

Date: December 2011	ITEM No.
REPORT FOR CORPORATE PARENTING GROUP	
TITLE: Independent Reviewing Officer Update Report– Dec 2011	
Portfolio Holder: Councillor Barbara Rice	
Report Author: Jyoti Bailey	
Accountable Head of Service: Barbara Foster	
Accountable Director: Jo Olsson	
Purpose: To update Corporate Parenting Group on the role of the Independent Reviewing Officers role in Thurrock current performance and key issues.	
Wards affected: All	Key decision: Information

1 Key Judgments and Recommendations

- 1.1 Members of the Corporate Parenting Group are asked to note that this is the update from the July 2011 Report and reports on the management of children's cases by the Independent Review Officers (IRO). This report highlights current performance and stability of staff and current work and activity.

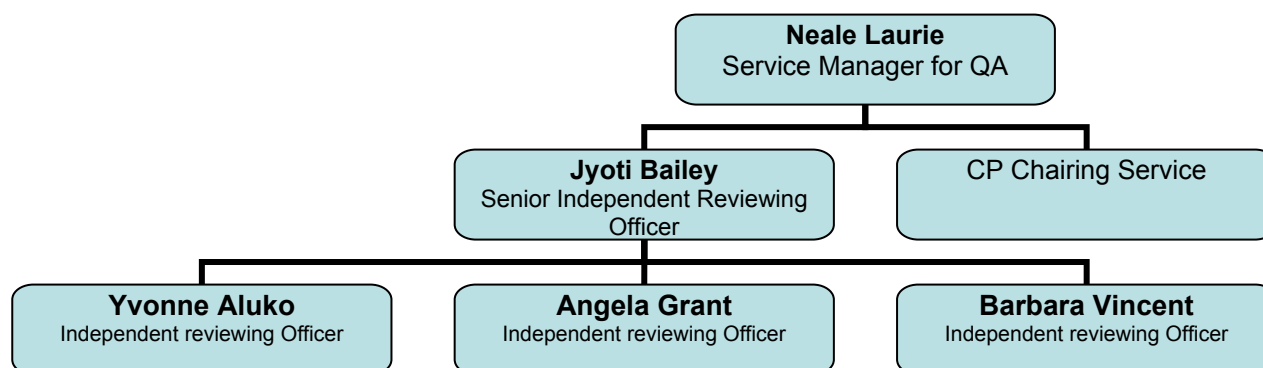
2 Introduction

- 2.1 This is the December update on the IRO annual activities and progress to date. The Independent Reviewing Service for looked after children was joined with the Independent Child protection chairs (IC) in July 2011.
- 2.2 The aim is for Independent Reviewing Officers (IROs) and Independent Chairs (ICs) to move towards a dual function.
- 2.3 The Children and Young Persons Act 2008 enhanced the role of the IRO, particularly in relation to the Quality Assurance function, both in terms of care planning for individual children and the overall performance of the Local Authority in respect of its corporate parenting responsibilities.
- 2.4 Although ICs do not have a parallel statutory framework, it is considered best practice to apply similar QA requirements across both functions. This ensures that IROs and ICs have a clear focus on, and are accountable for, their own impact on outcomes for children and young people.
- 2.5 Under the statutory IRO guidance the requirement for an Annual Report is re-stated and strengthened. This first update report is the foundation for the Annual Report in response to this, which will be published in April 2012 in time to inform our commissioning decisions for 2012/13. Further update reports will be published in July 2012 and November 2012.

3 The Independent Reviewing Officers Service: current context, structure and workloads.

Structure and stability of staff

3.1 Service Manager for Safeguarding and Child Protection Coordinator & LADO now manages the IRO service. The Service Manager is responsible for the combined chairing service.



3.2 There are four IRO posts for in the current structure. This has been a stable team for a significant time

- Senior IRO who is in this post for over 12 years
- 3 IRO's who have each been in their current post for over 5 years.

