**IRO CP Chair Dispute Resolution Process**

**Introduction**

The IRO handbook states 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).

As part of the monitoring function, 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 not just around individual children but also more generally in relation to the collective experience of its looked after children of the services they receive. Where IROs identify more general concerns around the quality of the authority’s services to its looked after children, the IRO should immediately alert senior managers about these. Equally important, the IRO should recognise and report on good practice.

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. Restorative Practice will underpin all IRO dispute resolution and quality assurance processes, ensuring High Support and High Challenge.

As outlined in the IRO Handbook 2011, the IRO have an important quality assurance role, stating: ‘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’

and

‘IROs are well placed to assess the quality and effectiveness of local authority planning and support for children. The IRO has a crucial role to play in ensuring that the local authority fulfils its responsibilities as a ‘corporate parent’ for all the children that it looks after.’

The Quality Assurance process aims not only to assess the quality of work on behalf of individual children, but also to enable the service to assess the quality and effectiveness of the local authority on behalf of all Children and Young People in Care.

The Quality Assurance process also applies to Child Protection Conferences. Conference Chairs are well placed to provide valuable feedback to Children’s Social Care in relation to the quality of work on behalf of children who may be in need of protection.

**IRO/CP Chair Quality Assurance and Professional Challenge Process**

Following each statutory review and Child Protection Conference the IRO/Conference Chair will complete a quality assurance questionnaire. This will assess the quality of the preparation for the meeting, and therefore the ability of participants to contribute effectively, the quality of the assessment and report presented to the meeting and the quality of the plan. If there are Practice Issues identified, then an Alert will be sent to the Social Worker and the Team Manager. If there are serious issues identified that are impacting on the child or the progress of the Care Plan or Child Protection Plan, then the Dispute Resolution Process will be initiated. If the IRO/CP Chair identifies good practice, then a ‘Good Practice notification’ will be issued.

**The IRO Team is able to raise a collective dispute to the attention of the HOS Safeguarding for any recurrent themes or organisational issues**

**Examples of Quality of Practice Alerts:**

Here is a list of issues where an IRO/CP Chair would issue an Alert:

* Aspects of the plan have not progressed leading to some delay.
* Failure to provide, refer to or coordinate services which had been identified as necessary to address the child’s needs
* The report was of such poor quality that it had an impact on the Chair’s ability to hold an effective meeting.
* The Social Worker showed little understanding of the child’s needs, had not met the child or sought their views.
* The Social Worker had not sought the views of parents /carers(where appropriate), had not made efforts to enable parents to contribute (i.e. no interpreter)
* The Social Worker’s report had not been shared with the child/parents/Carer in advance of the meeting.
* The Social Worker had not undertaken statutory visits at the required frequency.
* The Child had not been consulted about the Child in Care Review/Child Protection Conference and arrangements not made to support their participation.

**Quality of Practice Alert Process**

A Quality of Practice Alert will trigger a managers Response Form on LCS. In most cases, it will be the Team Manager who responds, however where the concern relates to the practice of the Team Manager, the alert should be sent to the Service Manager.

The Team Manager will need to detail their response to the concern and any proposed actions within 5 working days. The manager is responsible for addressing the concern with the Social Worker and should bring all alerts for discussion within the Social Worker’s next supervision session. A notification is sent to the IRO that the Manager’s Response has been completed. The IRO will view the response and escalate as necessary if the matter is not resolved.

Where the IRO/CP Chair requires specific actions to address concerns about the progress of the plan, they will contact the Team Manager directly. Where the IRO/CP Chair is concerned that the Team Manager is not willing or able to address the concern in a timely way, or is not responding to efforts to contact them, the IRO/CP Chair will initiate the formal stage of the dispute resolution process. (See Dispute Resolution procedure).

The respective Service Manager for the Social Work Team will be notified of any case where there is a repeat Quality of Practice Alert for the same child.

**Good Practice Notifications**

IROs/CP Chairs will issue a Good Practice Notification using the template provided. This will be sent to the Social Worker, Team Manager and Service Manager. The template will also be sent to CPP to hold a record of all notifications submitted by the service.

