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**IRO Dispute Resolution Process**

**And**

**IRO Compliments Form**

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| Review/Contacts/References | |
| Purpose | To provide all practitioners with guidance and a shared understanding about the purpose of the IRO Dispute Resolution Process and IRO compliment form. |
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**Introduction:**

The aim of this document is to provide practitioners with guidance and a shared understanding about the purpose of the Dispute Resolution Process (DRP) in improving services offered to children and young people.

Dispute resolutions allow and encourage constructive challenge and collaborative working with the aim of improving practice and outcomes for children and young people.

Every child who is looked after has an allocated Independent Reviewing Officer (IRO) who is responsible for the independent scrutiny and oversight of the progression of their care planning.

One of the core roles of the IRO is to ensure plans are in the best interests of children and young people. That their voices are heard and responded to and to challenge poor practice which impacts negatively on the progress of the plan and outcomes for children/young people.

Independent Reviewing Officer Chapter 6 of the IRO Handbook outlines that *“one of the key functions of the Independent Reviewing Officer (IRO) is to resolve problems arising out of the care planning process; for example in relation to care planning, the implementation of the care plan or decisions relating to it, resources or poor practice”.* Furthermore that *“it is the responsibility 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 individual IRO is responsible for activating the DRP, even if this step may not be in accordance with the child/young person’s wishes and feelings, but may, in the IRO’s view, be in accordance with the best interest and welfare of the child/young person, as well as his/her human rights.

**Reasons for dispute resolutions should always link back to practice that negatively impacts on achieving best outcomes for children/young people.**

**Principles of the Dispute Resolution Process:**

* The Dispute Resolution Process allows IROs to escalate challenges in relation to the quality and impact of care planning, decision making, drift and delay and lack of intervention for children and young people who are in the care of the Local Authority. The IRO must evidence their oversight and appropriate follow-up of any concerns using this process.
* Dispute resolutions should be proportionate and balanced and should remain focused on the child/young person, and the impact on the child/young person.
* The dispute resolution should be effective in ensuring key actions are undertaken; that there is timelier decision-making for children/young people; that drift and delay is minimised; that risk is responded to and reduced; that the child/young person’s holistic needs are being effectively met and the care provided is supporting positive outcomes.
* The IRO will endeavour to resolve any practice concerns for a child/young person through discussion with the relevant practitioners and managers. Any decisions will be captured on the dispute resolution form which will detail the issues of concern, the impact on the child/young person, the recommended resolution and the timescales required for resolution.

**Category of concern:**

**Below are some examples for each category, however this is not an exhaustive list and other concerns may come under these categories.**

* **Unassessed risk/safeguarding concern** – where a child/young person is deemed to be at risk of harm and there has been no/limited action to reduce these risks or where the action taken has not had the desired impact in reducing the risk. Where there is no clear safety plan in place.
* **Lack of preparation** – CLA review invites not completed 15 working days in advance of the CLA review, parents or the child/young person not invited to the CLA review without a clear rationale and the social work report not being available 5 working days in advance of the CLA review. Parents not having an awareness of plans/recommendations and not having a copy of the social worker report prior to the CLA review (no evidence that the social worker has tried to share this).
* **Drift and delay** – the absence of any evidence-based assessment(s) to inform plans and next steps or the late completion of assessments/poor quality assessments. Failure to refer to necessary services to access required support for the child/young person or their parent/carers. Recommendations not implemented/progressed without a clear rationale as to why. No care planning meetings/progression in between CLA review meetings. The absence of recording creating delay which impacts upon progression for the child/young person. Delay in the completion of life story work.
* **Care plan** – current care plan or pathway plan is not within statutory timescale or is not child specific or effective. The plan does not support progress towards achieving a permanence plan. Unsuitable family time arrangements for the child/young person with parents/carers and where appropriate, significant others. Delay in progressing a child/young person’s permanence plan. Failure to implement a significant element of the child’s care plan. Concerns around the suitability of the placement for the child/young person. The IRO is not in agreement with the care/permanence plan.
* **Practice issues** – statutory requirements not met and procedures not followed. No allocated social worker. Non-compliance with practice standards which is having a detrimental impact on the child/young person’s wellbeing and/or safety. Limited evidence of the child/young person’s voice and wishes. Visits to the child/young person not completed within statutory timescales and the child/young person is not seen alone by the social worker. The missing protocol is not followed. The IRO is not notified of significant events in the child/young person’s life or consulted with before the final care plan is submitted to court.
* **Management decision** – a decision has impeded progress and negatively impacted on the child/young person.
* **Key documentation missing from the child/young person’s file** – care plan, pathway plan, placement plan, health assessment, dental check, SDQ, assessment, PEP, chronology, demographics.

