

**Children's Independent Reviewing Officer Team**  
**Annual Report April 2012 – March 2013**



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## **Independent Reviewing Officer Annual Report April 2012 – March 2013**

### **Purpose of the Report**

This annual report of the Independent Reviewing Officer service is required by statute to enable senior officers and members to scrutinise the work of the service in relation to their statutory functions for looked after children.

### **Description of Decision**

The report once considered by managers and members should be scrutinised and, once agreed, made available as a public document to evidence the scrutiny of the service.

### **Executive Summary**

The report outlines the exercise of the functions of Independent Reviewing Officers in Sunderland in 2012-2013, highlighting the challenges arising from legislative changes since 2002, and from changes in regulations and section 7 guidance from 1st April 2011.

## **1 Introduction**

- 1.1 This report covers the performance of the Independent Reviewing Officers in Sunderland from 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.
- 1.2 This report is required to address the work of the Independent Reviewing Officers in relation to their statutory functions for looked after children, and children in need of Child Protection Plans.
- 1.3 The report is required to be considered by the Safeguarding Management Team, Children's Services Leadership Team, and to be subject to member scrutiny through the Children and Learning Scrutiny Committee.

## **2 Legal and statutory context**

- 2.1 Section 118 of the Adoption and Children Act 2002 introduced a new statutory role of Independent Reviewing Officer with responsibility for the process of reviewing children in care cases. Under this and the subsequent Review of Children's Cases (Amendment) (England) Regulations 2004, Local Authorities are required by regulation to:
  - Appoint Independent Reviewing Officers to review all looked after children's cases;
  - Monitor the authority's function in respect of the review; and
  - 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. (The Dispute Resolution Process)
- 2.2 All children in care, including those in adoptive placements prior to an adoption order being made, are covered by these regulations.
- 2.3 The Children and Young Persons Act 2008 further developed the statutory role of the Independent Reviewing Officer (IRO), and the subsequent Care Planning Placement and Review Regulations March 2010 introduced additional statutory requirements for Independent Reviewing Officers, supported by specific guidance on the role of the Independent Reviewing Officer. These regulations came into force 1 April 2011, and the IRO Handbook 2010 provides detailed guidance on the role of the IRO, the IRO Manager, and the responsibilities of the Local Authority.
- 2.4 The statutory framework for the role and functions of the Independent Reviewing Officer is summarised as follows:
- 2.5 Statutory minimum qualifications and experience including Social Work Qualification, General Social Care Council Registration, extensive practitioner experience, and from 2010, experience in a supervisory/management role in Social Work.

- 2.6 Status to be specified as at least equivalent to a Social Work Team Manager.
- 2.7 Independence from the line management of the cases they are reviewing and from the decision making process about allocation of financial resources to those cases.
- 2.8 Consultation with the child in advance of and in between each Looked After Review.
- 2.9 To hold discussions with social workers in advance of Reviews.
- 2.10 To attend any planning meeting held in relation to the development of the plan for the child.
- 2.11 To monitor the implementation of Care Plans to ensure that drift and delay are minimised and that plans are in the child's best interests. A local dispute resolution procedure must be in place and must be initiated by the IRO if needed. Where necessary or where there is concern that the child's human rights may be breached, the IRO can make a formal referral to CAFCASS for consideration of legal proceedings.

### **3 Independent Reviewing Officers (IROs) in Sunderland**

- 3.1 Independent Reviewing Officers in Sunderland also fulfil the function of Conference Chairs for Child Protection Conferences and Review Conferences. This is a separate statutory function under 'Working Together 2010', and the definition of this role is different from that of the Independent Reviewing Officer for Looked After Children.
- 3.2 The permanent establishment of IROs is currently 7 wte. As outlined above their role includes Reviews for Looked After Children and chairing of Child Protection Conferences. The IRO Handbook 2010 recommends a caseload for IROs as no more than 70 children. In Sunderland at the end of 2012/13 there were 449 children Looked After and 271 children subject to Child Protection plans. This would indicate a need for increased capacity in the team in order to meet the requirements of the statutory guidance.
- 3.3 The role of the Independent Reviewing Officer (IRO) has developed since the Adoption and Children Act 2002. The IRO Handbook provides statutory guidance on the role and responsibilities of the IRO. This envisages a pro-active role in monitoring the progress of care plans, visiting the young person, and a responsibility to challenge the Local Authority when there is drift or lack of recognition of the child's rights. The role is much more extensive than chairing the Review process.
- 3.4 The requirement that Independent Reviewing Officers have access to independent legal advice in respect of their duties has yet to be resolved. Discussions are ongoing among Sunderland, Gateshead and South Tyneside

to have in place reciprocal arrangements for legal advice.

