**Safeguardng and Quality Dispute Resolution Protocol**

**Background**

Section 6.2 IRO Handbook states

'*It is the task of each local authority to put in place a formal process for the IRO 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...... 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. The IRO may bypass any stage and progress the dispute to the level s/he considers most appropriate. The formal dispute resolution process within each local authority should have timescales in total of no more than 20 working days*.'

**Escalation Criteria**

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 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 decision made at a review; or
* Is otherwise in breach of its duties to the child in any significant way.

The IRO must advise staff at an appropriate level of seniority of this failure. It will be important that senior managers then work to resolve the failure within a timescale that meets the needs of the individual child.
(Section 4.40 Volume 2 Care Planning Placement and Case Review)

The Handbook also makes it clear that IRO escalations should be made regardless of whether 'obstacles in the way of resolving the issue are outside or beyond the control of the local authority e.g. staffing, interagency or resource issues... 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'.

Therefore, criteria for initiating an IRO escalation are solely related to the needs of the child and not capacity of operational teams, resources or specific workers performance or behaviour.

An IRO Escalations does not exclude a child or another adult on the child's behalf taking separate action which could include:

* Making a formal complaint;
* Making an application to the courts.

The IRO has a duty to inform the child of their rights and assist in obtaining an advocate and/or legal representation. The IRO will also consult and keep informed the child and other relevant persons at each stage of the Representation as appropriate.

**Aims of this process**

To ensure that when an Independent Reviewing Officer identifies a problem

relating to the care planning of a child case in relation to social work practice

or agency management these difficulties are resolved quickly.

This process will apply to Child Protection and Looked After cases.

To ensure that there is a structure designed to escalate any emergent dispute

through the management when issues are not resolved at an informal level.

To ensure there is a formal process for resolving an issue/problem which has

been identified by the Independent Reviewing Officer about the care

planning of a child’s case, when the dispute has not been able to be resolved

informally.

**See Appendix 1 flowchart – Stages of Dispute Resolution**

**The IRO Escalation Form should be completed whenever there is a concern which has not been resolved at an informal level**

**See** [**Appendix 2: IRO Escalation Form**](http://southwark.proceduresonline.com/client_supplied/iro_escalation_form.docx)**).**

**Criteria for IROs to initiate the Escalation process in Enfield are summarised in the following categories:**

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| 1. **Incomplete or inadequate care plans**

Care plan not completed or signed off on Liquid Logic and so work flow stalled  |
| 1. **Drift or delay in care planning**

Drift/delay in legal planning, PLO processes or permanency decisions including a lack of consultation when changing the care plan.  |
| 1. **Safeguarding concerns**

including missing episodes and exploitation. |
| 1. **Concerns around social work provision**

Including delay in allocating cases, lack of stability and/or consistency of social work input, visits not being completed, lack of case notes, social work absence, child raises concerns, discriminatory practice or frequent transition between social workers/teams/services. |
| 1. **Placement concerns**

Including poor placement planning, quality/appropriateness of provision. |
| 1. **Education**

Lack of educational progress, no PEP or no education provision. |
| 1. **Health**

Health issues, recommendations not being addressed, health, emotional and/or behavioural support |
| 1. **18+ planning**

Including staying put decision making, lack of a clear plan at the final review |
| 1. **Action and effectiveness of management**

Including timeliness and evidence of decision-making |
| 1. **Non-completion of review decisions**

Including recommendations from mid-way reviewsFailure to consult the IRO following a significant event or when the care plan has been changed |
| 1. **Child protection plan not being implemented**

 Outline plan not being followed, concerns about visits, children not being  seen alone, views not being gathered about the plan, lack of response to  incident or new information |
| 1. **Core group meetings**

 Not being held, minutes not available, plan not being updated in response  to incident or new information, key members not included |
| 1. **Other**
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**IRO Escalation Process**

The IRO will aim to address any issues at as low and informal a level as possible.