**Good practice guidance:**

Dispute resolutions are less likely to need to be raised when there are positive working relationships between the IRO and the practitioner and manager and when;

* Social workers prepare for reviews in good time and ensure actions within the care plan are completed.
* Social workers fulfil their statutory duties and follow the practice standards.
* IRO’s hold midway review meetings with the social worker and team manager to ensure the plan is on track and to address any concerns.
* IRO’s complete visits to see the child/young person in between review periods.
* IRO’s and social workers consult at least 15 working days before the review meeting.
* IRO’s complete the decisions and recommendations and meeting minutes within timescale.
* The team manager confirms acceptance of the decisions and recommendations or challenges them within 5 working days.
* Social workers advise the IRO without delay of any significant change of circumstance or failure to carry out recommendations.

**Practice guidance for the IRO Dispute Resolution Process:**

* A DRP form should be triggered for every challenge raised, including informal challenges.
* The DRP form should be raised on Mosaic by the IRO within **2 working days** of the issue arising/the IRO becoming aware of the issue. The form can be raised from several places on Mosaic including the start menu, a next action from a midway review form and a next action from a CLA review.
* An informal DRP should be raised if the IRO feels the issue of concern could be swiftly and satisfactorily addressed. In these instances, the IRO will contact the social worker and team manager to discuss the issue in dispute and agree next steps, which will be recorded on the DRP form. If this is resolved in the agreed timescale the IRO can finalise the informal DRP without progressing to a formal DRP.

