

Communication and Dispute Resolution Protocol for care planning processes

For Independent Reviewing Officers
(IRO'S) and Children's Social Care
staff

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1. Introduction

- 1.1 [The IRO handbook](#) requires all Independent Reviewing Services to have clear processes in place for bringing to the attention of senior managers any concerns arising from care planning processes for individual children.
- 1.2 The purpose of this protocol is:
- to provide a clear route for independent reviewing officers (IROs) to raise any issues of concern with senior managers arising from care plans for looked after children;
 - to provide a clear formal dispute resolution process;
 - to agree internal mechanisms for the resolution of any issues prior to a referral requesting legal intervention to the Children and Family Court Advisory and Support Service (CAFCASS).
- 1.3 This process should also identify any themes and issues emerging from care planning processes which may impact on and influence the development of local policies and strategies for meeting the needs of looked after children.
- 1.4 This protocol complies with statutory guidance and is intended for IROs and staff working in Children's Social Care who are involved in care planning processes for Looked After Children.

2. Informal dispute resolution process

- 2.1 Following all statutory reviews, a copy of the review minutes is sent to the relevant operational manager.
- 2.2 Any issues of concern arising from a statutory review will, in the first instance be raised with the team manager or operations manager. It will be important to open up a dialogue at the earliest opportunity to clarify concerns and if possible resolve issues within the statutory review process.
- 2.3 Following looked after reviews the IRO will complete a care planning progress monitoring form which will include:
- A judgement on the progress of the case - Red, Amber, Green;
 - Details of the nature of any concerns;
 - Monitoring of key planning documentation;
 - Action to be taken by the IRO;

- Action required to resolve the issue and timeframes for resolution.
- 2.4 Cases will continue to be referred to service managers in line with current agreed criteria; e.g. children placed under placement with parent's regulations for a year or children with permanency plans for either adoption or long term foster care that have not been placed within nine months of the permanency decision being made.
 - 2.5 The service manager will advise the IRO if the matter is to be considered at a Panel or dealt with by other means.
 - 2.6 The IRO will have the option of attending the Panel or their views and feedback will be managed by the operational manager of the IRO Service.
 - 2.7 Where a case is judged to be amber, the service manager will always receive an email with a copy of the minutes and details of the issue of concern and resolution sought.
 - 2.8 Where a case is judged to be RED the relevant head of service will always receive a copy of the documentation to inform them of the issue and proposed plans for resolution.
 - 2.9 The action taken by the IRO or response requested will be detailed on the care planning progress monitoring form or a covering memo.

3. Formal Dispute Resolution Process

The IRO Handbook stipulates that the formal dispute resolution process in authorities should have timescales in total of no more than 20 working days.

3.1 Stage 1

- 3.1.1 Where a Looked After Review identifies that the child's needs are seriously compromised and the view of the IRO is that the formal dispute resolution needs to be instigated, the IRO will send a copy of the review minutes to the operations manager and service manager. The IRO will set out in writing why the case has been referred. This must be done within **five working days** of the review.
- 3.1.2 Where the delay in planning is as a result of provision of service from another business unit/agency the relevant managers will be

included in the communication.

- 3.1.3 A copy of the documentation will be sent to the Head of Service Children's Social Care and Safeguarding, Head of Service Professional Practice and Assurance and any other relevant senior manager for information only at this stage. They will be copied into any subsequent communication to ensure they remain informed about progress and prospects of resolution.
- 3.1.4 The IRO will take a view as to whether concurrent advice should be sought from CAFCASS and whether to seek independent legal advice. At any stage within the process the IRO can decide that in the interests of the child a referral should be made to CAFCASS.
- 3.1.5 On receipt of a referral from an IRO, the relevant operations manager will review the case and respond to the IRO and the service manager within **five working days** to propose a resolution or way forward.
- 3.1.6 The emphasis at this stage will be to achieve resolution in a timely way. Possible strategies may include:
- a professionals meeting;
 - a meeting with respective legal representation;
- Meeting attendees and agenda will be dependent on the specifics of the particular case. The manager of the IRO service will support the resolution process as required.
- 3.1.7 If the situation remains unresolved, the service manager will consider arranging a meeting with the IRO and the operations manager. This meeting will be arranged within **five working days**. The purpose of the meeting is to agree a resolution and a way forward with clear timeframes which are acceptable to the IRO. This may involve the use of some form of independent mediation.

