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| Report for: ACTION/INFORMATION |
| Item Number: 12 |

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|----------------------------------------------------|-------------------------------------------------------|
| Contains Confidential or Exempt Information | YES/NO YES (Part) No |
| Title | IRO annual report for Looked After Children report |
| Responsible Officer(s) | Chris Hogan, Director, Children and Families Services |
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| Portfolio(s) | Cllr Binda Rai, Children and Young People. |
| For Consideration By | Corporate Parent Committee |
| Date to be Considered | 8 th December 2016 |
| Implementation Date if Not Called In | |
| Affected Wards | None |
| Keywords/Index | |

Purpose of Report:

This report serves to brief the committee on the processes and data in relation to the Statutory Reviews of looked after children in Ealing in 2015/16

1. Recommendations

Members are invited to note this report and identify any additional information they would like to receive.

2. Reason for Decision and Options Considered

This report updates members on the issues in relation to the Statutory Reviews of Looked After Children.

3. Key Implications

N/A

4. Introduction

4 Statutory Basis of the Independent Reviewing Officers system

4.1 The statutory basis for the Independent Reviewing Officer arrangements is contained in Section 118, of the Adoption and Children Act 2002. This Act introduced the new statutory role of “Independent Reviewing Officer” (IRO), amending section 28 of the Children Act 1989. Under Section 118 local authorities were required by regulations to appoint Independent Reviewing Officers. IROs were required to:

- Participate in the review of children’s cases;
- Monitor the local authority’s function in respect of the review of the care plan;
- Refer a case to the Children and Families Court Advisory and Support Service (CAFCASS) if the failure to implement the care plan might be considered to breach the child’s human rights.

4.2 The Children and Young Persons Act 2008 expanded the role of the IRO from reviewing the child’s Care Plan to monitoring the child’s case on an on-going basis. New regulations (the Care Planning, Placement and Case Review Regulations) were issued in 2010 and these were accompanied by other statutory guidance including the ‘IRO Handbook’, which came into force in April 2011. All children in care including those on Adoption Plans or receiving Short Breaks are now covered by these regulations.

4.3 The core purpose of the IRO role is to ensure that the care plan for the child fully reflects the child’s needs and to ensure that each child’s wishes and feelings are given full and due consideration. The appointment by local authorities of an IRO is a legal requirement. In layman’s terms, IROs are responsible for reviewing the local authority’s care plan, ensuring that actions required to implement the care plan are carried out, that the outcomes are monitored and that the views of children and young people are considered at the review, and that there is no breach of human rights.

4.4 The IRO also has a duty to monitor the local authority’s overall performance as a corporate parent and to bring any areas of poor practice in the care and planning for looked after children to the attention of senior managers, and to consider whether it would be appropriate to refer cases to Cafcass.

4.5 The IRO handbook sets out how IROs should discharge their distinct responsibilities for looked after children. It also provides guidance to local authorities on their strategic and managerial responsibilities to establish an effective IRO service.

4.6 The Guidance states that the manager of the IRO service should provide an Annual Report to the lead member with executive responsibility for children’s services, and for corporate parenting, in order to support the continuing development and review of the local strategy for children’s services. This document constitutes the IRO Annual Report for the year 1st April 2015 – 31st March 2016.

4.7 It is expected that the report will identify good practice and highlight issues for further development, including the views of looked after children.

5. Purpose of reviews

5.1 Every Looked After child has a named IRO who has independent oversight of the child's case including:-

- Determining and representing the child's wishes and feelings
- Ensuring the child's rights and interests are protected
- Assessing whether the Local Authorities Care Plan for the child meets the assessed needs of the child
- Negotiating with the social work team and manager on any identified issues arising from the Care Plan or implementation of the Care Plan and where necessary escalating unresolved concerns to an appropriate level in the Local Authority's management structure, and/or if necessary to CAFCASS.
- Undertaking and recording mid-way checks with social workers and children to ensure that plans are in the process of being implemented.

5.2 The main forum through which the IRO carries out their monitoring role is the Statutory Looked After Review. These take place regularly at the following times:

- First review within 28 days of the child becoming LAC
- Second review within 90 days
- Subsequent reviews at 180 days intervals
- When a child or IRO asks for one
- When significant events occur, e.g. change of/or anticipated change of placement due to unforeseen circumstances.

5.3 The purpose of the review is to provide a formal framework, which is separate to the line management of the case within the local authority, in order to consider whether the plans for individual children meet their needs, and continue to be appropriate in the light of their current age and development.

