

Dispute Resolution Procedure

Guidance for resolving disputes between Independent Reviewing Officers and Children's Social Care Practitioners and Managers.

Local Authorities are required under the Adoption and Children Act 2002 to have a Dispute Resolution Process (DRP). Chapter 6 of the **IRO Handbook, 2010**, provides further guidance on dispute resolution and how it should be used by IROs in fulfilling their particular functions.

DRP is necessary because child care practice is shaped by a wide range of research, guidance and legislation. It is also the product of professional judgment and reflects individual experience, knowledge and skills. Given the breadth of the subject it is to be expected that at times professionals involved in the care planning and review process have different perspectives on how best to meet a child's needs. This is not about simple right and wrong or good and bad approaches, but understanding why different professionals may have differing views on how best to proceed and how they work together to agree the best approach. Dispute resolution may also be required when there is delay or drift in the implementation of the child's plan.

Given the importance of timely and effective action in child care planning it is essential that the dispute resolution process is accessible and able to function within a timescale that fits in with the child's needs and best interests. It must not add unnecessary delay or complication.

Disputes are resolved through open and honest communication. The aim is to resolve them at the earliest point and in general this will be through discussions between the IRO and the social worker and / or team manager. If resolution is not achieved the dispute must be escalated to the next tier of management within an agreed timescale.

The Dispute Resolution Process

Stage one of the process is discussion between the Independent Reviewing Officer (IRO) and the allocated social worker and team manager / CSW

It is important to remember that conversations between IROs and frontline social care staff should happen routinely. They are not all the product of a dispute, but an essential step in ensuring all parties understand the child's needs and plan. However, where there is a dispute about the child's needs or plan – or how a plan is being implemented it is important to ensure that these discussions are recorded to evidence how the various professionals involved in the process have exercised their responsibilities. Stage one may be managed via

face to face discussions or telephone calls. Whilst emails may be involved it will not be sufficient to seek to address a dispute by means of email alone.

Stage one must be completed within 5 working days.

Stage two of the process is initiated if, after 5 working days of a dispute being raised, discussions between the IRO, social worker and team manager/CSW have not led to resolution. At that point the dispute must be escalated to the group manager. The details of the dispute, the action taken and the views of the parties must be reassigned to the relevant group manager.

Where possible disputes will be resolved through the provision of guidance and direction by the group manager. But where this is not possible all parties must meet in order to explore the issue fully and achieve resolution.

Stage two must be completed within 5 working days from the point when the dispute was raised with the group manager.

Stage three of the process is initiated if after stage two the dispute remains unresolved. The dispute and details of action taken need to be reassigned to the relevant service manager for social care via care first. The IRO must also inform the service manager for CSSU if they have not previously done so. The service managers will, wherever possible seek to resolve the dispute through the provision of guidance and direction. However, if this is not possible a meeting between the service managers and the IRO must take place within 5 working days.

If the dispute remains unresolved Stage four will require information to be escalated to the Assistant Director of Children's Services. The DRP record will be reassigned on Care First to the Assistant Director. As with previous stages the Assistant Director may be able to resolve the dispute through the provision of guidance and direction but if this is not possible the Assistant Director must meet with the Service managers. This stage must be completed within 5 working days.

If the dispute remains unresolved the matter will then be escalated to the Director WCL. At this point the process will no longer be managed through Care First and information will be shared electronically or in hard copy as required. It is expected that this step of the process will be required infrequently and that almost all disputes will be resolved before this point and within 20 working days. Where possible the Director WCL will resolve the dispute through the provision of direction and guidance. Where this is not possible the Director will meet with the Assistant Director and the relevant service managers. This stage must be completed within 5 working days.

If after escalation to the Director WCL the dispute remains unresolved discussions between all parties will take place and the Director will advise whether the dispute should be escalated to the Chief Executive. If this happens the process set out above will be followed. Where possible the Chief Executive will resolve the dispute through the provision of direction and guidance. If this is not possible the Chief Executive may wish to meet with the parties to explore the dispute and bring about resolution.

Should the dispute remain unresolved after escalation to the Chief Executive the IRO will refer the matter to Children and Family Court Advisory and Support Service (CAFCASS) to allow for independent oversight of the dispute.

All parties must be mindful of the time taken to resolve the dispute and the impact of this upon the child. The aim must be to resolve the dispute in a timely manner in order to meet the best interests of the child.

