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Health & Social Services

Independent Safeguarding & Standards

IRO Handbook

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Chapter 1 - Introduction

Aims and audience

1.1 This document seeks to improve outcomes for looked after children by providing guidance to Independent Reviewing Officers (IROs) in Jersey about how they should discharge their distinct responsibilities to looked after children. It also provides guidance on the strategic and managerial responsibilities associated with establishing an effective IRO service.

1.2 The guidance draws on models of best practice already established throughout England and Wales. It is published as a 'handbook' with the aim of providing a format that IROs will find easy to use and enable them to share information about their role with those with whom they work, for example:

- Social workers
- Other Children's Services staff
- Professionals in other agencies
- Foster carers
- The child
- Parents and other relevant adults

1.3 When consulted about a draft of a similar document in England and Wales, children and young people were very clear about what they wanted from their 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."

1.4 It is essential to keep the voices of children and young people in mind as this guidance is used.

Status of the guidance

1.5 Although not subject to the same statutory provisions as England and Wales, this guidance uses the following provisions as an indication of best practice:

- The Children and Young Persons Act 2008, which enabled the Secretary of State to issue statutory guidance to IROs in England and Wales.

- Local Authority Social Services Act (Section 7) which requires local authorities, in the exercise of their social services functions, to act under the general guidance of the Secretary of State in England and Wales; unless there are exceptional reasons local authorities in England and Wales must follow the requirements set out in this guidance.

It follows that, in striving to become a centre of excellence, Jersey should follow best practice in the UK, and attempt to achieve the same standards or exceed them.

- 1.6** This guidance sets out how the full range of responsibilities in relation to care planning, placement and review for looked after children should be carried out in Jersey.

Definitions

- 1.7** The term 'child' is used as an inclusive term to refer to all 0 to under 18 year olds. Where the context specifically relates to older children, the term 'young person' is used.
- 1.8** The term 'looked after children' refers to all children and young people who are in the care of the Minister for Health and Social Services, namely:
- Those subject to care orders or interim care orders (Articles 24 & 30 Children (Jersey) Law 2002);
 - Those children who have been placed, or are authorised to be placed, with prospective adopters by the Minister (Article 15 Adoption (Jersey) Law 1961);
 - Those children who are accommodated on a voluntary basis, including any unaccompanied asylum seeking children (Article 17 Children (Jersey) Law 2002). Where children are accommodated under this provision, parental responsibility remains with the parents;

The Practice Context

- 1.9** The IROs primary focus is to quality assure the care planning and review process for each 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 Minister to achieve improved outcomes for children.
- 1.10** Every IRO should feel confident in their role and personal authority and understand their responsibilities to monitor and review the child's case and, where necessary, challenge poor practice. This 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.

1.11 IROs were introduced on a statutory basis in England and Wales in 2004 and the Care Matters Green Paper consultation in 2006-07 provided an opportunity to take stock of this new role in England and Wales. The key concerns to emerge were:

- IROs were not sufficiently robust in challenging decisions made by local authorities even in cases where professional practice was obviously poor and not in children's interests;
- Not every statutory review was being conducted in a way that encouraged a challenging analysis of the proposals for meeting the child's needs;
- Insufficient weight was being given to the views of the child or to those of their parents or carers, or other professionals with a role in securing their welfare;
- Unless care plans are rigorously examined the review is no longer an opportunity for informed reflection on the child's progress and planning for the child's future; instead it becomes merely a sterile 'box ticking' exercise.

1.12 The establishment of a new IRO service in Jersey (under the Independent Safeguarding & Standards remit), supported by the guidance which follows, takes forward the Minister's commitment to securing significant improvements, in order to improve care planning and secure better outcomes for looked after children.

Chapter 2 - An Overview of the IRO role and functions

The care planning and review context

- 2.1** Understanding the role and functions of the IRO requires an understanding of the centrality of effective care planning and review to good social work practice, as well as the duties of Children's Services in Jersey in relation to care planning and review.
- 2.2** Care planning and reviews are about bringing together children who are looked after, their families, carers and professionals, in order to plan for the care of the child and to review that plan on a regular basis. Effective care planning and review is underpinned by careful assessment of the needs of the child and making the right decisions about how to meet those needs. This is a fundamental part of social work, which not only requires an understanding of the importance of planning, but also the relevant conceptual and practice frameworks.
- 2.3** The arrangements Children's Services must make for looking after a child and the making of a care plan is central to these requirements. A care plan will contain information about how the child's current developmental needs will be met as well as the arrangements for current and longer term care for the child. It ensures that there is a clear plan for the child's future to which everyone is working, including the child, the team around the child and, where appropriate, the family. There should be clarity in the care plan, particularly about the outcomes expected from services and other actions identified. This will support effective reviews.
- 2.4** The plan must be prepared before the child is first placed by Children's Services or, if this is not practicable, within 5 working days of the start of the first placement. Children's Services must maintain the care plan and keep it under review and if it is of the opinion that some change is required, must revise it or make a new plan. The care plan must set out the long term plan for the child's upbringing and the arrangements made to meet the child's developmental needs in relation to health, education, emotional and behavioural development, identity, family and social relationships, social presentation and self care skills.
- 2.5** The care plan and the assessment of the child's needs, upon which the plan rests, should inform the decision as to which placement will be most suited to meeting the child's needs.
- 2.6** The working of the care plan is one of the key components within the core processes of working with children and families of: assessment, planning, intervention and reviewing. It is the responsibility of the IRO to chair this review at regular intervals.
- 2.7** The purpose of the review is to consider the quality of the child's care plan, based on the assessment undertaken by Children's Services of the child's needs. The care plan for each individual child must specify how Children's Services proposes to respond to the full range of the child's needs, taking into account his/her wishes and feelings. The review will need to monitor the progress of the plan and to endorse

decisions or amend the plan as necessary in light of changed knowledge and circumstances. The IRO must be satisfied that the plan identifies who is responsible for achieving the plan's objectives and clear timescales set.