**Formal Dispute Resolution**

Examples of Formal Dispute Resolution:

• The child is at risk of significant harm and the Care Plan/CP Plan does not address this

• The failure to provide, refer to or coordinate services is having a serious impact on the child or is seriously affecting the stability of the placement

• The Social Worker has failed to complete an agreed action which has led to a serious drift or delay in the achievement of the care plan, so as to delay the achievement of adoption, reunification or placement with connected person. (Any delay for a very young child may be serious)

• There has been a repeated failure to act on an agreed Review/Conference decision, which may mean there is an infringement of the child’s human rights

• The Social Worker has not informed the IRO/CP Chair of significant events relating to the child

• Inappropriate legal status for a child

• Failure to consider child / young person’s identity needs

• Insufficient weight given to the views of the child or to those of his/her parents, carers, or other professionals

• Inappropriate arrangements to facilitate family time/nurture relationships for a Child In Care with their family.

• Inadequate preparation for review / poor contribution to review which has impacted on the conduct of the meeting, including a report not being completed and shared with the family

• Failure to identify / address child’s health or education needs

• Significant changes to a child’s care plan outside of the formal Review process (unless not reasonably practical)

Professional disagreements are inevitable, but it is imperative that any disputes are resolved in a timely way. The following process should be followed and completed within the statutory timescale of 20 working days or earlier if at all possible. The aim of the dispute resolution process is to have a clear transparent process that is understood and supports robust professional relationships. Dispute Resolution also plays an important part in continuous service improvement, strengthening policies and procedures and improving practitioners understanding of practice expectations.

In reading this policy it is important to remember that:

1. Within the overall statutory framework, the timescales for dispute resolution are determined by the IRO and must be adhered to unless an extension has been negotiated with the IRO.

2. Communication should ideally be face to face or by telephone wherever possible to ensure discussions are positive and productive. E-mail should be used as a last resort, where telephone contact has not been possible.

3. Although professional disputes are in some circumstances inevitable, effective communication between the social worker/manager and IRO may prevent triggering a dispute or escalation of an existing one.

4. The needs of the child and the impact of delays on the child and family will be taken into account and may result in the IRO intervening at the most appropriate level in the prevailing circumstances.

5. Managers are expected to take appropriate action in supervision to address practice issues.

6. Monitoring of disputes will be undertaken to determine the emerging trends to inform future policy and procedures.

It is possible to pause the process in exceptional circumstances to allow the gathering of further information, await the outcome of court directions or management decision processes; this must be with the agreement of the Head of Service - Safeguarding.

The IRO needs to be clear at each stage of the process if they consider the issue potentially serious enough that it might require referral to CAFCASS and must alert the Head of Service - Safeguarding before making a referral. The IRO may seek advice from CAFCASS without disclosing the names of children concerned, at any stage. The IRO may also seek advice from legal services if appropriate; with agreement from the Head of Service - Safeguarding.

**Stage 1**

The IRO will convene a meeting with the Team Manager within 5 working days of the concern being identified (this may be outside of a Review). There may be circumstances where the seriousness and urgency of the concern is such that it would be immediately raised with the Head of Service - Safeguarding.

A record of the outcome of the meeting will be recorded on the Dispute Resolution form in LCS by the IRO.

**Stage 2**

Should the Stage 1 meeting not achieve resolution, or the meeting does not take place, the IRO Service Manager will raise the concern with the Social Work Service Manager. Within 5 days of the conclusion of Stage 1, a Stage 2 Dispute Resolution meeting is to be arranged, chaired by the IRO Service Manager (Safeguarding) and to be attended by the IRO, Team Manager, Social Work Service Manager.

A record of the outcome of the meeting will be recorded on the Dispute Resolution form in LCS by the IRO Service Manager.

**Stage 3**

Should the issue in dispute remain unresolved; the IRO Service Manager will discuss the matter with the Head of Service - Safeguarding. A meeting will be arranged within 5 working days between the respective Heads of Service (Safeguarding and Social Work), Service Managers (Safeguarding and Social Work), Team Manager and IRO.

