

# **The Independent Reviewing Officers Monitoring Report January 2019**

## **Adoption and Children Act 2002 and The Review of Children's Cases (Amendment) (Wales) Regulations 2004**

Independent Reviewing Officers Guidance Wales 2004 sets out the requirements of the IRO's and Responsible Authority in more detail. The key outcomes envisaged are:

- Focus on needs of children and ensuring they are addressed.
- Minimising drift.
- Consistency of care planning and decision-making.
- Involvement of appropriate persons in the process. The Reviewing Officers Guidance 2004 clearly requires an IRO to chair reviews of children who are:
  - In an adoptive placement prior to an adoption order being granted;
  - Looked after subject to a statutory order or accommodated with the agreement of parents.
- Young people in Young Offender Institutions subject to a Care Order or on remand as required under Legal Aid Sentencing and Punishment of Offender's Act 2012 (LASPO 2012)

### **Frequency of reports**

The Independent Reviewing Service provides a report to the Corporate Parenting Advisory Committee twice a year and will also provide twice yearly reports to the LSCB.

### **The Reviewing Service**

The last 12 months has been a very busy period for Children's Services and the Safeguarding and Reviewing Service. The service comprises 16.5 IROs, however one of these posts is funded with money from the IFST service, specifically to review cases within this service. This means that in practice there are 15.5 posts. At the present time however 1 person is on maternity leave and 3 people have been on long term sick leave for at least 3 months. There are 2 agency workers covering, which means that there are effectively 13.5 IRO's in post. This compares with 14 IRO's in post at the same time last year.

The establishment has grown to include 2 additional Independent Reviewing Officers as the number of Looked After Children has continued to expand (see below). There have been 4 recent recruits, which include the new posts as well as 2 members of staff that retired. As such the team is a mixture of experienced staff who have been in post for a number of years and some new recruits who have come from casework teams in other parts of Children's Services. An induction program was in place to support the new recruits, with some buddying. They have settled in really well and have brought some positive and new ideas forward in engaging families.

Since the implementation of the Social Services and Well-being (Wales) Act 2014 combined with additional pressures placed on the department, the current number of IRO posts are now insufficient to respond to the increasing demands. The current caseload for an IRO in Cardiff is, on average, 92 children. This is a mixture of mostly Looked After Children (882) as well as a lower amount on the child Protection Register (currently 199). National guidance advocates that the caseload should be within the remit of 65-75 in number. As a result, there is an intention to recruit an additional member of staff on a short term basis to cover the maternity and sickness leave posts, which should relieve some pressure on caseloads and reduce this number down to approximately 86 children per IRO.

All IRO and Child Protection (CP) chairs in the service are able to undertake dual functions chairing Looked After Children reviews and/or Child Protection Conferences. This has improved the effectiveness of the IRO function and quality assuring the support available for Looked After Children.

There are currently 2 Service Managers in place in the Safeguarding and Review team, both reporting to the Safeguarding Operational Manager. The second Service Manager is currently responsible for the Adult Safeguarding Team and the Education Safeguarding Officers Service. Under the management of the Operational Manager, the Service Manager posts work on a strategic level to guide and advice on the safeguarding agenda across the council and the city. There has, however, been a large rise in the number of allegations of concern relating to professionals involved with children and adults at risk and wider corporate safeguarding expectations which also fall under the remit of the Safeguarding and Review service. In order to respond to this, there has been agreement to the funding of a third Service Manager post to be created in January 2019.

Immediate line management responsibility for the IROs is undertaken by the Safeguarding and Reviewing Service Manager. Within last year's CPAC report it was noted that "*The current Service Manager post is vacant following the departure of the previous manager*". This post was successfully filled early last year, but this manager is now on secondment. As such there has been a new secondee who has been in post since the 12<sup>th</sup> November 2018. This has meant that the IRO's have had several changes of manager in the last couple of years. The management arrangements will be reviewed in April 2018.

### **Regional Safeguarding Children Board**

The IRO and Conference Service is expected to report to the Cardiff and Vale Regional Safeguarding Children Board on a regular basis to ensure that any issues within the service which may impact negatively on children and their families are addressed regionally. The Board is a forum responsible for the following:

- Multi-agency strategic partnership arrangements in the region
- Has a statutory duty to hold all agencies to account for their safeguarding responsibilities in line with the Social Services and Well-being (Wales) Act 2014
- Lead, co-ordinate and ensure the effectiveness of multi-agency safeguarding practice in the region

- Challenging relevant agencies in an area so that there are effective measures in place to protect children and adults who are experiencing harm or who may be at risk as the result of abuse, neglect or other kinds of harm; and there is effective inter-agency co-operation in planning and delivering protection services and in sharing information.

