

INDEPENDENT REVIEWING OFFICER (IRO) RELEVANT LEGISLATION AND GUIDANCE

The Social Services and Well-being (Wales) Act 2014 (referred to as the SSWB Act) and the Care Planning, Placement and Case Review (Wales) Regulations 2015 and 2016 (referred to as the CPPCR Regulations) replace previous legislation and guidance pertaining to the role and functions of an Independent Reviewing Officer (IRO).

RCT staff guidance has been issued in respect of the SSWB Act Code of Practice part 6; the Role and Responsibilities of the IRO, and the IRO Resolution Protocol.

RCT Guidance has been prepared in response to the Practice Standards and Good Practice Guide issued by Welsh Government and AFA Cymru: Reviewing and Monitoring of a Child or Young Person's Part 6 Care and Support Plan. This is currently under review and will be taken to the policy review board for consideration imminently before disseminating to all staff.

The CPPCR Regulations specify:

- The general duty of the responsible local authority to review all Looked After children's cases.
- The responsible authority must not make any significant change to a child's care and support plan unless the proposed change has first been considered at a review of the child's case, unless this is not reasonably practicable.
- The circumstances in which the local authority must consult the IRO.
- When the IRO must consult with the child.
- The actions that the IRO must take if the local authority is failing to comply with the CPPCR Regulations or is in breach of its duties to the child in any material way. In RCT, this is addressed through the Resolutions process, which may include making a referral to CAFCASS in accordance with section 100(3) of the SSWB Act.

The SSWB Act Part 6 Code of Practice sets out the requirements of the IRO and the responsible authority in more detail. The key functions of the IRO are to:

- Monitor the local authority's performance in relation to the child's case.
- Review the child's Part 6 Care and Support Plan (CASP) in line with the Regulations.
- Ensure that the child's wishes and feelings are taken into consideration.
- Perform any other function prescribed in the Regulations.

Legislation and good practice guidance require an IRO to chair reviews of children who are: -

- Looked After subject to an Interim Care Order or a Care Order under Section 38/31 of the Children Act 1989.
- This includes children who are placed with a parent or a kinship carer as well as children placed in foster care, residential care and secure establishments.
- Accommodated with the agreement of parents (S76 SSWB Act) - this includes a series of short-term breaks.
- In an Adoptive Placement prior to an Adoption Order being granted.
- Detailed in a Young Offender Institutions and subject to a Care Order or remanded to local authority accommodation or youth detention accommodation.
- 18 years and under and have a Pathway Plan.
- All Integrated Family Support Service (IFSS) plans are also reviewed by an IRO.

The most recent practice standards and guidance focus on strengthening the monitoring of care planning between CLA Review meetings, ensuring that the voice of the child is heard throughout the reviewing process, and that there is a transparent and robust process in place for addressing significant concerns raised by the IRO regarding a child/young person's care and support plan.

THE REVIEWING SERVICE

The Reviewing Service currently sits within the remit of the Head of Service for Safeguarding. It currently comprises 12 IRO full-time posts (up from 11 following the additional P-T hours agreed), 3 of which are filled by 6 part time staff, 2 Business Support staff who are responsible for taking notes in complex CLA Reviews, and a Team Manager who is line managed by the Service Manager for Safeguarding. The interim Service Manager Emma Walters has now been appointed on a permanent basis.

APPOINTMENT OF IRO'S

The CPCCR Regulations require the Local Authority to appoint Independent Reviewing Officers and specify the categories of persons that the Local Authority may **not** appoint to carry out the IRO function (regulation 54(3) of the CPPCR Regulations). These are:

- A person involved in preparing the child's Part 6 Care and Support Plan or the management of the child's case.
- The child's social worker or personal adviser.
- The representative of the Local Authority appointed to visit the child.
- A person with management responsibilities for any of the above.
- A person with control over the resources allocated to the case.

PURPOSE OF CHILDREN LOOKED AFTER REVIEWS

Each child who is Looked After must have a Care and Support Plan (referred to as a Part 6 Care and Support Plan). This must be based on a current assessment of the child's needs and be focussed on the well-being outcomes for the child as specified in the SSWB Act. These are:

- Protection from abuse and neglect.
- Promotion of physical and mental health and emotional well-being.
- Promotion of physical, intellectual, emotional, social and behavioural development.
- Maintenance or development of family or other significant personal relationships.
- Involvement in education, training and recreation activities.
- Development and maintenance of social relationships and involvement in the local community.
- Social and economic well-being (including not living in poverty).
- Living in suitable accommodation.