The Head of Service – Safeguarding, may seek advice from legal services or CAFCASS. Should it be agreed that the CAFCASS referral is likely to be appropriate; the Head of Service - Safeguarding will discuss the matter with the Service Director for Children’s Services.

A record of the outcome of the meeting will be recorded on the Dispute Resolution form in LCS by the Head of Service - Safeguarding.

**Stage 4**

If the dispute is not resolved at Stage 3, then the Service Director will arrange a meeting with the respective Heads of Service and Service Managers within 5 working days.

Should the matter remain unresolved, the Head of Service - Safeguarding and Service Director will alert the Director of Children’s Services. The Service Director and the Director of Children’s Services will have access to independent legal advice and will seek written adjudication on the matter. All supporting information will be made available, including, where appropriate, the outcome of independent legal advice in relation to the rights of the child and any potential breach of the child’s Human Rights. This should be completed within 5 days of the conclusion of Stage 4.

Should the matter remain unresolved, the Service Director will notify the Chief Executive in writing of the intention to refer the case to CAFCASS. The Head of Service, Safeguarding will support the IRO to make the referral to CAFCASS with all required documentation. Once the referral has been made, CAFCASS will enter into final dispute resolution with the Local Authority before legal proceedings are instituted. It is the responsibility of CAFCASS and not the Safeguarding Service to determine whether a legal remedy should be sought.

**Role of IRO Service Manager**

The role of the Service Manager - Safeguarding (IRO manager) during the dispute procedure is as follows:

• To provide clear supervision to the IRO taking into consideration the issue being raised and providing feedback on the strengths and weaknesses of the case being brought forward.

• To ensure that throughout the process, lines of communication remain open and clear and that the issues do not become clouded, personalised or lost in other processes.

• To provide briefing to senior managers, where required, as to the Safeguarding Service’s view of the issue being raised and possible routes to resolve the issue.

• To ensure, on consultation with the Head of Service - Safeguarding, that legal advice is available to the IRO from the nominated solicitor in Legal Services, or where appropriate, independent legal advice. This advice must then be discussed in supervision with the Head of Service - Safeguarding.

• Overall, to encourage resolution prior to the issue reaching the Head of Service level.

It is crucial that this process is followed, and these principles are employed when an IRO wishes to formalise concerns using the Resolution Procedure. It is not designed to hinder or minimise concerns. However, it is of crucial importance that evidence of the management and supervision process is clear, transparent and available for all front line and senior managers, including the Chief Executive and/or members, especially if the dispute reaches the stage where it needs to be referred to CAFCASS.

**Collective Dispute Resolution**

There are occasions when the IRO/CP Chairs wish to bring a dispute to the attention of Senior Managers for a collective response. This may be where there are recurrent themes being identified regarding service provision for children in Dudley, poor practice for a particular Team or Service area or a disagreement regarding the impact of a procedural or organisational change on the children in Dudley. In this event, the collective dispute should be discussed with the IRO Service Managers at a Team Meeting, or by alert if the concern is urgent. The Team should then notify the Head of Service - Safeguarding in writing of the concern, including a clear rationale, evidence of the impact on children and proposals for action. The Head of Service - Safeguarding will discuss with the Service Director; this would then be discussed at the SMT Meeting (weekly) or at DLT (weekly) dependent on the nature of the concern. The Head of Service - Safeguarding will provide an update to the Team within 5 working days and will continue to communicate any developments/outcomes as a result of the dispute raised.

**Representation of IRO Views**

IROs views should be accurately represented in Court Proceedings and key decision-making forums such as resource panels and permanency panels, however due to the independent role of the IRO, care must be taken to be distanced from Care Planning.

**IRO Quarterly Reports**

The IRO service produce quarterly reports to outline the dispute resolution activity of the service. This report allows themes to be identified for individual children, but also across Teams and Service provision. The Report is shared at Extended DLT on a quarterly basis. The report will also draw out themes arising from the Quality of Practice Alerts and the Good Practice Notifications.