As part of the Board's functions, they undertake a scrutiny role in the child protection process and must be informed of any concerns as regards children who are in the child protection or looked after children process. As part of this work, the Board is currently developing a suite of data across the region which will monitor any delay or drift, or any professional dispute resolution necessary in all looked after children cases. The Children's Audit Sub-Group of the Board are also developing audit tools to assess the effectiveness of the IRO service.

### **Independent Reviewing Role:**

The independent Reviewing Officer (IRO) service is a statutory function within each Local Authority. Each authority must appoint a person (IRO) in respect of all looked after children known to the authority. The IRO role is key to improving outcomes for children in care, it is a legal requirement and an important process in determining decisions affecting a child's future and, increasingly, IRO's are being called to account for the robustness of these decisions. The Social Services and Well-being (Wales) Act 2014 challenges Local Authorities to do things differently and to improve consistency and quality of practice, ensuring that children and young people are seen and heard and play a meaningful part in the decisions that are made about them and in determining their own wellbeing and outcomes.

Recent Practice Standards produced by the Association for Fostering and Adoption (AFA) Cymru and the Welsh Government for reviewing Looked After Children carefully considered the 2014 Act and provides guidance for IRO's and Local Authorities. It summarises a number of issues relating to the role of the IRO that are useful to include here:

- *The IRO's role is to monitor, that is keep an overview of the child's case, not just at formal review meetings, but between review meetings as well.*
- *During the reviewing process the IRO has a duty to look at how the child has been looked after and how the care plan is progressing*
- *As the IRO does not have the power to overrule the Local Authority decision making process, there has to be some way of showing that they are concerned about the progress of a child or young person's case or a decision made in relation to a care and support plan. The local authority should have a dispute resolution process by which IRO's can make senior managers in the local authority aware of their concerns, with a view to resolving them. If that internal process does not work, then the IRO may refer to CAF/CASS Cymru.*

- *The role of the IRO carries with it personal responsibility for carrying out his or her functions. In a case in 2012, **A & S v Lancashire CC [2012] EWHC 1689 (Fam)** it was clarified that the IRO may be held personally responsible for:*
  - a) *Identifying if a child or young person's human rights are being infringed;*
  - b) *Ensuring that the local authority acts upon the recommendations of the LAC Review;*
  - c) *Referring to CAFCASS if the child/young persons' human rights are infringed or significant recommendations of the review are not acted upon.*

Personal responsibility carries with it the possibility of being personally liable for damages (compensation) to be paid the child if the IRO is held to be in breach of his/her statutory duties.

The number of children subject to Care Proceedings has remained very high. In October 2017 there were 117 children and in October 2018 there were 106. The number can fluctuate from month to month, but this remains a significant number of children. Court proceedings impact considerably on the work of the IRO whereby there is a requirement by the judiciary for IROs to take an active role in the proceedings, read and inform themselves of all documentation provided to the Court, and also present a statement on their view and opinion of the plans and support for the child.

The team remains located at County Hall, although the majority of the reviews are conducted within the community, often in the child or young person's placement setting. There are travelling requirements involved in these reviews where some children have been placed in, for example, the Lake District, Shropshire, Liverpool and London. We currently have 303 looked after children placed outside of the authority. This has increased from 249 in the previous year. This means that 34% of our Looked After Children are placed outside of the Cardiff area. Whilst this can be for justifiable reasons, for instance, being placed for adoption or with a family member, it also be related to broader difficulties due to a shortage of placements within Cardiff.

Cardiff Children's Services remains committed to utilising and imbedding the Signs of Safety approach. The Signs of Safety framework is part of the wider change programme within the service that is designed to significantly improve our ability to achieve better outcomes for the children and families we work with. All IROs and Safeguarding officers have completed the relevant Signs of Safety Training. Work is currently being undertaken with Carefirst officers and the Signs of Safety QA Practice Lead Officer to develop a suite of forms and correspondence which embeds the Signs of Safety strengths based approach across all parts of the IRO and Conference Chair Service. It will also develop a simpler and more focused approach to conducting review and conference meetings.

