Guidance on the Independent Reviewing Officer (IRO) Quality Assurance Process (QAP) and Dispute Resolution Process (DRP)

Refer to QAP and DRP flow chart

### Functions and Principles

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<th>Legal Support and Lancashire Ruling</th>
<th>Quality Assurance Process (QAP)</th>
<th>Dispute Resolution Process (DRP)</th>
<th>Key Responsibilities</th>
<th>Recording &amp; Sharing Information</th>
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<tr>
<td>The IRO has access to in-house and independent legal advice</td>
<td>The Quality Assurance Process (QAP) is seen to be an informal process. It is designed to monitor drift and delay on decisions that would not normally be challenged through the Dispute Resolution Process (DRP) and it encourages better service long as the case is not in proceedings</td>
<td>The Dispute Resolution Process (DRP) is seen to be a formal process. There has potentially been a breach of the child’s human rights</td>
<td>Independent Reviewing Officer (IRO)</td>
<td>Where QAP actions have been identified, the IRO details these onto the child’s electronic file record</td>
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<td>In-house IRO Team Manager to support the IRO to seek advice from the LA Chief Legal Advisor for initial legal advice (so service is not seen as intrusive manner)</td>
<td>In advance of the review, the child’s electronic file record is checked and the child is consulted. Where decisions are identified, the IRO consults with relevant parties and seeks to resolve. This is usually via phone call and / or email</td>
<td>Pre-review</td>
<td>In addition, QAP actions are confirmed with the Social Worker and the relevant Team manager and Service Delivery Manager by email.</td>
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<td>Independent IRO Team Manager to support the IRO to access independent legal advice where appropriate from the West Yorkshire Independent legal advice provision</td>
<td>Following consideration whether by the IRO to seek independent legal advice, the IRO Team Manager will brief the Head of Service – ISU on the circumstances of the child’s case</td>
<td>Depending on the evidence, a decision may be made to access the QAP or DRP if the matter is not resolved</td>
<td>The IRO follows up on the QAP actions directly with the social worker until the matter is resolved or DRP is accessed.</td>
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**Lancashire ruling**

IRO and Social Work practitioners should familiarise themselves with the Lancashire ruling. This involves two brothers who were found to have their human rights breached. The IRO was found personally responsible, alongside the local authority, because he did not hold the local authority to account for failing to implement its care plan and review decisions.

Timely legal advice should be sought in order to seek the best outcomes for children

**Decision Activity**

Enters DRP Decisions onto the child’s electronic record and updates following resolution

**Area/Stage**

<table>
<thead>
<tr>
<th>Stage 1</th>
<th>Stage 2</th>
<th>Stage 3</th>
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</thead>
<tbody>
<tr>
<td>Matter resolved by SDM, Area Head of Service and Head of Service – ISU are alerted</td>
<td>Matter resolved by Area Head of Service. Chief Officer Social Work + Deputy Director Safeguarding, Specialist &amp; Targeted and Head of Service – ISU are alerted</td>
<td>Matter resolved by Chief Officer Social Work and / or Deputy Director Safeguarding, Specialist &amp; Targeted and potentially the Director of Children’s Services.</td>
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</table>

**Management**

Head of Service ISU is kept informed at all key points in the process and attends formal meetings as required

**Consequences**

Where the DRP has been accessed, the IRO follows up on the QAP actions directly with the social worker until the matter is resolved or DRP is accessed. The IRO initiates the Alert Form and this is shared at Stage 1 with: Area HoS, SDM, TM, SW HoS – ISU, IRO TM and ISU Admin. Alert Form updated at Stage 2 and now also shared with: Chief Officer Social Work (CO SW) + Deputy Director Safeguarding, Specialist & Targeted (DD SST)

### Legal Support and Lancashire Ruling

- **The IRO**
  - Responsible for providing advice and guidance to the IRO throughout the QAP & DRP process and deciding if the matter is resolved and:
    - Enters DRP Decisions onto the child’s electronic record and updates following QAP meetings and developments and revises timescales as required
    - Keeps the Head of Service – ISU informed at all key points in the process and at Stage 2 and now also shared with: Area HoS, SDM, TM, SW HoS – ISU, IRO TM and ISU Admin. Alert Form updated at Stage 2 and now also shared with: Chief Officer Social Work (CO SW) + Deputy Director Safeguarding, Specialist & Targeted (DD SST)
  - Refers to CAFCASS

- **Supports the IRO to access legal advice**

### Quality Assurance Process (QAP)

- **The IRO**
  - Shares the QAP action information within five working days with the SDM, TM and Social Worker
  - Initiates an Alert Form when entering into the DRP. This form clarifies actions and timescales and is shared with relevant parties at the 3 stages of the process
  - Brings dispute to formal notice of Chief Officer Social Work + Deputy Director Safeguarding, Specialist & Targeted at Stage 3 of the DRP
  - Brings all disputes to the attention of the IRO Team Manager within supervision sessions and at all key points in the process
  - Refers for making a formal referral to CAFCASS if the matter is not resolved

### Dispute Resolution Process (DRP)

- **The IRO**
  - Responsible for setting any remedial timescales if actions have not been taken and there is a risk of drift in the delivery of a plan that will meet the child’s needs and planned outcomes within the child’s timescales (Care Planning Regulations 3.39) and:
    - Consults relevant parties (e.g. social worker) and seeks to resolve issues before raising as a QAP
    - Adds QAP actions to the child’s electronic file and Decision Report, when identified
    - Emails the social worker’s Team Manager about QAPs that have been raised
    - Shares the action information within five working days with the SDM, TM and Social Worker

- **Chief Officer Social Work + Deputy Director Safeguarding, Specialist & Targeted**
  - Responsible for working with the IRO to seek to resolve the matter at the earliest opportunity and:
    - Discuss QAP and DRP actions within supervision
    - Keeps Service Delivery Manager informed

- **Service Delivery Manager – Social Work**
  - Responsible for deciding whether to challenge QAP actions within five working days and keeps Area Head of Service informed and attending formal meetings as required at Stage 2 and 3 of the DRP and for seeking to resolve disputes at the earliest opportunity

### Key Responsibilities

- **Area Social Work Head of Service**
  - Responsible keeping Chief Officer Social Work + Deputy Director Safeguarding, Specialist & Targeted informed and attending formal meetings as required at Stage 2 and 3 of the DRP and for seeking to resolve disputes at the earliest opportunity

- **Chief Officer Social Work + Deputy Director Safeguarding, Specialist & Targeted**
  - Responsible for seeking to resolve disputes at the earliest opportunity