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## **Leicestershire Guidance IRO Quality Assurance Alert Escalation Process**

**Applies to-**

**Looked After Children**

**Children subject of Child Protection Plans**

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## Guidance of the IRO Quality Assurance Alert Escalation Process

(This Guidance should be read in conjunction with IRO Handbook 2010 (statutory guidance) and Children Act 1989 Guidance and Regulations Volume 2 Care Planning Placement and Case Review)

### 1. Role of Independent Reviewing Officers (IRO):

- 1.1 In Leicestershire the IRO's have a dual role of Independent Chair for Child Protection Conferences and chairing Review of Arrangement Meetings for Looked After Children (LAC). Children identified as being LAC include those children who are subject of Care Orders and Interim Care Orders, children placed or authorised to be placed for adoption, children S.20 accommodated including unaccompanied asylum seeking children and those subject to orders with residence requirement (youth justice).
- 1.2 The role of the IRO is to ensure that child protection plans and care plans for looked after children are based on a detailed and informed assessment, are up to date, effective and provide a real and genuine response to each child's needs; identifying any gaps in the assessment process or provision of service; offering a safeguard to prevent any 'drift' in care planning and the delivery of services; monitoring the activity of the local authority acting as a good corporate parent in taking all reasonable steps to ensure that care plans have given proper consideration and weight to the child's current views, wishes and feelings and that the child fully understands the implications of any changes to their care plan; and making sure that the child understands how an advocate could help and his/her entitlement to one (Guidance and Regulations Volume 2 Care Planning Placement and Case Review 2.108)
- 1.3 A primary focus is to quality assure the child protection process, care planning and review process for each child/ young person and to ensure that their voice and choice are given full consideration. To be successful, the role must be valued by senior managers and operate within a supportive service culture and environment. An effective Independent Chair /IRO service should enable the Local Authority and the wider Children's Services to achieve improved outcomes for children.

- 1.4 The IRO Handbook (2010) refers to the need for a Dispute Resolution Process. 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 IRO should ensure that the child is offered stable care that is sensitive and appropriate to each individual's personal needs so that the child is able to flourish and achieve. The pivotal role of the IRO is highlighted in the judgement of Mr Justice Keehan in relation to Hertfordshire County Council. (A & B (care orders and placement orders – failures) [2018] EWFC 72 (30 November 2018) <http://www.bailii.org/ew/cases/EWFC/H CJ/2018/72.html> the failure of the IRO to challenge and escalate on behalf of the children was criticised ' The IRO is, or should be the, the child's protector or advocate', *'The essential safeguard the court and the public at large have that a local authority will be a good corporate parent is the function and role of the IRO.'*
- 1.5 In addition to the above, IRO and Social work practitioners should familiarise themselves with the Lancashire ruling. This involves two brothers who were found to have their Human rights breached. The IRO was found personally responsible because he did not hold the local Authority account for failing to implement its care plan and review decisions. [https://www.familylawweek.co.uk/site.aspx?i=ed98855.](https://www.familylawweek.co.uk/site.aspx?i=ed98855)
- 1.6 The IRO's should identify areas of good practice as well as areas that need to be improved. This should include identifying patterns of concern emerging not just around individual children but also more generally in relation to the collective experience of the Local Authority's looked after children and children within the child protection process in respect of the service they receive. A comprehensive quality assurance process is essential to underpin this within a service culture that is based on high expectations for children and where continuous improvement and learning are expected at all levels of the organisation.
- 1.7 When the IRO's have professional concerns in relation to a child's care plan or enters into dispute with responsible officers in relation to care planning; it is essential that there is an effective local dispute resolution process (IRO Handbook 2010 6.2). This is used to prompt resolution of the concerns or dispute, to get the care plan back on track and to maintain healthy working relationships. Alongside this the IRO's should be expected to identify areas for learning and to recognise good practice as part of the wider QA processes in the service.

## 2. Purpose of the Process Guidance:

- 2.1 The Informal and Formal Quality Assurance Alerts are two separate but interdependent processes which allow IRO's to monitor and raise quality assurance issues in a timely manner and to escalate and resolve concerns in relation to the care planning for Looked after Children (LAC) and children within the Child Protection Conference arena at the very earliest opportunity.
- 2.2 The IRO has a central role to quality assurance and the continuous improvement of care planning and safeguarding in Leicestershire and achieving success and good outcomes for our Children and Young People the guidance will set out how this will be systematically embedded into planning processes.

