

Harrow's Independent Reviewing Officer Service
Annual Report 2008/2009

The Role of The Independent Reviewing Officer in Harrow

PART 1

Introduction

This report on the work of the Independent Reviewing Officer (IRO) follows up a position report dated 4th August 2008. The purpose of this report is to provide a context for this work and to summarise the issues that have arisen for consideration by the Corporate Director and the Senior Management Team. A briefing will be provided for the lead member with responsibility for Children's Services and corporate parenting.

The IRO service is part of the Children's Safeguarding and Review Unit (CSRU) based at the Civic.

The IRO manager reports directly to the Corporate Director

The report covers period from 1st October 2008 to 30th September 2009.

The National Context

It is only in exceptional circumstances that a Local Authority will look after someone else's child. Even then we will do all we can to support the child with appropriate carers in his/her own family network, for example grandparents, aunts, uncles and even close family friends. If these options are not possible we will provide a safe and stable home for the child with foster carers, in a residential home or with adoptive parents

Legally speaking, a child is 'Looked After' by a Local Authority if s/he is the subject of a Care Order or provided with accommodation for a continuous period of more than 24 hours. Children may also be looked after where:

- They are subject to an Emergency Protection Order
- They are on Remand to the local authority
- They are accommodated at the request of the police, due to police protection.

However, statistical information suggests that children and young people who are looked after do not achieve as well as their peers who are not looked after. National research shows that both the life and educational outcomes for these children are less desirable than those of other young people. For example,

- The percentage of Children Looked After (CLA) who leave school with no qualifications is significantly higher than for other children.
- The percentage of Children Looked After who obtain five or more GCSEs at grades A-C is significantly lower than the general picture.

- Children Looked After are more likely to be permanently excluded from school.
- Children who have been looked after are more likely to become teenage parents.
- Young people who were looked after are disproportionately likely to become unemployed.
- Between a quarter and a third of people who “sleep rough” have been looked after by local authorities as children.
- Young people who were looked after by their Local Authority as children are more likely to end up in prison than other young people

The Legal Context

Local authorities and their partners have to operate within a complex framework of statute, regulation and guidance in developing their services for CLA.

- **United Nations Convention on the Rights of the Child** provides the overarching framework for national government’s agenda in respect of children and young people.
- **Children Act 1989** gives local authorities legal responsibility for children in public care either with the agreement of their parents/carers or as a result of family court proceedings
- **Quality Protects (1998 – 2004)** aimed to transform the quality and management of children’s social care services. This initiative conveyed a fundamental message to all those involved in children’s services - the need to ask themselves: *‘Is this good enough for my child?’* It was backed by a special grant and introduced a new performance management culture, which tied the funding to an expectation that it would deliver improved outcomes.
- **Children (Leaving Care) Act 2000** introduced new requirements and ring-fenced funding to deliver improvements for care leavers. Amongst other things it required local authorities to draw up a Pathway Plan to support care leavers into independent living.
- **Care Standards Act 2000** established national minimum standards for care in residential homes and fostering and adoptive placements. The Care Matters White Paper proposes a revision to the national standards for fostering services, in an effort to secure further improvements in outcomes for CLA.
- **Guidance on Education of Children and Young People in Care 2000** requires a nominated champion for looked after children to promote inter-agency working (then Director of Social Services); Personal Education Plans; a designated teacher in each school; and an expected limit of 20 school days to provide suitable education for CLA who change care placement.
- **Education Protects** was launched in **2000** as a joint Department of Health (DoH) and Department for Education and Skills (DfES) initiative to drive educational improvements for looked after children.
- **Adoption and Children Act 2002** overhauled adoption law to ensure the welfare of the child is paramount and that local authorities

provide post-adoption support for adoptive parents. Regulations impacted upon the Independent Reviewing Officers (IROs) responsible for reviewing the care plans of CLA, complaints processes and the right of every child to have an advocate. It also introduced Special Guardianship Orders, which are a new legal route to care for a child if a carer was not the birth parent and/or did not have parental responsibility. This would enable a foster carer to apply for a residence order or special guardianship order after one year of caring for the child.

