



**Nottingham City Children in Care Dispute Resolution Policy**  
**Safeguarding and Quality Assurance Service**

**Introduction and Background**

It is the task of each Local Authority (LA) to put in place a formal process for the Independent Reviewing Officer (IRO) to raise concerns and to ensure that this process is respected and prioritised by managers.

This is because one of the important functions of an IRO is to oversee the needs and rights of every child in the care of the LA. This responsibility is outlined in the Care Planning, Placement and Case review (England) Regulations 2010 and the IRO Handbook 2010, which provides the guidance to IROs about how to discharge their distinct responsibilities to looked after children (LAC). Otherwise, known within Nottingham City Council as Children in Care (CIC) and this term will be used throughout this document.

Every child in the care of Nottingham City Council, who are subject to an Interim Care Order (section 38), Full Care Order (section 31) and voluntary agreements under section 20 of the Children Act 1989 has an IRO appointed. This is to ensure that their care plan fully reflects their needs and that the actions set out in the plan are consistent with the Local Authority's legal responsibilities towards them as CIC.

A key function of the IRO is to resolve problems arising out of the care planning process. It is expected that IROs will establish positive working relationships with the Social Workers of the children for whom they are responsible.

Although on occasions, it will come to the attention of the IRO that there is a problem in relation to the care of a child in care. When this happens, the IRO should seek a resolution. The IRO is not there to case, manage, supervise the social worker or devise the care plan. However, it is the duty of the IRO to monitor the case on an



ongoing basis having in mind the specific responsibilities tasked to them by the IRO Handbook 2010. This includes:

- Promoting the voice of the child.
- Ensuring care plans for children in care 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.
- Making sure that the child understands how an advocate could help and their entitlement to an advocate.
- Offering a safeguard to prevent any 'drift' in care planning for children in care and the delivery of service to them, and
- Monitoring the activity of the LA as a Corporate Parent in ensuring that care plans have been given proper consideration and weight to the child's wishes and feelings and that, where appropriate, the child fully understands the implications of any changes to their care plan.

This process is intended to ensure the IROs are given sufficient time and support to be able to carry out this function of their work effectively and in the best interests of the children with whom they work.

### **The Dispute Resolution Process**

Whenever it comes to the attention of the IRO that there is a problem in relation to the care of a child in care, the individual IRO is personally responsible for activating the dispute resolution process. This includes in cases where it is suggested that the LA has:

- Failed to address the needs of the child set out in the care plan and/or
- Failed to review the case in accordance with regulations and/or



- 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

The child's allocated IRO is responsible for seeking resolution, even if it may not be in accordance with the child's wishes and feelings, but in their view in accordance with the best interest and welfare of the child, including their human rights.

Furthermore, the IRO may bypass any stage of the dispute resolution to the level they consider most appropriate after discussion with the Principal IRO Manager due to the level of concern they may have.

There will be times when the IRO may be advised by the LA, that there are obstacles in the way of resolving the issue that are outside or beyond the control of the LA, for example staffing, interagency or resourcing issues. However, if these are affecting the LA's ability to meet the needs of the child, as identified in the child's care plan, the IRO should continue to escalate the issue. An example might be multiple allocated social workers or professional engagement (including external agencies).

At any point during the resolution process, the Care Planning Regulations state that the IRO can refer a case to the Children and Family Court Advisory and Support Service (CAFCASS). It is noted however, that such a referral should be regarded as an exceptional step and will only be used if the internal process has not found a sufficient outcome. In addition, to note in any such circumstance the IRO would seek their own legal advice before taking these steps.

The dispute resolution form can be found at the end of this document.

### **Nottingham City's Children in Care Dispute Resolution Process**

Where the IRO identifies problems with a child's care plan in relation to the planning, implementation or decisions in relation to it, the IRO will in the first instance seek to



resolve the issue informally with the Social Worker and their Team Manager. Furthermore, the IRO in all cases should ensure that all actions they take in an attempt to resolve a dispute are recorded on the child's case record (Liquid Logic).

It is not unusual for the social worker, who is often the most junior in the hierarchy, to be left to attempt to implement a review decision that requires the co-operation of other departments or agencies. It is therefore important that the local authority ensure that partner agencies (government and non-government agencies that work with the LA) are clear about the role of the IRO.

Reliable systems should be established that ensure that partner agencies comply with the objectives and demands of the local dispute resolution process. This should allow social work managers to obtain updates, responses and clarification to the local dispute resolution process. In the event that the intervention of the head of service is required, they should be able to call their counterparts in partner agencies to seek a resolution within the child's timescale and to address wider organisational issues that may be creating the obstacles.

