****

|  |  |
| --- | --- |
| **CHILDREN AND YOUNG PEOPLES SERVICES****Safeguarding Unit – Child Protection Conference Chairs and IROs** |  |

|  |
| --- |
| **CHALLENGE AND RESOLUTION FORM** |
| **Date of Notification** |  |
| **From:** **(Allocated Child Protection Conference Chair/IRO)** |  |
| **To:** |  |
| **Name of Child** |  |
| **DoB** |  |
| **LCS number** |  |
| **Social Worker**  |  |
| **Team and Team Manager**  |  |

|  |  |  |
| --- | --- | --- |
| **Stage of Escalation**  | ***Please tick*** | ***Manager/Service*** |
| Stage 1**QA form/ Challenge Escalation Form** |[x]  (Team Manager – within 5 working days |
| Stage 2**Challenge Escalation Form** |[ ]  (Service Manager – within 5 working days) |
| Stage 3**Challenge Escalation Form** |[ ]  (Head of Service – within 5 working days) |
| Stage 4**Challenge Escalation Form** |[ ]  (Deputy Strategic Director/DCS - within 5 working days) |
| **At any point (subject to Service Manager Agreement)** |[ ]  (CAFCASS) |

|  |
| --- |
| **What are we worried about?****What actions have taken place to resolve the worries?***(Brief summary of concern resulting in the formal challenge)* |

|  |
| --- |
| **Outcome and Impact for the Child/Young Person.** (Identify impact / outcomes and the reasons for this challenge. The attempts that have been made to address and resolve issues of dispute both at an informal and formal stage/s) |

|  |  |
| --- | --- |
| **Themes and Issues** | ***Please tick*** |
| Inadequate Voice of the Child/Young Person  |[ ]
| Drift and delay in progressing the child’s planning  |[ ]
| Lack of management oversight  |[ ]
| Drift and delay in legal planning/escalation  |[ ]
| Placement concerns  |[x]
| Safeguarding concerns  |[ ]

|  |
| --- |
| **Recommended Action** (SMART actions leading to improved outcomes/impact)  |
| Action | By when | By whom |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

|  |
| --- |
| **Response to Challenge and Resolution from Team manager/Service Manager/Head of Service** **Date:** |

|  |
| --- |
| **Child Protection/IRO Service Manager final comments** **Date:** |

