

Children and Young People Overview and Scrutiny Committee

22nd January 2014

Performance of the Independent Reviewing Service in Warwickshire

Recommendation

That the Children and Young People Overview and Scrutiny Committee considers the performance of the Independent Reviewing Service in Warwickshire and the steps being taken to address the recruitment difficulties.

1.0 Summary of the Independent Reviewing Officer (IRO) responsibilities

- 1.1 The IRO Handbook and Care Planning, Placement and Case Review (England) Regulations 2010 sets out how local authorities should carry out the full range of statutory responsibilities in relation to care planning, placement and review for looked after children.
- 1.2 The core purpose of the role of the Independent Reviewing Officer (IRO) is to ensure that the Care Plan for a looked after child fully reflects the child's needs and to ensure that each child's wishes and feelings are given full and due consideration.
- 1.3 The IRO also has a duty to monitor the local authority's overall performance as a Corporate Parent and to bring any areas of poor practice in the care and planning for looked after children to the attention of senior managers. The Children and Young Persons Act 2008, followed by revised Care Planning Regulations and Guidance, came into force in April 2011. The Act extended the responsibilities of the IRO from monitoring the performance by the local authority of its functions in relation to the child's review to monitoring the performance by the local authority of its functions in relation to a child's case.
- 1.4 The Handbook requires that an annual report of the Independent Reviewing Service is presented to the Corporate Parenting Panel. Following its presentation, the Panel was concerned to learn of the recruitment difficulties being experienced and requested that a report be presented to the Children and Young People Overview and Scrutiny Committee detailing the performance of the Independent Reviewing Officer Service in light of the recruitment difficulties.

2.0 The Independent Reviewing Officer (IRO) Service

- 2.1 The team currently consists of a group of nine full-time and one part-time Independent Reviewing Officers, one Operations Manager (all are social work qualified and registered with the HCPC) and a team of administrative support. There is currently one full-time IRO vacancy and one part-time vacancy. The team are centrally located and have county-wide responsibility for chairing all Child Protection Conferences and the statutory reviews for all looked after children.
- 2.2 The statutory guidance requires that the service is line-managed separately to operational teams in order to maintain independence from the case management decision-making and resource allocation processes. This is achieved through line management by the Service Manager for Child Protection within the Safeguarding Business Unit of the People Group.
- 2.3 There is a good record for staff retention within the team resulting in the majority of young people experiencing continuity of IRO during their time in care.
- 2.4 The allocation of work meets the dual requirements of consistency for the child, but independence from the operational teams. Reviewing Officers are responsible for chairing Child Protection Conferences and the statutory reviews for all looked after children. Where the child is subject to both looked after and child protection processes, the same IRO is allocated. Where a looked after child is also a parent, a different IRO is allocated to the parent and child to ensure there is a clear focus on the plan for the child in each case.
- 2.5 Reviewing Officers have all taken on particular areas of specialism, i.e. adoption, leaving care and residential provision or reviews for Asylum Seeking young people. In this way they can contribute towards service developments in key areas and also act as a source of specialist knowledge and advice for colleagues, other agencies and social workers.
- 2.6 The service is represented on a number of departmental service development groups and fully contributes to the work plan of Warwickshire Safeguarding Children Board.

3.0 Contribution to Business Unit and Group Objectives

- 3.1 The overall purpose of the Independent Reviewing Service is to contribute to improved outcomes for looked after children on a case-by-case basis but also to contribute towards departmental objectives aimed at improving outcomes for looked after children.
- 3.2 The work of the Service over the current year has focused on the following areas in support of these objectives.

3.3 To keep children safe from harm:

- Ensuring Child Protection Conferences are convened and managed in accordance with the Safeguarding Board's procedural requirements.
- Ensuring Child Protection Plans are based on clear risk assessments, have SMART objectives and remain focused on the outcome for the child.
- Ensuring that the Warwickshire Safeguarding Children Board escalation process is consistently applied to child protection cases so that plans are progressed appropriately and there is a reduction in the number of children subject to second plans.

3.4 To safely reduce the numbers of looked after children by evidence-based programmes of intervention:

- Development of outcome-focused formats for Care Plans.
- Development of evidence-based standards for the statutory review process to support successful rehabilitation plans for looked after children.

3.5 The continuous professional development of staff:

- Contribution to the induction processes for new staff.
- Contribution to the development and delivery of Level 3 Child Protection multi-agency training.
- Development of a post-qualifying course for IROs in conjunction with Birmingham University.

3.6 Scrutiny of care plans

- The development of the RAG (Red, Amber, Green) system and formal dispute resolution process has ensured systemic monitoring and challenge of care plans and a means to identify themes and issues impacting on care planning processes.