### **Informal Process**

The IRO should place a record of this initial informal resolution process on the child's file (Liquid Logic) as a case note (this is an internal measure until Liquid Logic is developed sufficiently to accommodate full recordings on case notes). This informal stage should be resolved within a week, either by the Social Worker or by Team Manager. If there is no satisfactory resolution within the agreed timescales, the formal dispute resolution will be instigated.

### **Formal Dispute Resolution Process (20 working days in total)**

As stated in the IRO handbook 2010 the formal process should take no longer than 20 working days altogether.

### **Stage 1 (5 working days) - Team Manager**

Where the IRO identifies a problem during the CIC review or during ongoing monitoring of the case that they have been unable to resolve informally, the IRO will complete the dispute form for Stage 1. Then notify the Team Manager by attaching this to an email and sending it to the Team Manager and the cause for concern email [Dispute.Resolution@nottinghamcity.gov.uk](mailto:Dispute.Resolution@nottinghamcity.gov.uk). Additionally this will be recorded on the child's case file (Liquid Logic) using the case note recording.

The IRO must ensure that they record on the dispute form the problem identified and how attempts were made to resolve this informally.

Within a **maximum of five working days**, the receiving Team Manager should respond in writing at the base of the form, detailing the actions already taken to resolve the problem or proposed actions and timescales, via the IRO and the dispute resolution email [Dispute.Resolution@nottinghamcity.gov.uk](mailto:Dispute.Resolution@nottinghamcity.gov.uk).

The IRO will respond to the Team Manager promptly and agree or not, the proposed actions. This then needs to be recorded on the dispute form, emailed back to the Team Manager and uploaded onto Liquid Logic documents section, if agreement is reached to resolve the problem.

If there is no agreement and/or satisfactory resolution within the 5 working days, the IRO should instigate Stage 2 of the dispute resolution process.

### **Stage 2 (5 working days) - Service Manager**

Where no satisfactory resolution to the problem has been achieved at Stage 1, the IRO will move to Stage 2. This will involve the IRO convening a meeting with the Service Manager and the Principle Manager for the IRO Service. The meeting

should seek to agree proposed actions and timescales to resolve the problem. The IRO on the dispute form will then record actions from this meeting for Stage 2.

This will also be recorded on the child's case file (Liquid Logic) using the case note process. The Stage 2 dispute form should be emailed back to the Service Manager, entered onto the child's case file, and sent to the dispute resolution email if agreement has been established [Dispute.Resolution@nottinghamcity.gov.uk](mailto:Dispute.Resolution@nottinghamcity.gov.uk).

If there is no agreement and/or satisfactory resolution within the 5 working days, the IRO should instigate Stage 3 of the dispute resolution process.

### **Stage 3 (5 working days) – Head of Service (HOS)**

Where no satisfactory agreement and or resolution to the problem has been achieved at Stage 2, the IRO in conjunction with the Principle Manager they will notify the HOS by attaching the dispute form to an email with the actions from the meeting convened at stage 2 of the process.

This will be recorded on the child's case file (Liquid Logic) using the case note option. The IRO must ensure that they record on the dispute form the problem identified, how attempts were made to resolve this at stage 2 and must recommend how the resolution is to be sought with the HOS.

Within a maximum of five working days, the HOS should respond on the dispute form, to seek to resolve the problems.

If there is no satisfactory agreement and/or resolution agreed with the HOS that will immediately resolve the problems identified to the satisfaction of the IRO, they should instigate Stage 4 of the formal process. This too must be captured on the Stage 3 dispute form and recorded on child's case file (Liquid Logic).

#### **Stage 4 (5 working days) – Director of Children’s Services**

Where no satisfactory agreement and/or resolution to the problem has been achieved at Stage 3, the IRO will complete the dispute form for Stage 4 and notify the Director of Children’s Services.

This will be recorded on the child’s case file (Liquid Logic) as a case note. The IRO must ensure that they record on the form, the problem identified, how attempts were made to resolve this. At all the stages if relevant, and indicate a recommendation for the Director to consider.

Within a maximum of five working days, the Director should respond, either in writing or by email. Alternatively, they can request that the IRO convene a meeting with the relevant parties, as identified by the Director, to seek to agree proposed actions to resolve the problems. Any actions from the meeting will need to be recorded by the IRO on the Stage 4 dispute form and captured on the child’s case file (Liquid Logic) and sent to the dispute resolution email [Dispute.Resolution@nottinghamcity.gov.uk](mailto:Dispute.Resolution@nottinghamcity.gov.uk) for recording on the dispute resolution database.