- **Guidance on Promoting the Health of Looked After Children** published in **2002** placed a duty on local authorities, Primary Care Trusts and Strategic Health Authorities to ensure that every child in care has a health plan that is regularly reviewed.
- **A Better Education for Children in Care** published by the Social Exclusion Unit in **2003** set out specific recommendations for local action to provide looked after children and young people with the full range of educational opportunities.
- **Choice Protects (2003 - 2006)** aimed to improve the quality and choice of placements for children and young people, backed by £113 million grant over three years. This helped to strengthen fostering services, improve placement stability and reduce dependence on high cost independent fostering agencies.
- **'If this were my child ... a Councillor's guide to being a good corporate parent'** was published in **2003**. Although it is now five years old, the guide still provides useful information for Members and lists the questions they should ask to enable them to challenge officers and monitor the quality of the service.
- **Children Act 2004** places duties on every agency to work together to deliver common outcomes and creates a statutory basis for partnership working. It required local authorities to appoint a Director of Children's Services and a Lead Council Member for children. It places a new duty on local authorities to promote the educational achievement of CLA, including those placed out of the authority. It also provides a more stringent regulatory framework for privately fostered children.
- **The National Service Framework for Children, Young People and Maternity Services 2004** is a 10-year programme intended to stimulate long-term and sustained improvement in children's health. It sets standards for health and social services for children, young people and pregnant women to ensure fair, high quality and integrated health and social care from pregnancy, through to adulthood.
- **DfES Statutory Guidance: Duty on local authorities to promote the educational achievement of Looked After Children 2005** describes the essential actions which local authorities are expected to take to comply with this duty and sets out the requirements and roles for local authorities, social workers, foster carers, schools and parents in delivering this duty effectively on a day to day basis.
- **Care Matters White Paper 2007** proposes wide ranging changes in approaches to those on the threshold of care, in addition to

recommendations for improving the quality of care and entitlement to a wider range of services. Signals an increase in regulation and guidance and revised foster care standards, backed by regular inspection of services for CLA.

- **The Children and Young Persons Act 2008** proposes to reform the statutory framework for the care system, to ensure that children and young people receive high quality care and support and to drive improvements in the delivery of services focused on the needs of the child.

The Independent Reviewing Officer (IRO)

In March 2002, the House of Lords delivered judgement on two appeals, which concerned the powers of the court to monitor the discharge of the local authority's obligations (including implementation of the care plan) once a care order had been made. The judgement concluded that the Courts have no general power to monitor the discharge of the local authorities functions, but a local authority that failed in its duty to a child could be challenged under the Human Rights Act 1998. However, the judgement also expressed concern that some children with no adult to act on their behalf may not have any effective means to initiate such a challenge. The provision in the Adoption and Children Act 2002 for making Independent Reviewing Officers a legal requirement was intended to remedy this problem

- The statutory duties of IROs require them to monitor the review of arrangements so that the plan for a child continues to be appropriate and responsive to the individual needs of a child in the Authority's care.
- The IRO is responsible for ensuring that the wishes and feelings as well as the rights of the child and other relevant parties (i.e. parents) are being raised and considered throughout the review process.
- The IRO is accountable for ensuring that a child's LAC review takes place within the statutory timescales and makes recommendations that it puts to the relevant decision maker within the responsible authority for decision.
- Where problems in care planning are identified through the review process and in order to support their satisfactory resolution, the accountable IRO will need to be able to communicate directly with a manager who has the necessary level of seniority to seek resolution.
- The IRO is responsible for determining the timescale in which identified problems should be resolved (*Independent Reviewing Officers Guidance – 5.1 DfES 2004*).
- If the IRO takes the view that a failure to achieve timely problem resolution might constitute a breach of the child's human rights, and that this matter has not been resolved through the appropriate channels within the LA, then they can refer this matter to the Children and Family Court Advisory Support Service (CAFCASS) (*The review of Children's Cases [Amendments] [England] Regulations 2A [1]1 [c]*).
- IROs are expected to fulfill a significant function in scrutinising and assuring the quality of care planning for looked after children and,

where the situation arises, they have an important role in problem resolution.

Reviews of children looked after must be carried out within set timescales, as set down by regulation:

- First review must take place within 28 days of the date upon which the child begins to be looked after or provided with accommodation;
- Second review must be carried out no later than 3 months after the first review; and
- Subsequent reviews shall be carried out not more than 6 months after the date of the previous review.

The date of the next review should be brought forward:

- If there is a change of placement or other substantial changes to the care plan
- If the IRO has specific concerns about a child and directs that the review be brought forward; and
- Any request from the child or parent(s) for a review to be brought forward should be given serious consideration.

