



Haringey Council

Briefing for:	Corporate Parenting Advisory Committee
Title:	Independent Reviewing Officer role (stability and escalation)
Lead Officer:	Perminder Chahal – IRO Manager
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Briefing Note on the role and responsibilities of Independent Reviewing Officers (IRO)

“When they meet the child they should do this one to one so that the child can talk freely. They must check with both the child, and other people working with the child, on whether the child is OK and happy where they are living and with their care plans. They must regularly ask each child whether they are happy with how things are being done for them, and keep checking what is happening for each child against that child’s plans and the decisions made at their reviews.”

The above is an extract from the 2010 IRO hand book which is the statutory framework directing the work of IROs. The guidance and regulations aimed to keep the voices of children and young people consistently in mind.

1 The legal context

A House of Lords judgement in 2002 concluded that a local authority that failed in its duties to a looked after child could be challenged under the Human Rights Act 1998, most likely under article 8 of the European Convention on Human Rights relating to family life. The judgement recognised that some children with no adult to act on their behalf may not have any effective means to initiate such a challenge. In response, the Government made it a legal requirement for an IRO to be appointed to participate in case

reviews monitor the local authority's performance in respect of reviews, and to consider whether it would be appropriate to refer cases to the Children and Family Court Advisory and Support Service (Cafcass). This is set out in 1989 Act, as amended by the 2002 Act. Later, the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004, made under section 26 of the 1989 Act, extended the functions of Cafcass so that on a referral from an IRO they could consider bringing proceedings for breaches of the child's human rights, judicial review and other proceedings.

The 2008 Act extends the IRO's responsibilities from monitoring the performance by the local authority of their functions in relation to a child's review to monitoring the performance by the local authority of their functions in relation to a child's case, as set out in sections 25A-25C of the 1989 Act (inserted by section 10 of the 2008 Act). The intention is that these changes will enable the IRO to have an effective independent oversight of the child's case and ensure that the child's interests are protected throughout the care planning process.

Together 1989 Act and the more recent Regulations specify:

- the duty of the local authority to appoint an IRO;
- the circumstances in which the local authority must consult with the IRO;
- the functions of the IRO both in relation to the reviewing and monitoring of each child's case; and
- the actions that the IRO must take if the local authority is failing to comply with the Regulations or is in breach of its duties to the child in any material way, including making a referral to Cafcass.

Legislation includes a power to confer the delivery of IRO services to a national body outside the control of local authorities, if, in the future, the measures to strengthen the IRO function do not contribute to a significant improvement in outcomes for looked after children.

2. The practice context

The IRO's primary focus is to quality assure the care planning and review process for each individual child and to ensure that his/her current wishes and feelings are given full consideration. To be successful, the role must be valued by senior managers and operate within a supportive service culture and environment. An effective IRO service should enable the local authority to achieve improved outcomes for children.

Every IRO should feel confident in his/her role and personal authority and understand his/her responsibilities to monitor and review the child's case and, where necessary, challenge poor practice. The guidance recognises that it is not the responsibility of the IRO to manage the case, supervise the social worker or devise the care plan. Although it is important for the IRO to develop a consistent relationship with the child, this should not undermine or replace the relationship between the social worker and the child.

3. Core functions, tasks and responsibilities

The statutory duties of the IRO are to:

1. monitor the performance by the local authority of their functions in relation to the child's case;
2. participate in any review of the child's case;
3. ensure that any ascertained wishes and feelings of the child concerning the case are given due consideration by the appropriate authority; and
4. Perform any other function which is prescribed in regulations.

The primary task of the IRO is to ensure that the care plan for the child fully reflects the child's current needs and that the actions set out in the plan are consistent with the local authority's legal responsibilities towards the child. As corporate parents each local authority should act for the children they look after as a responsible and conscientious parent would act.

