

# Corporate Parenting Board

24 November 2016

<b>Report title</b>	Annual Report of the Independent Reviewing Officer Service 2015-16	
<b>Cabinet member with lead responsibility</b>	Councillor Val Gibson Children and Families	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Linda Sanders – People	
<b>Originating service</b>	Safeguarding	
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<b>Report to be/has been considered by</b>	Children in Care Council 28/09/2016 and 26/10/2016 People Leadership Team 31/10/16	

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## Recommendation(s) for action or decision:

The Corporate Parenting Board is recommended to:

1. Utilise this report to inform strategic planning for Wolverhampton's Looked After Children population
2. Hold the Safeguarding Service to account in their delivery of services to Looked After Children

## **1.0 Purpose**

- 1.1 Wolverhampton Safeguarding Service has statutory responsibility for overseeing and ratifying the care plans for Looked after Children (LAC) via the activity of the Independent Reviewing Officers. As a result, the service is duty bound to provide the Corporate Parenting Board with an annual report that outlines the activity of the service, the impact for children and recommendations for service improvement that will enhance young people's experiences.

## **2.0 Background**

- 2.1 The Children and Young Persons Act 2008 reinforced and strengthened the role of the Independent Reviewing Officer (IRO), enabling more effective independent oversight and scrutiny of the child's case. It has ensured that the child is able to meaningfully participate in planning for their own care and that the care plan that the local authority prepares for them is based on a thorough assessment of the individual child's needs.
- 2.2 In March 2010 the Government issued statutory guidance, The IRO Handbook, for Local Authorities and IROs on care planning and reviewing arrangements for LAC. The IRO Handbook states that the statutory duties of the IRO are to:
- monitor the Local Authority's performance of their functions in relation to the child's case;
  - participate in any review of the child's case;
  - ensure any ascertained wishes and feelings of the child concerning the case are given due consideration by the appropriate authority;
  - perform any other function which is prescribed in regulations.
- 2.3 The guidance became effective on April 1, 2011, as a revision to the Children Act 1989. Volume 2 of the 'Care Planning, Placement and Case Review Regulations and statutory guidance 2010'. There is an expectation that IROs are more involved with children who are looked after, not just in the Looked After Children review meeting. More contact with the child, the carers and the staff involved is also expected. This is particularly the case in matters where the IRO has concerns about the case and needs to monitor the matter between statutory reviews.
- 2.4 All looked after children, including children who are in an adoptive placement prior to an Adoption Order, are covered by the legislation. This applies to all children who are the subject of a care order (under section 31 of the Children Act 1989), or who are voluntarily accommodated for a period of more than 24 hours (section 20 of the Children Act 1989), including those described in this report as in Short Break Care, or who are placed for adoption under the Adoption and Children Act 2002. It also covers those who are compulsorily looked after, such as those remanded by the court to local authority accommodation. Since the publication of the Legal Aid Sentencing and Punishment of Offenders Act (LASPO) in December 2012, it has been the responsibility of the Local

Authority to look after all young people who are remanded into custody. These young people now require an allocated IRO and LAC reviews in their place of custody.

### **3.0 Progress, options, discussion, etc.**

3.1 The annual report provides an outline of activity covering the period 2015/16 and determines actions to be progressed in 2016/17.

### **4.0 Financial implications**

4.1 There are no direct financial implications from this report.

### **5.0 Legal implications**

5.1 None – the annual report meets legal requirements TC/07112016/K

### **6.0 Equalities implications**

6.1 The Annual report recognises issues of equality for Children who access the safeguarding service and how equality is represented within the service.

### **7.0 Environmental implications**

7.1 None

### **8.0 Human resources implications**

8.1 None

### **9.0 Corporate landlord implications**

9.1 None

### **10.0 Schedule of background papers**

10.1 The annual report for 2015/16 is attached. The Corporate Parenting Board has received Annual reports in preceding year.