This is the final stage of the formal dispute resolution process. If there is no satisfactory resolution at this stage. The IRO should consider a referral to CAFCASS after consultation with the Principle Manager and the Director and after seeking independent legal advice.

#### **Examples of where the Dispute Resolution Process may be used**

It is not possible within the guidance to provide an exhaustive list of every concern relating to practise and process that would require the intervention of an IRO under the dispute process. Therefore, below is a list for example purposes.



- Incomplete or poor standard of documentation provided to the child in care review or not found to be maintained on the child's case record. This may include non-completion of assessments. At least 3 days before the children in care review the Social Worker will provide the IRO with a copy of the review report, care plan or pathway plan, Personal Education Plan (PEP) and the health assessment report.
- Statutory visits are not undertaken within timescales or the record of visits is missing or incomplete.
- Where a child does not have an up to date PEP or one is not scheduled within the appropriate timescales.
- Where an initial or review Health Assessment is overdue or where other relevant medical, dental, hearing, optical assessments and immunisations have not been undertaken within timescales.
- Frequent changes of social worker and lack of evidence of a positive relationship with the child.
- Lack of progress on Life Story material to include direct work and later life letters.
- Where one or more decisions agreed at a CIC review and not disputed by the LA within 5 working days of the review have not been acted upon and completed within the timescale agreed. For example, applications for passports, independent visitors and referrals to other agencies including Child Sexual Exploitation (CSE) matters.
- Where there is drift and delay in the care plan or the care plan is not meeting the individual needs of the child, including the need for permanence.



- Where the rights and/or well-being of the child are not being met, for example the child's views are not being given sufficient weight in the decision making process.
- Where there is a deviation from the agreed care plan, for example, a child's plan changes to rehabilitation to birth family without a child in care review or where contact arrangements are significantly altered.
- Where there is a concern about provision of services/ resources allocated to meet the child's individual needs, including the suitability of the placement.
- Where a CIC is arrested or charged with an offence. If the IRO considers that, the child's care plan needs to be amended.

### **Access to Independent Legal Advice for the IRO**

It is a requirement of the IRO Handbook 2010 that IROs have access to independent legal advice should they require it. The following arrangements are made available to IROs within Nottingham City Council:

- **Level 1:** Advice can be sought from the LA childcare solicitor who does not have conduct of the case. This would be appropriate for straightforward legal advice about statutory requirements for processes.
- **Level 2:** A discussion is to be held with the HOS for the Safeguarding and Quality Assurance Service to enable independent legal advice being sought.

### **Quality Assurance**

The IRO will ensure that all correspondence and discussion in relation to the dispute resolution process is recorded on the child's case file (Liquid Logic).



The CIC Review will discuss any disputes entered into by the IRO between reviews, the outcome if known, and/or progress of them. This information will then be recorded in the review minutes and the child and parent/carer where relevant will be kept informed as appropriate.

The IRO will forward a copy of all disputes to the Dispute Resolution email [Dispute.Resolution@nottinghamcity.gov.uk](mailto:Dispute.Resolution@nottinghamcity.gov.uk) for monitoring purposes. They will copy the Principle Manager into this email as well, so they also have a copy. Then IRO business admin will update the database.

### **CIC Review minutes**

The Care Planning Regulations 2010 impose strict timescales for the production of minutes by the IRO following a CIC review (although it must be noted that the review is in itself is a process rather than one single meeting).

- The IRO will produce a written record of the recommendations/decisions made at the review – **within 5 working days**. This will be recorded on the child's case file (Liquid Logic) on the outcomes screen and an email sent to the Social Worker and Team Manager informing them of this.
- If no response is received by the IRO from the Team Manager within 5 working days of receipt of the recommendations/decisions, the IRO will consider that they are agreed by the LA and will expect them to be implemented within the timescales set out.
- Through this, the child and all adults involved in the care and planning for the child can be confident that the LA has made a commitment to implementing the decisions made at a review and within an agreed timescale.
- The LA has a duty to ensure that the child, parents/carers and other significant review attendees are informed in a timely manner, of the decision



by the Team Manager **not** to implement the review recommendations and the reasons why.

- Within **10 working days** of receipt of the IROs recommendations/decisions, the Social Worker will update the care plan in relation to any changes agreed at the CIC review and distribute to all relevant parties.
- The IRO Service should distribute the full written record of the CIC review within **20 working days**. All those in attendance should receive a copy of the 'child friendly' minutes with recommendations/decisions. Those who are absent for a variety of reasons will be given the contents as deemed appropriate/necessary by the IRO.
- The LA is required to present a care plan at the second looked after review that has a **plan for permanence** (National Adoption Standards) and the IRO will ensure that the outcome of the second review reflects this decision making.