**Examples where an informal DRP may be appropriate:**

* + The report for the CLA meeting has not been completed within the expected timescales; **however** theteam manager and social worker provide assurances that this will be completed that day and the report will be available for the IRO to support preparation for the meeting.
  + There is no evidence on Mosaic that the social work report has been shared with parents within timescales prior to the CLA review; **however** on discussion it is confirmed that a visit has been arranged to share the report prior to the CLA review.
  + Mosaic refers to the completion of an assessment, but this is not on Mosaic and has not been written up; **however** the social worker and team manager are able to provide a summary of the recommendations and agreement is reached that the assessment will be on Mosaic by a mutually agreed date, which will cause no detriment to the child/young person.
  + A referral for service agreed at the previous CLA review has not been progressed; **however** following challenge with regards to this, a referral has been completed and submitted that day, preventing further delay.
* In the event that there are concerns that need to be raised, the IRO will always attempt to have a conversation with the relevant manager before sending through the DRP form in order to discuss the concerns and agree next steps with timescales.
* The DRP should be initially directed at the level of decision making that has contributed to the concern. Informal stage (if appropriate) – Team Manager; Stage 1 – Team Manager; Stage 2 - Service Manager; Stage 3 – Head of Service; Stage 4 – Service Director/Executive Director.
* IRO’s must follow the escalation process if no response is received, or the response is unsatisfactory by escalating to next level of DRP. The next stage response is also required within **5 working days**.
* In the event of a dispute, the IRO will complete section 1 of the DRP form, outlining the date the DRP was raised, the category of concern and the level of dispute being raised. The IRO will complete the necessary next section, dependent on the level of dispute they are raising. Section 2 (for an informal DRP), section 3 (for a stage 1 DRP), section 4 (for a stage 2 DRP), section 5 (for a stage 3 DRP), section 6 (for a stage 4 DRP).
* On completion, the IRO will send a notification to the responsible manager (dependant on the stage of the DRP). The notification is sent from the clipboard icon at the top of the form. This will then appear in the responsible managers ‘current work’ under ‘incoming requests’ so they are aware they have a DRP to review and respond to.
* The responsible manager receiving the notification, will click on the notification which will take them to the DRP form. They will click ‘resume’ to start reviewing and updating the form. The responsible manager will review the DRP form and record a SMART action plan around resolution in the relevant section for them (this is clearly outlined on the form) and add the date they completed the form in the date box. This is to be completed within **5 working days**.
* The responsible manager will then send a notification back to the IRO from the clipboard icon at the top of the form, notifying the IRO they have completed the form. This will appear in the IRO’s ‘current work’ under ‘incoming requests’ so they are aware they have a DRP to review.
* The IRO receiving the notification, will click on the notification which will take them to the DRP form. They will click ‘resume’ to review the response by the responsible manager. If the IRO agrees the DRP is resolved they will add their comments and tick ‘yes’ to indicate it is resolved and add the date the DRP was resolved. They will then add the next action of ‘DRP completed’ and finalise the form.
* If the IRO does not agree with the response and is not confident the actions proposed will satisfactorily improve outcomes for the child/young person, the IRO will initially have a telephone conversation with the responsible manager to negotiate/agree next steps and a satisfactory resolution. If there is further work required before resolution can be reached the IRO will update the DRP form detailing what has been discussed/agreed on what date with clear timescales for completion. The IRO will acknowledge their incoming notification on the clipboard and send a further notification to the responsible manager using the clipboard notification. Any additional actions agreed should be resolved in a maximum of a further **24 hours**. This should only be done if the IRO is confident this will reach resolution without the need to escalate further.
* If the IRO does not agree the DRP is resolved and cannot negotiate/agree what could be done in a further 24 hours to resolve it, they will add their comments on the form and escalate to the next stage of the DRP by ticking ‘no’ to the question about whether the DRP is resolved, adding a date and escalating to the next stage of the DRP form. The IRO will need to update the next section of the DRP form with any additional information/concerns, sending it on to the relevant responsible manager by sending a further notification from the clipboard icon at the top of the form. This same process is followed each time a dispute requires further escalation.
* If upon checking the DRP form, the response from the responsible manager remains outstanding, the IRO will request a response by telephoning the responsible manager to discuss progress and request the DRP form is completed. If this is unsuccessful the IRO will escalate to the next stage of the DRP.
* If escalation is required, the next responsible manager is required to respond within **5 working days**.
* The IRO should ensure they review the action plan and track the actions are completed within agreed timescales, until an outcome for the child/young person is achieved. If the response is not received in time or if the agreed actions are not implemented effectively, the DRP will need to escalate.
* Outstanding dispute resolutions will be reviewed in individual IRO supervision. If required the service manager for the independent reviewing officers will also make the head of service aware of a lack of response/acceptance of any dispute resolution raised.
* The DRP form should be created on Mosaic for **all** siblings that the concerns relate to.
* Prior to submitting a DRP at stage 2 or above, the IRO **must** have a discussion with their service manager to discuss the concerns and intention to submit the DRP to ensure this is agreed.

**CAFCASS referrals:**

* Section 25 B(3)(a) of the Children Act 1989 and the IRO handbook states that the IRO should refer the case of any looked after child to Cafcass where the IRO considers there has been an **u*nreasonable failure*** by a local authority to meet the statutory requirements for the looked after child – this may be the result of: unreasonable failure by a local authority to implement an important element of a care plan – for example sibling contact; unreasonable failure by a local authority to implement an important element of a care plan due to conflicts in decision making outside of the review process – for example, funding of a specialist placement or therapy; unreasonable decision to move a child to a placement.
* Prior to submitting a referral to CAFCASS, the IRO must utilise all stages of the DRP to attempt to achieve a timely resolution and referrals to CAFCASS should be a last resort.
* If the above does not achieve resolution and the IRO considers a referral to CAFCASS is necessary, the IRO will discuss this with their Service Manager and Head of Service, prior to making the referral.

**IRO compliments form:**

* The IRO footprint should also include recognition of practice/intervention which promotes positive outcomes for the child/young person. Compliments will be initiated by the IRO via the use of the ‘IRO compliments form’to recognise innovative and high-quality social work practice and timely interventions which have directly contributed to a reduction in risk, prevented drift and delay, improved the child/young person’s lived experience, and supported positive outcomes.
* The IRO will launch an IRO compliment form from the start menu on a child/young person’s front page on Mosaic. They will complete the form with the details of the compliment and send a notification to the responsible practitioner and team manager, using the clipboard notification at the top of the form. The IRO will then add the next action of ‘child protection compliment form completed’ and press the green tick at the top of the form to finalise the form.
* The receiving worker and team manager will then receive the notification to the compliment in their ‘current work’ under ‘incoming requests’ and will be able to read and acknowledge their notification.