## 3. Quality Assurance Alert Process for Independent Reviewing Officers and Team Managers:

- 3.1 Informal Quality Assurance Alert Process: (Please refer to appendix 1: Informal Quality Assurance Alert Flow chart). The IRO will have oversight of the electronic record in Mosaic prior to the Looked After Children review / case conference as per the requirements of the IRO Handbook and local procedures. IRO's will have additional oversight under their duty to monitor the progress of the case. Any concerns that are identified are addressed with the Social Worker and/or their Team Manager either by phone or email. All actions should be recorded on the child's file In Mosaic under the drop-down title of IRO QA. The Team have 5 days to respond to the concerns/actions requested. If the matter is not resolved to the IRO's satisfaction, then the IRO decides whether to access the Formal Quality Assurance Alert Process. The learning from informal Quality Assurance Alerts will be used as part of the wider QA process with a quarterly analysis of alerts including themes and learning shared across the service.
- 3.2 Escalation of concern- the Formal Quality Assurance (QA) Alert Process: (Please refer to appendix 2: Formal Quality Assurance Alert Process). The IRO has the powers to enter into dispute at any of the 4 stages of the Formal Quality Assurance Alert Process. This is determined by the urgency of the matter and the appropriateness of the stage where decisions can be carried out to resolve the matter. It is for Team Manager level and above.

- 3.3 Once the Formal Quality Assurance Alert Process has been initiated, the resolution period is 20 working days and the Senior IRO Manager is kept fully informed throughout the Formal Quality Assurance Alert Process. It should be noted that The IRO can enter into dispute at any of the Stages of the Formal Quality Assurance Alert and progress the escalation to the level considered most appropriate including referring to CAF/CASS and does not have to wait until the conclusion of the dispute resolution process
- 3.4 The 4 stages of the Formal Quality Assurance Alert Process involves social work and IRO practitioners at different levels:

### **Stage 1**

This stage is used for cases where attempts to address the issues informally have been unsuccessful or the concerns are such that the Team Manager is best placed to address them. A Quality Assurance Alert is completed and sent to the LAC Admin Team by the IRO for this to be uploaded onto the mosaic case file. The Quality Assurance Alert is emailed to the relevant Team Manager by the IRO.

The Team Manager must respond using the append case note button on the Quality Assurance Alert case note on Mosaic within five working days and send the response back to the Independent Reviewing Officer by email. The Social Worker should also be notified of the response by email.

If at this stage the IRO is satisfied by the response, they should record this using the append case note button on the Quality Assurance Alert case note and notify the Team Manager and LAC Admin that the Quality Assurance Alert has been resolved. Should the IRO not be satisfied or a response is not received then the matter can be escalated to stage 2. IRO to inform LAC Admin that the Alert is escalating to Stage 3 and record the decision on Mosaic by using the append case note button on the Quality Assurance Alert case note on Mosaic.

### **Stage 2**

Formal (Stage 2) Responses are required within five working days of receipt. The Quality Assurance Alert is updated if necessary and sent to the relevant Children's Service Manager for the locality. The Locality TM, Independent Chair TM and Senior IRO Manager should also be notified by email.

The Children's Service Manager must respond within five working days using the append case note button on the Quality Assurance Alert case note on Mosaic and send the response back to the Independent Reviewing Officer by email. The Team Manager and Social Worker should also be notified of the response by email. If at this stage the IRO is satisfied by the response, they should record this using the append case note button on the Quality

Assurance Alert case note and notify the Team Manager and LAC Admin that the Quality Assurance Alert has been resolved. Should the IRO not be satisfied or a response is not received then the matter can be escalated to stage three. IRO to inform LAC Admin that the Alert is escalating to Stage 3 and record the decision on Mosaic by using the append case note button on the Quality Assurance Alert case note on Mosaic.

### **Stage 3**

Formal (Stage 3) Responses are required within five working days of receipt . The Quality Assurance Alert is updated if necessary and sent to the relevant Head of Strategy (HOS). The Locality TM, Independent Chair TM and Senior IRO Manager should also be notified by email.

The HOS must respond within five working days using the append case note button on the Quality Assurance Alert case note on Mosaic and send the response back to the Independent Reviewing Officer by email. The Service Manager, Team Manager and Social Worker should also be notified of the response by email. If at this stage the IRO is satisfied by the response, they should record this using the append case note button on the Quality Assurance Alert case note and notify the Team Manager and LAC Admin that the Quality Assurance Alert has been resolved. Should the IRO not be satisfied or a response is not received then the matter can be escalated to stage four. IRO to inform LAC Admin that the Alert is escalating to Stage 4 and record the decision on Mosaic by using the append case note button on the Quality Assurance Alert case note on Mosaic.