3.3 On 1st December 2011. There were 248 looked after children and young people.

3.4 The caseload for the IRO remains at about 70 plus cases, this is in line with IRO guidance and handbook. The senior IRO at present holds 38 cases. In addition to these all IRO's will have additional case load of Short break and after care Reviews for over 18 years old if requested. Other meetings chaired by IRO's will include disruption meetings on their case load.

3.5 There has been no reduction in the budget for the chairing service for the current financial year.

3.6 Over the past year there has been significant long-term sickness in the service. This has had some impact on workloads but no additional support was required and was managed within the team. This has now been resolved.

Service Integration

3.7 It is intended in the future that the roles of IRO and independent Chairs will be combined with Officers delivering both functions

3.8 There are two IRO's who are able to undertake the dual role at present and two IRO's who will require further training within the Child Protection area. The two IRO's requiring training will be seconded to undertake child protection cases will learn role through shadowing IC at conferences.

3.9 The IROs and ICs are not co-located, and have obviously had their own systems for administrative support. The possibility of co-location is under consideration.

Business Support Review

3.10 Administrative support for the chairing service, including the taking of minutes for child protection conferences, is currently under review.

4 The Quality Assurance role of IROs and ICs

4.1 As outlined in the introduction, Quality Assurance is a key area for IROs. This is both at the care planning level for individual children and young people, and at a strategic level.

4.2 The integrated Independent Chairing Service provides an excellent opportunity to revisit and maximise the QA function of both IROs and ICs, in order to contribute to best practice and to improve outcomes for children and young people.

5 Monitoring individual cases

5.1 IROs have been able to provide considerable consistency for children and young people over time.

5.2 Whilst IROs could follow and track their individual cases there was no system that allows the learning from these to be collated centrally. The IROs have been working with the ICS team to develop the ability to track and report on cases collectively to provide management information. This is also being carried out for IC

5.3 For IROs, the element of challenge in terms of care planning for looked after children has always been central to the role and the way this is undertaken is called 'dispute resolution'.

5.4 Principles of dispute resolution and flowchart are attached at Appendix 1.

5.5 The principles also outline a 'hierarchy of disputes', putting the emphasis on challenging drift and delay, particularly in relation to permanence.

6 Monitoring the performance of the local authority's function as a corporate parent

6.1 IROs have always been in a unique position in respect of their overview of all looked after children and young people.

6.2 Through the framework of corporate parenting meetings, there has been the opportunity for the IRO service to provide feedback on general issues, reflect on practice and contribute to developments in service delivery.

6.3 It is recognised that that the 'intelligence' of the Service needs to be captured; themes identified and evidence collated and fed back in a more structured way. The additional management time should enable this to take place.

6.4 Developments in Integrated Children's system will enable reporting to take place on the information contained in the QA section of the IROs' reports This work has now started and will contribute to future planning

6.5 Feedback will be provided through various mechanisms, for example:

- The corporate parenting structure
- Senior Management meetings
- Children's Services' performance meetings
- Direct liaison with operational teams

6.6 Monitoring the Service

The Service must also be active in monitoring itself.

For example, in relation to:

- National and local performance indicators
- Timescales for decisions and reports
- Standards of reports
- Workload monitoring
- Case-tracking
- Collation of information and provision of feedback