CITY OF  
WOLVERHAMPTON  
C O U N C I L

Annual report

Safeguarding Service

Looked After Children  
2015- 2016

## **1. Introduction**

- 1.1 The IRO Handbook (issued in March 2010) is the statutory guidance for Independent Reviewing Officers (IRO) and local authorities on their functions in relation to case management and review of children in care, known as looked after children (LAC). It states that the IRO Manager (known as the Safeguarding Manager – Children, in Wolverhampton) should be responsible for the production of an annual report for the scrutiny of the members of the Corporate Parenting Board. It should also be available to the public on the Council website.
- 1.2 This report covers the period from April 2015 – March 2016. This is the 7th annual report. The report follows the format recommended by the National IRO Managers Group.
- 1.3 The Safeguarding Service is based at the Priory Green Building in Pendeford, Wolverhampton.
- 1.4 Dawn Williams is the Head of Safeguarding (HOS) and has overall responsibility for the IRO functions and ensures independence from the line management of cases and the allocation of resources within Children and Families Services. Mandy Lee is the Safeguarding Manager-Children, who commenced in September 2014. The management of the IRO team involves the provision of supervision to the IROs and responsibility for the team including ensuring that reviews are held on time and that they are correctly administered. The Safeguarding Manager also manages an IRO who undertakes foster home reviews.
- 1.5 As prescribed by the national IRO Managers Group, this report will endeavour to ‘highlight areas of good practice and areas which require improvement, identify emerging themes and trends, describe areas of work which the service has prioritised during the year, and will prioritise in the coming year.’
- 1.6 The IROs have a key role in assuring the quality of the case planning for those children and young people who are looked after by the local authority. The purpose of this report is to provide information on the work undertaken by the IROs in 2015 – 16 and to outline the priorities for the next year.

## **2. Purpose of service and legal context**

- 2.1 The arrangements for the statutory reviews of children in care, known as looked after children (LAC) in Wolverhampton, were amended and updated by Section 118 of the Adoption and Children Act 2002. The Act introduced the new statutory role of the Independent Reviewing Officer. In September 2004, local authorities were required to appoint Independent Reviewing Officers with the remit of:
  - chairing the authority’s LAC reviews
  - monitoring the authority’s review of the care plan
  - and where necessary, referring cases to the Children and Families Court Advisory and Support Service (CAFCASS) to take legal action as a last resort if the failure to implement the care plan might be considered to breach the child’s human rights.

In addition, there is an expectation that the IROs will quality assure the local authority's care planning for children in care.

- 2.2 Legislation for the reviewing of LAC cases is supported by detailed guidance which has been taken into account in making arrangements in Wolverhampton. The guidance includes Every Child Matters, Care Planning, Placement and Case Review (England) Regulations 2010 and Statutory guidance, the IRO Handbook.

***Looked After Children:***

- 2.3 The Children and Young Persons Act 2008 reinforced and strengthened the role of the IRO, enabling more effective independent oversight and scrutiny of the child's case. It has ensured that the child is able to meaningfully participate in planning for their own care and that the care plan that the local authority prepares for them is based on a thorough assessment of the individual child's needs.
- 2.4 In March 2010 the Government issued new statutory guidance, The IRO Handbook, for Local Authorities and IROs on care planning and reviewing arrangements for LAC. The IRO Handbook states that the statutory duties of the IRO are to:
- monitor the Local Authority's performance of their functions in relation to the child's case;
  - participate in any review of the child's case;
  - ensure any ascertained wishes and feelings of the child concerning the case are given due consideration by the appropriate authority;
  - perform any other function which is prescribed in regulations.
- 2.5 Since April 2011 there has been an expectation that IROs are more involved with children who are looked after, not just in the LAC review meeting itself. More contact with the child, the carers, and the staff involved is expected. This is particularly the case in matters where the IRO has concerns about the case and needs to monitor the matter between statutory reviews.
- 2.6 All looked after children, including children who are in an adoptive placement prior to an adoption order, are covered by the legislation. This applies to all children who are the subject of a care order (under section 31 of the Children Act 1989), or who are voluntarily accommodated for a period of more than 24 hours (section 20 of the Children Act 1989), including those described in this report as in Short Break Care, or who are placed for adoption under the Adoption and Children Act 2002. It also covers those who are compulsorily looked after such as those remanded by the court to local authority accommodation. Since the publication of the Legal Aid Sentencing and Punishment of Offenders Act (LASPO) in December 2012, it has been the responsibility of the Local Authority to look after all young people who are remanded into custody. These young people now require an allocated IRO and LAC reviews in their place of custody.

