

## **Children Looked-After**

### **PRACTICE RECOGNITION & ISSUE RESOLUTION PROCESS**

#### **1. FOREWORD**

It is the task of each local authority to put in place a formal process for the Independent Reviewing Service to raise compliments and concerns and to ensure that this process is respected and prioritized by managers<sup>1</sup>.

The process ensures that Brighton & Hove City Council has an operational process and recording system for formalising this. It covers two areas of practice; the recognition of good practice and the way in which issues and disputed decisions are resolved. It references current national guidance, and looks at the roles of the Independent Reviewing Service for Looked After Children<sup>1</sup>.

#### **2. STATUTORY GUIDANCE**

Please visit [www.education.gov.uk](http://www.education.gov.uk) and type in 'Volume 2 Care Planning, Placement and Case Review' in the search engine to find:

The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review (DCSF-00185-2010) at:

<https://www.education.gov.uk/publications/eOrderingDownload/DCSF-00185-2010.pdf>

Regulation 45 (P97 4.39) states “where disagreements or differences in opinion arise in the course of the review process between those present, every effort should be made to resolve the matter on an informal basis. Where agreement cannot be reached, the responsible authority should ensure that the child, parents, carers and others involved with the child are aware of the representations procedure they are required to have in place. The IRO is under a duty to advise the child of his/her right to make a complaint and of the availability of an advocate to assist the child in making a complaint.”

This is further addressed within the statutory guidance for Independent Reviewing Officers<sup>2</sup> available for download at:

<http://dera.ioe.ac.uk/736/1/DCSF-00184-2010.pdf>

This document describes revised procedures and new guidance on setting up: first and subsequent LAC Reviews; writing Care Plans (including Placement Plans); writing

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<sup>1</sup> The Children Act 1989 Guidance for Regulations Volume 2: Care Planning, Placement and Case Review came into effect on 1<sup>st</sup> April 2011.

<sup>2</sup> IRO's Handbook

social work reports for Reviews; writing IRO record of reviews; monitoring care plans, and the use of negotiation and challenge processes for statutory reviewing.

### 3. PROCESS

#### 3.1. Practice Recognition

Where there is evidence of good or excellent practice and management of Care Plans the Independent Reviewing Officer will complete a [Practice Recognition](#) in accordance with the Quality Assurance Framework (Children Looked-after and Care Leavers). The format ensures consistency in where information is recorded and stored as part of the child's electronic Carefirst record. Completed Practice Recognitions will be shared with the staff member's respective line manager (as evidence to support professional development planning).

Positive comments from children, parents and other professionals / agencies should be passed through to [complaints@brighton-hove.gov.uk](mailto:complaints@brighton-hove.gov.uk).

Good or excellent practice may be characterised by exceptional efforts to achieve stated outcomes for a child and may include elements or all of the following:

<b>Effectiveness of Interventions</b>	Impact of intervention has achieved desired changes within the family.
<b>Service response</b>	Efficient and timely actions and decisions e.g. as arising from child looked-after review meetings.
<b>Effective planning and review</b>	Documents are child centred and child-friendly, have clear and measurable outcomes and identify who is doing what and when.
<b>Building a trusted and effective relationship</b>	The core of good social work practice - the family is involved in decision making and planning. The practitioner has demonstrated particular skill in building a good relationship with the child and family.
<b>A child-centred approach including attention to equality and diversity</b>	Practice has paid particular attention to a child's individual needs, and the response to factors relating to their age, ethnicity, or disability.
<b>Multi agency involvement</b>	Effective communication and information sharing will be key elements.
<b>Management supervision and oversight of practice</b>	Quality of practice and case recordings demonstrates strong management direction / sign off.
<b>Quality of case recording</b>	Reports and key documents recorded to a good / high standard.

#### 2.1. Issue Resolution

The Independent Reviewing Officer may raise any concern for discussion. This is an informal process and ideally should be addressed through effective communication such as face-to-face or telephone discussion with the aim of achieving early resolution within an agreed timescale.

Concerns arising directly from the child/young person's looked-after review will be discussed with the social worker immediately following review. The result of communications, including timescales for action, will be recorded on a Casenote: IRO Record (Looked-After).

#### -Informal Issue

Where concerns raised follow a pattern of issues that have not resulted in any change then the matter will be raised to the Practice Manager's attention as an Informal Issue.

Informal Issues will be recorded on a Manager Alert (Looked-After) within the child's individual electronic record on Carefirst.

Informal Issues and Formal Challenges could include any of the following matters:

- Relevant reports / plans or background information, including an up-to-date care plan, not provided or available to the IRO at least three working days before the review
- Child not involved or their views not taken into consideration or recorded on care plan
- Care plan drift and delay eg delay instigating care proceedings
- Failure to consider child/young persons identity and equality needs eg access to social and cultural activities, hobbies and interests
- The child has a disability and is over 14 but no thought has been given to their transition needs / plan
- Decisions not actioned from last review
- Placement breakdown or instability
- Concerns about health / contact / education / placement
- Statutory visits out of timescales and / or child not seen alone
- Poor quality social work report
- Parent / carer not involved or views not sought for review
- There is no plan for permanence in place or IRO is not in agreement with the proposed care plan / permanence plan
- Concerns about funding or resources eg SGO support package decisions or provision to meet therapeutic or treatment needs etc
- IRO not consulted between reviews when there have been significant changes to care plan (eg placement / school / contact, etc)
- IRO not informed about a Standards of Care investigation taking place and its outcome
- IRO not informed about safeguarding concerns (eg regular absconding / risky behaviour / risk of sexual exploitation etc)
- IRO not informed about a formal complaint or the outcome
- Multiple changes of social worker
- Other

## Formal Challenge

Formal challenges will be recorded via the Looked-after Manager Alert process in line with the Level of challenge required. The various Levels are set out below.