At any point in the process, where it is appropriate, the IRO may seek independent legal advice in order to inform their own view and the dispute resolution process.

There will be times when the IRO may be advised that obstacles preventing resolution are outside or beyond the Local Authority's control. For example staffing, resource issues, court delays, independent commissioned assessments. However, if these are impacting on the ability of Children's Social Care to meet the needs of the child as identified in the Child Plan, the IRO should continue to escalate the issue.

The process of dispute resolution should always be understood to be in the child's best interest and those involved need to remain child focussed. Dispute resolution can cause tensions within the agency, and this can be managed by good communication and good working relationships. It is important that the child remains the focus and the responsibility of corporate parenting is embedded with all professionals.

Recording and escalating concerns

The Dispute Resolution Process sits within Care First. As such records made under the process will be evident on the child's file. Whilst this makes the process accessible and transparent, it is essential that information recorded on any child's file is appropriate. Only the details of the dispute and action taken should be recorded. Views on the performance of individual staff, for example, must not be recorded.

The process sits within the Children's Safeguarding Standards Unit and as such it will be initiated by the allocated IRO. The DRP record will be 'owned' by the allocated IRO and s/he will be responsible for ensuring the process is completed.

The DRP record is an assessment within Care First. After the relevant sections of the form have been completed the person completing must finish and save. **They must not authorise the form**. The IRO will trigger the initial report to the social worker and consultant social worker / team manager. Thereafter, the document will be escalated by mean of reassigning the task to the appropriate person. **The form should only be authorised by the IRO** at the point that the dispute is resolved or when the dispute has escalated to the Director WCL and the DRP assessment is no longer being used to escalate / record the dispute. Once authorised the form will be closed off and cannot be changed.

The Process

At stage one the IRO will complete a Dispute Resolution Record within Care First. The record must identify what the IRO believes should happen and any steps required to achieve this. The record will be sent to the allocated social worker and team manager / consultant social worker.

The team manager / consultant social worker must respond via Care First using the Dispute Resolution Record setting out his/her response and views on any action required. The response and all necessary action should be completed within 5 working days. **The team manager must finish and save the record but must not authorise it. The record is then reassigned to the IRO.**

Should stage two of the process be required the IRO will be responsible for reassigning the Dispute Resolution Record to the relevant social work group manager. The group manager will, where possible resolve the dispute through the provision of direction and guidance. If this is not possible the Group Manager must meet with the IRO, CSW/Team Manager and Social Worker. All action must be completed within 5 working days. The group manager will then update the DRP, select finish and save but must not authorise the assessment. The group manager will then reassign it back to the IRO.

If necessary the steps taken above are then replicated for stages three and four with the IRO maintaining responsibility for escalating the concerns to the Service Manager (stage 3) and Assistant Director for Children's Social Care (stage 4) via reassigning the DRP. On completion the Service Manager and Assistant Director will update the DRP record, select finish and save and reassign it back to the IRO. **They must not authorise the record.**

In the event of escalation above Assistant Director the IRO will share the DRP report electronically or in hard copy as required.

Should escalation CAFCASS this will be done in writing and sent securely via the Egress email system.

The IRO will be responsible for informing the Service Manager for CSSU about the dispute. This must happen by the time the dispute has been escalated to the Service Manager (stage 3). However, where appropriate the IRO will inform the Service Manager for CSSU at an earlier stage.

The attached flowchart outlines the timescales and actions that need to be progressed in relation to the dispute resolution process.

As far as possible action taken under the DRP will be recorded on a DRP form within Care First. However, where necessary any subsequent communication relating to the dispute must be recorded on Care First via IRO oversight records and / or Observations. The minutes of any meetings held must be uploaded to Total View.

An outline agenda for meetings held under the DRP is available below as appendix 1.

Note

If, as a result of the DRP process there is a significant change to the child's plan a LAC Review must be held within 4 weeks.

Appendix 1

Agenda template for meetings held under DRP

- **Child's details**
- **Meeting details**
- **Reason for meeting**
- **Views of parties involved**
- **Actions taken to date**
- **Discussion**
- **Outcome**
 - **Dispute resolved – provide detail**
 - **Dispute remains – provide detail**
 - **Next steps (Escalation / Legal Advice etc...)**