

Update to the Resolution and Escalation process used by Children, Education and Families

CMT and DLT have recently considered the functions and effectiveness of the Quality Assurance Service in order to ensure that there is a shared understanding of the role, functions and legal responsibilities of the service across CEF. Within this, there has been specific consideration of the use of the Resolution and Escalation process.

Every Local Authority is required to produce a Dispute Resolution Process. In Oxfordshire, this was developed and launched by CMT and the Quality Assurance Service in 2015/16 and is known here as the **Resolution and Escalation** process.

The QA service in Oxfordshire is guided in carrying out its monitoring and challenge functions by the following principles:

- By remembering, any challenge begins with a conversation which takes place and is received in the spirit of restorative practice
- By taking a sympathetically assertive approach focussed on the likely impact on the child
- By close and frequent communication and collaboration with operational teams in each area
- By the IROs and Independent CP Chair constructively raising individual case issues with Social Workers and Team Managers to achieve swift resolution and good outcomes for the child
- By following the underpinning principles and process of the Resolution and Escalation procedure, initially agreed by CMT in 2015 and updated in 2018
- By systematically collecting, collating and analysing data in a number of ways, from a range of sources to help prioritise key QA issues on up to 1,400 cases allocated to the QA Service at any one time
- By prioritising and sharing the patterns and themes from these findings to help direct improvement efforts, to troubleshoot quality issues and to collaborate in improving standards of service and outcomes delivered
- By collaborating with OSCB and Think Family to carry out thematic audits within the CEF QA Framework

As it is the responsibility of an IRO service to monitor cases individually and collectively, as well as to monitor the performance of the Local Authority, regular monthly performance data is now collected for the QA Service for this purpose and is escalated to CMT by Service Managers. **This has removed the need for some issues to be escalated individually by IROs through R&E.** Those to be removed are scored through in the examples section below and will now be escalated to CMT and DLT by QA Service Managers for strategic tracking and resolution.

IROs will continue to follow the R&E process for individual cases but will, therefore, use this new guidance to focus on their core tasks of working with teams to reduce

drift and delay, ensuring that the child's voice is heard and considering the appropriateness of individual care plans. Data on other QA issues will still be collected but responsibility for escalation of the themes they illustrate will be the responsibility of QA Service Managers.

To be effective, challenge should be approached as a co-operative activity carried out collaboratively for the purposes of improving the service children receive. It is hoped that streamlining this process will provide more clarity about the themes of concern, will remove unnecessary pressures on all teams to address thematic/systemic issues and will support everyone to work together towards achieving the best outcomes for children.

The new process will be used from 26 March 2018 so please take this opportunity to read through the refreshed Resolution and Escalation process for further detail. Your feedback will be requested after three months when the process will be reviewed and amended where necessary.

Hannah Farncombe, Deputy Director – Children's Social Care

Lara Patel, Deputy Director, Safeguarding, Corporate Parenting and YJB

RESOLUTION AND ESCALATION PROCESS

(Oxfordshire County Council Dispute Resolution)

Introduction

The Care Planning, Placement and Case Review (England) Regulations 2010 which were enacted in April 2011 included the IRO Handbook 2010 which includes the requirement for the Local Authority to produce a Dispute Resolution Process. In Oxfordshire, this process will be referred to as the **Resolution and Escalation Process**.

1. Scope of these Procedures

In Oxfordshire CEF, the following procedures apply to all children in care and all children who are the subject of child protection planning.

2. Quality of the IRO Service

This process relates to the statutory process for dispute resolution as defined in the IRO Handbook. Issues relating to IRO performance should be dealt with via initial discussion with the IRO; if issues cannot be resolved they should be referred to the relevant Quality Assurance Service Manager.

3. The Legislation

One of the key functions of the IRO is to resolve problems arising out of the care planning process. It is expected that IROs 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 case, for example in relation to care planning, the implementation of the care plan or decisions relating to it, resources or poor practice, the IRO will, in the first instance, seek to resolve the issue informally with the social worker or the social worker's managers. The IRO should place a record of this initial informal resolution process on the child's file. If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO should consider taking formal action.

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. Taking into account different management structures within each local authority there are likely to be some variations in the process, but 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.

The IRO has a number of key functions based on keeping the child at the centre of effective planning to ensure that the whole range of the child's needs are met in the best way that is achievable. These functions include:

- Scrutiny of the care plan at all stages
- Quality assurance of assessments
- Ensuring all statutory regulations are complied with
- Ensuring the legal status of the child is the most effective to guarantee the implementation of the care plan
- Ensuring that there is no 'drift' in implementing the plan
- Resolving problems arising out of the care planning process

The process is set in the context that the primary expectation is that IROs will establish positive working relationships with the children's social workers in order to work towards an agreed plan that meets the children's needs

The IRO has the power to refer the matter to Cafcass at any point in the dispute resolution process [regulation 45] and may consider it necessary to make a concurrent referral to Cafcass at the same time that s/he instigates the dispute resolution process, although the expectation is that concerns will normally be resolved in other ways (DCSF, 2010b: para 8.10).