### **3. Quantitative information about the service**

- 3.1 The Service has an establishment of 9 FTE IRO's. The team has been fully staffed since December 2014. A further 0.5 IRO post has been established, on a temporary basis, with the secondment of a 0.5 Foster Home Reviewing Officer to an IRO post. This will be reviewed in September 2016 and it is proposed that this will be made permanent. There have been additional agency IRO's in post in order to manage high caseloads arising from high numbers of looked after children. There was one additional IRO up until July 2015 and three additional IRO's since September 2015.
- 3.2 The team has remained stable, other than the use of three agency workers, over the period, and is increasingly experienced. The majority of the team have a mixed caseload of LAC and Child Protection. 3.5 of the permanent IROs only hold LAC cases. The makeup of caseloads is regularly reviewed.
- 3.3 The IRO Handbook recommends IRO caseloads of 50 – 70 children per IRO. The appointment of additional agency IRO's and reducing LAC population has meant that this has been achieved this year. The average caseload (including LAC, children on a CP plan, and those receiving care through short breaks (S20) on 31 March 2016 was 70 children. This compares to 106 at March 2015.
- 3.4 The team is made up of 3 men and 10 women. The team is made up of IROs from different ethnic backgrounds (3 black/Asian, 1 black Afro/Caribbean/mixed heritage and 9 white British). This adequately reflects the children we are serving. The looked after children of Wolverhampton were from the following backgrounds on 31.3.16. 65% white British, 4% Asian, 13% black Afro/Caribbean, 19% other.
- 3.5 The service also has 1 Independent Foster Home Reviewing Officer who is responsible for chairing Foster Home reviews.

### **Quantative information regarding the LAC population & CP population**

- 3.6 The gender and age of the LAC in Wolverhampton at 31/3/16 is as follows (last years in brackets): Female 277/42% (349/45%) Male 376/58% (429/55%) Age: under 5 –140/21% (203/26%) 5 -9 year olds 162/25% (203/26%) 10 – 15 year olds 253/39% (260/33%) and 16-17 year olds 98/15% (109/14%). This shows a reduction in the numbers of young children coming into care, whilst the proportion of older children has increased. This may be the result of effective plans to move young children on to permanence, whilst there is remaining legacy of older young people who will not leave care until adulthood.
- 3.7 The legal status of the looked after children at 31/3/16 is as follows (last years in brackets): Care Order 487/75% (492/63%) Interim Care Order 54/8% (81/10%) Placement Order 61/9% (119/15%) Section 20 – 81/12% (82/11%) Remand 0/0% (4/1%). This shows the percentage of all children remaining subject to Care Orders has increased, whilst the proportion subject to Placement Order has decreased. The latter may be due to increased scrutiny by the courts in



relation to plans of adoption, and efforts by the local authority to discharge Placement Orders when adoption ceases to be the plan. The number on section 20 has remained static.