4.0 Regional Developments

4.1 The team has actively contributed to the work plan of the regional IRO group. A regional conference was held with a focus on the challenge of maintaining the child at the centre of planning. With input from young people, the conference devised a regional pledge to looked after children.

4.2 One of the recognised challenges to IRO services is the provision of appropriate training for Independent Reviewing Officers. The regional group has worked in collaboration with Birmingham University to devise a post-qualifying programme of study specifically tailored to Independent Reviewing Officers. The first cohort will begin in May 2014. This will be the first of its kind in the country and the national group is keen to follow the model and seek partnership arrangements with universities in their various localities.

5.0 National Developments

5.1 The regional IRO group feeds directly into the national group with a reciprocity and synergy of work programmes aimed at raising standards in the service generally and acting as a direct consultative group for the Department for Education (DfE).

6.0 Children and Families Court Advisory Service (CAFCASS)

6.1 There are two distinct areas in which the IRO is expected to work in conjunction with CAFCASS:

- As part of family proceedings when the child is looked after; and
- When an IRO makes a referral to CAFCASS as part of the formal escalation process.

6.2 The practice guidance applicable to application to the court for care orders known as the “Public Law Outline” (PLO) refers to ‘the timetable for the child’. The guidance states that the IRO should feel confident that they are kept fully informed of the progress of the child’s case during and at the conclusion of proceedings. This will involve:

- Close liaison with the children’s guardian; and
- The legal department for the Local Authority providing the IRO with all relevant court documentation.

6.3 In order to achieve this outcome, a joint protocol has been agreed between Warwickshire and Coventry IRO services and both Legal departments to ensure consistency of approach within the local shared family court system.

6.4 The protocol also ensures that the Reviewing Officer has access to independent legal advice if it is required and the protocol has proven to be very effective in the management of issues or disputes arising within court proceedings and has been acknowledged nationally as an example of effective practice.

7.0 Quantitative Information about the IRO Service

7.1 The guidance specifies caseloads of 50 - 70 looked after children per IRO. This has not been achieved in Warwickshire due to the number of children who are looked after. The service has focused on developing systems, processes and inter-relationships that enable implementation of the guidance with integrity based on current resources.

7.2 There has been an overall increase in the numbers of children looked after as shown in the table below.

	31 March 2012	31 March 2013
Children subject to CP plans	534	550
Looked after children	681	698
Total	1215	1284

7.3 The team is also responsible for the continuing reviews of all children who are 16/17 and were previously looked after children. At 31st March 2013 this amounted to **29** children.

7.4 The team is also responsible for chairing the annual reviews of all children placed in residential schools (**26**) to ensure that their educational provision remains appropriate and to ensure that their care arrangements are appropriate to the child's needs. This requires the team to facilitate as a minimum 2,600 meetings in a year.

7.5 The location of placements varies, as does the type of placement. There is therefore a significant team pressure in terms of travel and costs given the overall size of the county and the number of young people placed out of county.

7.6 If combined numbers of children are calculated (CP and LAC), each IRO is responsible for 140 children subject to either a Care Plan or Protection Plan or sometimes both. If broken down into child protection and looked after figures, the numbers are:

- 76 looked after children per IRO
- 57 Children subject to Child Protection Plans

7.7 Over the last year there has been a 10% rise (606 in 2012 - 668 in 2013) in the numbers of initial Child Protection Conferences held and this has meant that the current administrative support arrangements have been insufficient to meet the demand.

7.8 There has therefore been a decrease in the numbers of conferences held within the 15-day time frame, a decrease in the number of minutes sent out within the required timeframes and sometimes an inability to respond to an operational request to bring a Conference forward as a result of changed circumstances or a need to dispense with a Child Protection Plan early.

7.9 Given the overall caseloads, rising numbers of both looked after children and child protection work and the vacancies, it has not been possible to fully meet all of the requirements of the regulatory guidance.

7.10 The areas of work within the statutory reviewing processes that are most affected are the ability to produce minutes within the required timeframes and the availability of time to meet young people separately if they choose not to attend their reviews.

8.0 Qualitative information about the IRO service

8.1 Despite staffing issues, performance in key areas has remained good in comparison with national data. Some highlights are listed below and relate to data at March 31st 2013:

		2012	2013	England Average 2013	
CP	% of Child protection reviews held within timeframes	100%	99.3%	96.2%	Positive as above national average
LAC	% of Statutory reviews held within timeframes	91.20%	91.40%	Not published by DfE	No national data published since national indicators were abandoned.
CP	% of Conferences held within 15 days of the strategy meeting	94.70%	93.3%	70.4%	Positive as well above national average
CP	% of children subject to a second or third child protection plan	16.50%	13.30%	14.9%	Positive as under national average
LAC	% of looked after children who participated in their review	96.50%	98%	Not published by DfE	No national data published since national indicators were abandoned.