2.8 IROs are well placed to assess the quality and effectiveness of Children's Services planning and support for children. The IRO has a crucial role to play in ensuring that the Minister fulfils their responsibilities for all looked after children. The IRO should ensure that the child is offered stable care that is sensitive and appropriate to each individual's personal needs so that the child is able to flourish and achieve. The plan for each child must demonstrate how the services have fully taken account of the child's wishes and feelings.

Core functions, tasks and responsibilities

2.9 The duties of the IRO are to:

- Monitor the performance of Children's Services in their functions in relation to the child's case;
- Participate in any review of the child's case;
- Ensure that any ascertained wishes and feelings of the child concerning the case are given due consideration by Children's Services; and
- Perform any other function which may be prescribed.

2.10 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 Minister's legal responsibilities towards the looked after child. The Minister should act for the looked after children in the same way as a responsible and conscientious parent would act.

2.11 There are 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.

2.12 In exercising both parts of this role the IRO must ensure that the child's current wishes and feelings have been established and taken into account, where appropriate.

2.13 As part of the monitoring function, the IRO also has a duty to monitor the Minister's responsibilities for looked after children 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 looked after children and the services they receive. Where IROs identify more general concerns about the quality of services to looked after children, the IRO should immediately alert senior managers about these. Equally important, the IRO should recognise and report on good practice.

2.14 In discharging their duties, the IRO has a number of specific responsibilities. These are discussed in more detail in the chapters which follow:

- Promoting the voice of the child;
- Ensuring that plans for looked after children are based on detailed and informed assessment, are up to date, effective and provide a real and genuine response to each child's needs;
- Making sure the child understands how having someone to help them to express their views could help and their entitlement to one;
- Offering a safeguard to prevent any 'drift' in care planning for children and the delivery of services to them; and
- Monitoring the activity of services by ensuring that care plans have given proper consideration and weight to the child's wishes and feelings and that, where appropriate, the child fully understands the implications of any changes made to their care plan.

Competences and Qualifications

2.15 The role of IRO is specialist; it is a role that may involve challenging senior managers and may require the IRO to seek legal remedies if the Minister fails to care adequately for looked after children.

2.16 The IRO must be registered as a social worker by the relevant UK regulatory authority (currently the Health & Care Professions Council (HCPC)) and also with registration authorities in Jersey. The IRO should have at least 5 years post qualifying experience.

2.17 The IRO should be an authoritative professional who can command at least equivalent status to an experienced children's Senior Practitioner social worker or Team Manager. To be appointed, a prospective IRO should be able to provide evidence that s/he has:

- Sufficient relevant social work qualifications in children's social care to undertake the required functions;
- The ability to communicate with children and young people;
- The confidence and ability to work constructively with senior managers, offering a critical perspective and appropriate challenge;
- A thorough understanding of relevant legal frameworks relating to looked after children and care leavers;
- A thorough understanding of the legal process and the issues involved when Children's Services makes an application for a care order;

- Experience of providing social work supervision and support to qualified social work staff; and
- Knowledge of the evidence about what makes for good quality practice in working with children and families to safeguard children and promote their welfare.

Independence

2.18 The independence of the IRO is essential to enable them to effectively challenge poor practice. England and Wales Regulations do not prescribe the position of the IRO but do prescribe minimum levels of independence which Jersey follows as 'best practice'. These are that the IRO **must not** be:

- A person involved in preparing the child's care plan or the management of the child's case;
- A representative of the Minister appointed to visit the child;
- The child's personal adviser;
- A person with management responsibilities for any of the above; or
- A person with control over the resources allocated to the case.

Chapter 3 - IRO responsibilities in the care planning and review process

- 3.1** This chapter considers the specific responsibilities of the IRO in relation to chairing the child's review meeting and monitoring the child's case on an ongoing basis. Together, these are integral to the overall care planning and review process.

The care plan

- 3.2** As outlined in **paragraph 2.10**, 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 Minister's legal responsibilities towards the looked after child.
- 3.3** In order to properly consider the care plan at each review, the IRO should be satisfied that the assessments upon which the care plan is based are comprehensive and adequate, involving the appropriate people and addressing the appropriate issues, that the proposed care plan results logically from the assessments and that it is relevant, viable and achievable.
- 3.4** It will be important for the social worker to provide to the IRO the evidence on which the plan was formulated, for example copies of assessments or minutes of meetings.
- 3.5** In order for the IRO to agree any proposed changes to the care plan, s/he should be informed of any proposed changes by the social worker in advance of the review. The IRO should outline any concerns, clarify questions that need to be answered, and identify what action needs to be taken by Children's Services. If necessary, following the review, the IRO will attempt to resolve the matter informally and, if this is not successful, may consider implementing the agreed dispute resolution process.

Planning the review meeting

- 3.6** It is the responsibility of IROs to chair the review meetings of all looked after children. Reviewing must be understood as a flexible process that will vary in relation to each child. It may be one standalone meeting attended by all the relevant people in the child's life, or a number of meetings, with one central meeting attended by the IRO, the child (if of sufficient age and understanding), the social worker and one or some of the relevant adults in the child's life. It will be for the IRO after consultation with the child and the social worker, to decide the best way to manage the process for each child before each review.
- 3.7** The status of review meetings is made clear in England and Wales Regulations (32.2):

“The responsible authority must not make any significant change to (a child’s) care plan, unless the proposed change has first been considered at a review of (the child’s) case, unless this is not reasonably practicable.”

3.8 In order to safeguard and promote the welfare of the child, consideration must be given at each review to the following issues in relation to the care plan:

- Whether to confirm or change it;
- What actions need to be taken to implement it;
- By whom; and
- Within what timescale?

