



Resolution Process: IRO/LAC

Process for Resolving Disputes Around Looked After Children
Planning

*Through our practice, we help children, young people and their families to have
safer and better lives.*

The Tower Hamlets Resolution Process: Looked After Children

1. Introduction

- 1.1. There is an expectation, which is outlined within Care Matters and the subsequent Children and Young Persons Act 2008 for IROs to have and adhere to a resolution process for disputes.
- 1.2. Independent Reviewing Officers (IROs) have a key role, through the looked after children reviewing process, in monitoring and reviewing the Care Plans of looked after children. They also try to ensure that each looked after child they review has his or her needs properly assessed, identified and met.
- 1.3. The child should remain central to the challenge and resolution process.
- 1.4. The IRO has a statutory duty to monitor the performance by the local authority of their functions in relation to the child's case and to resolve problems arising out of the care planning process. Challenge and resolution are an integral part of the IRO role. Informal and formal resolution form part of the same continuum of resolution, which needs to celebrate the achievements of resolution as well as highlighting the problems that require resolution.
- 1.5. ***Ideally resolution processes are there to resolve any problems at the lowest level and as quickly as possible.*** Through the process the IRO should be able to demonstrate to children that they are taking action on their behalf and they should be able to evidence their own work in resolving the issue.
- 1.6. IRO's should, where possible, work in collaboration with a child's social worker to ensure that each child they review achieve, over the period of their being looked after, the best possible outcomes, especially in relation to the government's Every Child Matters Agenda. They should also ensure that the Care Plan is the right one for the child and that both the child and the child's birth family have been consulted about the Care Plan.
- 1.7. IROs, like all the other professionals involved with a looked after child, want the best for children they review. There are however occasions when there is a disagreement over a Care Plan or how the Care Plan is to be achieved. There may also be times when needs identified for a child are not being met or when recommendations made at reviews are not implemented either wholly or in part.
- 1.8. When there is a difference of opinion over the Care Plan, or where the child's needs are not being met, or review recommendations are not being followed through, the IRO should attempt to resolve the issue directly with the child's social worker and, if necessary, their practice or team manager. Where the IRO cannot resolve the issue, within a reasonable time period, this is a dispute between the IRO and the case managers. At this point, following a discussion with the Group Manager for the IRO service, the IRO should start the Resolution Process (RP).

- 1.9. The broad outline for dispute resolution between the IRO and the SW Team/ Case managers, as incorporated in the existing protocols, also foresees all cases ultimately leading to the Chief Executive for resolution. While this may be appropriate in instances of differences with and between different directorates or where there is an issue of a significant outlay of resources, in many other instances this may be inappropriate and will merely add another level of delay.
- 1.10. Where appropriate the child / young person should be informed that they are seeking resolution to a problem on their behalf and they should be kept informed of how the resolution is progressing.
- 1.11. Children and young people should be made aware of the IRO's role to challenge and raise disputes so that they know they can request an IRO to challenge and they are able to ask for an IRO to account for their actions.
- 1.12. The positive use of professional differences should be promoted and where there are strongly held differing views which are potentially delaying the progression of an agreed plan for the child, a facilitated conversation with the staff involved can be considered. This conversation would be facilitated by a manager, independent of the staff directly involved, or by a psychologist from CAMHS. The facilitator will be responsible for recording the conversation on FWI.

2. The Period before starting the resolution process (RP)

- 2.1. IROs should exercise their discretion and judgement when considering the level at which they are challenging and whether they are attempting to resolve this as part of the informal or formal process.
- 2.2. ***Before starting the RP the IRO should ensure that he or she has exhausted all the informal channels of communication***, such as speaking directly with the case managers to resolve the issue in dispute. The IRO may also want to discuss the issue with the Group Manager of the IRO Service as a way of seeking a second opinion on the issue in dispute.
- 2.3. The IRO may also decide that the issue in dispute can be best dealt with by helping the child to contact the borough's Children's Rights Officer to take up the issue in dispute on the child's behalf. Where this is done, unless the child's immediate safety is compromised, the status quo should remain until the advocacy process is completed.
- 2.4. The IRO can also decide that the issue in dispute can be best dealt with at a future review or in a professional or care planning meeting.
- 2.5. Whatever the IRO decides he or she should always bear in mind the need to prevent delay or drift in a looked after child's life and the IRO should always therefore make a prompt decision on whether it is in a looked after child's best interests to start the RP.

3. The RP management stages

3.1. There are two distinct levels to the RP Management stages: informal and formal escalation. The individual IRO is personally responsible for activating the RP, even if this step may not be in accordance with the child's wishes and feelings. The RP should be respected and prioritised by managers.

3.2. Informal escalation:

IROs will usually email the social worker and team manager where problems are identified in relation to a child's case. The IRO should place (upload) a copy of the email sent in the child's FWi record in documents and send a copy to the Group Manager. The IRO should also enter in the child's case note that an informal escalation has been raised. A copy of the response from the social worker and / or team manager should also be uploaded in the child's FWi record.

3.3. Formal escalation:

The RP is based around a five-stage formal alert system, using the attached proforma on FWi known as "IRO Management Alert". The informal discussion stage preceding the formal alerts should also be recorded on the form.

1st Alert to Team Manager
2nd Alert to Service Manager
3rd Alert to Head of Service
4th Alert to Director of Children's Services
5th Alert to Chief Executive / CAFCASS

3.4. Note that there may be issues that are of such concern they should be escalated directly to the Head of Service, as going through the preliminary stages will delay the outcome for the child.

4. The RP

4.1. The IRO will initiate the RP formal escalation by filling out the ***IRO Management Alert*** form on FWi which can be found under new episodes. Once completed the form will be assigned through the workflow to the team manager who is responsible for the child's case. An email from the IRO should also be sent to the team manager and the social worker to advise that an IRO Management Alert has been initiated. The Alert form should detail the issue at dispute and what the IRO would like to see happen to resolve the issue.

4.2. On receipt of the IRO Management Alert the team manager will have 10 working days to reply to the Alert. The reply will be made on the IRO Management Alert and tasked back to the IRO.

4.3. The IRO will consider the response provided by the team manager and will decide either that the matter has been resolved and no further action should take place or that the matter has not been resolved.

- Where the matter has been resolved the RP will come to an end and the IRO will “finish” the FWi episode.
 - If the response is not satisfactory or delayed the matter should be escalated to the next stage by the IRO.
- 4.4. Where the matter has not been resolved after the 2nd stage alert, the IRO will issue a Stage 3 Alert to the Head of Children’s Social Care. The Service Head will decide whether to have a formal meeting to consider the issue and if so who should attend such a meeting. The Service Head should then make a formal written reply to the IRO on the issue. On receipt of the Stage 3 IRO Management Alert Head of Service; Children Social Care will have 10 working days to reply to the Alert.
 - 4.5. Where the matter has not been resolved the CIRO will issue a Stage 4 Alert to the Director in the same manner as for stage 3.
 - 4.6. On receipt of the Stage 4 Alert statement the Director of Children Services will have 10 working days to reply to the Alert. The director of children services will decide whether to have a formal meeting to consider the issue and if so who should attend such a meeting. The director of children services should then make a formal written reply to the IRO on the issue.
 - 4.7. On receipt of the Stage 5 Alert statement the Chief Executive will have 10 working days to reply to the Alert. The Chief Executive will decide whether to have a formal meeting to consider the issue and if so who should attend such a meeting. The Chief Executive should then make a formal reply to the IRO on the issue.
 - 4.8. The IRO will consider the response provided by the Chief Executive and will decide either that the matter has been resolved and no further action should take place or that the matter has not been resolved. Where the matter has been resolved the RP will come to an end. Where the matter has not been resolved the IRO should consider making a formal referral to CAFCASS.
 - 4.9. Where the matter has not been resolved the IRO should consider making a formal referral to CAFCASS.
 - 4.10. Once the RP has been completed the Alert form(s) should be “finished” and any subsequent statements should be uploaded in the child’s FWi record.

5. Other points to note about the RP

- 5.1. During the RP the IRO may decide that he or she wants their own independent legal advice on the issue at dispute or the case management response in relation to the issue at dispute. To do this the IRO will need to inform the Group Manager of the IRO Service that they are intending to seek independent legal advice.
- 5.2. During the RP the IRO may wish to discuss the issue at dispute with CAFCASS without making a formal referral to CAFCASS. Where this is the case the IRO will need to inform the Group Manager that they are intending to discuss the issue at dispute with CAFCASS.
- 5.3. Once the formal RP has been exhausted and there is still a dispute the IRO will need to inform the Group Manager if they are intending to make a formal referral to CAFCASS.

- 5.4. In cases where there is a suitably able adult who is able and willing to bring proceedings on behalf of the child or in cases where the child is of sufficient age and understanding to bring proceedings themselves, the IRO should ensure the child and/or the adult has access to a suitably experienced solicitor who can make a referral to CAFCASS on child's behalf.

6. Examples of issues that may require the Resolution Process

a) General issues:
Preparation for looked after review (e.g. non completion of social work forms and care plans)
Non completion of decisions / failure to meet timescales
Family finding / placement search
Health provision
Education provision
Placement choice / standard of care
Not able to endorse care plan
b) Unreasonable failure by Children Services to meet the statutory requirements for the child:
Non-allocation of a social worker.
Statutory visits not being completed or children not being seen alone, where appropriate, in their placement by the social worker
c) Care plan implementation:
Drift/delay in the implementation of the child's care plan
Failure to implement a significant element of the child's care plan
Failure to notify the IRO of significant changes in the child's care plan such as: <ul style="list-style-type: none"> ▪ decision to change the child's care plan. ▪ decision to change the child's placement. ▪ decision (with reasons) not to implement significant recommendations made by the IRO at the child's review
d) Dispute around the provision of services
Concern around the suitability of the placement to meet the child's needs
Concern around professional practice
e) Other (specified by CIRO)