#### 4 Qualitative information about the IRO service

- 4.1 Under the provisions of the *Review of Children's Cases Regulations (1991)*<sup>3</sup> local authorities are required to review the case of any child who is Looked After or provided with accommodation as follows:
- 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.
- 4.2 The date of the next review should be brought forward:
- If there is an unplanned 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.
  - Any request from the child or parent(s) for a review to be brought forward should be given serious consideration.
- 4.3 90% of all LAC in 2015/16 were reviewed in line with statutory timescales (91% in 2014/15). This is a very slight decrease on the previous year, but still excellent performance, given the high numbers of looked after children. This should improve as caseloads reduce in 2016/17. A proportion of LAC reviews will always go outside of timescales due to practical considerations, such as sickness of key participants or other crisis on the day.
- 4.4 A total of 1834 (1832) Looked after Children (LAC) reviews took place in the relevant period- 95% of which were in timescale.
- 4.5 An IRO is allocated to all LAC within 24 hours of the Safeguarding Service being informed of that child's entry into care. Written information about the IRO and the reviewing service is shared with the child prior to their first review, in the form of child friendly postcard type information booklets. Children can make direct contact with their IRO's mobile phone by calling, by text or by email.
- 4.6 The majority of sibling groups, whether placed together or not, are allocated to the same IRO. This ensures consistency of information exchange, oversight of care planning and decision-making, including sibling contact, and is particularly of benefit when children have different social workers.
- 4.7 The involvement of children in their own reviews is regarded as an essential part of the process. *'A key task for the IRO will be to ensure that the review processes, and particularly*

*review meetings, remain child and family centred'* (IRO Guidance, Adoption and Children Act 2002.) The IRO has an important role in ensuring that the child:

- can make a meaningful contribution to their review;
- speaks for themselves if they are able and willing to do so; and where this is not possible that their views are conveyed by someone else on their behalf or by an appropriate medium; and
- has been given the opportunity to make a written contribution to the meeting, particularly if they have chosen not to attend or are unable to attend for some other reason.

4.8 The recorded achievement in this area of activity is also a measure of local authority performance, although no longer a national performance indicator.

At 31 March 2016 92% of children participated in their reviews. This is a reduction on 2015, when the figure was 98%. The reason for this drop has been investigated and it would appear that there was misunderstanding among staff regarding the recording of participation, which led to some inaccuracy and over reporting. This has now been resolved. The service aims to improve this level of participation and has taken steps to improve recording of children's contribution to reviews. Reduced caseloads mean that IRO's are much more able to meet with children outside of reviews and seek their views.

92% is a truer reflection of actual participation level at that time, though the service continually strives to improve. The aim is to achieve 94/95% next year.

4.9 Children aged 7 and over receive a written invitation to their review meeting along with the consultation document inviting their contribution to the review. The IRO is required to speak with the child alone prior to the first review and before every subsequent review (regulation 36). The requirement for direct contact with the child extends to observation of babies and younger children.

4.10 The Independent Reviewing Officers Guidance, Adoption and Children Act 2002, states that *'The IRO has an important role in ensuring that all parties to the review are able to make an effective contribution.'* In order to assist in this aim, age appropriate consultation papers continue to be sent to the child/young person, and to parents and carers, prior to a review. The child's consultation paper provides the IRO with a comprehensive picture of the child's feelings about the various aspects of their care and the services he/she is receiving, and assists the IRO in ensuring the child's voice is heard. This is also a way of ensuring that parental contributions are taken into account by the IRO, particularly if they are unable or unwilling to attend the review. IRO's are also increasingly speaking with parents outside of the review meeting, if their presence is not in the best interests of the child, to ensure they can represent their reviews both in the meeting and in the record of the meeting.

4.11 2 children were reviewed by IROs under the Short Break Statutory Guidance (Section 20(4) of the Children Act 1989) in 2015/16 (8 in 2014/15).

## **5. Conduct of the organisation in relation to the review**

5.1 From August 2013 new quality assurance questions were asked of IROs following LAC reviews. This was to enable more detailed quality assurance information and data to be collected from CareFirst (CF), the electronic database used. It was hoped that this report would include the more detailed information, including the following:

- Quality of preparation for review by social worker, including report preparation, preparation of the child/young person and sign off by manager,
- Quality of care planning, including how up to date the care plan is,
- Quality of contribution by the child/ young person and other attendees, to review,
- Quality of management decision making on key issues affecting young people (care placements/school placements/funding issues)

The delivery of this detailed information from CareFirst has been challenging and work continues to provide reports. Reports will be available in 2017.