Preparation

3.9 In order for the meeting to be productive and sensitive to the needs of each child, time and careful preparation is necessary:

- The IRO must speak with the child before the review.
- The IRO should speak with the social worker at least 15 working days before the review.
- The IRO should be provided with, or have access to, any relevant reports / plans or background information, including the current care plan, the report from the social worker (which should be available at least five working days before the commencement of the review), any current health plan or medical assessment report and any current personal education plan (PEP).
- Written consultation documents should be sent out to children, parents, carers and other relevant adults at least 10 working days before the review.

3.10 It is important that the review is child centred and only involves the necessary number of professionals, alongside the child, his/her carers and his/her parents, except where this is not appropriate. A series of meetings may therefore be the best way to involve all the relevant people. The child should be consulted, subject to their age and understanding, about who they wish to attend the meeting and about the venue of the meeting.

3.11 The IRO should ensure that all those involved in the meeting(s) make a meaningful contribution to the discussion so that an informed decision can be made about the long and short term actions that will need to be taken to advance the child’s care plan. The IRO is well placed to identify any concerns about how a child’s care is being managed and to ensure that the long term objectives agreed through the assessment and care planning process are implemented within a timescale appropriate for the child.

Interpreters

- 3.12** Every child and his/her parents should be offered the support of an interpreter, if English is not their first language. This is the responsibility of the social worker. However, as part of the initial discussion between the IRO and the social worker, in advance of the review, the IRO should establish the first language of both the child and their parents. A child may be of the view that their use of language is adequate but it is important that the child can participate appropriately in the process and that their views are fully represented. Decisions could be made at a review that will have lifelong implications. It may therefore be helpful for an interpreter to be present, even if their services are used for part of the meeting only.
- 3.13** In addition, Children's Services should have a system in place for the translation of all written documentation produced for the review and following the review.

Advocacy

- 3.14** When meeting with the child before every review, the IRO is responsible for making sure that the child understands how having an advocate¹ can help and their entitlement to one. Advocacy should be an option available to children whenever they want such support and not just when they want to make a formal complaint. Some children will feel sufficiently confident or articulate to contribute or participate in the review process without additional help. Others may prefer the support of an advocate; this could be a formal appointment (e.g. from a specialist organisation) or it might be an adult already in the child's social network. The term 'advocate' in this instance does not refer to a legal adviser.
- 3.15** Every child has the right to be supported by an advocate; Children's Services must have a system in place to provide written, age appropriate, information to each looked after child about the function and availability of an advocate and how to request one.

Attendance and location

- 3.16** The review is the child's meeting (see paragraph 3.29) and discussion should take place between the social worker and the child at least 15 working days before the meeting about who the child would like to attend the meeting and about where the meeting will be held. This allows time for subsequent discussion about attendance and venue between the IRO and the social worker and for written invitations to be sent out.
- 3.17** It is expected that the parents and child (if the child is of sufficient age and understanding) will be present for the whole of the review but this will depend on the circumstances of each individual case. In certain circumstances, the IRO may decide that the attendance of the child or parent may not be in the interests of the child and not appropriate or practicable for all or part of the review. This may be the case if there is a clear conflict of interests which might mitigate against the attendance of either or both the child and parents. If attendance of the parents or

¹ Someone to support them in expressing their views; the word 'advocate' in this instance does not refer to a legal adviser.

child could prevent the meeting from effectively reviewing the child's Care Plan, then other arrangements should be made for their involvement in the review process, and details of this should be placed on the child's case record. They may be involved by attending one of a 'series of meetings', which comprise the review, by completing consultation documents, or by contributing their views in some other way.

- 3.18** If the parents are excluded from the part of the meeting involving the child, the IRO should be satisfied that consultation documents have been sent to the parents for them to complete. If these consultation documents are returned, the views expressed in them should be included in the review record, unless the IRO is of the view that to do so would cause unnecessary distress to the child. In cases of exclusion the IRO should also contact the parents directly and offer to meet with them. IRO contact with parents, though, will require the exercise of professional judgement and some discretion in this may be used, for example, where there is a no contact order or the parent has consistently indicated that they do not wish to meet or be consulted.
- 3.19** If a child or their parents have been excluded from a review for any reason, this reason should be considered by the IRO again prior to each (and any) subsequent review and any decision should be acknowledged in writing each time on the child's case records.
- 3.20** Unless this is the first review, the date will usually have been set at the previous review with a provisional venue. However, circumstances may have changed since that time so that the venue is no longer appropriate.
- 3.21** The review should take place in a venue where the child is most likely to feel relaxed and comfortable. First consideration should be given to the review taking place in the child's placement. It may not be appropriate for professionals to be present throughout the meeting and consideration should be given in advance to when they should make their contribution. In some circumstances it may be more appropriate for the IRO to meet separately with members of the professional network and/or with the parents.
- 3.22** The IRO should ensure that the views of the following are considered at the review, whether or not they attend the meeting:
- Birth parents and any other adults with parental responsibility;
 - Other significant adults in the child's life, for example extended family members;
 - Those caring for the child, such as foster carers; and
 - Relevant professionals.

Timing of review meetings

- 3.23** Children's Service is required to carry out review meetings in line with timings specified in the Looked After Children Procedures:

- The first review of a child's case within 28 days of the date when the child becomes looked after;
- The second review no more than four months of the date when the child becomes looked after;
- The third and subsequent reviews no more than six months after the previous one;
- A review whenever the IRO directs.

3.24 If the review is held as a 'series of meetings', then, for recording purposes, the date the first meeting takes place will be deemed to be the 'date of the review' and the process should be completed within 20 working days of the date of that first meeting.