### **Stage 4**

Formal (Stage 4) Responses are required within five working days of receipt. The Quality Assurance Alert is updated if necessary and sent to the relevant Assistant Director of Children Services. The Locality TM, Independent Chair TM and Senior IRO Manager should also be notified by email.

The Assistant Director must respond within five working days using the append case note button on the Quality Assurance Alert case note on Mosaic and send the response back to the Independent Reviewing Officer by email. The HOS, Service Manager, Team Manager and Social Worker should also be notified of the response by email. If at this stage the IRO is satisfied by the response, they should record this using the append case note button on the Quality Assurance Alert case note and notify the Team Manager and LAC Admin that the Quality Assurance Alert has been resolved.

Stage 4 process should include a meeting between AD/HOS and IRO manager as part of the resolution process if issues are complex and escalation to CAFCASS is being considered.

Should the IRO not be satisfied or a response is not received then the matter can be escalated to CAFCASS. However, it should be noted that the IRO may consider it necessary to make a concurrent referral to CAFCASS at the same time that they instigate the dispute resolution process and this can be done at any of the stages within the process.

Note A meeting with AD/HOS operations and HOS safeguarding will always be convened prior to escalation to CAFCASS to set out issues that cannot be resolved. Once this has been held as set out in state 4 and matters remain unresolved the following steps will be taken

IRO to inform LAC Admin that the Alert is escalating to CAFCASS and record the decision on Mosaic by using the append case note button on the Quality Assurance Alert case note on Mosaic.

Total timescale for the Formal Quality Assurance Alert is 20 working days (IRO Handbook) for formal process if resolution not achieved sooner. The IRO may bypass any stage and progress the escalation process to the level s/he considers most appropriate at any point.

The IRO manager will support the IRO during the process and address issues in the absence of the IRO so that timescales are met.

- 3.5 Monthly challenge meetings take place between the IRO Service Manager, IRO Managers, Agency Decision Maker (ADM) and Assistant Director. This meeting discusses cases at stage 3 & 4 of the escalation process and gives opportunity for challenge and senior leadership oversight. The IRO can escalate to the challenge meeting outside of the escalation process in circumstances where immediate oversight is required, and the timeliness of this requirement negates the escalation process.

## 4. Referral to CAFCASS:

- 4.1 If the matter is not resolved through the Formal Quality Assurance Alert, the IRO has the power to refer the matter to CAFCASS, using the agreed Referrals to CAFCASS Form (see [Appendix 3: Referrals to CAFCASS Form](#)). This is in respect of looked after children only. The IRO must inform Local Authority Nominated Officer prior to the referral being made. The IRO can refer to CAFCASS at any time and does not have to wait until the

escalation process has been completed. The IRO will be expected to use appropriate supervision and line manager support when considering escalation of issues to CAFCASS and should record all issues of concern in detail on Mosaic. The IRO should record these details on Mosaic.

- 4.2 When considering whether or not to make a referral to CAFCASS, the IRO should consider the impact that a referral would have for the child. The IRO is 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 (IRO Handbook 2010). In some cases, there will be time available first to pursue the full dispute resolution procedure within the Local Authority. In other situations, the matter will be of sufficient urgency that the Formal Quality Assurance Alert needs to be curtailed. This decision should only be made when sufficient efforts have been made to resolve the issue.
- 4.3 When managing a complaint raised by a child the IRO will need to make a judgement about whether this complaint is sufficiently serious to make a referral to CAFCASS appropriate. The IRO has responsibility to ensure where appropriate the child understands his/her right to make a complaint to the LA and to have an advocate to provide support with the complaint should the child so wish. If the child does not have the ability or understanding to instigate a complaint consideration will need to be given to who is best able to do so on behalf of the child. This can include the IRO. (IRO Handbook 2010)
- 4.4 As part of any dispute resolution procedure and prior to making a referral, the IRO should notify a nominated Local Authority Senior Officer (to be identified in the local authority dispute resolution protocol) that a referral to CAFCASS is being considered. Where the IRO has reached a decision to curtail the Formal Quality Assurance Alert to meet the needs of the child, the IRO should explain the reasons for this to the Senior Officer.
- 4.5 Once a referral has been made, CAFCASS will enter into final dispute resolution with the local authority before proceedings are instigated. While CAFCASS cannot refuse to accept any referral, it is the responsibility of CAFCASS and not the IRO to determine whether or not a legal remedy should be sought. If the problem is not resolved to the benefit of the child and within the child's timeframe, CAFCASS has the power to initiate the following types of action (under regulation 3 of the Children and Family Court Advisory and Support Service Reviewed Case Referral Regulations 2004):

- Proceedings under section 7(1) of the Human Rights Act 1998;
- Claim for judicial review; other proceedings (for example under the 1989 Act).