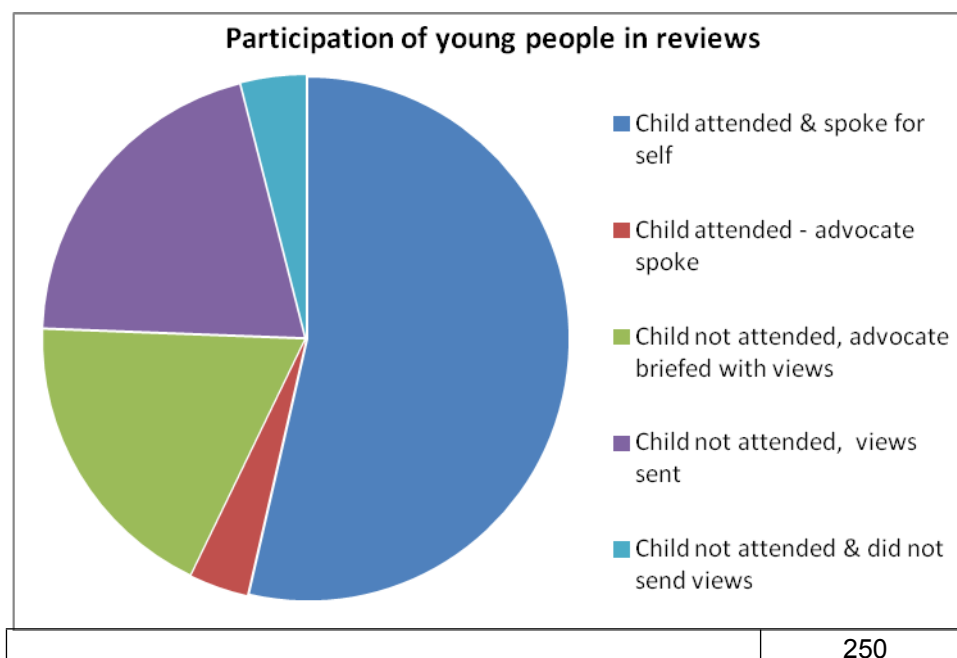
The department is aware and is closely monitoring changes that will occur to the reporting systems as a result of the munro review. As soon as this is available we will report on the identified areas.

7 The Voice of the Child/Young Person

- 7.1 One of the key roles of the IRO is to make sure that the voice of the child or young person is heard, and their wishes and feelings taken into account, in relation to any aspect of any care planning decision made for them.
- 7.2 The participation of children and young people in their review meetings has always been a priority for the reviewing service. Having a consistent IRO, who has a relationship with the child or young person, has had a positive impact on participation.
- 7.3 Co-chairing (by the young person and the IRO) of reviews is actively promoted.
- 7.4 There are good links with the Children in Care Council.
- 7.5 Reviewing Officers have developed new consultation documents. (please see appendix 2)
- 7.6 There has recently been a 360 degree 'review of reviews'. Feedback was sought from children and young people. The findings of the consultation will be completed at the end of January 2012. The Service will analyze these and respond and will be reported in the next Annual Report.
- 7.7 Areas for further development in relation to LAC reviews are:
- Ensuring there is child/young person-friendly information about care planning, reviews and the role of the IRO
 - Making sure that children and young people know how to contact their IRO and that there is sufficient direct involvement with them
- 7.8 Alongside this, when it not appropriate for children or young people to attend, or they do not want to do so, we must ensure that their views have actively been sought and are reflected.
- 7.9 As a result of feedback from the children's right commissioners report the service has developed 'photocards' as a way of introducing and encouraging young people to engage with their reviews. (see attached)
- 7.10 New consultation booklets have been developed for Young Children (complete, see attached), Parents and carers (in process)
- 7.11 The IRO work closely with the Advocacy service, Open Door. To help promote the rights of young people in care. We are currently working in partnership with Open door and the children in care council to develop a DVD to give to young people.
- 7.12 When children chose not to attend their reviews the IRO's ensure that the young person is spoken to before the review to ensure their views are considered.

Participation figures

Participation type	Total
Child attended & spoke for self	134
Child attended - advocate spoke	9
Child not attended, advocate briefed with views	46
Child not attended, views sent	51
Child not attended & did not send views	10



8 Challenges and opportunities

- 8.1 As already discussed, the Service needs to be more robust and structured in its QA role if it is to demonstrate that it is effective.

Workload

- 8.2 Current demands make it essential to work as efficiently and effectively as possible. This requires imaginative thinking and innovative responses.
- 8.3 With regard to LAC reviews, the new responsibilities in the IRO Handbook necessarily increase the workload. The challenge will be to ensure that the children and young people who need closer scrutiny receive it, while for others there will be a 'lighter touch'. A detailed proposal will be prepared in relation to this.

