

## Gloucestershire County Council - Children Services

### **Independent Reviewing Officers - Dispute Resolution Process**

#### **Purpose:**

Gloucestershire Children's Services are committed to ensuring that the children in their care receive an effective and purposeful service and have their needs met in a timely way. The dispute resolution process is there to ensure that where planning, the provision of services or the quality of work is not to an acceptable standard the focus on the child and the child's needs is maintained.

#### **Introduction:**

The "IRO Handbook – Statutory guidance for independent reviewing officers and local authorities" (2010) sets out in detail the role of the IRO in achieving the resolution of problems relating to care planning for looked after children. Paragraph 1.18 of the IRO Handbook states that it is the intention of the legislation to, "enable the IRO to have an effective independent oversight of the child's case and ensure that the child's interests are protected throughout the care planning process."

This policy incorporates the statutory guidance and identifies the detailed processes agreed in Gloucestershire Children's Services as contributing to problem prevention and resolution in relation to the children and young people in the care of the County Council.

Paragraph 6.1 of the IRO Handbook makes it clear that the IRO is expected to work constructively with the social worker and their manager to resolve problems informally. However, it also states that, "If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO should consider taking formal action".

Paragraph 6.4 of the IRO Handbook states that, "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 interests and welfare of the child, as well as his/her human rights.

Paragraph 6.3 of the IRO Handbook identifies that, "The IRO has the power to refer the matter to Cafcass at any point in the dispute resolution process, and may consider it necessary to make a concurrent referral to Cafcass at the same time that s/he instigates the dispute resolution process". The IRO may seek guidance from Cafcass Legal about the appropriateness of a referral at any stage of the dispute resolution process, and lawyers at Cafcass may discuss with the IRO whether other steps can be taken before a referral is necessary.

Before considering a referral to Cafcass the IRO should refer to paragraph 8.13 of the IRO Handbook which recommends that the IRO access management

advice and support in addition to independent legal advice where necessary. It is therefore expected that any consideration of a referral to Cafcass would have been discussed with the quality manager in the first instance.

Paragraph 8.12 of the IRO Handbook states that, “As part of any dispute resolution procedure and prior to making a referral (*to Cafcass*), the IRO should notify a nominated local authority senior officer that a referral to Cafcass is being considered”. The nominated officers in Gloucestershire are the Operations Director Children’s Safeguarding and Care and the Operations Director Over 11s Service. Where the IRO has reached a decision to curtail the dispute resolution process to meet the needs of the child, the IRO should explain the reasons for this to the nominated officer.

It is important to remember that in the day to day work of the IRO there will be regular discussions between IROs and social workers or team managers. These discussions are not necessarily part of a dispute resolution process – but reflect the need for detailed communication on an ongoing basis. Communication between service leaders and IROs about specific cases should not replace this important communication with team managers and IROs would not normally be expected to have communication about individual cases with service leads outside the dispute resolution process.

Where IROs identify concerns about children these need to be appropriately recorded and followed up, to ensure that issues are addressed in a timely manner and to allow identification of themes and trends.

### **Pre-dispute Procedures:**

1. Within three working days of the conclusion of a statutory review the IRO is required to complete an audit of practice (which includes an assessment of the current situation for the child). This audit is carried out through the completion of a standard audit checklist which becomes part of the child’s electronic record.
2. As part of this ‘post review’ audit IROs are required to assess the current situation for the child using a rating system. The system is referred to as a ‘RAG’ rating as it uses the categories, Red, Amber and Green to identify if there is a high level of concern about the current situation (Red), a moderate level of concern about the current situation (Amber) or a low level of concern / no concern (Green).
3. Following a review, where an IRO assesses the child’s situation as ‘Amber’, the IRO will decide whether additional communication with the social work team is necessary. Where the IRO believes a specific problem has been identified the IRO will liaise with the social worker and / or their manager to ensure actions are being taken to address the issues involved and the IRO will record this communication on the child’s file.

4. Following a review where an IRO assesses the child's situation as 'Red' the IRO will e-mail the audit checklist directly to the responsible team manager, copying the quality manager, the social worker and the social worker's line manager (if that is not the team manager). The IRO will request a response from the team manager regarding the level of concern identified and, where a specific problem has been identified, will follow up with the team manager where necessary. The IRO will ensure that details of their request and the response will be recorded on the child's file within one month of the review taking place.