Adjournment of reviews

3.25 The IRO has the power to adjourn reviews. Careful consideration should be given to taking such action and the wishes and feelings of the child, the carer and, where appropriate, the parents should be sought before any decision is made. The IRO should consider the effects on the child of delaying a meeting for which they have been prepared and should weigh up the relative disadvantages of proceeding with the meeting on limited information and the delay in decision making which would result from adjournment. In such circumstances the review may be adjourned but should be completed within 20 working days.

3.26 Circumstances in which the IRO might wish to consider an adjournment include:

- The IRO not being satisfied that Children's Services has complied adequately with all the requirements relating to reviews (e.g. the duty to consult the child, the child's parents and others before taking decisions with respect to the child, or appropriate planning and paperwork being available) and that such omissions will adversely affect the efficacy of the review; and
- The IRO not being satisfied that the child has been properly prepared for the meeting.

3.27 Where the review is adjourned by the IRO, the date of the review for recording purposes is the date on which the review was originally scheduled to take place.

Administration

3.28 Community and Social Services should provide sufficient administrative support to facilitate the delivery of an efficient and effective review process. See paragraph 7.3 for more details.

The Review: a child-centred meeting

- 3.29** A review for a looked after child forms part of a continuing planning process for that child and is held in order to make plans to safeguard and promote the child's welfare.
- 3.30** Subject to the age and understanding of the child, the child should be involved in decisions about the date, time and venue of the meeting, the agenda and the invitation list.
- 3.31** The meeting should take place at a time convenient for the child. Meetings should not be arranged at a time that would result in the child being absent from school or college or an essential health appointment. It should take place in a setting in which the child feels comfortable and relaxed.
- 3.32** The review must address a specified range of issues and must take place at specified intervals. Neither of these requirements may be in line with the child's wishes and feelings. In order to ensure that the meeting remains the child's meeting as much as possible, the IRO should always begin from the perspective of the child, listen to their views and make sure that they are involved as much as possible in the review process.
- 3.33** The IRO is required to speak with the child in private prior to the first review and before every subsequent review. This should provide the IRO with an opportunity to discuss with the child matters to be considered at the review and for the child to raise any issues. The first review will be important and may set the tone for the longer term relationship that will develop between the child and the IRO. Time and consideration should be given to planning this and all subsequent reviews. It will be most important to work with the child to discuss how they are likely to be able to make the most meaningful contribution to the review.
- 3.34** There may be some cases where a formal pre-meeting is not always necessary, for example in circumstances where the IRO and the child have already built up a relationship, the child is in an established placement and no significant changes are planned for the foreseeable future. Then it may be appropriate for the IRO to simply make phone contact with the child to establish their wishes and feelings about the planned review meeting.
- 3.35** In relation to babies and younger children, it may not be necessary or appropriate to see the child alone. Observing the child or interacting with them, for example in play or by reading with them, may be a more appropriate way of establishing the child's feelings and understanding.
- 3.36** If the main part of the review meeting takes place in a formal setting away from the placement, for example so that parents can be included, it is important that the IRO also meets with or observes the child in the placement so that consideration is given to the suitability of the placement to meeting the child's needs.
- 3.37** The IRO must, as far as is reasonably practicable, attend and chair the review meeting, or the series of meetings which have been constituted to be the review for the child. It is hoped that for many older children and young people, especially as they begin to plan for independence, the IRO will hand over at least part of the chairing role to them so that they can take an increased ownership of the meeting.

Issues to consider at the review

Essential requirements *(statutory within England and Wales)*

3.38 As the chair of the review, the IRO should ensure that the following issues are all addressed at each part of the review process:

- The effect of any change in the child's circumstances since the last review;
- Whether decisions taken at the last review have been successfully implemented and if not, why not;
- The legal status of the child and whether it remains appropriate – for example, where a child is looked after under a voluntary agreement whether this provides the basis for legal security for the child so that proper plans can be made to provide him/her with secure attachments that will meet his/her needs through to adulthood;
- Whether the child's plan includes a plan for permanence within viable timescales that are meaningful for the child – this must include consideration of plans for permanency from the second review onwards;
- The arrangements for contact in relation to the parents, siblings and other family members or significant others, whether these take into account the child's current wishes and feelings and whether any changes are needed to these arrangements;
- Whether the placement is meeting the child's needs – this should include consideration of the attachment between the child and those who are caring for them, how Children's Services are ensuring that the placement provides the quality of care that the child needs and whether any change to the arrangements is necessary or likely to become necessary before the next review;
- The child's educational needs, progress and development and whether any actions need to be taken or are likely to become necessary before the next review, in order to ensure that the child's educational needs are met, and not neglected;
- The leisure activities in which the child is engaging and whether these are meeting the child's needs and current expressed interests;
- The report of the most recent assessment of the child's health and whether any change to the arrangements for the child's health are necessary or likely to become necessary before the next review, in order to ensure that the child's health needs are met and are not neglected;
- The identity needs of the child and how these are being met;

- Whether the arrangement to provide advice, support and assistance to the child continues to be appropriate and understood by the child;
- Whether any arrangements need to be made for the time when the child will no longer be looked after, so the child will be properly prepared and ready to make this significant move;
- Whether the child's social worker has taken steps to establish the child's wishes and feelings, that the care plan takes these into consideration and that the care plan demonstrates this;
- Whether the child is being visited by the social worker at least at the minimum statutory intervals and when the child requests a visit; and
- That plans and decisions to advance the overall planning for the child's care have been taken and were acted upon in a timely way.

3.39 The IRO is responsible for setting any remedial timescales if actions have not been taken and there is a risk of drift in the delivery of a plan that will meet the child's needs and planned outcomes within the child's timescale.

Safeguarding

3.40 In most cases where a child who is the subject of a child protection plan becomes looked after, it will no longer be necessary to maintain the child protection plan. There are, however, a relatively few cases where safeguarding issues will remain and a looked after child should also have a child protection plan. These cases are likely to be where Children's Services obtain an interim care order in family proceedings but the child who is the subject of a child protection plan remains at home, pending the outcome of the final hearing, or where a child's behaviour is likely to result in significant harm to themselves or others.