The circumstances under which they may do are specified in the Regulations: if the IRO considers the local authority has failed 'in any significant respect' to prepare the child's care plan, review his/her case or effectively implement the decisions; and 'having drawn the failure or breach to the attention of persons at an appropriate level of seniority within the responsible authority, it has not been addressed to the satisfaction of the IRO within a reasonable time period' (Reg. 45(3)(a)). A Cafcass officer will then be appointed to deal with the case. He/she will make enquiries to try to resolve the matter, but if these are unsatisfactory, Cafcass may take the case back to court (Cafcass (Reviewed Case Referral) Regulations 2004). These may be proceedings under the Human Rights Act, proceedings for judicial review, or proceedings under other legislation, most likely the Children Act 1989.

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.

4. Underlying Principles

Standard	Criteria
<p>Every Local Authority should have a dispute resolution process in place that encompasses informal and formal resolution which is accessible to children/families/staff</p>	<p>A policy and procedure is available to all staff and elected members on the IROs' role in challenging and resolving disputes.</p> <p>Information should be available to children, young people and families about the IROs role in challenging and resolving disputes</p> <p>The policy and procedure should comply with the requirements of the IRO Handbook.</p>
<p>The child should remain central to the challenge and dispute resolution process</p>	<p>Where appropriate the child/young person should be informed by the IRO that they are seeking resolution to a problem on their behalf and they should be kept informed of how the resolution is progressing.</p> <p>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 an IRO to account for their actions.</p> <p>The child/young person should be made aware of their right to take their own legal advice and the IRO should ensure that they are supported in doing this.</p> <p>The child/young person should be made aware of their right to access the complaints system and independent advocacy alongside the IRO seeking resolution.</p> <p>The IRO should ensure the timescale for resolution is determined by the needs of the child.</p> <p>Where an IRO has raised any challenge in relation to a child's case this should be clearly recorded on the child's file.</p> <p>Children and young people should be able to describe any challenges that an IRO has made on their behalf.</p>
<p>The dispute resolution process should offer a</p>	<p>The dispute resolution procedure needs to</p>

<p>continuum for resolving issues through informal and formal resolution processes</p>	<p>reflect that there is a continuum of intervention by the IRO which encompasses informal and formal resolution.</p> <p>It is for the IRO to determine where on the continuum they wish to seek resolution and how quickly they wish to move along the continuum if they are not successful in seeking a quick resolution.</p> <p>IRO managers should seek to ensure that there is consistency in the team as to how IROs operate this continuum of intervention and dispute resolution to ensure a consistent team approach.</p> <p>The systems for the formal process of dispute resolution must be achievable within 20 working days.</p> <p>The resolution process should explicitly state that the IRO can at any point make a referral to CAFCASS.</p> <p>Each Local Authority needs to have in place a reporting process which evidences challenge and dispute resolutions that are being managed through the informal resolution process</p>
<p>There should be a multi-agency system in place for highlighting and resolving issues for children and young people who are Looked After.</p>	<p>Local Authorities should have a system in place for highlighting short falls in service provision or disputes with partner agencies.</p> <p>Local Authorities need to establish a transparent process for resolving disputes with partner agencies.</p> <p>The above processes should have been ratified by the LSCB who retain oversight of the multi-agency challenge and dispute process.</p>
<p>Outcomes from disputes should inform strategic planning</p>	<p>There should be a regular reporting system in place between IRO Services and CSC senior managers to discuss issues being challenged by IROs and to identify emerging themes.</p> <p>The annual IRO report provided to the Director of CSC and Elected members needs to comment on the IROs role in tracking and challenging and to raise any emerging themes which need to be addressed.</p> <p>CSC should produce an action plan in relation to this report.</p>

	<p>The LSCB should receive an annual report in which multi agency issues around the planning for children and delivery of services should be raised.</p> <p>The IRO Service should produce a report for their Children in Care Council which specifically includes the IRO role in raising challenges and problem resolution. (e.g. "What IROs have resolved for Children and Young People")</p>
--	--

Thanks to the National IRO Managers/DfE Partnership

5. The Process

It is anticipated that issues will usually fall into the following categories:

- Practice
- Judgement
- Clarification of accountability
- Strategic issues

All issues should initially be raised by a direct discussion [face to face or by telephone] with the allocated social worker or responsible team manager to seek to resolve the matter informally. The IRO should place a record of this initial informal resolution process on the child's file and, if resolution is not achieved in a timescale appropriate to the child's needs, the IRO will initiate the formal process set out below.