## **Purpose of reviews**

The purpose of the review meeting is to consider the plan for the child, monitor progress and enable decisions to be made. Part 6 of the Social Services & Well-Being Act (Wales) 2014 relates to Looked After Children and the role of the IRO. Under this part of the Act it is a statutory requirement for each looked after child to have an effective Care & Support plan that meets their day to day long term needs and which identifies the outcomes for the child and also demonstrates the multi-agency plans to meet the child's needs. The plan achieves this by setting objectives for work with the child, birth family and caregivers in relation to the child's developmental needs. These needs include health, education, emotional wellbeing and behavioural development, identity, family and social relationships, social presentation, and self-care skills.

Since the implementation of the SSWBA 2014 children who are 'voluntarily accommodated' are done so under Section 76 (formally section 20 of the Children Act 1989). This is usually on a short term basis due to a difficulty at home or where the young person is over the age of 16 and under some circumstances presents as homeless. Children who are voluntarily accommodated are reviewed very carefully and the IRO's look to ensure that this is on a short term basis only or if rehabilitation is not possible that the Local Authority seeks legal advice in a timely way to secure a legal order for the child. There are presently 81 children voluntarily accommodated. 56 of these children are over the age of 16 and all but 7 children (under the age of 16) are accommodated on a short term basis (under 3 months) as part of a planned intervention or where the Local Authority is making an application to secure an order. The remaining 7 children are being reviewed very closely to ensure that their care planning is effective.

## **Frequency of Reviews**

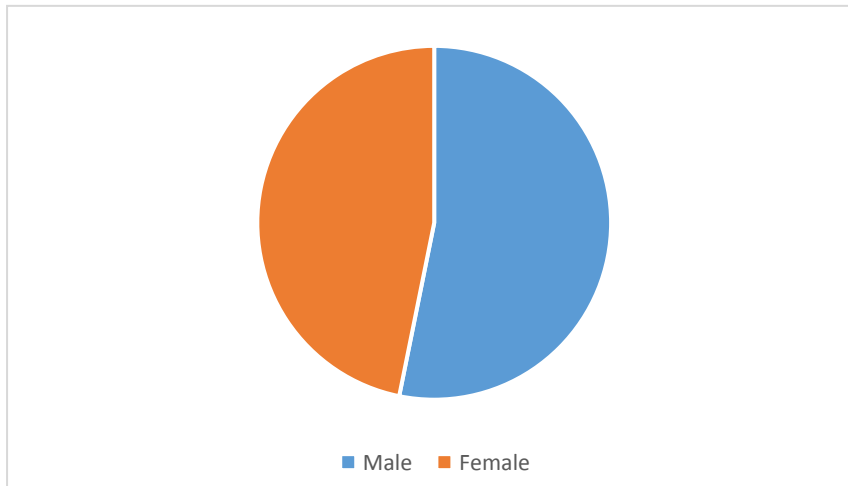
Looked After Reviews are held within 28 days of a child becoming Looked After. The first review then needs to take place within 3 months and the subsequent reviews take place at least every 6 months for the duration of the child remaining looked after. Where there has been a placement disruption or a significant other change (for instance moving from a foster placement to a residential placement) the review will be brought forward. The cycle begins again from the date the child is placed with an adoptive family.

Previously the traditional practice was that the progress of the plan would only be monitored at review meetings. As outlined above with updated legislation, guidance and case law, there is now a duty for the IRO to continually monitor the child's plan and particularly where there are issues of concern or drift. Where there are these issues there is a need to robustly challenge the plan as outlined above. In practice this means that there is significant work that the IRO needs to do on a frequent basis to ensure that they remain in contact with the child's social worker, reviewing the child's records and monitoring the progress of the plan.

In addition to these duties, here in Cardiff the aim has been to split the role with the role of Conference Chairs in Child Protection cases. This ultimately increases the

duties and roles placed upon the individual officers, but allows greater flexibility within the service.

