

## Independent Reviewing Officers

### Dispute Resolution Process Practice Guide

There is an expectation, which is outlined within Care Matters, the Independent Reviewing Officers (IROs) handbook and the subsequent Children and Young Persons Act 2008 for IROs to have and adhere to a resolution process for disputes.

The IRO has a statutory duty to monitor the performance by the local authority of their functions in relation to the child's case and to resolve problems arising out of the care planning process. Dispute resolution is an integral part of the IRO role. Informal and formal resolution form part of the same continuum of resolution.

The child should remain central to the dispute resolution process and should be made aware of the IROs responsibility in respect of dispute resolution.

**Ideally resolution processes are there to resolve any problems at the lowest level and as quickly as possible.** Through the process the IRO should be able to demonstrate to children that they are taking action on their behalf and they should be able to evidence their own work in resolving the issue.

IROs should, where possible, work in collaboration with a child's social worker to ensure that each child they review achieves, over the period of their being looked after, the best possible outcomes. They should also ensure that the Care Plan is the right one for the child.

IROs, like all the other professionals involved with a child in care, want the best for children they review. There are however occasions when there is a disagreement over a Care Plan or how the Care Plan is to be achieved. There may also be times when needs identified for a child are not being met or when recommendations made at reviews are not implemented either wholly or in part.

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 IRO should attempt to resolve the issue directly with the child's social worker and, if necessary, their team manager. Where the IRO cannot resolve the issue, within a reasonable time period, this is a dispute between the IRO and the social worker. At this point, the IRO should start the Dispute Resolution Process (DRP).

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.

IROs should exercise their discretion and judgement when considering the level at which they are disputing and whether they are attempting to resolve this as part of the informal or formal process.

**Before starting the DRP, the IRO should ensure that he or she has exhausted all the informal channels of communication**, such as speaking directly with the social worker to resolve the issue in dispute. The IRO may also want to discuss the issue with the team manager of the IRO Service as a way of seeking a second opinion on the issue in dispute.

Whatever the IRO decides he or she should always bear in mind the need to prevent delay or drift in a looked after child's life and the IRO should always therefore make a prompt decision on whether it is in a looked after child's best interests to start the DRP.

The DRP is based on 3 stage alert process in LCS, known as IRO Dispute Resolution – see guidance below. The focus of the process should be to seek resolution that is appropriate to the needs of the child.

All information is recorded on the child's file and therefore IROs need to be considerate of language that is used as part of their challenge and resolution process.

When a social worker has concerns regarding an IROs practice or professional behaviour, this should be discussed with their team manager. Any concerns or issues identified need to be shared with the IRO team manager and a resolution agreed. Any outstanding issues of disagreement need to be raised by a service manager. This process is not to be recorded on the child's file.

## Bradford Child in Care Resolution Process

This process is to standardise the communication when an IRO is concerned about case management issues, progress with the Child in Care plan or an escalation of risk.

It is always expected that the least formal approach will be taken but the process indicates the steps that can be taken if progress is not made and / or if the right conversations are not happening. If the concerns indicate that the child / children are at immediate risk of significant harm the appropriate action needs to take place and each stage need not be followed in sequence.

### Pre – Child in Care Child Review Preparation

The work that happens before the review is vital in ensuring that the review is restorative and the child/young person/parents are in the very best position to fully participate. The following issues will be considered by the (Social Worker) SW and the Independent Reviewing Officer (IRO).

Feedback will be given through the QA form which will be completed over the lifetime of the review process.

*Appropriate invite list / childcare arrangements in place / referral for advocate for the child as required / interpreter arranged / reports/assessments prepared in advance and shared with the family and IRO/ care plan is up to date*

### Expectation is that the social work team manager will ensure that the statutory tasks and permanency planning will have been undertaken prior to the Child in Care Review

On the SW review report the Team Manager (TM) should indicate that the Care Planning meetings and Statutory Visits have been completed or if they could not be that the reasons are briefly recorded.

### Concerns about progress of the plan or escalation of risk

It is expected that the SW alerts the IRO to any escalation of risk during the lifetime of the child being in care.

When the IRO has any identified issues/concerns, the IRO and the SW responsible for managing the **Child in Care Child Review** should have a phone conversation and reach some agreement about the issues / concerns and any actions that are needed to take place to address these.

The IRO will record this on LCS as “**IRO Dispute Resolution Stage 1**” – the dispute resolution will be sent to the SW and TM.

There is an expectation that the TM will respond to this dispute resolution within 5 working days to acknowledge the issues/concerns identified and confirm that actions agreed have been completed.

### **Request for meeting**

If no resolution (or if communication has not happened) and the concerns remain, these should be briefly outlined in an email to the Children's Service Manager (CSM), with a copy to the SW and TM requesting a meeting. The meeting should be chaired by the IRO Team Manager.

The IRO should record this on LCS as **"IRO Dispute Resolution Stage 2"**.

There is an expectation that the CSM will confirm the date of the meeting via the **"IRO Dispute Resolution Stage 2"** process within 5 working days.

The meeting should be attended by the IRO, CSM, and the children's team manager.

A summary of the meeting will be recorded by the IRO Team Manager on LCS in **"IRO Dispute Resolution Stage 2"**.

### **Notify Head of Service**

If no resolution has been achieved from the meeting undertaken in **"IRO Dispute Resolution Stage 2"**, these should be briefly outlined in an email to the Head of Service (HoS), with a copy to the CSM, SW and TM requesting a meeting. The meeting should be chaired by the Safeguarding and Reviewing Service Manager.

The IRO should record this on LCS as **"IRO Dispute Resolution Stage 3"**.

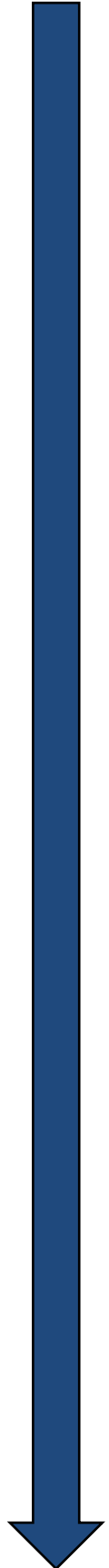
There is an expectation that the HoS will confirm the date of the meeting via the **"IRO Dispute Resolution Stage 3"** process within 5 working days.

The meeting should be attended by the IRO, CSM, and locality HoS.

A summary of the meeting will be recorded by the Safeguarding and Reviewing CSM on LCS in **"IRO Dispute Resolution 3"**.

### **Independent Legal Advice**

In the event that the challenge process has not been successful then the IRO will seek Independent Legal Advice; this will need to be agreed by the HoS for Safeguarding and Reviewing.



**Referral to CAFCASS under Section 118, 2002 Act**

In the event that no resolution has been achieved, the IRO will refer the case to Cafcass 'if the IRO considers it appropriate to do so' [section 25B(3), 1989 Act]. This will need to be discussed with HoS for Safeguarding and Reviewing and AD.

Cafcass will enter into final dispute resolution process with the local authority before proceedings are instituted.

**Cafcass has the power to initiate proceeding under section 7(1) of the Human Rights Act 1998, claim for judicial review and other proceedings (for example under the CA 1989).**