#### **4 Young People's Views**

- 4.1 Feedback from young people about their Independent Reviewing Officer is very positive. Young people consistently say positive things about their Independent Reviewing Officers and express the value they have in their lives over and above, and very separate from, the role of their Social Worker.
- 4.2 The Viewpoint survey has identified the expressed satisfaction of looked after children. There are age appropriate questionnaires for age groups 4-6 years, 7-9 years, and 10-15 years, administered by a specialist worker. Overall ratings in relation to "feeling safe", being happy at school, are having someone to talk to are very high. There were areas for improvement identifies, for example older children often not having a "life story" book, and some children aged 7-9 would like more contact with family members and ability for friends to visit them in placement.

#### **5 Performance in relation to Looked After Reviews**

- 5.1 On 1<sup>st</sup> April 2012 there were 388 Looked After Children in Sunderland. A year later at end of March 2013 this had risen to 449 – an increase of 15.7%.
- 5.2 In 2012-13 a total of 1,234 Looked after Reviews were held. The incidence of reviews is determined by statutory frequency. During this period 242 children were admitted during the year, and so potentially required Looked after Reviews at maximum intervals of 28 days, 3 months and 6 months at the beginning of their time in care and at maximum intervals of 6 months thereafter. In order to ensure that statutory timescales are met, it is sometimes necessary to conduct reviews at even shorter intervals to allow for contingencies which may require a pre-arranged date to be altered. This inevitably increases the 'rate' at which looked after reviews are required in order to meet government targets and statutory requirements.
- 5.3 In addition, the monitoring of decision making in relation to care plans and changes in circumstances will sometimes require more frequent review. In particular, Reviews brought forward to consider permanence plans, and Placement Order Reviews require a shortened interval, reflecting the increasing integration developing between court processes and the Independent Reviewing Officer's role in monitoring the local authority's performance in progressing children's plans.
- 5.4 Whilst placement changes do not always necessitate an earlier review, children who are placed for adoption or placed in Secure Accommodation move into an additional statutory review cycle of 28 days and 3 months, regardless of when the last looked after review was held or when the next is scheduled. It is not uncommon for an individual child to have four Looked After Reviews over a twelve month period.

- 5.6 Some Looked After Reviews must be conducted as a series of meetings rather than as a single event, where this is appropriate to the needs of the child and his or her family, consistent with the concept of the review as a process rather than an event'. This may occur when there are conflicts between family members or the risk of domestic violence.
- 5.7 The figures in 5.2 above do not include Independent Secure Accommodation Review Panels. Procedures for the Secure Panels involve two Independent Reviewing Officers plus an Independent Reviewing Officer from the inter-authority consortium. Whilst infrequent, such reviews involve up to three Independent Reviewing Officers: the allocated Independent Reviewing Officer who conducts the Looked After Review is expected to attend, whilst the Secure Review Panel comprises two Sunderland IROs (one as Panel Chair) and a third member from an independent authority. Timescales for these reviews are additional to the Looked After Review cycle, and invariably involve travel away from Sunderland.
- 5.8 Sunderland Independent Reviewing Officers are also part of a regional consortium arrangement to provide the independent members for the Secure Accommodation Review for children looked after by partner authorities.

## **6 Timeliness of Looked After Reviews**

- 6.1 The percentage of children whose reviews were all conducted within statutory timescales during the current reporting period (April 2012 – March 2013) was 87%. This is a drop in overall performance from 2011/12 and is a matter of concern.
- 6.2 The large increase in the numbers of admissions during 2012/13 as opposed to the previous year (242 compared to 154 in 2011/12, an increase of 57%) meant a very significant increase in the number of reviews required to be timetabled at relatively short notice. There were also capacity issues in the IRO team following the retirement of the IRO Manager whose responsibilities were covered by a member of the team, with consequent loss of capacity.

## **7 Participation in Looked After Reviews**

- 7.1 Participation of Looked After Children and Young People in their looked after reviews is a performance indicator where we have consistently reported high levels of participation. In 2012/13 this was at 90%. In addition to the reporting categories in the performance report, participation is augmented in some cases by the Independent Reviewing Officer making direct contact with the child in order to ensure that the child's views have been properly represented.

