

Dispute Resolution Protocol

March 2020

Foreword

Dudley continues its improvement journey to support children and families to become resilient and active participants in shaping their futures and securing positive outcomes for their children.

Dispute resolution plays an integral part in achieving the highest possible standards of social work practice and more ambitious outcomes for children. This Dispute Resolution Protocol outlines the timescales and process involved in resolving issues at the lowest level and as quickly as possible. The quality of social work practice and care planning is scrutinised by the Independent Reviewing Officer and any dispute resolution should be acted upon swiftly and in the best interest of Dudley's most vulnerable children.

There is an expectation that where, through scrutiny of care planning, IRO challenge is made, that prompt action is taken by the social work team responsible, in order to improve matters in the best interest of the child/ren involved. The very nature of a dispute means that practice has fallen short, even temporarily, of expectations and remedial action is required to ensure the child's needs are met within timescales suitable to promote their health and wellbeing. Everyone involved in a dispute resolution should seek to maintain the highest possible social work standards and values in order to cultivate and maintain effective working relationships across services. It is these respectful and productive working relationships that will ensure children's care planning will be effective and show positive impact upon their lives.

The aim of the protocol is to ensure that matters are resolved at an informal and earliest stage, avoiding the need for further escalation. It is envisaged this Protocol will contribute to a culture of constructive challenge and effective resolution resulting in improved services and planning for children and their families.

Catherine Knowles
Interim Director for Children's Services

Introduction

Dudley is committed to promoting the best possible outcomes and planning for our young people. Our ambition is to improve the quality of the services we deliver to our young people. The aim of this dispute resolution process is to improve opportunities for our Children in Care and our Children subject to Child Protection plans. Demonstrating communication, good practice and challenge in a child focused way.

The IRO handbook states (chapter 6) that “one of the key functions for the IRO is to resolve problems arising out of the care planning process.” Furthermore, the IRO Handbook states: ‘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’ (Section 6.4 IRO Handbook).

The updated Statutory Guidance for Care Planning, Placement and Review Regulations 2010 has helpfully clarified, in regulation, the exact matters and criteria that may be subject of dispute: It states:

‘Where the IRO is of the view that the responsible authority:

- Has failed to address the needs of the child set out in the revised plan; and/or
- Has failed to review the case in accordance with the regulations; and/or
- Has failed to implement effectively any recommendation made at a review and accepted as a decision; and/or
- Is otherwise in breach of its duties to the child in any significant way.

In undertaking this function, IRO’s will establish positive working relationships with Social Workers, where there are concerns within care planning, drift, delay or poor practice, the IRO will in the first instance, seek to resolve the issue informally with the Social Worker / Team Manager. The IRO will record this initial informal resolution process on the child’s file.

However if the matter is not resolved in a timescale that is appropriate to the child’s needs, the IRO will consider taking formal action and instigate a formal resolution process; notifying the appropriate Social Worker and Manager of the concerns and what action is required.

Dudley is required to have this formal process for the IRO to raise concerns and to ensure this is brought to the attention of the most appropriate manager. Whilst this process will take into account our management structure, it does require the process to be raised and resolved within identified timescales for each stage. The IRO may be required to “bypass” a stage and progress the issue to the level s/he considers most appropriate. The formal dispute resolution process should have timescales in total of no more than 20 working days.

The IRO has the responsibility to refer a matter to Cafcass, if internal resolution cannot be met. Regulation 45 – of the Care Planning, Placement and Case Review (England) states “the IRO may also consider it necessary to make a concurrent referral to Cafcass during the dispute resolution process”.

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. The IRO’s view may be that instigating the process is in accordance with the best interest and welfare of the child.