|  |
| --- |
| **Challenge and Resolution – Flowchart and Guidance****This flowchart reflects a combined formal Dispute resolution and Escalation and Challenge process for both Independent Reviewing Officers (IRO) and Child Protection Chairs (CPC)** |
| This process is to be supported by an LCS IRO/CPC Resolution Form, to be developed. The intent is that this form will remain a ‘live document’ until the issues raised are resolved, the LCS form will therefore be reassigned to the respective safeguarding manager leading the relevant next stage. The IRO will monitor the outcomes from the action plans made, if agreements are made the process will end, with the form being finalised to reflect the agreements. However, should these agreed outcomes not be achieved or completed the IRO/CPC can revert to this process at the point they last exited.  |
| **Informal Process**The Informal Escalation Process relies heavily on our ethos of Restorative Practice. The expectation being that if it is right for the child, the IRO/CPC will seek to resolve issues and concerns at an informal level. This may involve conversations and emails and the actions agreed and outcomes should also be detailed on the child’s file by the IRO/CPC. Any informal challenge and resolution will be recorded clearly on the child’s file using the ‘*IRO/Conference Chair Escalation Discussion’* case note. All informal escalations should be resolved within 10 working days or should then progress to a formal escalation. |
|  |
| **Formal Process****Stage 1 (5 Days)**To be raised on the challenge and resolution form by the IRO/CPC and sent to the Team manager with a copy to the Social worker, and Service manager for the responsible team and IRO/CPC SM. The Team manager, IRO/CPC and possibly the SW should meet to discuss the issues and should develop an action plan within 5 working days of the issue being raised. This plan will be recorded on the resolution form and if there is agreement the form will be finalised at this stage.The IRO will review the action plan and track that the outcomes for the child are achieved. If the response is not received in time or if the agreed actions are not implemented or sufficiently effective in the IRO/CPC’s view, the process moves directly to the next stage.**If agreement about what should happen next cannot be achieved, this will be recorded on the resolution form (not finalised) and will then progress to stage 2 below.** |
|  |
| **Stage 2 (5 Days)**The IRO/CPC will update the resolution form to reflect the outcome above and will inform their Service Manager that the challenge has not been resolved. The Service Manager in consultation with the IRO/CPC will then forward the form to the responsible Service Manager (copying in the HoS, IRO/CPC, SW and TM) and unless the matter can be quickly resolved by the Service Manager, a date will be set to discuss the issue within 5 working days, this meeting should involve the IRO/CPC and possibly the TM, S/W or any other key party . The action plan will be jointly developed in this meeting, this will be recorded on the resolution form and finalised if agreed. It is expected that the IRO/CPC and TM will ensure that the actions are tracked. If the agreed actions are not implemented as planned or are not effective in the IRO/CPC’s view, the IRO/CPC will revert to the stage 2 process.**If agreement about what should happen next cannot be achieved, this will be recorded on the resolution form (not finalised) and will then progress to stage 3 below.** |
| **STAGE 3 (5 Days)**Should the challenge not be resolved at stage 2, the IRO/CPC Service Manager in consultation with the IRO/CPC will forward the challenge and resolution form to the HoS (Safeguarding) detailing the previous action plans and the issues that remain unresolved. The IRO/CPC, SM and HoS (Safeguarding) should meet to discuss the issues as soon as possible. The HoS (Safeguarding) should then discuss the matter with their counterpart and within 5 days give clarity back to the IRO/CPC SM regarding the outcome - either that the challenge is upheld or a compromise made, and that a plan and timeframe has been provided to address the outstanding actions - or that the matter has not been resolved and progression to stage 4 is required. The resolution form will be updated to reflect the position and will be finalised if agreements are made**. (It would be strongly expected that the majority of issues would not progress beyond Stage 3).** The IRO/CPC will review the action plan and track the actions until the outcomes for the child are achieved. If the agreed actions are not implemented as planned or are not effective in the IRO/CPC’s view, the IRO/CPC will revert back to the stage 3 process via the IRO/CPC Service Manager. |
| **Stage 4 (10 Days)**In the unlikely event that respective Heads of Service have been unable to reach an agreement. The Head of Service for Safeguarding will request a joint meeting with their counterpart within 10 days, to be overseen by the Director of CYPS. This meeting will be recorded and should, where possible, involve the key staff involved up until this point. An Action plan will be devised, with the DCS making a decision on balance if there is continued debate and disagreement between services. This action plan should be recorded on the resolution form and should close the process with clear timescales for completion of any tasks. The IRO/CPC will review the action plan with their Service Manager and track the actionsuntil the outcomes for the child are achieved. If the agreed actions are not implemented as planned or are not effective in the IRO/CPC’s view, the IRO/CPC will revert back to the stage 3 process via the IRO/CPC Service Manager |
|  |
| **Referral to CAFCASS - under Regulation 45 of the Care Planning, Placement and Case Review (England) Regulations, 2010.**Statutory guidance supports the facility for the IRO to seek independent legal advice and potential action from CAFCASS should they be of the view that the issues warrant challenge to the LA from outside the organisation. This process is rarely utilised on a national level but remains a key tool to ensure that the LA discharges its full duty of care to the children it looks after. In Rotherham it would be suggested that the IRO should make a case that the issue is sufficiently acute and that the resolution process above would cause undue delay before seeking CAFCASS action. Such a step would require the oversight and approval of the Service Manager and HoS for Safeguarding. Supplementary Guidance is in the Appendix Below:  |
| **Referral to CAFCASS - under Regulation 45 of the Care Planning, Placement and Case Review (England) Regulations, 2010.**At any point in this process the IRO has the ability to refer the issue of concern to CAFCASS under the provision above. The IRO must consider the impact on the child of a referral and make a decision based on the timetable for the child. There will be some cases where there will be time available to pursue the full dispute resolution process as above but this may not always be the case. If the IRO is considering making such a referral this should always be discussed with the Service Manager and a clear rationale given for not pursuing the escalation process, thus cases requiring referral to CAFCASS should usually by definition be of cute concern. The IRO Service Manager will also notify their Head of Service. **A Cafcass practitioner is only authorised to bring judicial review proceedings or freestanding applications under the Human Rights Act 1998 by virtue of section 25 B(3)(a) of the Children Act 1989 and the supporting regulations referred to above.****When considering whether to make a referral, the IRO should have access to management advice and support in addition to independent legal advice where necessary. CAFCASS Legal operates a duty helpline which is available to IRO's for the discussion of possible referrals. The lawyers at CAFCASS Legal cannot give IRO's legal advice, but will discuss with the IRO whether any other steps can be taken before a referral is made.****The information listed below should accompany a referral to CAFCASS.**1. Copies of any final Care Order and the final Care Plan filed in proceedings.2. The report of the children's guardian immediately preceding the making of any Care Order.3. The review records from the preceding 12 months.4. A report by the IRO explaining why the matter is being referred at this stage and setting out what steps the IRO has taken to resolve the position with the Local Authority.5. Where the child is of sufficient age and understanding, a report by the IRO on the child's wishes and feelings, including the child's views in relation to any potential court proceedings. 6. Names and contact details for relevant professionals in relation to children's social care and any other agencies involved, for example another Local Authority or an NHS Trust.7. The most recent Care Plan.  |