

Process for Informal Challenge & Dispute Resolution for the IROs/CP Chairs

The IRO Handbook sets out the statutory (legally required) duties of the IRO. One of the key functions of the IRO is to resolve problems arising out of the care planning process and ensuring that children have a permanence plan at the earliest opportunity.

Every Local Authority is required to have a formal process in place by which IRO's can raise concerns. This is known as the Informal Challenge and Dispute Resolution Process. The IRO may bypass any stage and progress the dispute to the level s/he considers most appropriate. Within legal proceeding the Judge will scrutinise the IRO's role and effectiveness in challenging care plans

Ofsted include in their inspections the effectiveness of the IRO role within the Local Authority. There is no statutory guidance for CP Chairs in challenging CP & CIN cases, therefore Knowsley has adopted the same process and timescales

This document seeks to provide guidance working for professionals with children, young people and families, building on their strengths to better manage the harm and challenges they face.

The management standards in this document have been designed to ensure consistency in practice across The IRO Service.

Safeguarding Quality Assurance Unit - Informal Challenge and Dispute Resolution

Standards

Standard 1 – Informal Challenge

1. A cause for concern/informal challenge will take the form of a discussion between IRO/CP Chair and Social Worker/Team Manager in person, by phone or e-mail and it is a requirement that this is then recorded on the child's file.
2. By recording the discussion in this way the IRO/CP Chair can evidence that Informal Challenge has taken place, with timescales for resolution and can be tracked. Senior Management, Ofsted and Judges in legal proceedings may ask to see evidence of these Informal Challenges.
3. If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO/CP Chair should consider taking formal action (Dispute Resolution process). Within Knowsley it has been agreed the timescale should be 5 days but at this stage it can vary as appropriate but must not drift.

Standard 2 – Dispute Resolution

1. The formal Dispute Resolution process should be completed from start to finish within 20 working days.
2. The IRO/CP Chair has the power to refer the matter to Cafcass at any point in the dispute resolution process.
3. The IRO/CP Chair is responsible for activating the Dispute Resolution process, even if this may not be in accordance with the child's wishes, but the IRO's view, is in the best interests of the child.
4. Issues such as resourcing or staffing limitations cannot be considered a barrier to resolution.
5. The IRO/CP Chair should ensure that all actions are recorded on the child's case record.
6. The IRO/CP Chair may seek independent legal advice.
7. The social worker may wish to have their own LA Legal Planning Meeting

Standard 3 – Timescales

1. **STAGE 1:** Cause for Concern/Informal Challenge – IRO/CP Chair records an Informal Challenge on ICS with timescales for actions to be completed by, copying both the Social Worker's Team Manager on ICS. It is at the discretion of the IRO/CP Chair how long they wish to remain at the Informal challenge stage, however within Knowsley the aim is 5 working days to complete.
2. **STAGE 2:** Dispute Resolution – IRO/CP Chair records a Dispute Resolution on ICS with timescales for actions to be completed and copies in the HOS/Team Manager and IRO/CP Chair Team Manager. The IRO/CP Chair will end the DR on ICS when they are satisfied the dispute is resolved aiming for 5 working days to resolve.
3. **STAGE 3:** Dispute Resolution – If following the DR meeting or timescales for actions has passed and the IRO/CP Chair remains dissatisfied, the IRO/CP Chair escalates concerns to Assistant Director level aiming for 5 working days to resolve.
4. **STAGE 4:** Dispute Resolution – IRO/CP Chair, social worker, Service Manager & Head of Service meet with Director who makes the ultimate decision of the LA. Should the IRO/CP Chair be dissatisfied by the outcome a referral to CAFCASS can be made – aiming for 5 working days to resolve.

5. **STAGE 2 – 4** cannot take longer than 20 working days to resolve.