Number of reviews

Appendix D

Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11
39	56	48	31	51	56	59	63	52

9 Liaison within and outside Children's Services

- 9.1 The reviewing service has traditionally used part of its team meetings to meet with colleagues from Children's Services and from partner agencies. This will continue.
- 9.2 The Service Manager is in the Senior management team with the commissioners and this provides positive links. There are also very active and constructive links with the Team Managers.

10 Development work and areas for improvement

Update on actions identified in the Lilac Report

- 10.1 The role of the IRO was praised in the Lilac Report however we did identify area where we could improve further as a result of comment made in the report.
- 10.2 As a result we have developed the consultation papers (see appendix 2) and the photo cards as a way of introducing children to their IRO and explaining their role (see appendix 3)
- 10.3 The development of one integrated, effective and efficient chairing service, in the context of resource constraints, is a major piece of work.
- 10.4 Areas of work which are underway are as follows:
 - Developing SMART plans which are outcome-focused

11 Regional and national networks

- 11.1 The Eastern Region IRO Managers' network is well-established.
Senior IRO attends and contributes to the IRO Project Group sponsored by the DfE.

Appendix One

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Appendix 1 – IRO Dispute Resolution Flow Chart**1. Introduction and Legislative Framework**

Section 26 of the Children Act 1989 and the associated guidance and regulations recommended that Looked After Children's reviews should be chaired by officers of the local authority who are at a more senior level than the case-holding social workers. The intention was to bring a degree of objectivity and oversight to practice and decision-making for children in care, and to monitor the activity of the local authority as a corporate parent.

Section 118 of the Adoption and Children Act 2002 amended section 26 of the Children Act 1989 to make the **Independent Reviewing Officer's** role a legal requirement in Looked After Children's reviews. Local authorities are now required by regulations to appoint IROs to participate in the review of children's cases, monitor the authority's functions in respect of the review, and as a last resort refer a child's case to the **Children and Family Court Advisory Service (CAFCASS)** if the failure to implement aspects of a care plan might be considered in breach of the child's human rights. CAFCASS has the power to undertake legal action.

As with all the IRO's responsibilities and powers, the power to refer a case to CAFCASS applies to all Looked After Children, including those **Looked After** under a voluntary agreement (section 20 of the Children Act 1989) and those Looked After under a **Care Order** (section 31 of the Children Act 1989). Such legal proceedings might be further family proceedings (for example, for the discharge of a care order or for contact), a freestanding application under the Human Rights Act 1998, or an application for judicial review.

One of the IRO's key roles within this framework is in dispute resolution in cases where they have identified poor practice. In these situations, the IRO has the duty to negotiate with the local authority management up to the highest level, and ultimately to refer the

case to CAFCASS if they believe this process has not resulted in the desired outcome. This protocol looks at this escalation process in dispute resolution.

Wherever possible, the IRO will attempt to resolve a problem concerning the child's care plan by negotiation, including contacting the team manager responsible for the child and attempting to resolve the problem directly with the team. If this proves unsuccessful, the IRO will take the case to Service Managers, then the Head of Service, the Director, the Chief Executive, then in exceptional circumstances to CAFCASS if necessary. The IRO will also work with the local authority complaints officers and advocates where necessary for the resolution of a problem.

2. Thurrock IRO Local Dispute Resolution Process

The IRO dispute resolution process in Thurrock is known as the "IRO management alert process". Examples of situations where an IRO might have concerns and initiate the management alert process include:

- Preparation for the **Looked After Review**
- Completion of decisions within timescales
- Assessments
- Anti-oppressive practice
- Any drift
- Family finding/placement search in terms of permanency
- Health provision
- Education provision
- Placement choice/standard of care
- Endorsing care plan

There are six stages to the dispute resolution process. The IRO has the discretion to proceed directly to stage 3 in more serious or urgent cases. The stages are:

Stage 1	Social Worker
Stage 2:	Team Manager
Stage 3:	Service Manager
Stage 4:	Head of Service Care and Targeted Outcomes
Stage 5:	Director of People Service
Stage 6:	Chief Executive of the Council
Stage 7:	CAFCASS

An IRO must discuss the case to initiate stages 1 - 3 of the dispute resolution process. At each of these stages, a response is required within 5 working days of receipt. This record needs to be kept on the child's file and case notes.