5.2 The RAG(Red/Amber/Green) quality rating system, in respect of the LAC reviews, including the progress of plans, preparation for the meeting and the quality of reports has been used consistently in Wolverhampton since August 2014. Forms are completed on the CareFirst database before the review record is completed. In 2015-16, RAG ratings were issued in relation to 1813 (2098 in 2014-15) LAC reviews. 1524/84% (1832/87%) were awarded Green ratings, 203/11% (222/11%) were awarded Amber ratings and 86/5% (44/2%) were awarded Red ratings).

5.3 A notification is automatically sent to the responsible social workers and Social Work Unit manager, and ensures they are alerted to the status (red, amber or green) of the child's plan. It identifies any concerns the IRO has about a child or their care plan, and should be a clear and valuable part of the quality assurance of the Local Authority's work which is provided by the IRO. There is an expectation that the responsible Children's Social Care manager responds to the IRO in all red and amber cases. Where the IRO feels their concern is not being addressed, they would commence the agreed dispute resolution process.

5.4 The IROs complete a Recognition of Excellent or Good Practice notification when there is evidence of high quality practice. 42 notifications were awarded in 2015-16 (5 Excellent, 37 Good). This compares to four notifications in 2014-15. The IRO's have recognised the positive impact that recognition of good work has on teams, and therefore actively seeks to improve recognition.

## **6. Conduct of the organisation in relation to Case Management**

6.1 During 2015 - 16 a number of formal dispute resolution protocols were implemented in Wolverhampton. This protocol commences when the IRO identifies serious concerns about drift or delay in a child's case and is unable to resolve the difficulty with the social worker or

their manager. The procedure was revised in 2015 to take account of structural changes. There were 6 informal stage meetings, 3 formal stage 1 meetings and 2 formal stage 2 meetings.

#### **Case example**

A sibling group of four children now aged 15,12,9,5 (3 boys, 1 girl) were placed with their grandmother, who was approved as a 'Connected person' foster carer. She had 3 bedrooms in her home. This meant the three boys were sharing a bedroom which was too small, and with the older boys growing into adolescence, they did not have the privacy they needed. There was delay in gaining agreement to support the grandmother with the building of an extension. Formal Dispute Resolution meetings were held with the Head of Service and the managers of the fostering team and the Child Protection/Child in Need team in order to gain agreement for funding to be agreed and to set timescales for matters to be progressed.

The extension has now been completed and there are now 4 bedrooms and the older boys have the space and privacy they need.

6.2 Reduced caseloads have meant that the IRO's are now more effectively able to monitor cases between reviews. In September 2015 audit found that there was little clear evidence of how the IRO was monitoring and intervening in case outside of the review process. Since that time, a revised recording procedure has been put in place and IRO's regularly record their actions on the child's file. Audit now shows that the IRO 'footprint' on the child's file is well evidenced.

#### **7. Core Entitlements for Looked After Children**

The All Party Parliamentary Group for Looked After Children and Care Leavers conducted an inquiry with the Who Cares Trust in 2013/4 which found that looked after children and care leavers did not always know their rights and entitlements. There are ten core entitlements: Five for looked after children and five for care leavers. These are:

- You must have a care plan which says what your needs are now and how they will be met.
- The care plan must include your views and these must be taken into consideration
- No important decisions about you should be taken without a review meeting unless it's an emergency
- Looked after children aged 16-19 should get a £1,200 bursary if staying in full time education.
- When a social worker visits you, they must speak to you alone, unless you refuse, it's not appropriate at the time, or the social worker is not able to.
- You can ask your authority for £2000 for the setting up home allowance.
- Your local authority must give you help with the costs of getting and keeping a job
- You must be given a copy and an explanation of your assessment and Pathway Plan
- If you are in higher education, your local authority must provide you with vacation accommodation.