5.4 The statutory LAC review provides an opportunity for an objective overview of the care plan to take place. The intention is for the review to be chaired by an experienced and qualified social worker, acting independently from the day-to-day decision-making and resource allocation process.

5.5 The review should, wherever possible, take place at the child's placement. Parents, residential workers, foster carers and their support workers, social worker and the IRO are the expected attendees. Reports from other professionals such as Health, Education and CAMHS are also received. In some cases, it may be necessary to hold a series of meetings to facilitate all professionals and views to be heard – for example where a child does not want their parents or another professional to attend a review.

5.6 The role of the IRO was reviewed by the Family Justice Review which reported in November 2011. Their conclusions in connection with IROs were as follows:-

- The role of Independent Reviewing Officer (IRO) is important to local authorities and they would very likely recreate it were it removed from them. The priority should be to improve the quality of the function and ensure its effectiveness and visibility.
- There was a recommendation that local authorities should review the operation of their IRO service to ensure that it is effective. In particular they should ensure that they are adhering to guidance regarding case-loads.

6. Participation in reviews and young people's views

6.2 LAC reviews are concerned with promoting the welfare of individual children who are not living with their families, and are living away from their family home. The main stakeholders are therefore the children/young people themselves and it is important that they are given every opportunity to give their views on the arrangements, which are made for their care.

6.3 In 2015/16 97.6% children participated in their review. A child/young person's active participation in their review can also be facilitated through other means than physically attending – for example, through the use of consultation documents which are sent directly to the child/young person prior to their review meeting, as well as through a social worker or carer or other nominated person who is able to represent the child/young person's views as well as their own. In the final analysis it is the IRO who judges whether the young person has been appropriately consulted on the plans for their welfare prior to, or, at the time of, their review.

6.4 Special efforts are made to enable the participation of disabled children and young people in their reviews, to accommodate their individual needs. These include the use of Makaton sign assisted language and language boards.

6.5 Work has been ongoing to progress the Action plan that resulted from the Children in Care Council survey. The issues have included improving consultation with children about who attends their reviews, making reviews have more meaningful for children and ensuring they are adequately prepared for reviews by social workers and IRO's.

6.6 A big concern across all age groups was the length of the reviews. The majority of children found them too long and boring. Reviews are now time limited with a maximum time of 90 minutes.

6.7 The Junior Children in Care Council are meeting to review the plan and there will be a further survey to ascertain its success of the action plan in 2017.

7. The Independent Reviewing Process in Ealing

7.1 In February 2013, the House of Lords Committee on Adoption Legislation recommended that robust action should be taken to reduce IRO caseloads. Reflecting their concerns that IROs were not sufficiently independent, the committee also recommended that the government should implement Section 11 of the Children and Young Persons Act 2009, which enables IRO's to be employed outside of the Local authority

7.2 IROs must, as a minimum requirement, be independent of the line management of the cases they are reviewing, particularly of the decision-making process about the allocation of resources to those cases. They are required to be qualified social workers, registered as such with the Health and Care Professional Council, and to have considerable experience of working with complex care cases, usually at the level of senior practitioner or team manager. In Ealing the entire IRO function is contracted out to independent social workers on an annual basis. IRO's have worked at Management level for a minimum of 5 years on an annual basis.

7.5 Ealing IRO's are external, freelance experienced social workers, contracted through an independent agency - Aidhour. All IRO's are qualified and experienced above the minimum requirements. IROs have the required skills, training, knowledge and time to undertake all elements of their role effectively, including ensuring that children's wishes and feelings properly influence the plans for their future

7.6 Aidhour Ltd is a not for profit company that was set up in 1998 to provide Independent chairs for Looked after Children reviews. Aidhour Ltd is not an employment agency. Aidhour Associates are self-employed, qualified, experienced freelance independent social workers who have held substantive senior supervisory and management posts in Local Authority Social Services Departments. All are required to be registered with the Health and Care Professional Council, with appropriate checks in place and are employed on a contractual basis, to undertake all reviews of the Looked After Children population. Each IRO undertakes an agreed number of reviews throughout the year. In line with guidance the work is monitored by the Assistant Director for Planning, Commissioning and Partnership, who has no responsibilities for direct care provision services, and is therefore independent of case management. All Children's Services and Safeguarding Strategic Managers act as advisers on practice matters relating to Looked After Children. Aidhour Ltd also monitor the work of their IRO's directly to ensure that case work is undertaken to agreed deadlines.