3.41 Where a looked after child remains the subject of a child protection plan it is expected that there will be a single planning and reviewing process, led by the IRO, which meets the requirements of the guidance *Working Together to Safeguard Children*.

3.42 The systems and processes for reviewing child protection plans and plans for looked after children should be carefully evaluated and consideration given to how best to ensure the child protection aspects of the care plan are reviewed as part of the overall reviewing process, leading to the development of a single plan. Given that a review is a process and not a single meeting, both reviewing systems should be aligned in an unbureaucratic way to enable the full range of the child's needs to be considered in the looked after child's care planning and reviewing processes.

3.43 It is recognised that there may be different requirements of the IRO function compared to the chair of the child protection conference. In addition, it is important to note that the child protection conference is required to be a multi-agency forum while children for the most part want as few external people as possible at a review meeting where they are present. However it will not be possible for the IRO to carry out their statutory function without considering the child's safety in the context of the

care planning process. In this context consideration should be given to the IRO chairing the child protection conference where a looked after child remains subject to a child protection plan. Where this is not possible it will be expected that the IRO will attend the child protection review conference.

3.44 This means that the timing of the review of the child protection aspects of the care plan should be the same as the review under Looked After Children procedures, to ensure that up to date information in relation to the child's welfare and safety is considered within the review meeting and informs the overall care planning process. The looked after child's review when reviewing the child protection aspects of the plan should also consider whether the criteria continue to be met for the child to remain the subject of a child protection plan. Significant changes to the care plan can only be agreed at the looked after child's review.

Child's developmental needs

3.45 The child's care plan should consider their developmental needs – including required action and planned outcomes – in relation to each of the dimensions set out in the Framework for the Assessment of Children in Need and their Families.

3.46 Health and education are two key dimensions within the domain of developmental needs. The care plan will include any health plan and/or any Personal Education Plan (PEP), which in addition to being part of the overall care plan, may be part of a looked after child's official records. It is important that these documents are available to the IRO for consideration before each review. It is helpful if the updating of these documents is completed in advance of each review.

3.47 Any PEP should be provided to the IRO at least three working days before the review. A PEP should be the starting point for discussion about education at the review. The IRO should be satisfied that any current PEP has been developed in consultation with the child and all the relevant adults; that targets have been identified, and that satisfactory progress is being made in implementing them. At the review, consideration should be given to the extent to which identified targets and the child's aspirations are being met. It should also consider whether appropriate support is being provided to the child to reach the targets. There should also be a general discussion about education in the placement, including reading/being read to and structured leisure activities, for example music, dance, sport, art and drama lessons.

3.48 Any health plan or report from the most recent health assessment should be provided to the IRO at least three working days before the review. Depending on the age and understanding of the child, it may be appropriate to discuss with the child whether they are happy for this to be made available at the review. Consideration should be given at the review to the physical and emotional health of the child, including an update on any significant health issues or ongoing treatment. The IRO should be satisfied that any actions identified in the health plan are being implemented within an agreed timescale that will meet the needs of the child.

3.49 The IRO should be satisfied that Children's Services have a clear understanding of the individual child's needs in relation to his/her identity, and that the care plan addresses any identified needs. The IRO should be mindful of the fact that identity issues extend beyond race, religion and ethnicity. The IRO should be satisfied that

the care plan takes account of the child's culture (including diet, disability and personal care needs), language and spiritual/religious needs and of how these needs can practically be met within the placement, the school and the local community where the child is placed, and that any shortfalls are being addressed within the child's timescale.

Permanence planning

3.50 Permanence is the framework of emotional permanence (attachment), physical permanence (stability) and legal permanence (the carer has parental responsibility) which gives a child a sense of security, continuity, commitment and identity. The objective of planning for permanence is therefore to ensure that children have a secure, stable and loving family to support them through childhood and beyond. Permanence provides an underpinning framework for all social work with children and families from family support through to adoption. One of the key functions of the care plan is to ensure that consideration is given to a plan for permanence by the time of the second review.

3.51 Achieving permanence for a child will be a key consideration from the day the child becomes looked after. A range of options for permanence exists, all of which can deliver high quality outcomes for individual children. These, are described in the bullets which follow:

- For many children, permanence is achieved through a successful return to their birth family, where it has been possible to address the factors in family life which led to the child becoming looked after;
- Other routes to permanence include family and friends care, particularly where such care can be supported by a legal order such as a residence order, special guardianship order (*not currently available in Jersey legislation*) or in a few cases, adoption; or long term foster care where attachments have been formed and it has been agreed through the care planning and review process that this is where the child will remain until adulthood;
- For children who are unable to return to their birth or wider family, adoption offers a lifelong and legally permanent new family. Twin track or parallel planning, including concurrent planning, may provide a means to securing permanence at an early stage for some children;
- The planning process, informed by multi-agency contributions, will identify which option is most likely to meet the needs of the individual child and takes account of his/her wishes and feelings. The child's care plan will set out details of this plan and the arrangements for implementing it.

3.52 As part of permanence planning the IRO should be satisfied that:

- Children's Services have explained fully to the child and the parents the implications of the permanency plan; and
- Children's Services have provided information on post-adoption support to parents or extended family, where the plan is for an adoption order.

3.53 Review decisions should include timescales for the completion of:

- life story work;
- later life letter; and
- the post adoption plan.

Issues in relation to adoption

3.54 Where the child is ‘freed for adoption’ or placed for adoption, the child’s review will be subject to the same reviewing processes as children who are looked after until an adoption order is made. In such circumstances there will be additional considerations for the IRO to undertake during the review process. It may be helpful for Children’s Services to provide specialist training to IROs in this area of their work.