There are now two clear and separate aspects to the function of the IRO: chairing the child's review; and monitoring the child's case on an ongoing basis. In both aspects of their role they must be robust in challenging decisions where professional practice is poor and not in children's interests. Equally they must question where insufficient weight has been given to the child's perspective and ensure that there is proper forward planning and an opportunity for reflection on the child's progress

As part of the monitoring function, the IRO also has a duty to monitor the performance of the local authority's function as a corporate parent and to identify any areas of poor practice. This should include:

- identifying patterns of concern emerging not just around individual children but also more generally in relation to the collective experience of it's looked after children of the services they receive.
- Where IROs identify more general concerns around the quality of the authority's services to it's looked after children, the IRO should immediately alert senior managers about these. Equally important, the IRO should recognise and report on good practice.

4. Quality Assurance and reporting arrangements

The manager should be responsible for the production of an annual report for the scrutiny of the members of the corporate parenting board. This report should identify good practice but should also highlight issues for further development, including where urgent action is needed. It should make reference to:

- procedures for resolving concerns, including the local dispute resolution process and it should include an analysis of the issues raised in dispute and the outcomes;

- the development of the IRO service including information on caseloads, continuity of employment and the make up of the team and how it reflects the identity of the children it is serving;
- extent of participation of children and their parents;
- the number of reviews that are held on time, the number that are held out of time and the reasons for the ones that are out of time;
- outcomes of quality assurance audits in relation to the organisation, conduct and recording of reviews; and
- Whether any resource issues are putting at risk the delivery of a quality service to all looked after children.

In Haringey the annual report will be presented at Corporate Parenting Advisory Committee. The report should be available as a public document from the local authority and It would be good practice to publish this on the local authority's website.

5. Haringey Independent Reviewing Service

The IRO Service in Haringey consists of seven IROs and a manager. Over the last eight years this has been a settled and consistent team, providing stability and continuity in children's lives in very difficult and changing circumstances when the turnover of social workers has been high.

In addition to the stability they have offered children, they have been able to provide guidance and assistance to new social workers who are often unsure of systems and structures and offer a sound knowledge base in regard to placements, expectations and care planning.

When an IRO is allocated to a child/young person who has come into care they have remained with that child throughout their journey in care ensuring both continuity and stability and an ongoing knowledge of the child's history.

As part of the review process IRO's not only chair the review meeting but in many circumstances spend time talking with children and young people/parents/others prior to the actual review meeting to ensure that participants feel engaged and comfortable and all the necessary information is elicited to support decision making. In order to develop expertise and develop stronger working links with social work teams, IRO's have been assigned specialist areas of work, such as adoption and permanency. Reviews are planned to take place at times which prevent interruption of the school day and are usually held where the young person lives. Who attends the review meeting depends on the circumstances and age of the child, older children will have a say in who should actually attends the meeting and who will contribute in other ways.

As the role describes the IRO has a duty to escalate any issues that need resolution and where a satisfactory outcome cannot be achieved through facilitating discussion and negotiations with social workers and managers. Over the last year (since June 2010) there have been 5 issues which have had to be escalated, they relate to transport, location and suitability of placement and sibling contact.

All issues were successfully progressed and resolved without a need to formally escalate them outside the local authority.

The increased number of looked after children has resulted in the case loads of the IRO's increasing significantly, with each post having an allocation of 85 + children they are responsible for reviewing and overseeing.

6. The development of the Independent Reviewing Service

From the 1 June 2011 the IRO service has become part of the Safeguarding, Quality Assurance and Practice Development service, which has the remit of establishing a new and robust quality assurance framework covering both child protection and looked after children. The creation of this new service has coincided with the implement of the new regulations with the more rigorous expectations of challenge and with the retirement of two IRO's and another moving on to a position in another Borough.

As part of moving to the new service configuration it has been decided to amalgamate the roles of IRO and Child Protection Advisors, which whilst allowing individuals to specialise will create greater flexibility and as such has the potential to enhance capacity. The new roles are being advertised at the end of June 2011.