

Escalation Process - Legal Instructions

This was added to the manual in September 2018.

A recent serious case review identified the need to develop an escalation process in matters where the legal department were not receiving the instructions they had requested in children's and adult's safeguarding matters-this would include documentation etc.

This protocol has been agreed between the Director of HR, Legal and Corporate Services, the Director of Children's Services [DCS] and the Director of Adults Services [DAS] and supports the Council's compliance with its statutory duties.

In escalating non-compliance with requests for legal instructions the following steps should be taken:

- 1] Legal Services [the fee earner] requests the instructions [and/or documentation] with a clear time scale for a response and diarises.
- 2] If instructions are not received or are incomplete the fee earner immediately sends a reminder, copying in the team manager with a shorter time period for compliance and again diarises.
- 3] Should the fee earner still fail to receive a response they must immediately send a third email, copying in their line manager and the social worker/officer's team leader and service lead, informing the social worker/officer that if the information is not received within 7 days [a shorter time period if necessary] the matter will have to be escalated to the Head of Legal without further notice [informing them that their Head of Service would be copied into this 4th email].
- 4] Should the 3rd request not generate the instructions/documentation requested the fee earner would then immediately notify the Head of Legal of the issue, copying in their line manager, the social worker/officer's line manager and Head of Service.
- 5] The Head of Legal would then liaise with the relevant Head of Service in Children's/Adults and subsequently the DCS/DAS/Director of HR, Legal and Corporate Services if necessary.
- 6] The Head of Legal will keep a central record of referrals.

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