3.55 Where the child has not yet been placed for adoption, the first review must take place no more than three months after the agency obtained authorisation to place, and thereafter not more than six months after the previous review. When the child has been placed for adoption, the first review must be held no more than four weeks after placement, the second no more than three months after this, and subsequent reviews held at no more than six-monthly intervals until an adoption order is made, or the child is no longer placed with the prospective adopter.

3.56 These provisions set out the maximum intervals between reviews. There may be additional reviews where it is considered appropriate, at the request of the IRO, the prospective adopter or the child. In addition, if the placement disrupts and the child is returned to or removed from the placement, a review must be held between four weeks and six weeks after the disruption.

3.57 When considering the matters to be considered at each review for such children, the guidance on reviews of looked after children contained in this handbook should also be followed, in so far as it is appropriate. One major difference will be that, once the child has been placed for adoption, the prospective adopters, who will have parental responsibility for the child, will always have a major role, and must be consulted, whereas the extent to which birth parents are consulted and involved will be a matter for Children’s Services discretion depending on the circumstances of the case. It will, for example, rarely be appropriate for birth parents to attend a review meeting once a child has been placed with prospective adopters.

3.58 The IRO will need to be kept informed about the progress Children’s Services is making in matching a child with prospective adopters. The IRO will also need to be satisfied that, among other things, appropriate timescales are being set and adhered to. Once a decision has been made that a child should be placed with a specific adoptive family, Children’s Services are required to make a placement plan.

3.59 If there is a delay in finding a family for the child, and they have not been placed by the time of the second review after the granting of a freeing order, the review must specifically consider whether the child should still ‘be placed for adoption’ – that is, whether the adoption plan itself needs to be changed. If it is changed, the IRO will need to be alert to the fact that Children’s Services may need to apply to the Court

for the freeing order to be revoked; if Children's Services fails to do so, it may be necessary for the IRO to assist the child to make the application, or to ensure that an application is made on their behalf.

3.60 Even before the child is placed with prospective adopters, once Children's Services is authorised to place the child, the usual duty to ascertain the parents' wishes before making any decision does not apply and the IRO will need to consider in each case how far the parents should be involved in a review.

3.61 Once the child has been placed with prospective adopters, the review should consider the arrangements for adoption support, and whether there should be any reassessment of the need for those services²

3.62 The decision on when to apply for an Adoption Order is a decision for the prospective adopters, but the review will need to consider the implications for the child of any decision about the timing of an application, and in particular whether any delay in starting proceedings is a cause for concern.

Information that must be provided to children at the review

3.63 The IRO is under a duty to ensure that the child, where appropriate, has been informed of their right to apply, with leave, for an Order, and, where the child is in care, for the discharge of the care order and their right to make a complaint and to request the support of an advocate. If the child wishes to take legal proceedings, the IRO must establish whether there is an appropriate adult able and willing to assist the child to obtain legal advice or bring proceedings on the child's behalf or, if there is no such person, assist the child to obtain such advice.

3.64 Taking into account the age and understanding of the child, the IRO will need to consider carefully how best to explain to each child their right to:

- apply for an order or seek discharge of an order;
- an advocate (including an explanation of the role of the advocate);
- make a complaint and how to do this.

These are all complex issues to explain to a child and the IRO will need to be able to satisfy themselves and the Policy Development, Governance & Quality Assurance Manager that the child is aware and understands their rights.

Legal status

3.65 In addition to advising the child of his/her right to make applications to the courts, the review must consider whether there should be any change to the child's legal status. The IRO should read all the assessments that have informed the current legal status, including the core assessment, and be satisfied that the child's welfare continues to be safeguarded and promoted by this status. If the legal status of the

² Additional information available from Adoption Support Services Regulations 2005 (England and Wales), which set out the process for reviewing support arrangements.

child appears to be no longer appropriate, the IRO should request confirmation from the social worker and their Team Manager that Children's Services have given due consideration to the issue and if the response to this is not satisfactory they will need to resolve the issue through other routes or through implementation of the local dispute resolution process.

Outcomes from the review

Review record

3.66 The review record will be an important document to support any required changes to the care plan by the social worker. It is important that the review record:

- contains an accurate record of the meeting, including decisions made about the care plan;
- contains an accurate record of the views of all those who attended or were consulted as part of the process;
- addresses in detail all the elements of the care plan.

3.67 The IRO is responsible for completing a record of the review, evaluating the extent to which the care plan is meeting the needs of the child and identifying any changes that are necessary in the light of information presented at the review

3.68 The reality of life for a looked after child means that there are likely to be many adults involved in their care and planning. The review record should provide a comprehensive record of the child in their placement, the needs of that child and the actions that the adults are taking to meet these needs.

3.69 Following the review:

- The IRO should produce a written record of the decisions or recommendations made and send this to the allocated social worker and their team manager within 15 working days of the completion of the review.
- The full written record of the review, including the decisions, should be distributed to all other relevant parties within 20 working days of the completion of the review.
- All those who attend the review should receive a copy of the record and the decisions, with any identifying details removed as necessary, for example, exceptionally, the address of the placement.
- Where parents do not attend the review part of the meeting with the child and contribute their views in some other manner, a discussion should take place between the social worker and the IRO as to whether it is in the child's interest for the parents to receive a full record of the review and, if not, what written information should be sent to them. Examples of where this should be a consideration are where there is a no contact order or supervised contact only.

- Within ten working days, following the completion of the review, the social worker should update the care plan in relation to any changes to the care plan agreed at the review.

