

**REPORT FOR: CORPORATE
PARENTING PANEL**

Date of Meeting: 28 March 2011

Subject: INFORMATION REPORT - Annual
Independent Reviewing Officers' Report
2010

Responsible Officer: Catherine Doran, Corporate Director
Children Services

Exempt: No

Enclosures: Appendix 1: Review Consultation
Q&A's for ages 4 -15 between 1
January 2010 and 31 December 2010

Appendix 2: Review Consultation
Children Looked After aged 16+, 1
January 2010 - 31 December 2010

Section 1 – Summary

This report sets out to inform and update Panel of the work of the Independent Reviewing Officers by way of the Annual Independent Reviewing Officers' Report 2010

FOR INFORMATION

Section 2 – Report

Introduction

This report on the work of the Independent Reviewing Officer (**IRO**) follows up a position report dated 4th August 2008 and annual report dated 30.10.09. 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.

The report will be also be provided to the lead member with responsibility for Children's Services as well as 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 Interim Director of Commissioning, Quality Assurance and Capital

The report covers period from 1st January to 31st December 2010.

The Legislative Context

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 had 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 looked after 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 Local Authority, 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 children looked after (**CLA**) and, where the situation arises, they have an important role in problem resolution

Amended Legislative Framework

The Care Planning, Placement and Case Review (England) Regulations 2010 brings together in one instrument provisions about the way local authorities plan and review the care of “looked after children” in England. They are due to be implemented in April 2011. The changes to the role of the IRO include:

- *IROs would monitor the local authority’s performance of its functions in relation to a child’s case rather than only the review. The IRO therefore has a responsibility to monitor the process as well as the planning.*
- *IROs will have the authority to adjourn review meetings if they are of the view that it would not fulfil it’s purpose, for example if the relevant people have not had an opportunity to contribute*
- *IROs must speak in private with each child prior to each review so that the IRO personally establishes the child’s wishes and feelings about the issues to be covered at the care planning meeting and that the feelings of the child must be given “due consideration”.*
- *Referral by an IRO of a case to CAFCASS should no longer be seen as a last resort, but can be considered at any time*
- *Proposals made at a child’s review become decisions and must be implemented unless challenged by the local authority within a week*

It is noted that this has been the practice of IROs locally for some time although no matter or case has warranted a formal referral to CAFCASS.

The Harrow Context as of 31st December 2010

	December 2010	December 2009
Non Respite CLA	104	134

Short Break CLA	5	25
Asylum Seeking	21	23
Total	130	182

There has been a steady decrease in the number of children looked after over the last few years. There have been a number of contributory factors:

- There has been a significant increase in adoptions and special guardianship orders. There were 8 adoptions between 1st January 2010 and 31st February 2011 together with 14 special guardianship orders
- We have aligned the criteria for deciding whether short breaks and children in residential schools should be deemed to be looked after, in line with the "Statutory guidance on how to safeguard and promote the welfare of disabled children using short breaks, 2010".

However, these factors do not provide a full explanation. The alignment of the services to children and their families may be another factor, as is the 50% rise of children with child protection plans since April 2008. The thesis is that the emphasis on prevention work has contributed to fewer children having to be looked after.

We have set ourselves ambitious targets in terms of the timeliness of reviews and participation of children and young people in their reviews:

Our target this year for reviews being on time is 100%, which compares with 95% for the previous year. Our current score for this year is 96%. We endeavor to ensure that the Children's Safeguarding and Review Unit is informed at an early stage of any new looked after children so that reviews can be scheduled within time. The reasons for not reaching our target have been:

- An administrative error in calculating the date of a subsequent review for 2 children
- Reviews rescheduled but the child and foster carer going abroad
- Lack of clarity as to whether a young person was in custody or remanded in care

Steps have been taken to avoid similar future lapses, including advise, guidance and reinforcing the arrangement that the IRO manager is informed of all children that are placed by way of the Courts and of any rescheduling of reviews.

Our target this year for participation of young people at reviews is 95%. It is currently at 92.98%. IRO's work closely with Social Workers, Managers, and the Young People's Consultation Officer to ensure that CLA participate in meaningful ways. The expectation is that the IRO with Social Workers, Managers, and the Young People's Consultation 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:

- CLA missing from care. We currently have 2 Vietnamese young persons who became accommodated following raids on cannabis houses and who have since gone missing. Another young person is subject to a national search campaign
- Young People refusing to participate in any way

The Reviewing Team

- There are 3.2 IROs who chair the reviews of CLA.
- A full time IRO chairs the annual review of fosters carers. She is currently seconded to the fostering team
- One of the part time IROs can also be called upon to chair Child Protection case conferences
- The team also consists of 1.5 support workers who set up the reviews, a Panel Coordinator and an Assistant who administer the Adoption and Fostering Panels and the administration of access to records requests.
- In addition there is a Life Chances and a Young People's Consultation Officer who meets with young people prior to the review to record their views

There have been a number of personnel changes to reflect the decrease of the children looked after population.