## Looked After Children Performance Information



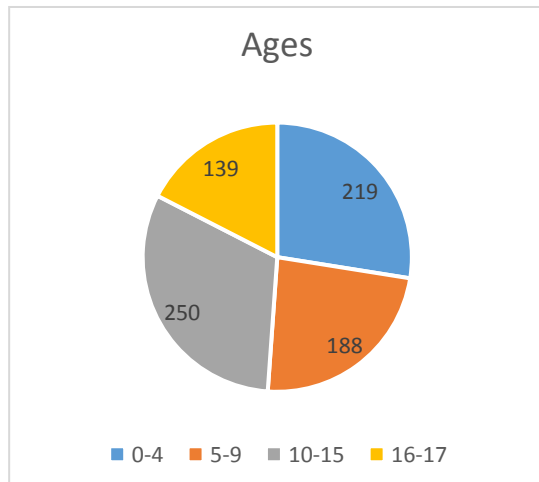
### Gender

Male	469	53.17%
Female	413	46.83%
<b>TOTAL LOOKED AFTER</b>	<b>882</b>	

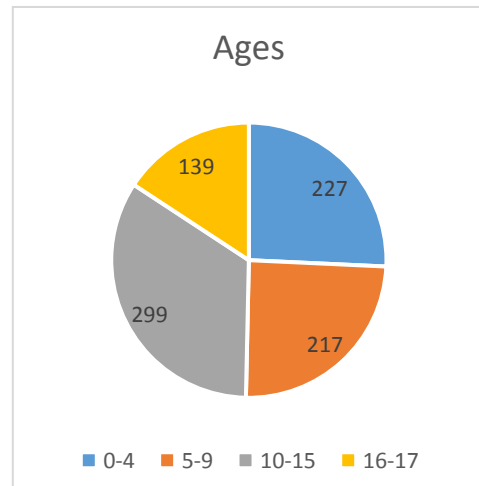
The Looked After Children Population as of the end of October 2018 was 882. This is a significant increase in the number of looked after children since the last reported figures of 796 in October 2017. This is an increase of 86 children or approximately 10%. At present we are unable to provide specific details as to this increase although audit and case management reviews are taking place to look at any trends or issues that may have attributed to this significant increase. What we do know is that it corresponds to a lower level of children on the Child Protection Register, which is currently 199 children compared to 231 children at the same time last year. As detailed in the figures above neither males or females appear to be over represented within the Looked After population.

Over recent weeks Cardiff Council has set up 3 separate panels; a 'Public Law Outline' Panel, 'Resource' Panel and a 'Stepping Up Stepping Down' Panel, to scrutinise more closely the resources available and to ensure that children are becoming Looked After by the Local Authority only when absolutely necessary. In addition, a coordinated effort is being made to refer all children into wider edge of care arrangements such as the Rapid Response and the Adolescent Resource Centre (ARC) as a means of preventing the child from ending up in the formal care process. There are currently 36 children in Cardiff receiving support from the ARC, with the aim being to increase this greatly in future.

## Ages of Looked After Children 2017



## 2018



Age	2017	Percentage		2018	Percentage	
0-4	219	27.5%		227	25.74%	
5-9	188	23.6%		217	24.60%	
10-15	250	31.4%		299	33.90%	
16-17	139	17.5%		139	15.76%	
Total	796			882		

There has been an increase in all the age groups over the last year, apart from the 16-17 age group in comparison to last years' figures.

## Start and End Becoming Looked After

2016-17	Starts	Ends	2017-18	Starts	Ends
Nov-16	17	29	Nov-17	27	20
Dec-16	13	20	Dec-17	21	20
Jan-17	37	21	Jan-18	22	15
Feb-17	26	18	Feb-18	38	23
Mar -17	28	12	Mar-18	23	16
Apr-17	18	7	Apr-18	25	15
May-17	39	26	May-18	27	13
Jun-17	32	23	Jun-18	30	22
Jul-17	41	28	Jul-18	15	14

Aug-17	24	20	Aug-18	16	19
Sep-17	22	7	Sep-18	26	15
Oct-17	22	10	Oct-18	25	15
<b>Total</b>	319	221		295	207

Whilst more children became Looked After last year, more children also ceased being looked after during the same period. This has meant that, overall, there were less Looked After Children last year than in the current year. A more detailed analysis of the reasons for this could allow the Local Authority to develop resources for returning certain groups of children home if appropriate to do so.