The National IRO Partnership has pledged to work to increase the knowledge of the core entitlement and IRO services are challenged to demonstrate how these are being promoted. These entitlements are available in Wolverhampton, but further work is needed to show how young people are made aware of them and to ensure there is evidence that they are provided. The National IRO Partnership recommend that this information is included in the IRO Annual Report. It is not possible to report on this this year, however, the aim is to report on progress in 2017.

## 8. Consultation with Young People- Feedback from the Children in Care Council

- The young people shared that they didn't like the booklet that is sent out by IRO's that the boxes on the document are too big and therefore they aren't clear about what information to add. The CiCC shared that questions aren't detailed enough and are vague. 8 out of 8 CiCC members said they didn't like the booklet.
- Some young people in the CiCC don't see their IRO's before their meet and 5 out of 8 members didn't feel they had a relationship with their IRO.
- None of the young people were clear of the role of their IRO.

## 9. Review of last year's priority areas for improvement and action

- 9.1 Aim for full implementation of the IRO handbook. Increased staffing in 2015-16 and reducing numbers of LAC should enable full implementation. ***Increased agency staffing and reduced LAC have mean caseloads have been within statutory guidance, this has enabled IRO's to deliver the duties of the IRO handbook in relation to more effective monitoring of cases and improved consultation with children.***
- 9.2 Monthly reporting of key information to be provided to the IRO service. It remains a priority for improved and more regular reporting to the Safeguarding service in respect of:
- Timeliness of reviews/conferences
  - Participation
  - Quality assurance information
  - RAG ratings and timeliness of responses
- A monthly performance scorecard is under development by Business Intelligence and quarterly reporting on key quality assurance data is also under development.***
- 9.3 Develop Quality Standards for IRO records against which IRO performance can be monitored. ***Completed and an audit process is now in place.***
- 9.4 Revised Quality Assurance and RAG rating process to be implemented and incorporated in to the LAC Review procedure. ***Completed***

- 9.5 Complete a service self-assessment using the National Association of Independent Reviewing Officers Toolkit and develop action plan to address any identified shortfall. **Completed**
- 9.6 Improve capacity of the service to report on IRO challenge to the delivery of the Who Cares Trust Five entitlements for Looked After Children and Five entitlements for Care Leavers. ***This has not yet progressed. At this stage, the achievement of essential basic performance information needs to take priority.***

## **10. Priorities for 2016-17**

- 10.1 Monthly reporting of key information to be provided to the IRO service. It remains a priority for improved and more regular reporting to the Safeguarding service in respect of:
- Timeliness of reviews/conferences
  - Participation
  - Quality assurance information
  - RAG ratings and timeliness of responses
- 10.2 Improve proportion of children participating in reviews and develop performance reports in relation to IRO consultation with children. The IRO service will fully support the roll out of the electronic new child consultation tool 'Mind Of My Own' app (MOMO).
- 10.3 Institute an annual process of seeking and evaluating social worker feedback in relation to IRO performance.
- 10.4 To institute a task group with the LAC service in relation to the delivery and reporting of the Who Cares Trust Five entitlements for Looked After Children and Five entitlements for Care Leavers.
- 10.5 To explore more ways to help young people have greater awareness of the role of the IRO, such as through social media and Children in Care website.

## **11. Conclusion.**

- 11.1 This report has highlighted the work of the IROs in Wolverhampton from April 2015 to March 2016 and is an update on the last annual report.
- 11.2 The service needs to evidence, through the enhanced quality assurance role, RAG rating and dispute resolution that they are an effective service with a culture of intervening and challenging when there is drift and delay or issues effecting children's human rights and/or their safety. This report shows the service has improved in this respect. However, further improvement is needed for the service to be more effective in identifying trends and patterns in practice and therefore more effectively contribute to whole service development.
- 11.3 The next report will cover the period from 1 April 2016 to 31 March 2017.