Decisions and recommendations

- 3.70** There has been much discussion and debate over many years about the status of decisions made at reviews and an acknowledgement that the review cannot tie the hands of Children's Services in relation to some issues, particularly where there are resource implications.
- 3.71** In order to remove these difficulties, Children's Services should have a system in place for a designated senior member of staff, for example the Team Manager, to consider the decisions made at each review within ten working days of receiving them and to advise the IRO and all those who attended the review if they are unable to agree them. If no response is received, the decisions should be considered agreed by Children's Services and should be implemented within the timescales set out in them. If the senior member of staff disagrees with any of the decisions within that initial ten working day period, this should be notified in writing to the IRO and all those who attended the review. In the first instance the IRO should attempt to resolve the issue informally. If this is not successful the IRO can consider activating the local dispute resolution process. In this way the child and all adults involved in the care and planning for the child can be confident that Children's Services have made a commitment to implementing the decisions made at a review and within an agreed timescale.
- 3.72** The decisions should be framed in such a way that the identified needs and planned outcomes are clear. The person responsible for implementing the decision and the timescale for implementation should be recorded.
- 3.73** The IRO must identify the person responsible for implementing the decisions and the IRO must alert the relevant Team Manager to any failure to take proper steps to implement decisions.

Monitoring the case on an ongoing basis

- 3.74** Between reviews, if the care plan continues to meet the needs of the child, there may be no need for any communication between the IRO and the social worker or the child. However, in the event of a change/event in the child's life that is significant, the social worker must inform the IRO. This includes:
- proposed change of care plan for example arising at short notice in the course of proceedings following on directions from the court;
 - where agreed decisions from review are not carried out within the specified timescale;
 - major change to contact arrangements;
 - changes of allocated social worker;

- any safeguarding concerns involving the child, which may lead to enquiries being made under Article 42 of the Children (Jersey) Law 2002 ('child protection enquiries') and outcomes of child protection conferences, or other meetings not attended by the IRO;
- complaints from or on behalf of child, parent or carer;
- unexpected changes in the child's placement provision which may significantly impact on placement stability or safeguarding arrangements;
- significant changes in birth family circumstances for example births, marriages or deaths which may have a particular impact on the child;
- where the child is charged with any offence; any pending criminal proceedings and any convictions or sentences as a result of such proceedings;
- where the child is excluded from school;
- where the child is running away or missing from the approved placement;
- significant health, medical events, diagnoses, illnesses, hospitalisations, serious accidents; and
- panel decisions, in relation to permanence.

3.75 A review will not be required for every change and the IRO will determine whether the change requires a review to be convened. The IRO should consult with the child, where appropriate, and the child's wishes and feelings about the impact of the proposed change on their life should be taken into consideration in reaching a decision as to whether a review is necessary.

3.76 If, following communication with the social worker, the IRO is satisfied that the arrangements in the care plan continue to meet the child's needs or that the change does not have significant implications for the care plan and that a review is not necessary, a record of this agreement and the reasons for it should be placed on the child's file. The child and other relevant adults, both within the family and the professional network should be advised of this decision where appropriate.

3.77 However, a review must be convened in the following circumstances, **prior** to any of the following changes being implemented:

- whenever there is a proposal for a child to leave care before the age of 18;
- wherever there is a proposal for the child to move from foster care, a children's home or other placement, to supported lodgings, or to other kinds of 'semi-independent' or 'independent living' before the age of 18;
- prior to children subject to care orders being discharged from custody;
- wherever any unplanned change is proposed to a child's accommodation that would have the effect of disrupting their education or training;

- where a change of placement is proposed that would interrupt the arrangements for the education of a child in Key Stage 4; and
- where a change of placement is proposed for a child who has remained settled and established with the same carer for a significant period of time.

3.78 In all circumstances (other than in an emergency) when a move is proposed for a child, the child's care plan should be up to date and based on a thorough assessment of the child's needs. The IRO should be satisfied that the child understands what is being proposed and, if this is not the case, ensure that arrangements are put in place for this to be achieved. However, the child's wishes and feelings, while being extremely important, will not be the sole factor in deciding whether any move is right for him/her and in his/her interests.

3.79 The IRO should ensure that the plan for the move has been subjected to detailed scrutiny in order to establish that it meets the child's needs and is in their interests. The plan should be viable and sustainable. If the IRO concludes that the plan is not likely to safeguard and promote the child's welfare, the IRO should request that Children's Services freeze the placement move. At the same time the IRO should initiate the local dispute resolution procedures to ensure that the move is reconsidered and alternative arrangements are made. The child should be advised about his/her entitlement to advocacy and representation and be informed about the right to complain about how their care is being planned.

3.80 For children who have experienced multiple placement breakdowns, or have persistently run away or gone missing, the IRO should be satisfied that the new care plan addresses the risks to the child and that the search for and selection of the new placement and the provision of appropriate support to the child and the new carers identifies how the placement will offer stability to the child and/or minimise the likelihood of him/her running away or going missing.

3.81 As part of the monitoring function, the IRO also has a duty to monitor the effectiveness of services provided to children in the care of the Minister and identify any patterns of poor practice. Where these more general concerns around service delivery are identified, the IRO should immediately alert the Policy Development, Governance & Quality Assurance Manager to these concerns.

3.82 It is equally important that the IRO recognises and reports on good practice demonstrated by individual social workers or groups of social workers

Chapter 4 – Considerations for specific groups of children

Children receiving short breaks

- 4.1** The looked after status of children receiving ‘short breaks’ can be very complex and can only be determined by Children’s Services following consideration of a number of issues:
- i. Whether the child is subject to a Care Order (Article 24 or 30 Children (Jersey) Law 2002) – if they are then LAC status is not in doubt.
 - ii. Whether the period of ‘placement’ is going to be for a continuous period of ‘more than 24 hours’ (Article 1(4)(b) Children (Jersey) Law 2002) – if it is, then LAC status applies for the period in which that child is accommodated.
 - iii. Having been accommodated for an initial period of longer than 24 hours, followed by a further series of ‘short breaks’ (whether for more or less than 24 hours), if the ‘need’ for these placements is such that they are likely to be required for a continuous period of time, then Children’s Services should consider whether it would be in the child’s best interests for LAC status to be maintained throughout the period in which short breaks are provided.