### **Number of Unaccompanied Asylum Seeking Children in Care Nov 17 – Oct 18**

We have had 16 Unaccompanied Asylum Seeking Children (UASC) come into care during the last six months, which is broadly the same as in the same period last year (17 children). The Local Authority has previously worked closely with the Home Office and Welsh Government in offering Care & Support to UASC who were being dispersed to the UK following the closure of the 'Jungle' camp in Calais. The majority of these have since been reunited with their families in various parts of the UK. For those not reunited with family the Local Authority will continue to support them as Looked After Children.

### **Number of children who have had 3 or more moves**

<b>2015/16</b>	64/644	9.90%
<b>2016/17</b>	79/725	10.90%
<b>2017/18</b>	77/830	9.28%

As the figures show there has been a small decrease, both in numbers and percentages of children who have experienced three or more placement moves in 2017/18. This is against a context of more children becoming looked after. This figure includes a percentage of children who have moved from out of county placements back into the authority area. The Reviewing Service continues to support children and social workers to ensure that placements offer stability and are meeting their individual needs. These children will be monitored continuously to ensure that all children have a greater degree of permanency and stability.



## Children placed for adoption between 01/11/16 - 31/10/18

Age	Female	Male	Total 2018	Total for 2017
0-4	12	18	30	35
5-9	1	2	3	2
Total	13	20	33	38

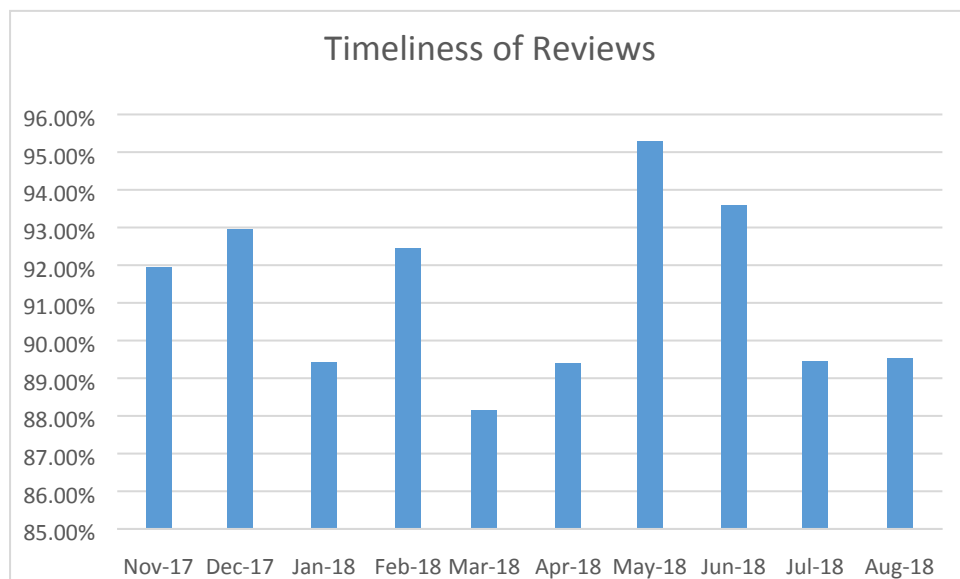
A total of 33 children were placed for adoption between November 2017 and October 2018. This is a slight decrease from the previous year and could be attributable to the general trend in a reduction of the number of adopters available.

There remains disparity between the numbers of children placed for adoption within the 5-9 age range, this emphasizes the need to develop best practice to increase the chances of older children being considered and eventually adopted.

## Timelines of Looked After Children Reviews

### Timeliness of LAC Reviews

Month	Late	On Time	Total	%
Nov-17	17	194	211	91.94%
Dec-17	11	145	156	92.95%
Jan-18	25	211	236	89.41%
Feb-18	8	98	106	92.45%
Mar-18	27	201	228	88.16%
Apr-18	23	194	217	89.40%
May-18	10	202	212	95.28%
Jun-18	13	190	203	93.60%
Jul-18	21	178	199	89.45%
Aug-18	18	154	172	89.53%



A comparison with other Local Authorities of the timeliness of reviews completed is no longer possible as there is no longer an expectation for local authorities to report on this as a Performance Indicator to the Welsh Government. The target for Looked After Reviews taking place within timescale was however 95.9%. When looking at factors impacting on timeliness it was identified that issues relating to sickness; availability of workers and late notification of the start dates of children being looked after impacted on the authority achieving 100% compliance with this timescale. It must, however, be stressed that given the increase in the number of looked after children within Cardiff over the year, and as discussed previously, the need for additional resource, that the ability of the IRO service to continue to maintain such a high level of timeliness highlights the team's commitment to ensure that we remain within statutory timescales.