Stages 4 - 6 will be managed through a meeting. The meeting should be independently minuted. All key personnel should be invited to the meeting.

Should the IRO exhaust all stages of the dispute process (or deem that the time it is taking to exhaust the stages is unreasonable) and (s)he believes there is still a danger that the child's human rights may be being breached due to action or inaction of the local authority, (s)he may make a section 118 referral to CAFCASS. CAFCASS is able to bring legal proceedings to achieve a remedy.

Legal proceedings should only be considered as a last resort - i.e., in extreme cases where all other attempts to resolve the problem have failed. The additional delay associated with legal proceedings is not in the interest of the child, and every effort should be made to resolve the problem before such action is taken.

3. Referral to CAFCASS

The IRO should only make the referral to CAFCASS if:

1. The IRO has made every attempt to resolve the problem with the local authority, up to the level of the Chief Executive, and there is still a risk of the child's human rights being breached.
2. There is no other suitable adult able and willing to take the case on the child's behalf (when the child is under age 18) or the child is not of sufficient age and understanding and wanting to bring proceedings on their own behalf.

Where the child brings proceedings on his or her own behalf, the role of the IRO is only to assist the child in obtaining their own legal advice from a suitably qualified and experienced lawyer.

Where a suitable adult brings proceedings on behalf of the child, the role of the IRO is only to establish that this is done.

Where the child is not in a position to initiate proceedings on their own behalf, no adult is able or willing to do so on their behalf, and where there is a risk of the child's human rights being breached, the IRO should refer the matter to CAFCASS Legal at the following address:

CAFCASS Legal
8th floor, Wyndham House
South Quay Plaza
189 Marsh Wall
London
E14 9SH

Telephone: 020 7510-7000
Email: legal@cafcass.gov.uk
CAFCASS website

There is a duty lawyer each working day.

4. Recording and Communicating that a Child's Care Plan has Been Subject to Alerts

The IRO should verbally inform the members of a child's **Looked After Review** meeting of any management alerts they have initiated since the previous meeting or which they intend to initiate subsequent to the current meeting. The IRO should record details of any prior management alerts in the case note. The IRO should record details of any intended future alerts on the case notes.

The IRO should record details of any management alert on ICS – under IRO heading. This form should be filed in the Looked After Children document section of the paper file. The IRO should also ensure that it is recorded on the case note that (s)he has initiated a management alert and how and when it is resolved.

The Quality Assurance Unit will report on the number of management alerts that have been initiated and the timescales for resolving them. This information will be included in the annual IRO Management Report and monthly highlight report.

5. Informing the IRO of any Significant Change in the Child's Circumstances

Under the Adoption and Children Act 2002 IRO Guidance (Regulation 8), the Local Authority must inform the IRO of, "Any significant change of circumstances occurring after the review that affects arrangements".

Currently there is no statutory guidance on what constitutes a significant change.

Following is a list of changes that should be communicated by the case holder to IROs in Thurrock:

1. Outcomes of Placement Panel decisions
2. Outcomes of presentations to the Fostering Panel
3. Outcomes of presentations to the Adoption and Permanency Panel
4. Change of placement requests
5. Change of placements, including the relevant CSCI report if it is a residential provision
6. Updates of Adoptions Action Plans
7. Court Orders and outcomes from Directions hearings
8. Significant delays in completing any child care review decisions

9. Any period of more than three days missing from care (minutes of any missing from care meetings should also be forwarded to the IRO)
10. Any period of exclusion from school for more than five days
11. Outcomes from **LAC** or medical consultations with identify/confirm any serious previously undiagnosed conditions
12. Outcomes of LAC Education
13. Unexpected changes in the child's family circumstances (births, deaths, etc.)
14. Unexpected changes in the child's placement provision (which may significantly impact on placement stability)
15. Arrests, bail, and convictions
16. Serious accidents
17. Changes of allocated social workers
18. Unexpected proposed or actual discharge from care
19. Complaints from or on behalf of the child, parent, or carer

As a result of receiving any of the above information, the IRO may decide to convene a review at an earlier date than was scheduled.