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

- The Local Safeguarding Children Board (LSCB) has CLA as a priority cohort. The IRO manager was chair of the Audit and Performance Sub Group of the LSCB and a current member of the Quality Assurance Group
- 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 the Life Chances Forum, a partnership meeting which considers outcomes for CLA and which reports directly to the Corporate Parenting Panel. The IRO manager attends the Life Chances Forum.
- The Children's Safeguarding and Review Unit administers both the Adoption and Fostering Panels. The IRO manager sits as Vice Chair of the Adoption Panel

- The Children's Safeguarding and Review Unit administers the Permanency Tracking Panel which tracks all cases which may or are in proceedings.
- 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
- IROs identify areas for service improvements. Examples of this include; a working agreement that children are not placed in Bed and Breakfast and; a review of contact arrangements.
- 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
- The IRO manager participates in the audit of cases with other Senior Managers on a 6 monthly basis
- The IRO manager has also participated in the multi agency audit of cases under the auspices of the LSCB.
- IROs routinely audit CLA cases and feedback themes and any practice issues to the social worker and managers.
- IROs are available to undertake the formal investigation of complaints
- IROs chair formal disruption meetings and will attend planning meetings

Contribution by the IRO Service and Work in Process

- We have developed/revised a number of protocols and procedures which have contributed to the children's social care procedure manual 2010:

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) have reviewed the status of all CLA in residential schools.
 - We have 2 monthly 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 Senior Managers of specific issues.
 - We have revised the Consultation paperwork and feedback forms and are currently reviewing the consultation forms for children with disabilities.
 - We have revised the criteria for deciding whether children on short breaks should be looked after, in line with the *Short Breaks: Statutory guidance on how to safeguard and promote the welfare of disabled children using short breaks 2010*

The Protocol

A protocol is in place by which issues of practice and standards identified by the IROs are resolved. The protocol is an agreement between the IRO service and operational managers in relation to the type of issues that can be taken up and at what level in the organisation. The expectation is that any issue should be resolved between the respective IRO and operational manager in the first instance. If this is not possible to achieve the protocol is instigated at **Stage 1**.

The protocol is then moved to **Stage 2** if it requires the involvement of the IRO manager and respective Service Managers.

In 2010, a total of 17 Stage 1 protocols were instigated, 2 of which were resolved at Stage 2.

The type of issues that have normally been resolved between the respective IRO and Team Managers include:

- Missing or incomplete paperwork
- Decisions from the review not carried out within agreed timescales
- Visits not maintained at statutory/ agreed levels.

- Parents and carers not consulted and kept informed on a regular basis on the development and implementation of the Care Plan
- Delay in implementing the care plan

Some issues have necessitated the involvement of the IRO manager and Service Managers. These include:

- Continuing delays in the implementation of the care plan, and in particular:
- Delays in permanency planning
- Delays in progressing with legal planning processes.

From feedback of what works best we have now in place an understanding that meetings between the IRO, IRO Manager, and the respective Team Manager, Service Managers, represent the best way to resolve such complex matters and avoiding a further escalation of the protocol.

No case has formally required the direct involvement of a Divisional Director, other than being appraised and to offer advice.

Case Audits

An integral part of the work that IROs do is read files of children looked after. We have now formalised the process. IROs now complete audits and provide feedback to Social Workers, Team Managers, and Service Managers. Some of the more common recommendations include:

- Recordings would benefit from structured headings, such as Purpose, Areas Covered, Who was Seen, Description of Children and Property, including child's bedroom
- Supervision records would benefit from more analysis and evidence of decisions being tracked
- Work on individual cases would benefit from regular analysis and appraisal by the Social Worker
- Records should clearly clarify an audit trail of how and who was involved in decision making
- Case files should evidence that reports and assessments are provided to parents and other professionals

These themes have been fed into the action plan of the most recent most recent multi agency child protection audit, which identified similar issues.

Feedback from children

Feedback is a key tool in reviewing and developing service delivery. As part of the consultation process for reviews we identified key questions from which we can gain useful information about young people's views.

Appendix 1 provides an overview of what young people who are looked after think about a number of issues. Any issues of concern expressed to the Young People's Consultation Officer are passed on the relevant IRO and operational manager.

Comparing this feedback with other management information acts as one barometer of how well we are performing and the care that is provided to children looked after.

Going forward and the challenges for 2011

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

The areas we will develop are:

- Respond to new legislation and guidance in respect of the role of the IRO and the review process itself
- Share themes and issues arising from practice, audits, complaints, and the views of young people to staff and managers.
- Make recommendations on the audit tools currently in use
- Consider how we can contribute to ensuring that children remain safe and in stable placements during changes to the way that the services are delivered

Section 3 – Further Information

None

Section 4 – Financial Implications

There are no new financial implications

Section 5 – Corporate Priorities

The corporate priority is to improve support for vulnerable young people and children

Name: Emma Stabler	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 16 March 2011		

Section 6 - Contact Details and Background Papers

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Background Papers: None