3.2 Stage 2

- 3.2.1 If a clear dispute remains with no prospect of resolution the case will be referred immediately to the Head of Service Children and Families for intervention.
- 3.2.2 The Head of Service for Children and Families will be advised by the IRO and service manager of the details of the dispute and the outcome of any mediation.

- 3.2.3 The Head of Service for Children and Families will make the final decision relating to the local authority's position on the care plan.
- 3.2.4 This decision will be made within **five working days** of receipt of the referral or when all relevant information has been considered.
- 3.2.5 The decision and rationale for the decision will be communicated to the IRO in writing by the Head of Service for Children and Families.
- 3.2.6 Depending on the outcome the IRO will advise all relevant managers of any further action they plan to take including a formal referral to CAFCASS for legal intervention.
- 3.2.7 Clear records will be kept at each stage of the process and recorded on the child's file.
- 3.2.8 The Head of Service Professional Practice and Assurance will maintain oversight of any cases referred externally to ensure this action is commensurate with the planning concern identified.

4. Themes and general care planning issues

- 4.1 The IRO service is required to have systems in place to identify any themes emerging or issues impacting on care planning processes in general.
- 4.2 Information from each statutory review from the care planning progress monitoring form will be collated to identify relevant themes and issues. This information will be included in the annual report for the IRO service.
- 4.3 The IRO service will ensure that any current or specific practice issues emerging are routinely reported to the senior leadership team within Children and Families Business Unit.

5. Communication with CAFCASS

- 5.1 The [statutory guidance](#) requires close communication between the IRO and the appointed children's guardian during the life of care proceedings and at the conclusion of proceedings.

- 5.2 If a dispute arises during the life of the care proceedings the children's guardian should be informed and where necessary involved in the dispute resolution processes. This may require a formal discussion at the issues resolution hearing (IRH).
- 5.3 As soon as an IRO has been appointed for a child who is subject to proceedings the legal department for the local authority will be provided with the IRO's name and contact details. The legal department will pass this information onto the court via the care plan filed with the application or via a letter if the IRO is appointed after the application is made.
- 5.4 WCC Legal Services will ensure that the IRO has access to all relevant court documentation and reports throughout proceedings.
- 5.5 Once the children's guardian has been appointed the IRO and children's guardian should initiate contact with each other via an introductory email.
- Coventry@cafcass.gov.uk
 - *Named Reviewing Officer* @warwickshire.gov.uk
- 5.6 The IRO Service will forward to the children's guardian or general CAFCASS email address a copy of each review record. The dates of subsequent reviews will be included in these review minutes.
- 5.7 The IRO and children's guardian will agree the levels of communication which are required between them on a case by case basis. The topics for consideration will include:
- The current views and wishes of the child
 - The views of both the children's guardian and the IRO of the final care plan;
 - Whether details of the care plan are subject to a formal dispute resolution process and if so details of this;
 - Any complaints which have been received about the case;
 - Any issues raised in court in relation to the implementation of the current care plan;
- 5.8 The instigator of the discussion will email a brief summary of the discussion to the other person. The IRO will ensure a copy is placed on the child's case file.
- 5.9 In all cases where the child is to remain looked after, following the completion of the proceedings, the IRO and the children's guardian should have a final handover discussion/meeting. This will include

- Details of the final care plan for the child;
- Any significant issues that the children's guardian feels may prompt a referral back to CAFCAS if not progressed;
- For children placed at home or with family members consideration should be given as to what outcomes need to be achieved to allow for consideration of a discharge of the care order.

5.10 A summary of any discussion should be emailed to both parties. The IRO will ensure a copy is forwarded to the child's social worker and included on the child's case file.

6. Monitoring and Review

6.1 This protocol will be reviewed annually by the IRO Service Operations Manager in consideration with the Head of Service for Children and Families and the Head of Service for Professional Practice and Assurance.

7. Further Information

[Care Planning Regulations](#)

[IRO Handbook](#)

[Looked After Children – Promoting Permanency – Procedures and Guidance on implementing the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)