**First Stage of the Dispute Resolution Process  
(Team Manager level):**

5. Where an IRO has assessed a situation as 'Amber' or 'Red' and has attempted to address any identified problems with the team manager outside the dispute process, but has been unable to reach a resolution within a timescale commensurate with the child's needs, the IRO will complete a concern identification sheet using the word document template (Appendix 1) and the IRO will e-mail this to the team manager with a copy to the quality manager.
6. In recognition of the role that the IRO fulfils in monitoring cases between reviews the IRO can initiate stage one of the process at any point between reviews regardless of the assessment made at the last review. Where an IRO identifies a significant problem between reviews and believes it is necessary to do so the IRO will complete a concern identification sheet using the word document template (Appendix 1). The IRO will e-mail the completed document to the team manager with a copy to the quality manager.
7. A copy of the concern sheet will be attached to the child's electronic file and in line with the IRO Handbook paragraph 6.7 all subsequent actions taken to resolve the concern raised should be recorded on the child's file.
8. Paragraph 3.39 of the IRO Handbook makes it clear that the IRO is responsible for setting a timescale for the resolution of the concern. If the concern is not resolved within the timescale set by the IRO it may be, in specific circumstances, appropriate to extend the timescale by a short period to allow the concern to be addressed. No further extensions should be agreed with the team manager where a concern continues to be unresolved following an extension of the original timescale.
9. Where a problem is successfully resolved through negotiation with the team manager the IRO will complete the final section of the original concern sheet – recording the successful resolution of the problem. A

copy of the revised concern sheet recording how the concern was resolved will be attached to the child's electronic file.

10. In circumstances where communication between the IRO and the team manager has not resulted in a resolution of the problem in a timescale commensurate with the child's needs the IRO will escalate the concern to the service leader under the second stage of the dispute resolution process.
11. If the IRO has not already done so they should discuss the ongoing dispute with the quality manager, in line with paragraph 8.13 of the IRO Handbook.

**Second Stage of the Dispute Resolution Process  
(Head of Service / Service Manager level):**

12. Where an IRO has attempted to resolve a dispute under stage one of the process but has been unable to do so the IRO will forward the completed concern identification sheet to the appropriate service leader (i.e. the person with line management responsibility for the team manager). A copy of the e-mail should be sent to the quality manager and the team manager. The IRO will include in the e-mail communication an explanation of actions already taken to resolve the dispute.
13. The IRO will communicate their concerns to the service leader and, where appropriate, agree additional actions to address the problem in a timescale commensurate with the child's needs.
14. Where a problem is successfully resolved through the intervention of the service leader the IRO will complete the final section of the original concern sheet – recording the successful resolution of the problem. A copy of the revised concern sheet will be attached to the child's electronic file.

**Third Stage of the Dispute Resolution Process  
(Deputy / Assistant Director level / Head of Service for over 11s service):**

15. If, following the intervention of the service leader, the problem remains unresolved the IRO will contact Cafcass legal to discuss the situation and seek their views (if they have not already done so). The IRO will also discuss the issue with the quality manager.
16. The IRO will forward a copy of the concern sheet to the deputy / assistant director (or head of service for over 11's service) asking for their view of the issues involved. The IRO will also ask for suggestions regarding actions that might be helpful to resolve the concerns, but will also indicate that it may be necessary to escalate the concern if no resolution can be found.

17. Where a problem is successfully resolved through the intervention of the deputy / assistant director (or head of service for over 11's service) the IRO will complete the final section of the original concern sheet – recording the successful resolution of the problem. A copy of the revised concern sheet will be attached to the child's electronic file.
18. Where the problem remains unresolved the IRO will escalate the problem to the next stage of the process.

**Fourth Stage of the Dispute Resolution Process  
(Operations Director level):**

19. The IRO will complete a Dispute Resolution Record (appendix 2) which records and analyses the nature of the problem identified by the IRO and the IRO will send to the quality manager to add his/her comments. Once the quality manager has added his/her comments a copy of the Dispute Resolution Record will be attached to the child's electronic file.
20. The IRO will immediately forward the Dispute Resolution Record to the relevant Operations Director (either Operations Director for Safeguarding and Care or Operations Director Prospects Services – for Over 11s) asking the Operations Director to assist in identifying an acceptable resolution to the problem informing them it will be necessary to escalate the problem to the Director of Children's Services if a resolution cannot be found. The IRO will ensure that copies of the Dispute Resolution Record are sent to the quality manager, Head of Quality, and the Deputy (Assistant) Director at the same time as the Operations Director.
21. A meeting between the Operations Director and the IRO involved should take place within ten working days of the Dispute Resolution Record being sent. It is the responsibility of the Operations Director to convene this meeting. The Director of Learning & Development and/or the Head of Quality should be invited to this meeting.

**Fifth (Formal) Stage of the Dispute Resolution Process  
(Director of Children's Services level)**

22. If the involvement of the Operations Director does not lead to a resolution within ten working days the IRO will refer the matter to the Director of Children's Services with a request for her/him to take action to assist in resolving the dispute. At the same time the IRO will refer the matter to the Chief Executive (CEO), putting the CEO on notice that the case has already been discussed with Cafcass Legal, and that if an acceptable solution is not identified within twenty working days the IRO will make a formal referral to Cafcass to request their intervention.

23. In the event that it has not been possible to resolve the problem within twenty working days of a referral to the Director of Children's Services the IRO will make a formal referral to Cafcass Legal.
24. At the conclusion of the formal dispute resolution process the IRO will complete a Dispute Resolution Outcome Statement (appendix 3). A copy of the Dispute Resolution Outcome Statement will be attached to the child's electronic file by the IRO.

Quality Manager,  
5<sup>th</sup> November 2015