The Part 6 Care and Support Plan details what needs to happen to achieve the child's agreed outcomes and should be formulated in consultation with the child and their family, wherever possible. The review of the plan is a key component of care planning and is a continuous process as it includes monitoring the progress of the plan between Review meetings and responding to any significant change in the child's circumstances. The purpose of the review meeting is to consider how the plan is meeting the well-being outcomes for the child, monitor progress and make decisions to amend the plan or reconfirm previous decisions as necessary considering changed knowledge and circumstances. This takes place in consultation with all those who have a key interest in the child's life, including the child.

Key issues to be addressed in the review process are:

- The child's participation and involvement, including providing the child with clear explanations of the reason for any changes.
- The appropriate involvement of other agencies.
- Supervision and oversight by responsible managers.
- The extent to which progress is being made towards achieving the identified outcomes.

As well as an overall review of the Part 6 Care and Support Plan, the specific areas that must be covered in a Review meeting include:

- For all children who do not have a Permanency Plan, what is being done to enable them to return home.
- Is the placement meeting the child's needs, and are any services being provided at an additional to the basic cost of placement appropriate/still required.
- The views of all involved in the Reviewing process, including the child, parents and carers.

- Has the child been visited as required both by the CPPCR Regulations, RCT CLA Schedule of Visiting Guidance and by the needs of the child.
- The child's perception of their relationship with their social worker.
- Has an active offer of advocacy been made and the child's communication/preferred choice of language been addressed.

The planning and reviewing processes must promote the participation of the child and their family.

The IRO has specified responsibilities, set out in the CPPCR Regulations and practice guidance, for monitoring the progress of the responsible LA in implementing a child/young person's Part 6 Care and Support Plan. IROs are now required to track the progress of the Part 6 Care and Support Plan between Review meetings, and to consult with the child at any time that there is a significant change to the Plan. Local authority staff are required to alert the IRO to any significant change to the child's Part 6 Care and Support Plan, or of any failure to implement decisions arising from a Review.

The IRO has the authority to determine when a Review meeting should be convened in the light of a change of circumstances. IROs are also required to raise concerns within the LA up to Chief Executive level and refer unresolved concerns to CAF/CASS as appropriate. This is explained more fully under the section dealing with the IRO Resolutions process.

FREQUENCY OF REVIEWS

Children Looked After (CLA) review meetings must be conducted at the following frequency:

- Within 28 days of a child becoming Looked After or having an unplanned change of placement.
- Subsequently within 3 months.
- 6 monthly thereafter.
- Children receiving a series of short breaks under S76 SSWB Act should be reviewed within 3 months of the start of the first period and thereafter 6 monthly.
- Reviews of family plans produced by the Integrated Family Support Service are held three times per year. The initial review is held 28 days after the start of the intensive phase, the second review 3 months later and the final review after 6 months.

Review meetings should be brought forward if there is a significant change in the child's Part 6 Care and Support Plan, there are issues around the child's safety or there has been a failure to carry out an important aspect of the plan.

In cases where a child is placed for the cycle begins again from the date the child is placed with an adoptive family.

THE RESOLUTIONS PROCESS

The IRO has responsibility to monitor the Local Authority's performance in relation to care planning for individual children and to raise areas of good practice as well as problems and issues. IROs also forward compliments and positive comments to staff and managers to ensure good practice is recognised.

The IRO Resolution Protocol sets out the process for raising and resolving issues within set timescales that are intended to avoid unnecessary drift and delay in care planning. The protocol recognises the need to resolve issues as quickly as possible but allows for resolutions to be escalated where agreement cannot be reached or where there continues to be drift and delay.

There are currently 5 stages to the process:

- Stage 1: Resolution through discussion with the Team Manager.
- Stage 2: Resolution put in writing to the Team Manager.
- Stage 3: Resolution meeting with Service Manager
- Stage 4: Escalation to Head of Service.
- Stage 5: If the issue remains unresolved, referral to the Service Director, Group Director Community & Children's Services, Chief Executive and CAFCASS are additional steps to be taken by the IRO if required.

In practice, stages 1 and 2 are frequently having to be conflated to avoid unnecessary drift.

Some Resolutions involve concerns about the actions or lack of action by other agencies, and these will either be raised with the Children's Services Manager to address, or where necessary directly with the agency involved or via the CLA Quality Assurance Panel.

Raising Resolutions is one of the key responsibilities of the IRO, which has been reinforced by recent case law which has determined that the IRO can be held personally liable if there have been failures in the care planning or an abuse of the child's human rights, and the IRO has not raised this appropriately. It is critical that the IROs are supported by the Local Authority recognising that this aspect of their role is crucial both in terms of flagging up any concerns about the L.A's performance as a Corporate Parent and to ensure that no child's human rights are being violated as a result of a failure in implementing their Care and Support Plan.