7.7 The management of the IRO process can be broadly separated into the areas listed below:

- (i) Monitoring performance of both Children's and Safeguarding staff and IROs, in order to ensure that the system operates well.
- (ii) Communication and information sharing on the quality of work, and the extent to which the local authority's responsibilities towards Looked After Children are carried out. This includes issues of social work practice and care planning so that the local authority is satisfied that its services can achieve best outcomes for the children concerned.

- (iii) Problem solving in relation to individual cases, so that individual concerns an IRO may have on the arrangements for a particular child may be raised and resolved with the social worker and other relevant staff directly. Where there is a difference in opinion these can be escalated to the Operations Manager and Assistant Director.
- (iv) Training – Access to LBE training courses has been offered to IRO's on a no cost basis in order to ensure that Training is delivered at appropriate intervals and to LBE recognised standards. Training requirements will be both self – identified, and identified in Supervision.
- (v) Supervision – An improvement to services this year is the introduction of Supervision of IRO's by L B Ealing Managers. IRO's with over 15 cases have a minimum of 8 supervision sessions per year and 2 group sessions per year as standard. IRO's with fewer than 15 cases have telephone sessions at regular intervals as well as a minimum of 2 supervision sessions and 1 group session per year as standard
This sets a minimum standard with flexibility built in as and when required.
The system will be reviewed in 3 months and on a regular basis thereafter
All group sessions will have a training theme which will be arranged in advance and cover topics relevant to the IRO function.

8. Ofsted Inspection

8.1 The Ofsted inspection of June 2016 noted that

“Most children live in settled, stable family placements, are seen regularly and are listened to. Care plans, which are informed by children's wishes and feelings, are regularly reviewed. The vast majority of reviews are timely, with high levels of participation by children. Children are helped to understand their rights and know how to complain.

A group of strong, committed and experienced independent reviewing officers act as passionate advocates for children and, in most cases, offer appropriate challenge. The timeliness of reviews is good, as is the level of participation by children.

In a small number of cases, the quality and timeliness of management challenge, including the challenge provided by independent reviewing officers, are not sufficiently rigorous or robust. On occasion, this has contributed to drift or delay. Additionally, life story work is not always timely, which makes it difficult for some children to understand their long-term plan or why they are in care. The local authority has taken action to address this. In October last year, it organised a conference for social workers, foster carers and independent reviewing officers on the importance of life story work in preparing children for independence”.

Officers note the positive Ofsted comments and are continuing to work with Aidhour to address the areas where performance needs to be more robust.

9. Monitoring Performance

9.1 As at 31st March 2016 there were a total 371 Looked After Children.

9.2 The percentage of reviews held on time at end of March 2016 was 97% and this figure generally compares favourably with the National Average, however, at the time of this report the DfE has not made the annual figure available. It is lower than previous years however, this is linked to it being the first year that the information was used from the ICS system.

9.3 The participation of children and young people in their reviews remains high at 97.45%.

9.4 Statutory guidance stipulates that each local authority should establish a formal process, usually known as a dispute resolution protocol, for the IRO to raise concerns with managers

9.5 A problem-solving protocol exists to resolve disputes, which can arise between IROs and social workers about the care planning process itself, the implementation of care plans, and the role of the review and IRO in the care planning activity. The protocol has been activated during the year at the lower levels. Issues have been resolved through discussions with social workers, team managers and strategic managers. No IRO has felt the need to seek recourse to independent legal advice provided by the Local Authority, or to formally refer a case to CAFCASS.

9.6 The number of formal disputes that IRO's had in relation to planning for children in 15/16 was 36. Of those 36 issues, 29 were resolved via the first stage of escalation. 7 were referred up to the next stage to the Operations Manager. All were resolved at this stage.

9.7 The issues for dispute arising were as follows:

- Young person not wanting to move from carer to a long term placement.
- Permanency planning
- SW not having completed their review report within timescale
- Placing a young person prior to education provision being sorted out
- Placement move of young person impacting on education
- Delegated authority to carer not flexible enough
- Process for permanency for 14 plus unclear
- Young person not wanting to move from semi independence to a different provider.