In the 2007 White Paper, "Care Matters: Time for Change", the Government announced its intention to strengthen the IRO role by specifying that a review must be held before any change in the **Care Plan** can be carried out. Following on from this requirement, Thurrock has identified four circumstances under which a change in the Care Plan cannot take place before a review meeting is held and the change has been endorsed by the IRO:

1. Wherever there is a proposal (which has not already been endorsed by the IRO) for the child to move from a regulated placement (e.g. foster care or children's home) to an unregulated placement (e.g. a semi-independent unit or "independent living" facility) before the age of 18.
2. Wherever there is a proposal to move a child from a placement in residential care where reports have previously indicated that the placement is appropriate and the child is settled and going to school.
3. Prior to a child being discharged from a secure children's home or leaving custody.
4. Wherever any unplanned change is proposed to a child's accommodation that could significantly disrupt his or her education (e.g. having to move school during the academic year or during a programme leading to recognised qualifications such as during the run up to GCSEs in years 10 and 11).

6. The Role of the Service Manager for QA and Senior IRO During the Management Alert Process

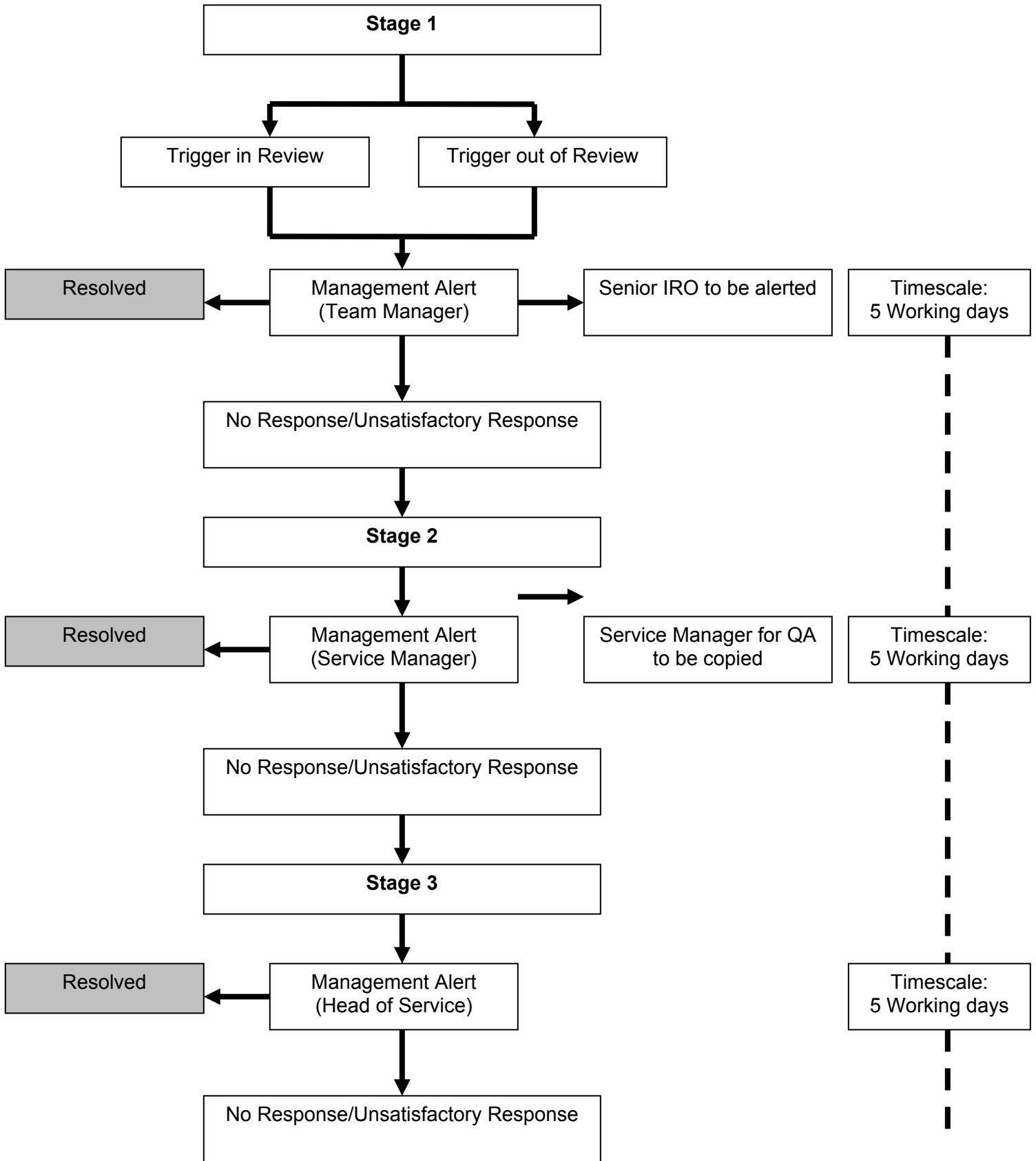
The Service Manager and Senior IRO of the **Quality Assurance Unit** are responsible for management and supervision of the IROs.