If the issues cannot be resolved at level 1 then the IRO will escalate to stage 1 of the escalation process. The IRO will determine when and to whom an escalation based on the criteria above will be initiated. Therefore, the IRO may decide an alternative stage is an appropriate level of management at which to initiate and /or progress the escalation to.

**An IRO Escalation form will be completed including:**

• IRO Concern including any background and action already taken;

• Requested Action and Timescale;

• To which Management Level/Agency Representation is addressed;

• Management/ Specialist Agency Response;

• Outcome;

• Date Concluded.

In order to be easily tracked, collated and quality assured, concern will be sent initially by an e-mail to the managers concerned and then recorded on a Liquid Logic Case note with type of note chosen as 'IRO – escalation'. The case note should state the level or stage of the escalation. A follow up date on Liquid Logic should be set.

When the IRO escalation form is completed it should be saved in documents and a case note completed so alerts are sent to the social worker and appropriate managers to ensure that they note and read the record on Liquid Logic.

The manager contacted should respond to the IRO within the time-scale set by the IRO or at least within 5 working days.

If the IRO is not satisfied with the response to their representation or does not get a reply at all, they will escalate the concern up to a more senior manager including if appropriate the Head of Service and / or Director of Children and Families Services.

The IRO has the discretion to refer matters to CAFCASS at any time. They will inform their Manager if they are considering this. The Head of SQS will inform the Director of Children and Families and the relevant Heads of Service.

Where the child is subject of care proceedings the IRO has a duty to inform the allocated CAFCASS Children’s Guardian of any matter subject to a dispute resolution process.

CAFCASS and the Children's Legal Centre provide information and guidance on legislation, regulations and legal options but do not provide legal advice to IROs**.** The IRO Handbook states that all IROs must have access to independent legal advice at any time.

**The IRO’s responsibilities**

* To complete all IRO Representations/escalations, issuing at the relevant level of manager or other agency and notifying Head of SQS. All escalations to be recorded on Liquid Logic case records;
* To consider and if in agreement, act on requests from Managers for further time in the IRO Representation resolution process;
* To progress IRO Representation to the next appropriate level of Management if matter is not satisfactorily resolved;
* To seek independent legal advice if required;
* To advise the court appointed Guardian and Enfield Legal of the issuing and resolution of any Representation if the child or young person is subject of Court Proceedings;
* To update child and relevant parties as appropriate on the Representation process and seek updates from them as necessary.

**The allocated Team Manager’s responsibilities**

•To respond (within the time-scale set by the IRO or at least within 5 working days) to the concerns of the IRO specifically addressing the requested action;

• To request from the IRO further time if required to resolve the Escalation;

• To alert their Head of Service if it's likely that the Escalation will be progressed.

**The Head of SQS responsibilities**

* To advise IRO should they be acting outside regulations or Enfield’s procedures;
* To support and assist the IRO in making an Escalation as necessary;

• To facilitate IRO request for independent legal advice if required;

• To monitor and track IRO Escalation responses and advise IROs and

 Operational Managers of those that remain outstanding;

• To monitor and quality assure the performance of IROs and operation of the

 Safeguarding and Quality service. This will include auditing of cases identified

 via other quality assurance arrangements in which a Representation had not

 been issued but where the LA practice fell short of expected practice

 standards;

• To report on IRO escalation themes to Children's Social Care OMG on a twice

 yearly basis;

• IRO annual report to include a summary of key themes in representations and

 escalations

**Complaints about an IRO**

If there are concerns about the performance of a child's IRO or about the organisation and conduct of a review, which cannot be resolved informally, the matter should be referred in writing to the Head of SQAS who will arrange an investigation and feedback within 10 working days. If the matter is not resolved satisfactorily the concern should be escalated to the Director of Children and Families Services.

Concerns about the IRO’s decision in a child protection conference or conduct o fa child protection conference should be initially addressed to the individual IRO. If this is not resolved, the matter should be referred to the Head of SQS, who will either decide that a conference should be reconvened with a different IRO, that a review conference should be brought forward or that the status quo is confirmed with a suitable explanation.

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