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| LAC Review Data | 14/15 |
| % of reviews held on time | 97% |
| % of LAC communicating their views to their last review in the year | 97.6% |
| Number of dispute resolution escalations to Team Managers | 36 |
| Number of Dispute Resolutions escalations to Operations Managers | 7 |

9.8 In LBE there are a variety of QA/monitoring exercises which take place at regular intervals:

- There is a quarterly meeting chaired by Deputy Director and attended by 1x Assistant Director (LAC and CL) 2x Operations Mangers, 1x Head of Commissioning and 1x Contracts Manager in addition to 2x Directors of Aidhour. Attendees are listed as intention to illustrate the high level of importance given to this meeting which has a standard agenda with opportunity for additions to agenda.
- Regular meetings with the Operations Manager (LAC and CL).
- Regular meetings with the Contracts Manager
- Annual internal and external monitoring formats are completed.
- Any issues identified at reviews are escalated to Team Managers, Ops Manager and Contracts Manager regularly and actioned by appropriate Manager.
- Supervision of IRO's by LB Ealing Managers.

10 . Views of the IRO service

10.1 Generally feedback from IRO's is very positive but ongoing improvements are needed in a number of key areas and these will feed into the ongoing work programme.

A selection of feedback comments for 15/16 from reviewing officers are as follows:

- Ealing is well organised on the whole and it is clear where to go if there are problems. There is a good sense of ownership of the young people they look after. Staffing is relatively stable and this shows in outcomes for young people.

- In terms of good practice, I'd want to mention permanence planning for under 5s.
- ...every one of the Reviews in which I've been involved (for the 3 years I've worked for Ealing) has been held within the legal limit - with a very occasional adjournment. This reflects well on the teams.
- Horizons, the virtual school/LACE team and the LAC psychology service are very positive.
- The increased time that workers in the Connect Team have spent getting to know some of my young people has helped them to better appreciate the young people's wishes and to allow more flexibility (for example around family contact) which has stabilised placements that might otherwise have disrupted.
- Engagement of parents has improved on a number of my cases, with good results in terms of young people maintaining links and gaining another source of support.
- Brighter futures as a model is very good and effective.

10.2. Areas that IRO's felt could improve include:

- Transition planning to adult services for older LAC needs to be more robust
- Prior discussion should consistently take place with IRO's, where possible, before moving a child when there is an allegation against a professional (AAP)
- The level of consultation with the IRO can be variable depending on the team/worker and needs to be consistent
- SW and other reports to be received by all those invited to review meetings prior to the review.
- Care Plan to include details of savings arrangements.
- On occasions inadequate planning for education on planned moves of CWD to LTF placements
- Better consistent practice needed re notifying IROs in between Reviews of any significant proposals or events
- Better consistent practice needed re notifying IROs when decisions are not carried out by the due date.

11 Areas highlighted for improvement for 16/17 are as follows

- **Care plans need to be SMART specific measurable and with clear timescales**

Both the IRO's and Ofsted noted that Care plans were sometimes not specific enough with clear timescales for actions.

- **Communication by Social Workers of changes to plans**

There are plans for the IRO's to provide Social workers with training re the legislation governing the role of the IRO

- **Improvement of transition plans of looked after children to adults services**

There are ongoing meetings to develop a working protocol between adults and the Leaving Care services alongside a newly developed transition panel for Care Leavers in need of adult services.

- **Making reviews more meaningful for children and young people – joint work with Children in Care Councils –**

There is a whole plan developed with the Children in Care councils.

- **The role of the IRO in monitoring potential drift in care planning and escalating**

Provide consistent and robust challenge.

12 Financial

a) Financial impact on the budget (mandatory)

No financial implications.

b) Financial background (optional)

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8. Legal

N/A

13. Value For Money

14. Sustainability Impact Appraisal

None

15. Risk Management

None

16. Community Safety

None

17. Links to the 5 Priorities for the Borough

18. Equalities, Human Rights and Community Cohesion

Equality Impact is consistently reviewed and evaluated in terms of service delivery.

19. Staffing/Workforce and Accommodation implications:

To be determined

20. Property and Assets

No property implications

21. Any other implications:

To be determined

22. Consultation

N/A

23. Timetable for Implementation

24. Appendices

N/A

25. Background Information

Consultation (Mandatory)

| Name of consultee | Post held | Date sent to consultee | Date response received | Comments appear in paragraph: |
|--------------------------|---------------|------------------------|------------------------|-------------------------------|
| Internal | | | | |
| Marcella Phelan | Asst Director | | | |
| Children in care council | | | | |

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| IRO's - Aidhour | | | | |
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| External | | | | |
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Report History

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| Decision type: | Urgency item? |
| For information | No |
| Report no.: | Report author and contact for queries: Carol Yates Operations Manager Iac and leaving care x 6157 |
| | First and surname, job title |