The Service Manager for the Reviewing service is informed by the performance team on a weekly basis of all children that become looked after. This provides consistency and timeliness of allocation to an IRO, which in turn has resulted in less reviews being held out of timescales. There has also been changes to the internal notification system for the start period of children being looked after which is now incorporated into our Carefirst System. The recent vacancy of the Service Manager post meant that consistent allocation proved difficult in maintaining timely reviews.

Timeliness of Looked After children reviews is essential to ensure no child or young person has their welfare compromised due to the delay or cancellation of a review. The system in place ensures operational managers must approve a review being cancelled or postponed. Where reviews do not take place within timescale, they take place within the month and the IRO will continually monitor the child by remaining in touch with the social worker, child (where appropriate) and other professionals.

The IRO team and the adoption team have worked closely together to improve adoption reviews. Timescales remain the same, but in many cases these placements are usually out of county arrangements, and this has an impact on capacity for IRO's and can affect caseloads. IRO's ensure they remain the chair for children until adoption is fully completed.

### **Placement with Parents (as at 31/11/18)**

There are currently 130 children subject to a Care Order and living with their parents under Placement with Parent (PWP) Regulations. All of these children must be reviewed by an IRO in the same way as any other Looked After Child. There has been a rise of 33 (34%) PWP cases compared to 97 in the previous year.

Age of Child	Number of PWP	Percentage
0 – 4	52	40%
5 – 9	43	33%
10 – 15	29	22%
16 – 17	7	5%

As can be seen in the table above, the number of children placed with parents is highest for younger children and gets lower the older the child. Cardiff is in a unique

position with a higher than national average number of children subject to Placement with Parent Regulations. Often these arrangements are ordered by the Court and no other Local Authority appears to experience the same amount of PWP's. There is a significant amount of additional work in reviewing children placed at home with their parents, as by virtue of the Court Order, there are often considerable support needs. There is also an expectation that the Independent Reviewing Officer should review these children more closely. As outlined elsewhere in this report, the new Resource Panel will also be reviewing these children periodically to ensure that there remains a need for a Care Order to be in place.

## Out of Area Placements

Placement Type	Total for 2018	Total for 2017
Children's home outside LA boundary	49	45
Foster placement with relative / friend outside LA	28	7
Placed with foster carer provided by LA outside LA	15	8
Placed with parents / person with parental resp.	15	14
Placement with agency foster carer outside LA	188	140
Residential School	4	1
Secure unit outside LA boundary (within Wales)	3	2
Youth Offending Institution or Prison	1	3
Grand Total	303	222

The above details the number and breakdown of children currently in out of area placements. As detailed above, there is a significant number of children with agency carers outside of the Local Authority. Work continues to look at the appropriateness of all placements outside of area and an Out of Area Placements Panel takes place on a monthly basis to consider all requests for out of area placements. This is represented by Childrens Services senior management and representatives from Education and Cardiff & Vale Health Board.

## IRO Resolution of Problems and Auditing

The Independent Reviewing Officer has an important role in monitoring individual cases and auditing children's plans. A key feature of the IRO role is that they should provide an independent perspective uninfluenced by managerial or resource pressures of the local authority. If an IRO believes that the practice or policy of the Local Authority is detrimental to the child's welfare, they have a duty to assertively challenge the Local Authority. They can highlight both positive and negative issues that affect children, ensuring that children's views are heard. They should be able to evidence how their role has made a positive difference to the child and helped to improve life chances of children they are involved with. This provides appropriate challenge to social work practice and care plans for looked after children.

An IRO can raise any issues of practice with the social worker and team manager. If the issues are not addressed within an acceptable timescale the matter is escalated to the Operational Manager in the relevant service area. The IRO service provides

robust challenge to social work teams regarding cases that have gone into drift or where the quality of care planning is not good enough.

The Local Authority has an active Dispute Resolution Protocol (DRP) in place. This enables issues to be addressed via a formalised document that is retained and responded to within the Carefirst system. These comments on good practice and concerns are looked at and used to evaluate practice, policies and procedures. Following a Looked After review the IRO completes documentation that outlines whether a child's care plan is effective in meeting their needs. This information is then reported and collated centrally. Where there are general low level issues of concern, this gets reported and the social worker/team manager are asked to respond and address these issues. Where there are more serious issues, the Protocol is raised as described above.