7.2 'Participation' applies to children or young people aged 5 years or above:

- Attending their Review and speaking on their own behalf
- Attending their review but having another person speak for them
- Not attending the review but providing their views in a written form or through another facilitative medium
- Not attending the review but briefing an advocate to represent their views

7.3 The vast majority of children and young people participate in some form or another, with around half of all reviews being held with the child present. Some children attend some of their reviews but not all.

7.4 The 'Viewpoint' computerised interactive consultation system was introduced in early 2010 as an alternative facilitative medium for children to contribute to their reviews. This service is used to support children in preparing their views for their looked after reviews whether they physically attend the review or not. Presently this is available to children placed in foster care and children's homes.

7.5 In addition to assisting individual children and young people, the information gathered from 'Viewpoint' is aggregated to provide an overview of children's levels of satisfaction with their care and support, but the system has been found capable of providing valuable additional data in correlations between levels of satisfaction in one aspect to their lives and specific services and support available in other aspects. It proves particularly effective and is liked by younger children in care.

## **8 Regional Benchmarking**

8.1 The Regional Independent Reviewing Officer group periodically benchmarks workloads according to broad criteria and local variations in other responsibilities allocated to Independent Reviewing Officers. Across the region (and nationally) there have been significant increases in the numbers of children looked after over recent years. This has increased the caseloads of IROs significantly. Over the same period the statutory requirements in terms of the role and responsibilities of the IRO have also increased significantly, and this poses significant challenges in providing the necessary capacity for IRO services nationally and across the region.

## **9 Summary**

9.1 The Independent Reviewing Officer team has managed to sustain a good level of performance against statutory requirements for Looked After Children, although in some aspects the position has deteriorated, for example the timeliness of Reviews taking place and also the increased backlog of Review minutes.

9.2 The changing role of the Independent Reviewing Officer presents significant challenges to the service in terms of full compliance with the Care Planning

Regulations. In particular the requirement to meet with each child before each review and also at a point between reviews is not fully complied with at present. We also need to ensure that the involvement of IROs is consistently recorded on the electronic record and that it is possible to accurately measure performance.

- 9.3 Children and young people are very positive about the work of their Independent Reviewing Officers and their role in their lives. There is a very good record of maintaining continuity and stability in terms of children having the same IRO throughout their period in care.
- 9.4 In relation to the functions of Conference Chairs in Child Protection, the high level of performance in relation to Child Protection Reviews continues. This also places Sunderland in the top banding across all authorities.
- 9.5 IRO's are using the dispute resolution process in cases of drift and delay for children looked after and are using Quality Performance Records to highlight quality performance issues arising out of child protection conferences and review conferences.

## **10 Areas for further development and Recommendations**

- 10.1 Ensuring and sustaining adequate capacity for the IRO service, given the increase in the numbers of Looked After Children and the increased requirements of the role.
- 10.2 Review the administrative support available to the IRO team to ensure that there is adequate capacity to respond to new requests, accurately record the allocation of the IRO within the required timescales, and ensure that minutes can be produced and distributed in a timely way, and are accurately recorded as being completed.
- 10.3 Continue to develop the systems needed to accurately reflect the activity of the IRO team and to measure performance against key requirements of the Care Planning Regulations. Initially this will require an exercise in ensuring that basic data is consistently recorded in relation to IRO activity, for example IRO allocation, recording of IRO, and use of local dispute resolution procedures.
- 10.4 Following a "data cleanup" the Service should put reporting systems in place to monitor activity and performance, including visits to young people, continuity of IRO allocation, and use of dispute resolution.
- 10.5 A further area for development arises out of local data on time taken for children to be adopted. Sunderland has a good record of enabling older children to be adopted but the average time taken for children to move from the decision that adoption would be in their best interest to the order being made is above the recommended threshold. Involvement of the IRO manager with the Permanence Monitoring Group and a more active monitoring and



“challenge” by IROs of progress towards adoption would help to improve performance.

- 10.6 There is a regional group for IRO managers and there is potential to develop regional workshops and opportunities to share best practice which could be usefully developed.
- 10.7 The requirement for IROs to have access to independent legal advice has not yet been addressed and resolved. This needs to be put in place as soon as possible.

Rob Jewitt  
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