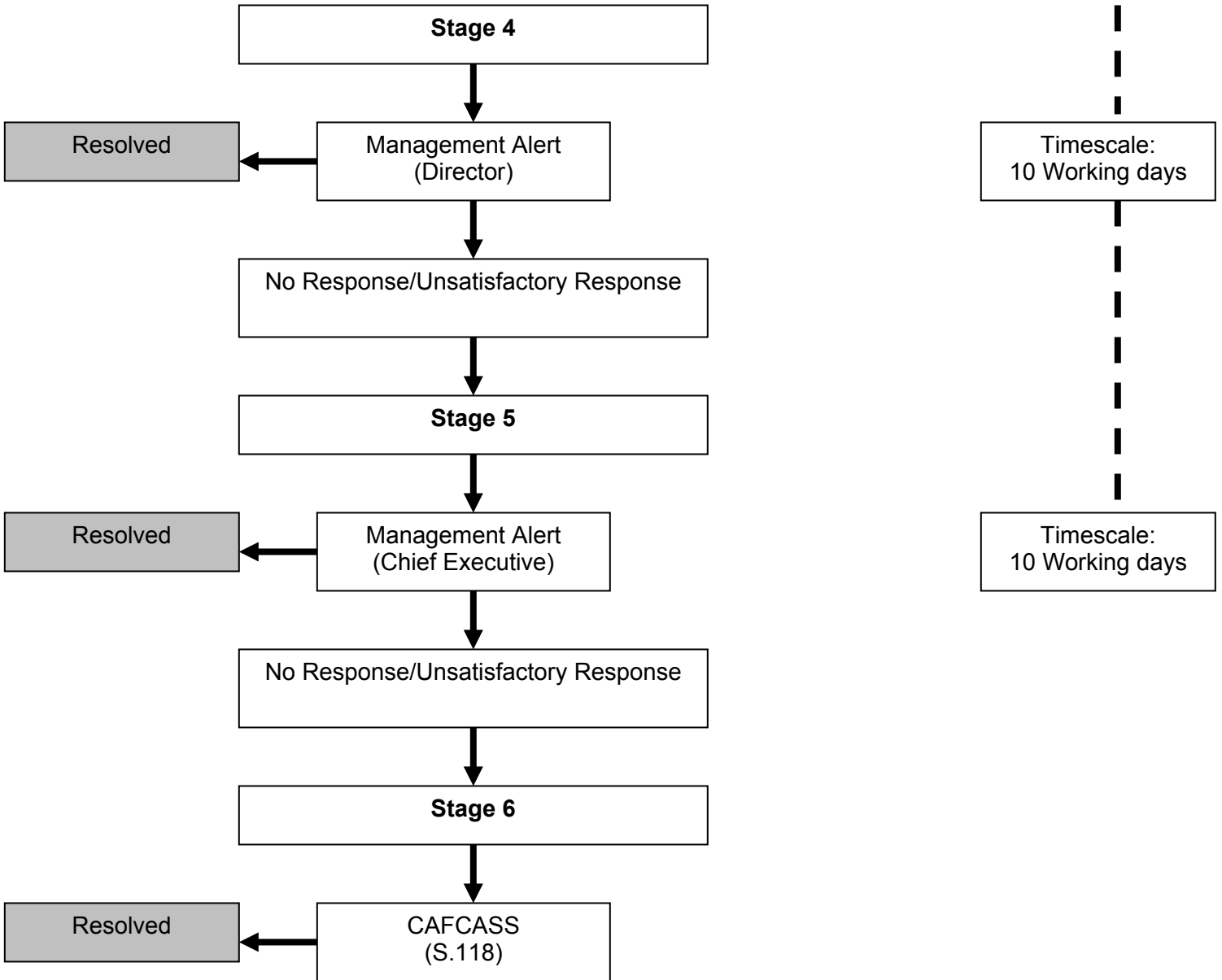
The role of these managers during the management alert process shall be:

- To provide clear supervision to the IRO, taking into consideration the issue being raised and providing feedback on the strengths and weaknesses of the case being brought forward.
- To ensure that throughout the process, lines of communication remain open and clear and that the issue does not become clouded, personalised, or lost in other processes.
- To ensure that meetings take place on time and that they are present at all relevant.
- To provide briefing to senior managers as to the view of the Quality Assurance Unit on the issue being raised and possible routes to resolving the issue.
- To ensure that legal advice has been sought by the IRO from the Legal department at the appropriate time; to discuss this advice in supervision and consider its possible implications for the issue being raised.
- Overall, to encourage resolution prior to the issue reaching the Head of Service.

These guidelines are not designed to hinder or minimise concerns. However, given the impact on the Division should the management alert process reach the referral to **CAFCASS** stage, it is crucial that there is clear and transparent evidence of the IRO management and supervision process for senior managers, the Chief Executive, and/or members.

Appendix 1 - IRO Dispute Resolution Flow Chart





Hello

My name is Jyoti and I am your Independent Reviewing Officer (IRO). My job is to listen to your wishes and feelings and to make sure that the best plans are made for you while you are in care.



I will arrange to meet with you soon but if you want to know about what I do or wish to speak to me my contact details are overleaf.

Hello

My name is Barbara and I am your Independent Reviewing Officer (IRO). My job is to listen to your wishes and feelings and to make sure that the best plans are made for you while you are in care.



I will arrange to meet with you soon but if you want to know about what I do or wish to speak to me my contact details are overleaf.

Hello

My name is Angela and I am your Independent Reviewing Officer (IRO). My job is to listen to your wishes and feelings and to make sure that the best plans are made for you while you are in care.



I will arrange to meet with you soon but if you want to know about what I do or wish to speak to me my contact details are overleaf.

Hello

My name is Yvonne and I am your Independent Reviewing Officer (IRO). My job is to listen to your wishes and feelings and to make sure that the best plans are made for you while you are in care.



I will arrange to meet with you soon but if you want to know about what I do or wish to speak to me my contact details are overleaf.



You can send me a letter:
Yvonne Aluko,
Plans and Reviews,
Children, Education and Families,
PO Box 140, Civic offices, New Road, Grays,
RM17 6TJ



You can ring me on:
01375 652733



Ring me on my mobile or text me on:
07887 625637



Send me an email:
YAluko@thurrock.gov.uk

Appendix 3 My life Booklet



My Life booklet
4-18yrs.pdf