### **Changes to Care Plans.**

If the care plan continues to meet, the needs of the child there may be no need for any communication between the IRO and the social worker or the child. However, Social Workers and their Team Managers are responsible for notifying the IRO about any significant changes to the child's care plan or circumstances in order for the IRO to decide whether there is a need to convene an early review.

These include:

- proposed change of care plan for example arising at short notice in the course of proceedings following on directions from the court;
- where agreed decisions from the child in care review are not carried out within the specified timescale;



- major change to contact arrangements;
- changes of allocated social worker;
- any safeguarding concerns involving the child, which may lead to enquiries being made under section 47 of the 1989 Act ('child protection enquiries') and outcomes of child protection conferences, or other meetings not attended by the IRO;
- complaints from or on behalf of child, parent or carer;
- unexpected changes in the child's placement provision which may significantly impact on placement stability or safeguarding arrangements;
- significant changes in birth family circumstances for example births, marriages or deaths which may have a particular impact on the child;
- where the child is charged with any offence leading to the referral to Youth Offending Services, pending criminal proceedings and any convictions or sentences as a result of such proceedings;
- where the child is excluded from school;
- where the child is running away or missing from the approved placement;
- significant health, medical events, diagnoses, illnesses, hospitalisations, serious accidents; and
- panel decisions in relation to permanence.

A review will not be required for every change and the IRO will determine whether the change requires a review to be convened. The IRO should consult with the child, where appropriate, and the child's wishes and feelings about the impact of the



proposed change on their life should be taken into consideration in reaching a decision as to whether a review is necessary.

If, following communication with the Social Worker, the IRO is satisfied that the arrangements in the care plan continue to meet the child's needs or that the change does not have significant implications for the care plan. Then a review is not always necessary but a record of this agreement and the reasons for it should be placed on the child's file.

However, there are clear circumstances when an early CIC Review needs to be arranged as set out in the IRO Handbook 2010.

- whenever there is a proposal for a child to leave care before the age of 18
- wherever there is a proposal for the child to move from foster care, a children's home or other placement, to supported lodgings, or to other kinds of 'semi-independent' or 'independent living' before the age of 18 (i.e. from accommodation regulated under the Care Standards Act to unregulated accommodation)
- prior to children subject to care orders being discharged from custody;
- wherever any unplanned change is proposed to a child's accommodation that would have the effect of disrupting their education or training;
- where a change of placement is proposed that would interrupt the arrangements for the education of a child in Key Stage 4; and
- Where a change of placement is proposed for a child who has remained settled and established with the same carer for a significant period (we should consider this 12 months or more).



### **Compliments around good practice**

It is equally important that the IRO recognises and reports on good practice demonstrated by individual social workers. Attached at the end of this document is a compliments form that an IRO will complete and email to the identified Social Worker, Team Manager, Service Manager and Head of Service.



**Dispute Resolution Process Flowchart 20 working days**

**Informal process**

IRO to give a timescale for completion of the requested activity and to monitor whether this is successfully completed within the agreed timescale



**Formal process**

**Stage 1** – IRO to contact the Social Worker’s Team Manager with concerns to be addressed

(5 days)



**Stage 2** – IRO to hold a meeting with the relevant Service Manager

(5 days)



**Stage 3** – IRO to hold a meeting with the relevant Head of Service

(5 days)



**Stage 4** – IRO to hold a meeting with the Director of Children’s Integrated Services

(5 days)



**Stage 5** – IRO to take legal advice to consider referral to Cafcass



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Date of concern:

IROs name:

**IRO Dispute Resolution Stage 1- Team Manager**

Deadline for response:

<b>Childs name:</b>  <b>Childs ID Number:</b>  <b>DOB:</b>	<b>Team:</b> <b>SW:</b> <b>TM:</b> <b>SM:</b> <b>HOS:</b>
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**Concerns from informal stage (5 working days):**

**Requested Action:**

**Response of Team Manager (to include any practise development issues)**

Proceed to Stage 2     Concerns Resolved

Date:

**IRO Dispute Resolution – Stage 2- Service Manager**

**Meeting with Service Manager Outcomes:**



Proceed to Stage 3     Concerns Resolved

Date:

**IRO Dispute Resolution – Stage 3 Head of Service**

Meeting with Head of Service outcomes:

Proceed to Stage 4     Concerns Resolved

Date:

Meeting with the Director of Children’s Integrated

**IRO Dispute Resolution – Stage 4 Director of Children’s Integrated**

Proceed to Stage 5     Concerns Resolved

Date:

Resolution of Dispute – If not resolved, seek legal advice and consider progress to CAFCASS: