

<b>Report Title</b>	QARO IRO Resolution/Escalation Process	<b>Date</b>	12/01/2021
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## 1.1 Background/Purpose

The [IRO Handbook](#) is the updated Statutory Guidance in force from April 2011 which amends Section 118 of the Adoption and Children Act 2002 and Section 26 of the Children Act 1989. It 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.'

(Section 6.2 IRO Handbook).

An effective and strength-based Quality Assurance Service should enable the local authority to achieve best outcomes for children. Every IRO (Known as QARO in Dorset) should feel confident in his/her role and personal authority and understand his/her responsibilities to monitor and review the child's social work experience and where necessary, highlighting good practice as well as challenge poor practice. In turn the QAROs should be able to demonstrate best practice in their role and accept and respond promptly to issues raised.

The aim of any escalation of concern is to ensure the welfare of the child remains of paramount importance and to secure the best outcome for the child. **This is a shared objective for all professionals working with the child and their family and resolution of any escalation acknowledges that all professionals are working in the best interests of the child.**

## 2.1 Criteria for QARO Escalation

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 the dispute resolution process should be initiated;

'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.**

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. It will be important that senior managers then work to resolve the failure within a timescale that meets the needs of the individual child.

A QARO Escalation 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 QARO Escalation should be completed whenever the following criteria apply

1. Incomplete or inadequate Care Plans:
  - Care plan not completed or signed off in Mosaic and so work flow stalled;
  - Care Plan or Pathway Plan of poor quality.
2. Drift or delay in care planning:
  - Drift/delay in legal planning or permanency decisions including a lack of consultation when changing the Care Plan.
3. Safeguarding concerns including missing episodes, crime related or CE risk:
4. Nonparticipation of child and parents, cares to include foster carers in decision making
  - e.g. before any change of placement; discriminatory practice; not informing child of rights and advocacy; not seeking parent's consent/restricting their contact if child on Section 20 etc.
5. Concerns Around Social Work Provision:
  - Delay in allocating cases; lack of stability and/or consistency of social work input; social work absence; child raises concerns; discriminatory practice; frequent transition between social workers/teams/services.
6. Placement Concerns:
  - Including poor placement planning; quality or appropriateness of placement.
7. Education:
  - Lack of educational progress; inadequate or inappropriate education provision.
8. Health:
  - Health issues not being addressed; health, emotional or behaviour support needed.
9. 18+ planning:
10. Action and effectiveness of management:
  - Including timeliness and evidence of decision-making.
11. Non completion of review decisions;
12. Other.

### 3.1 Issue Resolution Process

**Table 1**

<b>Level</b>	<b>Responsible Officer for resolution</b>	<b>Response Expected within <i>Working Days</i></b>
<b>Informal</b>	Social Worker and/or Team manager	According to child's need
<b>Level 1:</b>	Team Manager and cc Service Manager	5
<b>Level 2:</b>	Service Manager and cc Head of Locality	5
<b>Level 3:</b>	Head of Locality and cc Corporate Director for Care and Protection	5
<b>Level 4:</b>	Corporate Director for Care and Protection and Executive Director People - Children	5
<b>Level 5:</b>	Referral to CAF/CASS	

All escalations ideally need to start with a conversation. It is the role of the QA Manager to encourage and assist the resolution of issues and problem solve together, at the lowest level.

#### **Informal Stage**

The QARO will aim to resolve any issues at the lowest level as possible.

Informal Stage - 6.1 IRO Handbook - One of the key functions of the IRO is to resolve problems arising out of the care planning process.

It is expected that QAROs establish positive working relationships with the social workers of the children for whom they are responsible. Where problems are identified in relation to a child's experience, for example in relation to care planning, the implementation of the care plan or decisions relating to it, resources or poor practice, the QARO will, in the first instance, seek to resolve the issue informally with the social worker or the social worker's managers through a conversation.

It is important that informal escalation is captured. If a conversation takes place this should be followed up in an e mail confirming what action has been agreed and in what time scale. The action needs to be recorded on the child's record in appropriate child focused terminology.

#### **Level 1 - Formal Escalation**

The process within Dorset is that where a QARO identifies a serious concern (for example, where there is an actual or potential significant impact on the welfare of a child/young person as a result of the above criteria), s/he will raise these ideally verbally and then followed up in writing (this can be by email) to the relevant Team Manager and copy in the QA Manager and responsible Service Manager. It is important for the QARO to specify who they believe is responsible for making the response to the concern, in order to prevent a range of email exchanges. The Team Manager to respond in writing to the QARO **within 5 working days (unless the IRO has specified a different timescale)** of receiving the concern. The response should include views about the concern/s and if appropriate how the concern/s will be/have been addressed.

The QARO email should include the following information;

Subject box states: Action - Level 1(or 2) escalation followed by the names of the child/ren, MOSAIC number and date of expected response.

Content; Should be a SMART summary of concern identifying who specifically is involved, what specifically is required to achieve the right outcome and specific dates.

Discussions which are significant and change the direction of a child's journey or cause decisions to be made or changed, will need to be recorded as part of the child's MOSAIC record. The action needs to be recorded on the child's electronic file in appropriate strength based and child appropriate terminology, and the impact upon the child if not resolved should be clear.

### Stage 2

If the concern is not resolved, the QARO will alert the relevant Operational Service Manager, initially verbally and then in writing copying in the QA Manager as above and the Head of Locality. The Service Manager to respond in writing to the QARO **within 5 working days (unless the IRO has specified a different timescale)** of receiving the concern. The response should include views about the concerns and how the concerns will be/have been addressed.

If necessary, the QARO and/or the QA Manager will make direct contact with the Service Manager to discuss the issues raised **within 5 working days**, depending on the nature and urgency of the concerns raised.

Discussions which are significant and change the direction of a child's journey or cause decisions to be made or changed, will need to be recorded as part of the child's MOSAIC record. The action needs to be recorded on the child's electronic file in appropriate strength based and child appropriate terminology.

### Stage 3

If not resolved the QARO or QA Manager needs to raise the matter directly with the Head of Locality. The Head of Locality will seek to resolve the issue by engaging all key parties in a meeting or will make a formal response or decision, if required, **within 5 working days** of notification of the concern at level 3.

Discussions which are significant and change the direction of a child's care plan or cause decisions to be made or changed, will need to be recorded as part of the child's MOSAIC record. What is recorded and who does so will be agreed.

### Stage 4

Should the matter remain unresolved the matter should be raised directly with the Corporate Director for Care and Protection and Executive Director People - Children, by the QARO or QA Manager in consultation with the Head of Quality Assurance and Partnerships.

Discussions which are significant and change the direction of a child's care plan or cause decisions to be made or changed, will need to be recorded as part of the child's MOSAIC record. What is recorded and who does so will be agreed.

### Stage 5

#### Referral to CAFCASS

QAROs have the authority to refer the case of any looked after child to Cafcass [under Section 118, 2002 Act] if they are of the view that the child's human rights have been breached and all attempts to resolve the matter have been exhausted. **IROs should exhaust all stages of the dispute process, or deem that the time it is taking to exhaust the stages is unreasonable, including a discussion with the Executive Director about**

**the reason they now need to refer to Cafcass)** and (s)he believes there is still a danger that the child's human rights may be being breached due to action or inaction of the local authority.

The QARO has the discretion to refer matters to CAF/CASS at any time. They will inform their QA Manager if they are considering this. The QA manager will inform the Head of Quality Assurance and Partnerships who will advise the Corporate Director for Care and Protection.

The IRO handbook 6.2 states "The IRO may bypass any stage and progress the dispute to the level s/he considers most appropriate". This needs to be in consultation with the QA manager and Head of Quality Assurance and Partnerships.

Legal proceedings should only be considered as a last resort - i.e. in extreme cases where all other attempts to resolve the problem have failed. This decision needs to be discussed with the QA manager. The QARO must take action if the local authority is failing to comply with the Regulations or is in breach of its duties to the child in any material way, including making a referral to Cafcass. When considering whether to make a referral to Cafcass, the QARO should consider the impact that a referral would have for the child. Cafcass Legal operates a duty helpline which is available to QAROs for the discussion of possible referrals. The lawyers at Cafcass Legal cannot give QAROs legal advice but will discuss with the QARO whether any other steps can be taken before a referral is made.

(See, [Cafcass.gov.uk](http://Cafcass.gov.uk).)

#### 4.1 QA Manager's Responsibilities

- To advise the QARO should they be acting outside regulations or procedures;
- To support and assist the QARO in making appropriate escalation as necessary;
- To facilitate the QAROs request for independent legal advice if required;
- To resolve any conflict between the QARO and the service areas.
- To quality assure, monitor, track and report on the QARO escalation responses and raise with QAROs, Service Managers and Heads of Locality of those that remain outstanding;
- QA Manager to report on QARO escalation data to include themes to the Head of Quality Assurance and Partnerships for inclusion in highlight reports on a quarterly basis.
- The IRO annual report to include a summary of data and key themes in escalations.