Part 2

The Harrow Context as of 30th September

- There are 158 CLA in Harrow. The range is normally between 150 and 170. The numbers include 17 Unaccompanied Young People
- 1 young person is in Secure for welfare reasons and 1 young person is in a Young Offender Institution
- There are also 27 other young people who are deemed to be looked after as they are in receipt of short breaks (respite care)
- There are 2.5 IROs who chair the reviews of CLA. A 0.5 IRO chairs the short break reviews and 1 IRO chairs the reviews of Foster Carers.
- The team also consists of 2 support workers who set up the reviews, a Panel Coordinator and an Assistant who administer the Adoption and Fostering Panels. In addition there is a Life Chances and Viewpoint Officer who meets with young people prior to the review to record their views
- Our target this year for reviews being on time is 95%. 145 of 146 reviews were on target from April 2009, which at 99.32% compares favourably with the figures for 2008/2009

Note: Every effort is made to ensure that reviews are held on time. Staff continue to show an appreciation of the need to inform CSRU as soon a child becomes looked after.

- Our target this year for participation of young people at reviews is 95%. It is currently at 96.26%. 103 of 107 CLA participated in their reviews since April 2009.

Note: IRO's work closely with Social Workers, Managers, and the Viewpoint Officer to ensure that CLA participate in meaningful ways. The expectation is that the IRO with Social Workers, Managers, and the Viewpoint Officer identify how the views of CLA will be elicited prior to the review. Some of the reasons for no participation in the last 12 months have been:

1. CLA missing from care. We currently have 2 Vietnamese young people who became accommodated following raids on cannabis house who have since gone missing.
 2. YP refusing to participate in any way
 3. Children with profound disabilities
- Our health target this year (combination of health assessments and dental checks) is 95%. It is currently at 95.9%. 91 of 97 CLA have had dental checks since April 2009 and 95 of 97 CLA have had health checks.

Note: The CLA Nurse who has now left due to promotion worked closely with staff and carers to ensure that Health assessments, dental checks and other Health related processes such as immunisations continue to be a priority.

The Overview of the work in respect of CLA and the role of the IRO Service

Our targets and aspirations for children looked after are set out in the Children and Young People's Plan and in the terms of reference for the Children's Strategic Partnership. They are embodied in the Harrow Every Child Matters agenda with emphasis on partnership working and collaboration. This emphasis is a thread through out the work that we do with CLA:

- The Local Safeguarding Children Board (LSCB) has CLA as a priority cohort. The IRO manager chairs the Audit and Performance Sub Group of the LSCB
- The Corporate Parenting Panel sits quarterly. Officers provide updates as requested and of relevance to the overview role of the Panel. Management Performance information is a standing agenda item. The IRO manager is the lead officer to the Panel
- Children Services lead on 2 Partnership Meetings, The Life Chances Forum and the Multi Agency CLA Meeting which considers outcomes for CLA and which reports directly to the Corporate Parenting Panel. The IRO manager attends the Life Chances Forum and an IRO the Multi Agency CLA Meeting
- CSRU administers both the Adoption and Fostering Panels. The IRO manager sits and is Vice Chair of the Adoption Panel

- Social Care leads on 2 partnership Panels which track and monitor the progress of all CLA. The Safeguarding and Review Team administer these panels.
- Children Services Management Team are provided with regular management information reports on Performance Indicators.
- Children Services Service Managers hold monthly performance management meetings to ensure that we are on track with outcomes and targets, including those of CLA. The IRO manager attends these meetings.

What the IRO service Offers

- The team ensure that reviews are on time and that the attendees, including young people and their parents are able to participate
- The team ensures that the public Adoption and Fostering meetings run smoothly.
- IROs identify areas for service improvements. An example of this is allowances for Unaccompanied Young People, which are now the same as other CLA of the same age. We are currently looking at allowances for all CLA to ensure parity whether in foster care, in house or with Independent providers, or in residential
- The IROs identify practice issues which are relayed to managers for their consideration
- IROs provide training for staff and carers on the reviewing process
- IROs are linked with specific teams and meet regularly with managers to discuss particular issues and trends
- IROs work closely with children advocates and the Complaints Unit to ensure that issues raised by young people are resolved satisfactorily
- The Practice Protocol for resolving care-planning issues raised by the Independent Reviewing Officers now sits on Frameworki and managers will be provided with monthly updates by way of the Performance Management Meetings.
- The IRO manager participates in the audit of cases with other Senior Managers, at least, on a 6 monthly basis
- The IRO manager meets with the Corporate Director quarterly to discuss trends and any critical issues