8.2 Alongside maintaining this good performance, young people's participation in their looked after reviews has been developed and rates of participation have increased. This is being further developed in conjunction with members of the Children in Care Council to explore a fuller range of participation methods.

9.0 Dispute resolution and scrutiny of Care Plans

9.1 One of the key functions of the Independent Reviewing Officer is to resolve any problems arising out of the care planning process that may impact on the progression of the Care Plan for the child.

9.2 It is expected that positive working relations are developed with social workers and managers to resolve any emerging concerns informally; however, if this does not prove possible the IRO must consider taking more formal action.

9.3 All authorities are therefore required to have in place formal dispute resolution processes to ensure that resolutions are reached in a timely way. These processes should also enable the service to evidence its impact on improved outcomes for looked after children and young people.

9.4 Drawing on models that have been developed regionally, Warwickshire has developed a process that enables a systematic approach to tracking the progress of Care Plans.

- 9.5 Following each statutory review a monitoring form is completed noting the judgement or RAG rating considered appropriate by the Independent Reviewing Officer.
- Red – Delay seriously impacting on the Plan.
 - Amber – Specific issue of concern in care planning, but overall the Plan is progressing.
 - Green – Plan is progressing well.
- 9.6 Where blocks to planning are identified, clear actions are agreed. Management response times have also been agreed and if the issues are not resolved in a timely way the matter is escalated internally with ultimate consideration of a referral back to the courts.
- 9.7 The overall collation of the information generated by this report can be used to improve practice and service developments. The report will be shared with operational districts in order to inform team planning processes and resource allocations.

10.0 Areas for Further Development

- 10.1 The IRO service in Warwickshire is currently contributing to a research project with the National Children's Bureau. The research is using a range of research methods to test the effectiveness of the IRO role. The outcome of this research will help to inform future service developments.
- 10.2 Ofsted has recently published a report on the effectiveness of Independent Reviewing Officers in discharging their responsibilities towards looked after children. The report draws evidence from themed inspections in ten local authorities.
- 10.3 Although there were many examples of positive practice there was also evidence that in many authorities' IROs had struggled to take on the full scope of their enhanced responsibilities as determined by the revised regulations.

11.0 Key Challenges

- 11.1 The new Public Law Outline will require greater oversight of cases by IROs during court proceedings and at the handover process. There will be a greater emphasis on the IROs developing the confidence of the courts that effective oversight will be achieved or cases referred back to the courts.
- 11.2 The current challenges to the service have been the ability to meet the full requirements of the revised regulations in the face of current workloads. Increased responsibilities through the revised Public Law Outline processes and increasing numbers of both looked after children and children subject to Child Protection Plans can only exacerbate this issue.

11.3 An essential element of quality care planning is to evidence the voice of the child both within care planning review processes and the development of services. There needs to be focus in the coming year on developing the effective participation of young people and evidence how their feedback has been utilised in the development of services.

12.0 Conclusions

12.1 The Independent Reviewing Service in Warwickshire has maintained good performance in key areas of work over the last year and also made significant developments within the service.

12.2 The statutory guidance has been implemented with integrity in the context of current resources. Full compliance with the guidance has not been fully achieved due to the rising numbers of statutory cases.

13.0 Options and Proposal

13.1 Recruitment difficulties are possibly linked to the pay scale and, within the current Pay and Conditions Framework, all steps have been taken to address the pay scale within a Warwickshire context.

13.2 The last option available to increase the salary scale, and therefore to be able to attract suitably skilled and experienced candidates, is to apply for a Market Forces Supplement. The policy states that: *“Market supplements will normally be applied for a period of two years. However they will be reviewed after 18 months has elapsed and consequently will be withdrawn should the review demonstrate that current evidence does not justify a supplementary payment continuing”*. And: *“Market supplements should be clearly indicated in job adverts and the employment terms to prospective or current employees”*.

13.3 This means that if this option taken, the Market Supplement would need to be re-applied for every 18 months. This option is currently being pursued.

13.4 The Business Unit acknowledges that any decision to implement a market supplement to recruit and retain staff will be funded from within its existing resources.

14.0 Timescales associated with the decision and next steps

14.1 It is important to resolve the salary grading expediently due to the impact upon the ability of the service to fulfil its statutory obligations and the implications for future inspections.

	Name	Contact Information
Report Author	Jenny Butlin-Moran	jenny butlinmoran@warwickshire.gov.uk Tel: 01926 742514
Head of Service	Sue Ross	sueross@warwickshire.gov.uk
Strategic Director	Wendy Fabbro	wendyfabbro@warwickshire.gov.uk
Portfolio Holder	Heather Timms	cllrtimms@warwickshire.gov.uk