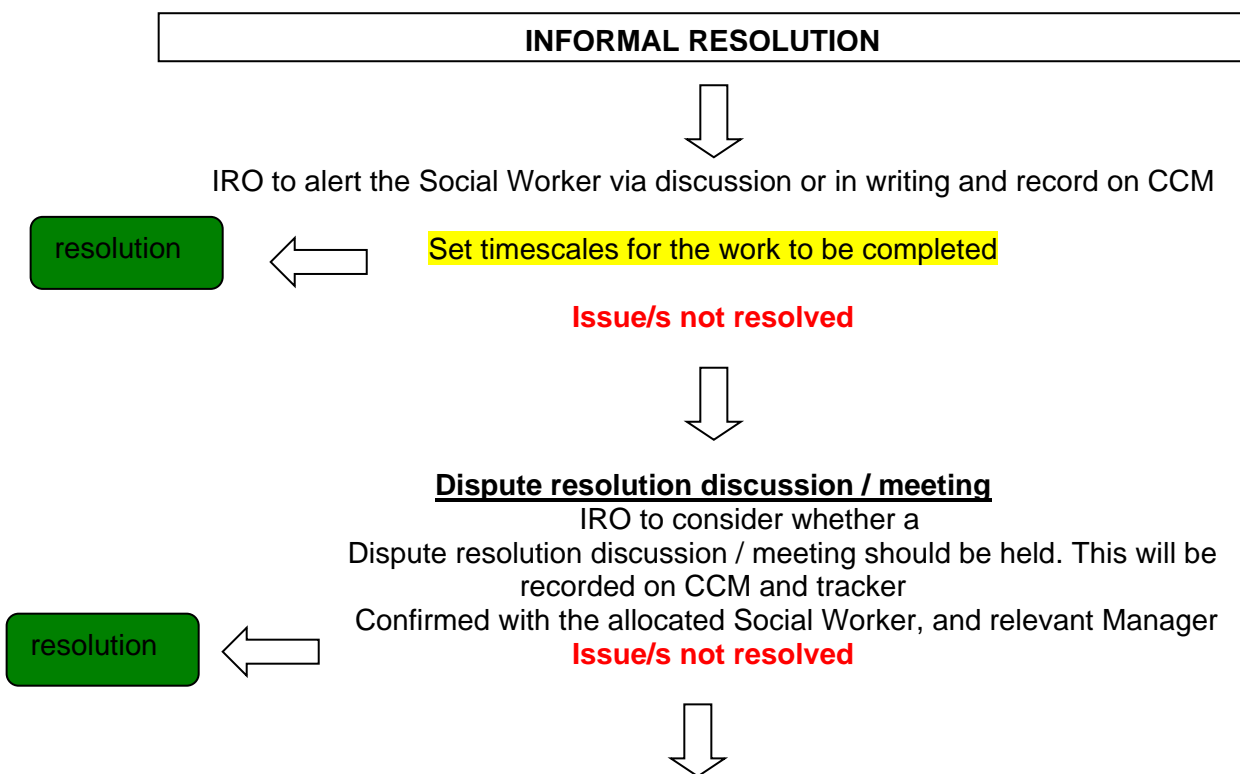
There may also be occasions when the IRO is aware of obstacles in the way of resolving the issue that are outside the control of the Local Authority, for example in relation to staffing, interagency or resources issues. However, if these are impacting on the ability of the Local Authority to meet the needs of a child the IRO would continue to escalate the issue. The IRO will ensure that all actions taken in an attempt to resolve a dispute are recorded on the child's case record within 48 hours.

The flow chart that follows sets out the Dudley process / policy. The dispute resolution protocol will enable the IRO, Social Workers and Managers to clearly evidence where challenge took place and how the outcomes for the child were improved. This will promote effective and efficient evidence of how the needs of the child are at the forefront of our planning.

Dispute resolution process/ flowchart

- Every opportunity should be made to resolve issues informally in the first instance.
- Where this is not possible, in order to discharge their responsibilities in relation to the child, the IRO should initiate the formal dispute resolution process.
- In some cases, it may be appropriate to begin the process at a different stage. For example, if the social worker or the team manager do not have the authority/remit to implement a decision, the process should start with the manager with the appropriate authority/responsibility. This may also be appropriate where there are significant concerns that require senior managers to be alerted.
- It is important that at all stages that a clear, concise record is made of any meetings and/or actions with a feedback process to the IRO by the relevant worker within a timescale suitable to meet the child's needs.

Issue/s raised in relation to the Child's Care Plan or Child Protection plan

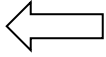


FORMAL RESOLUTION

Stage 1 (IR1)

IRO to alert the Team Manager and Social Worker via discussion or in writing, copying in Social Worker's Service Manager, record on CCM and update tracker

resolution



Work to be completed within 5 working days

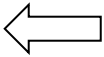
Issue/s not resolved



Stage 2 (IR2)

IRO to alert the appropriate Service Manager in writing, copying in Safeguarding & Review Manager, record on CCM and update tracker

resolution



Work to be completed in 5 working days

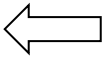
Issue/s not resolved



Stage 3 (IR3)

IRO to alert the appropriate Head of Service in writing, copying in appropriate Service Manager, Safeguarding & Review Service Manager and HOS for safeguarding. Record on CCM and add to tracker.

resolution



Work to be completed in 5 working days

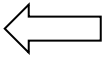
Issues not resolved



Stage 4 (IR4)

IRO in consultation with Safeguarding Service Manager. Safeguarding Service Manager also to alert Head of Safeguarding of the need to move to Stage 4. The Assistant Director for Children Social Care is notified (Copying in appropriate HOS) and record on CCM and add to tracker

resolution



Work to be completed in 5 working days

Issues not resolved



Notification to Director Children Service of possible referral to CAFCASS (IR5)

The IRO will seek advice on whether the criteria is met for a referral to CAFCASS. If yes, the IRO will make the referral within 3 working days.

- The timescales at each stage of the formal dispute process is guidance and earlier escalation may be required between stages based on the child's needs.
- In some cases, it will be appropriate for the IRO to escalate at a higher stage immediately or to give more time in any stage before escalating.
- In exceptional cases, where it would be beneficial to a successful resolution, IROs with the support of the IRO manager, can "pause" the formal dispute process. This might involve waiting until a required person becomes involved to undertake work with the child and/or family need time to make this as effective as possible in resolving an issue that is getting in the way of the child's needs being met. Any 'pause' will be recorded on the child's case record on CCM and added to the tracker.