The following guidelines are designed to provide a clear and transparent evidence of the process for Informal Issue resolution and formal Challenge:

<b>Manager Alert (Looked-After) process</b>		
<b>Informal Issue</b>	<p><b>IRO raises concerns with the Practice Manager and notifies the Team Manager</b></p> <p>IRO makes telephone contact with the Practice Manager. The IRO outlines the reasons for raising an Informal Issue. Effective communication is used to resolve the matter as an Informal Issue.</p> <p>IRO records responsible Manager details at sections 1.1.1 to 1.1.3 of the Manager Alert (Looked-After) record. IRO records 'Informal Issue' at section 1.1.4.</p> <p>Practice Manager records their response in the Informal Issue tab, sections 2.2.1 and 2.2.2.</p> <p>In most instances issues will be effectively resolved at this level. IRO records this in the Informal Issue tab, section 2.2.5</p> <p>Where the issue has not been resolved, the IRO consults with the IRO Manager about next steps including any decision to escalate to a Formal Level 1 Challenge. IRO records this at section 2.2.6</p>	<p><b>Timescales for completion of issues raised informally will not usually exceed 20 working days.</b></p> <p>Overall timing may however be shortened and stages conflated to ensure a proportionate response.</p>
<b>Manager Formal Challenge process</b>		
<b>Level 1</b>	<p><b>IRO raises concerns with the Team Manager and notifies the relevant Service Manager</b></p> <p>Effective negotiation (through face-to-face or telephone discussion where possible) is used to resolve the issues outlined at sections 1.1.5 and section 2.2.1 and 2.2.2 of the Manager Alert (Looked-After) record.</p> <p>Team Managers records their response at section 2.3.1 to 2.3.4</p> <p>Issue is resolved within 5 working days. IRO records</p>	5 working days

	<p>resolution at section 2.3.5. Otherwise, IRO consults with the IRO Manager about possible routes to resolving the issue. IRO records this at section 2.3.6</p>	
<b>Level 2</b>	<p><b>IRO Manager (Children Looked-after) raises concerns with the Service Manager and notifies the Head of Children’s Delivery Unit</b></p> <p>Effective negotiation (through face-to-face or telephone discussion where possible) is used to resolve the issues outlined at sections 1.1.5 and section 2.2.1 and 2.2.2 of the Manager Alert (Looked-After) record.</p> <p>Service Managers records their response at section 2.4.1 to 2.4.4</p> <p>Issue is resolved within 5 working days. IRO Manager records resolution at section 2.3.5. Otherwise, IRO consults with the Head of Safeguarding about possible routes to resolving the issue. IRO Manager records this at section 2.4.6</p>	5 working days
<b>Level 3</b>	<p><b>Head of Safeguarding raises concerns with the Head of Children’s Delivery Unit and notifies the Director Children’s Services</b></p> <p>If the dispute remains unresolved then relevant information will be submitted to the Head of Children’s Delivery Unit. A meeting will take place in order to review the case and secure a resolution.</p> <p>Head of Children’s Delivery Unit records their response at section 2.5.1 to 2.5.4</p> <p>Issue is resolved within 4 working days. Head of Safeguarding records resolution at section 2.5.6.</p> <p>Otherwise, the Head of Safeguarding may find it prudent to seek legal and Cafcass advice, to consider alternative solutions and the implications of next actions.</p>	4 working days
<b>Level 4</b>	<p><b>Head of Safeguarding raises concerns with the Director Children’s Services</b></p> <p>If the matter remains unresolved it will be escalated to the</p>	3 working days

	<p>Director for Children’s Services for a meeting and / or written adjudication on the matter.</p> <p>Director for Children’s Services records their response at section 2.6.1 to 2.6.4</p> <p>Issue is resolved within 3 working days. Head of Safeguarding records resolution at section 2.6.6.</p> <p>Otherwise the Head of Safeguarding will seek legal and Cafcass advice before deciding whether to formally refer the matter to Cafcass.</p> <p>If the matter still remains unresolved, the Head of Safeguarding will notify the Director of Children’s Services in writing of the intention to refer the matter to the Chief Executive.</p>	
<p><b>Level 5</b></p>	<p><b>Head of Safeguarding raises concerns with the Chief Executive</b></p> <p>The Head of Safeguarding will have access to independent legal advice and will seek written adjudication on the matter. All supporting information will be made available, including, where appropriate, the outcome of Independent legal advice in relation to the rights of the child and any potential breach of the child’s Human Rights.</p> <p>If the matter still remains unresolved the Head of Safeguarding will notify the Director of Children’s Services and the Chief Executive in writing of the intention to refer the case to <u>Cafcass</u>.</p> <p>The Head of Safeguarding will make the referral to Cafcass with all required documentation. Once referral has been made, Cafcass will enter into final dispute resolution with the Local Authority before legal proceedings are instituted. It is the responsibility of Cafcass and not the Independent Reviewing Service to determine whether a legal remedy should be sought.</p> <p>The above process will be recorded on a Level 5.</p>	<p>3 working days</p>

