

Adoption Tees Valley and Partner Local Authorities

Dispute Escalation Process

Introduction

Adoption Tees Valley provides adoption services on behalf of Darlington; Hartlepool; Middlesbrough; Redcar and Cleveland and Stockton Borough Councils. The Regional Adoption Agency was formed under the Education and Adoption Act 2016. It has delegated responsibility for recruiting, assessing, approving and supporting prospective adopters; for assessment of post adoption support needs; delivery of post adoption support*; for non-agency adoption work including partner adoptions; and in relation to intercountry adoptions.

*Other agencies share responsibility for aspects of post adoption support, including adoption allowances, provision of short break care, and specialist children with disability services, amidst other services.

Adoption Tees Valley works in partnership with the five Local Authority partners to family find for children with a plan of adoption and those requiring Early Permanence. The five partner Local Authorities retain overall care planning responsibility for children in their care.

Adoption Tees Valley is also delegated to provide support to all parties affected by adoption, including adopters, adoptive families, adopted adults and birth relatives.

On occasions, a Local Authority partner or ATV may feel it appropriate to challenge the decision-making of the other. This Dispute Escalation and Resolution process is intended to enable problems to be resolved in a proportionate, timely and purposeful way and, ultimately, to do so in the best interests of children, young people and families. The process is for dispute resolution between ATV and a Local Authority and does not apply to dispute resolution between 2 Local Authorities. Either of ATV, or a Local Authority disputing the action of ATV, may initiate this procedure.

Where the dispute relates to a care planning matter in respect of a child, this process must also be considered in line with the LA IRO Resolution Process, and the IRO must be kept informed of all concerns/disputes.

The IRO will make their own view, and decision about their role, relating to the circumstances of the case, and matter under dispute.

Escalation and Resolution Process

All practitioners from across the partnership are responsible for seeking and securing professional agreement about decisions for children wherever possible. Where this cannot reasonably be achieved and there is a dispute about a decision which would

materially impact the care plan or potential outcomes for the child, the practitioner should escalate the concern to seek resolution to the dispute identified. This process also applies to situations where there is no response to a reasonable request for information from a practitioner in a partner agency.

Informal Resolution

Wherever possible the practitioner should seek resolution through bringing the matter to the attention of the child or family's allocated social worker. They should do so as soon as they become aware of an issue in dispute as delay can result in resolution becoming more difficult to achieve.

If raising and discussing the matter informally does not achieve satisfactory resolution, or if there is no response, the practitioner should notify their own Team Manager.

It will be the decision of the Team Manager whether to raise the issue under Stage 1 of the Formal Resolution process, raise the issue informally with their counterpart Team Manager or accept the decision. Decisions and correspondence should be recorded on the child's case record.

Wherever possible, informal and formal dispute resolutions should be attempted by telephone/teams conversation, however, should always be followed up in writing by e mail to confirm the agreement, or request.

Formal Resolution Process – Stage 1

The Team Manager should raise the issue by email in writing with their counterpart. The email should include details/dates of attempts to resolve the problem informally. The Team Manager must clearly state the problem identified and may recommend the resolution sought.

Within a maximum of five working days (or sooner if requested for urgent consideration) the receiving Team Manager should respond in writing, by email, either detailing the actions already taken to resolve the problem or proposed actions to resolve the problem, with timescales for completion.

Finally, the Team Manager who raised the concern should then respond to the Team Manager by email, with a brief acknowledgement as to whether the actions taken or proposed to resolve the problem are agreed and accepted. If there is no agreement and/or satisfactory resolution, the Team Manager should notify their Line-Manager (Service Manager). It will be the decision of their Line Manager whether to raise the issue under Stage 2 of the Formal Resolution process.

Formal Resolution Process – Stage 2

The Service Manager should raise the issue by email with their counterpart. The email should include details of attempts to resolve the problem informally, and formally. The Service Manager must clearly state the problem identified and may recommend the resolution sought.

Within a maximum of five working days (or sooner if the request is urgent) the receiving Service Manager should respond in writing, by email, either detailing the actions already taken to resolve the problem or proposed actions to resolve the problem, with timescales.

Finally, the Service Manager who raised the concern should then respond to their counterpart by email, with a brief acknowledgement as to whether the actions taken or proposed to resolve the problem are agreed and accepted. If there is no agreement and/or satisfactory resolution, the Service Manager should notify their Line-Manager (Assistant Director/Head of Service). It will be the decision of their Line Manager whether to raise the issue under Stage 3 of the Formal Resolution process, which will depend on circumstances of the dispute.

Formal Resolution Process – Stage 3

Where no satisfactory resolution to the problem has been achieved at Stage 2, the Assistant Director/Head of Service for the LA organisation in dispute will convene a meeting (Virtual or in-person) within five working days with the relevant Team Managers, Service Managers, including ATV Service Manager, and Head of Service. The meeting should seek to agree proposed actions to resolve the problem. Minutes of the Meeting will be taken.

If there is no satisfactory agreement and/or resolution, the Assistant Director/Head of Service should instigate Stage 4 of the formal Resolution process.

Formal Resolution Process – Stage 4

It is not the role of any Local Authority Assistant Director to direct care planning for any other Local Authority. However, some disputes may benefit from Assistant Director to Assistant Director involvement, for example, how a resolution may be achieved.

Where no satisfactory resolution to the problem has been achieved at Stage 3, the Assistant Director/Head of Service will raise it with their counterpart within five working days. The Assistant Director should seek to agree proposed actions to resolve the problem with timescales. Minutes of the Meeting will be taken.

This is the final stage of the Resolutions Process. The Resolutions Process should take no more than 20 working days in total to seek to achieve a resolution.

As above, consideration will be given at every stage as to whether the IRO should be informed, by any party, and also, whether the DCS for the relevant LA should be aware of the dispute.

Board related matters

Where dispute resolution is at stage 3 or 4, the matter under dispute may be one of policy, practice, or resource allocation and maybe a matter for Board attention.

Consideration should be given on a case by case basis as to whether the circumstances of the dispute require discussion at Board to consider a change to practice, process, or procedure, or require some other governance consideration. Cases will not be discussed at Board, however, factors impacting on partnership, strategic and practice matters may be brought for Board awareness.

Examples of where the Escalation and Resolutions Process may be used

In practice, it is not possible within this guidance to provide an exhaustive list of every 'problem' that would require escalation under the process. However, the following list may be regarded as indicative of the type of problems that may be appropriate to escalate.

- Incomplete documentation;
- Social Work Visits not undertaken to the agreed level;
- Non-attendance at meetings;
- Where the views and wishes of the child are not sufficiently known to inform care planning;
- Where one or more decisions agreed have not been acted upon and completed within the timescale agreed;
- Where there is 'drift and delay';
- Where there is deviation from the agreed plan;
- Where there is a change to the agreed plan;
- Where there is a concern about provision of services/ resources allocated to meet the child's individual needs.