Occasionally, this challenge has met with some resistance from some social workers or managers. Where matters have not been resolved satisfactorily they will then be escalated to the Assistant Director for consideration and resolution. In an effort to raise awareness and a better understanding of the IRO role and duties, the IRO service will be attending social work team meetings to discuss the role of the IRO and develop better working relationships.

There have been 13 IRO DRPs that have been raised over the last 12 months, with 4 escalated to an Operational Manager. These have resulted in agreements to progress the cases discussed effectively. In the same period 120 reports were raised reporting good practice. Whilst it could be considered positive that the number of DRPs reporting concerns is very low, this could be considered disproportional considering the size of the Looked After population in Cardiff. As such refresher training for the IRO's is being planned looking at the Dispute Resolution Protocol and when it should be utilised. Further training will also be offered by the Safeguarding and Reviewing Service with case management teams to discuss themes and developments from our experience of reviewing children's plans.

It is a statutory requirement for IRO views to be included within all care plans submitted to Court. Whilst this practice has not been widely adopted across Wales, Cardiff has embedded this into operational practice, with the IRO being provided all care plans and relevant assessments concerning a child prior to being the documentation being filed to the court and their views being recorded in all court care plans.

## **Pathway Plans**

IRO's also chair pathway plan reviews for Young People from age 16 to 17 years who had previously been Looked After. Reviews now also take place regularly for Young Adults 18+ years in response to "When I'm Ready" for Young Adults who want to remain in their foster placement or continue in full time education or training. Many young people do not wish to have a review when they are over the age of 18. Where this is the case the IRO must satisfy themselves that the young person has made an informed choice and offers the young person advice about how to get in touch with the IRO in the future if they wish to change their mind.

## Consultation with children and young people

The IRO ensures during the reviewing process that wishes and feelings of the child/young person are sought and they are encouraged to participate in their review. Parents and foster carers are able to contribute to the review process, and also ensure that younger children also have an opportunity to discuss their feelings about the reviewing process and their experiences in foster care.

Within the recent Practice Standards and Good Practice Guide developed by the Association for Fostering and Adoption (AFA) Cymru and the Welsh Government for reviewing Looked After Children, it was remarked that

*“In Cardiff IRO’s always end the review with a celebration of what has gone well and what has been achieved, writing these down so that the child or YP can take them away from the meeting with them”.*

The Independent Reviewing and Safeguarding Service are currently analysing the way they engage children and young people in the reviewing process. There are a number of good practice examples where the IRO has supported the young person to chair their own reviews. IRO’s also visit children and young people in between reviews to ensure they are happy in the placement, they have the opportunity to share their views independently, and to consider if there are any issues of concern. The service is keen to strengthen children’s participation further in reviews.

The consultation forms in Cardiff are outdated, however work has recently been concluded by the IRO team to update these forms in a Signs of Safety format, which are due to be considered and discussed at the next Signs of Safety Steering group. The IROs have liaised with other Local Authorities and gathered examples of good practice in this area to contribute to effective communication and engagement with Looked After Children. Some examples provided have used apps, phones and other devices which has proved very successful in improving engagement and communication. Early discussions have been held in respect of developing or appropriating an app to engage young people.

In last year’s IRO report, it was recommended that Service Manager for the Reviewing Service will work with the Service Quality Assurance Officer post, which was vacant at the time, to undertake quality assurance visits to young people. This would aim to inform other which areas we can further develop good practice in engaging children and young people in the reviewing process. Recruitment of the QA post has now been completed and this work will now commence in earnest.

### Next Steps:

- Initiate recruitment for a temporary IRO position.
- Work with Human Resources to address the long term sickness issues.
- Embed Signs of Safety across all areas of work
- Contribute to overall Safeguarding Action Plan and identify key areas for development
- Undertake training with IRO’s around Protocols
- Prioritise the participation and engagement of children & young people within their Looked After Reviews

- Explore use of software/apps to replace outdated modes of communication with young people and their families
- Modernising and streamlining Business Support to assist with overdue reports.
- Review the children subject of care proceedings and PWP within Children's Services Panels being set up, to allocate further resources to minimise drift