Contribution by the IRO Service and Work in Process

- We have developed/revised a number of protocols and procedures in the last 12 months:
 1. Access to personal records procedures
 2. Children accommodated by a health or education authority for 3 months or more
 3. Children looked after reviews

4. Independent Visitors
5. Remands to local authority accommodation
6. Disruption Meetings

- We have revised the criteria for deciding whether children in residential schools placed by the Local Authority should be looked after. The IRO's, together with colleagues from the Children with Disability Team (CWD) are currently reviewing the status of CLA in residential schools. This is a matter of much national debate and we are awaiting Government guidance.
- We have had meetings with operational managers to agree locally on what is good practice in respect of the frequency of visits to CLA. This is in process.
- The IRO manager has undertaken the auditing of cases to appraise the Corporate Director of specific issues.
- We are in the process of revising the Consultation paperwork and feedback forms. Expected date to complete is January 2010.

The Protocol

As a Local Authority we are accountable for all Children and Young People in our care and we want to ensure that we make timely decisions based on clear assessment and that we avoid drift. It is important that there are processes and standards in place to monitor, assist and intervene in the work undertaken with Children Looked After so that they are safeguarded.

A protocol is in place by which issues of practice and standards identified by the IROs are resolved.

It identifies the issues and standards, which the IROs will bring to the attention of staff and managers. Tasking on Frameworkki does this.

It identifies the level of management that issues will be raised with initially and the different stages thereafter

The protocol will act as a "check and balance" of tasks that need to be done.

- 61 protocols were initiated in the last 12 months. The reasons ranged from:
 1. Missing or incomplete paperwork
 2. Decisions from the review not carried out within agreed timescales
 3. Visits not maintained at statutory/ agreed levels.
- 8 of the 61 moved onto stage 2 of the Protocol. The reasons ranged from:
 1. Parents and carers not consulted and kept informed on a regular basis on the development and implementation of the Care Plan
 2. Continuing delays in the implementation of the care plan.
 3. No Permanency Plan in place by the 2nd Review

- Stage 2 necessitates involvement by the IRO manager and relevant Service Manager. Resolution at Stage 2 has normally been through one to one discussion or by way of meetings between the relevant managers and the IRO and IRO manager.
- No case has formally passed to stage 3 which would have required the direct involvement of the Head of Service and the IRO manager, although they have been appraised of the matter on a number of these cases

Part 3

Going Forward

The Children and Young Persons Act 2008 proposes new guidance on the role of the IRO, to include:

- IROs to monitor LA performance of functions in relation to the child's case, not just in respect of the review.
- IROs to ensure that the local authorities give due consideration to any views expressed by the child.
- New regulations - to prescribe the manner in which the IRO functions are to be performed.
- New power to issue statutory guidance to IROs and their managers.
- New duty on the local authority to cooperate with the IRO and take all reasonable steps to enable the IRO to perform his/her functions.

The general expectation is that the role of the IRO will be closely scrutinised by Government and in particular whether it positively impacts on outcomes for CLA

We have laid foundations in Harrow as already highlighted. However, in addition to the other checks and balances:

- IROs will continue to link with specific teams and managers to discuss specific cases and issues
- IROs will continue to raise performance issues with managers
- The IRO service will continue to be involved in the auditing of cases
- The IRO service will continue to work with the advocacy service and the Complaints Unit to resolve issues raised by CLA
- The IRO service will contribute to service development and scrutiny through the Life Chances Forum and the Corporate Parenting Panel
- The IROs will continue to chair Disruption meetings
- The IRO manager will continue to meet with the Corporate Director to report on trends and practice issues

Conclusion:

We are making good progress in terms of:

- Ensuring that reviews are on time in all areas including the reviews of short breaks and the annual review of carers.
- Participation by CLA
- Resolving issues at an early stage
- Assisting in matters brought to the attention of the advocacy service
- Working relations and understanding of respective roles
- We are developing closer cooperation with Children's Guardians in line with proposed guidance around involvement of the IRO through Court Proceedings

The challenges for the next 12 months are:

- Embracing the new guidance on the role of the IRO, particularly in relation to the role of the IRO in proceedings.
- Developing the Protocol as a tool to deal with issues raised in a timely fashion
- Ensuring that the quality of work around care planning and outcomes continues to progress notwithstanding any changes in personnel. Harrow has the foundations to accomplish this.

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30.10.9