It is for the IRO to determine [with the support of the Service Manager if necessary] the most effective way of achieving resolution of the issue. For example, an issue relating directly to a child, eg lack of statutory visits, is likely to be dealt with at Stage 1 and escalated quickly if there is no resolution; whereas a serious conflict over the plan itself is likely to be escalated to Stages 2 and 3 from the outset.

Although the statutory requirement for the issue to be resolved is 20 working days it is expected that all staff respond quickly and that the minimum time period is utilised.

If there are a number of issues relating to a particular service, as well as the IRO dealing with individual situations, the Service Managers will report on that issue in the six-monthly thematic report to CMT.

It is important to recognise that social work teams and IROs may have genuine professional disagreements. It is important that the evidence is carefully recorded

and analysed. All issues raised need to be recorded accurately and carefully and will form part of the child's file.

The stages of the process are outlined below and the Resolution and Escalation Alert Form is attached at Appendix 1 and can be found in the [documents library](#).

<p>Stage 1</p>	<p>IRO raises concern in a conversation with social worker and confirms in writing in an email, copying in the team manager. All emails should be headed Resolution and Escalation Alert. The email should summarise the conversation with agreed actions and timescales. Once the situation is resolved the IRO should record in brief the details of the R&E and the outcome on an IRO case note headed "Outcome of Resolution and Escalation". The Resolution and Escalation Alert Form will not need to be completed at this stage.</p>	<p>T W E N T Y</p>
<p>Stage 2 if issue unable to be resolved or there is a serious safeguarding issue</p>	<p>IRO to escalate to ASCMs and alert SM Safeguarding. Needs to ensure expected outcome and timeframe are clear on Resolution and Alert Form. Maximum timeframe for ASCM response is 5 working days</p>	<p>W O R K I N G</p>
<p>Stage 3 if issue still not resolved or there has been a failure to respond to a serious safeguarding issue or potential breach of human rights</p>	<p>IRO to escalate to Deputy Director and alert Safeguarding Manager - expected outcomes on the Resolution and Alert Form may require updating.</p>	<p>D A Y S</p>
<p>Stage 4 [expectation that stages 4 and 5 are rarely used] if issue still not resolved or there is a continuing failure to respond to a serious safeguarding issue or potential breach of human rights</p>	<p>IRO to escalate to Director and alert Deputy Director Safeguarding [if not already aware]</p>	
<p>Stage 5 if issue still not resolved or there is a continuing failure to respond to a serious safeguarding issue or potential breach of human rights</p>	<p>IRO to escalate to Chief Executive and alert DCS</p>	

Examples of issues that should be addressed by IROs through the Resolution and Escalation Process

1 General issues:

- Insufficient evidence of the child's voice & inclusion within the assessment, planning and review process.
- Non-completion of decisions/failure to meet timescales.

- Unsuitable/inadequate contact arrangements.
- Concerns arising about inadequate health provision.
- Concerns arising about inadequate education provision.
- IRO not notified of significant event in the child's life.
- IRO does not endorse the Care Plan.
- Delays in applications for CICB, passports etc.
- Delay in life story work.

2 Failure to meet statutory requirements for the child:

- Statutory visits not being completed or children not being seen alone, where appropriate, in their placement by the social worker.

3 Care plan implementation:

- Drift/delay in the implementation of the child's care plan.
- Delay in progressing a child's permanence plan (second review onwards).
- Failure to implement a significant element of the child's care plan.

4 Dispute around the provision of services:

- Concern around the suitability of the placement to meet the child's needs.
- Family finding/placement search.
- Placement choice*/standard of care concern
- Concern around professional practice.

* for unregulated emergency placements made due to lack of placement availability and due to external circumstances considered beyond the Local Authority's control IROs should escalate at Stage 3.

6. Evidencing Impact

A six-monthly report should be compiled by the Quality Assurance service and presented to CMT by the Service Manager – this should include individual issues raised in the previous month and any thematic issues. Any necessary actions should be identified and agreed at that meeting and an Action Log maintained. At subsequent meetings identified actions should be reviewed and progress recorded. This information will be provided in the IRO Annual Report.

**OXFORDSHIRE COUNTY COUNCIL
Resolution and Escalation Process Alert Form**

Quality Assurance Service, Safeguarding and Review Team

Care Planning, Placement and Case Review (England) Regulations 2010

Date of Alert:	
Name of Child /Fwi/LAS Number:	
Social Worker/ Team Manager:	
IRO/IC:	
Response requested from whom:	
Date response due:	

Stage of Alert:	
Concurrent referral to Cafcass:	Yes/No

Issue [please bullet point]:	Expected Outcome:
•	•

Response:
Date:

Resolution of Alert (recorded by IRO):
Date:

Once completed this form should be saved as a PDF document and placed on the child's file