be noted on the child’s file)
* Agreement and actions put in place is reached between the IRO/CPC and the operational services no longer than 3 working days of the original notification
* The chair will add an informal dispute case note to the child’s file with the agreed actions and timescales within 1 working day of agreement.

In exceptional circumstances the above process may take longer, the reasons why should always be clearly recorded by the IRO. Informal resolution should never take more than 10 working days to resolve.

If the matter cannot be resolved informally, the IRO must discuss with the Head of Service (HoS) for Safeguarding and Reviewing Service (SARS) to decide on the next action and if the formal stage should be actioned.

This decision must be completed within 24 hours following the lack of resolution at stage 1.

There will be times when the IRO/CP Chair may be advised that obstacles in the way of resolving the issue are outside the control or beyond the control of the local authority, for example in relation to staffing, interagency or resource issues. However, if these are impacting on the ability of the department to meet the needs of the child as identified in the child’s care plan or Child Protection Plan, the IRO should continue to escalate the issue (6.5 IRO Handbook)

The Head of Service for SARS will informed of the initiation of every informal resolution and have management oversight of every formal resolution.

**Formal Stage**

Whatever the level of challenge in the formal stage of the dispute it is expected that a conversation will continue to take place to try and resolve the issue.

Meetings should only be arranged if necessary but there should be effective communication at all levels.

**Level 1**

* Within 5 days

Service Manager to review the dispute and respond in writing either agreeing with the chairs dispute, upholding the decision by the service, proposing an alternative course of action or advising no action will be taken.

Chair to decide whether satisfied with the response. If not satisfied the matter would escalate to level 2 on the same day

**Level 2**

* Within 5 days

Head of Service to review the responses and respond in writing in 5 days, either agreeing with the chairs original dispute, upholding the decision by the service, proposing an alternative course of action or advising no action will be taken

The chair to decide whether satisfied with the response. If not satisfied the matter would escalate to level 3 on the same day.

**Level 3**

* Within 5 days

The Divisional Director to review the responses either agreeing with the chairs original dispute, upholding the decision by the service, proposing an alternative course of action or advising no action will be taken. The chair to decide whether they are satisfied with the response. If not satisfied the matter would escalate to level 4.

**Level 4**

Escalation to the Director of Children’s Services with the requirement that the DCS determines whether the challenge should be upheld or not and put their reasons in writing which would be returned to the chair within 5 working days.

**Referral to CAFCASS**

Since 2002 IRO’s have had h the authority to refer the case of any cared for child to CAFCASS if they are of the view that the child’s human rights have been breached and all attempts to resolve the matter have been exhausted. The scope of such referrals was extended.

The IRO now has the authority to refer to CAFCASS “if the IRO considers it appropriate to do so”. When considering a referral to CAFCASS the IRO should consider the impact of the referral on the child and their timetable.

* Prior to making a referral to CAFCASS the IRO must notify their Head of Service and explain the reasons for doing so.
* The IRO can make a referral to CAFCASS Legal by phone and followed up in writing. Contact details can be found at www.cafcass.gov.uk
* It is the responsibility of CAFCASS and not the IRO to determine if a legal remedy should be sought.

**Complaints**

6.8 of the IRO handbook identifies that the IRO has a responsibility to ensure, where appropriate, that the child understands his/her right to make a complaint to the local authority and to have an advocate to provide support with the complaint, should the child so wish. Any complaint should not prevent the IRO continuing to attempt to resolve the dispute. The Local Authority complaints Manager must advice the IRO of any complaint bought by or on behalf of the child and enlist the IRO to resolve the problem.

**Annex A - Dispute Resolution Process**

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| **Informal Stage**  The IRO/CP Chair brings the issue of concern to the attention of the social worker and Team Manager and seeks to resolve the matter. The IRO/CP Chair needs to be clear about what the issue is the outcome they are seeking and specific timescale. 15 working days is the maximum timescale and the expectation is that concerns will be resolved within the child’s timeframe. | | | | |
| **Level** | **To** | **cc.** | **Recording** | **Timescale** |
|  | Social Worker and Team Manager |  | Any challenge must be discussed and recorded on an **IRO Communication/cause for concern** case note with a clearly stating;  What is the issue of concern  What is the outcome the IRO/CPC is seeking to achieve  By when is a response required.  The matter will be resolved when the IRO is satisfied that the actions required to resolve the matter have been accepted and agreed and timescales are in place. | 5 working days |
| **Formal Dispute Resolution**  If the matter cannot be resolved at the informal stage the matter will be discussed with the HoS for SARs before a formal dispute is initiated. | | | | |
| Level 1 | Service Manager | HoS | DRP form completed and added to **Dispute Resolution Process** case note one the electronic recording system. This will be sent to the SM via a electronic recording system message with a telephone call/email to advise them that this is DRP is now active at their level. | Up to 5 working days. If no response, escalate immediately to Stage 2 |
| Level 2 | Head of Service | Divisional Director | DRP form completed and added to **Dispute Resolution Process** case note on electronic recording system message. This will be sent to the HoS via the electronic recording system message with a telephone call/email to advise them that this is DRP is now active at their level. | Up to 5 working days. If no response, escalate immediately to Stage 3 |
| Level 3 | Divisional Director | Director | DRP form completed and added to **Dispute Resolution Process** case note on the electronic recoding system message. This will be sent to the DD via the electronic recording system message with a telephone call/email to advise them that this is DRP is now active at their level. | Up to 5 working days. If no response, escalate immediately to Stage 4 |
| Level 4 | Director |  | DRP form completed and added to **Dispute Resolution Process** case note on the electronic recording system message. This will be sent to the DCS via the electronic recording system message with a telephone call/email to advise them that this is DRP is now active at their level. | Up to 5 working days. If no response, escalate immediately to Stage 5 |
|  |  |  |  | Maximum of 20 working days. |