The decision on which children are covered by looked after children procedures rests with Children’s Services and it is for them to ensure that LAC status is notified to Independent Safeguarding and Standards so an IRO can be appointed for that child.

- 4.2** Because of the above complexities, the planning and reviewing requirements for those children deemed to be ‘looked after’ have been modified for those children in receipt of a series of short breaks. The plans for children in short breaks are reviewed less frequently than plans for other looked after children. This recognises that the child is placed for relatively short periods in each episode of short break care. The first review for children in short breaks must take place within three months of the first placement day or as soon as practicable thereafter. Subsequent reviews must be at intervals of no more than six months. The IRO may decide to convene earlier reviews in specific circumstances, for example at the request of the child, parent or carer, or in cases where the child is particularly vulnerable or where a child is provided with a high level of short breaks. Children’s Services should not make any significant change to the care plan unless the change has first been considered at a review. Each review should consider whether the provisions under which short breaks are provided are the most appropriate to safeguard and promote the welfare of the child.
- 4.3** The role of the IRO for children looked after in a series of short breaks is likely to be more limited than for children looked after longer term. When working with children in short breaks, it is important that IROs are sensitive to the close and active involvement of parents. Given this sensitivity, parents as well as children and young people can highly value their contribution and independent perspective, especially in helping to resolve any difficulties with the placement. IROs have a responsibility to alert the Policy Development, Governance & Quality Assurance Manager if the placement is not meeting the child’s needs.

- 4.4** The review therefore should focus on a consideration of those matters that will ensure that the child's needs are fully met while the child is away from their parents. This will include consideration of the child's emotional and behavioural development and how carers are meeting the disability and communication needs of the child, the leisure interests and activities of the child and the child's educational needs, if the child attends school on the day of or the day after the overnight stay. Consideration, as for all looked after children, should be given to the child's wishes and feelings and to ensuring that the placement is promoting the child's welfare.

Children with additional communication needs

- 4.5** Children with additional communication needs have the same rights as all looked after children in the care planning process to have their wishes and feelings ascertained and given due consideration by Children's Services. The principles underpinning the involvement of children with communication needs are the same as for all children. However, this group of children require additional action by IROs.
- 4.6** If a child has additional communication needs the IRO service should be informed and the child's preferred communication method should be recorded in their care plan.
- 4.7** The IRO's manager should consider the child's preferred method of communication when allocating the referral. This means allocating such a referral to a specialist IRO with knowledge and experience of children with communication needs or an IRO with experience of the child's specific communication method, if such an IRO is available.
- 4.8** Where specialist expertise is not available within the IRO team a presumption should be made that a child with communication needs will be supported by an independent advocate who has the appropriate expertise, with the child having the right to opt out or choose someone else to support them if they wish. The allocated IRO should ensure from the outset that the child has access to this specialist support so that their wishes and feelings can be elicited effectively. This support should be made available throughout the care planning and review process including when any significant changes are proposed.
- 4.9** Further information on the practical steps IROs should follow in working with children with additional communication needs is set out in **Appendix 1**.

Children within the youth justice system

- 4.10** The looked after status of children within the youth justice system can be very complex.
- 4.11** IROs have an important role in ensuring that Children's Services fulfils its duties to looked after children who are at risk of offending or involved in the youth justice system. This will include making sure that the child's care plan addresses any unmet needs that may lead to offending and that, if appropriate, targeted services designed to prevent offending are provided. It is also important to consider the suitability of the placement in managing any behavioural problems.

- 4.12** If a court decides to remand or sentence a young person to a custodial setting, their entitlement to support will vary according to their legal status but Children's Services may remain involved. The IRO should be notified as soon as a looked after young person is placed in custody, including the details of where they are placed and the relevant Order.
- 4.13** Where children are subjects of a Care Order they will remain looked after during their time in custody. The Minister, therefore, continues to share parental responsibility and the IRO will have an ongoing role in care planning and review. Going into custody is a significant change and requires that if a review is not due to take place then one should be scheduled during the period that the young person is in custody. Where a sentenced or remanded child ceases to be looked after because they are no longer accommodated on a voluntary basis, Children's Services should ensure that the relevant professionals are made aware that the child had been looked after up until sentence. The child's social worker should also consider any arrangements for remaining in touch whilst in custody and for assessing whether the child may need to become looked after again on release.

Children subject to secure accommodation orders

- 4.14** When children are placed in secure accommodation, subject to a secure accommodation order (Article 22 Children (Jersey) Law 2002), Children's Services are required to appoint a panel of at least three persons to review the keeping of a child in such accommodation for the purposes of securing the child's welfare. The persons appointed to the panel, in reviewing the child's case and having regard to the welfare of the child, must satisfy themselves as to whether:
- the criteria for keeping the child in secure accommodation continue to apply;
 - the placement in secure accommodation continues to be necessary; and
 - any other type of accommodation would be more appropriate.
- 4.15** At least one member of the panel must be independent and cannot be a member or an officer of Health & Social Services. The independent panel member cannot therefore be an IRO. However, an IRO may sit as one of the other two panel members (but not as part of the prescribed IRO function), so long as s/he is not the allocated IRO for that child. If the panel concludes that the criteria for restricted liberty no longer apply, the placement is no longer necessary or another type of placement would be more appropriate, there must immediately be a review of the child's placement.
- 4.16** A 'secure accommodation panel' review is not the same as a review of the child's overall care plan and is restricted to the specific question about the necessity of a placement in secure accommodation for an individual child.

Children admitted to hospital

- 4.17** An admission to hospital, whether planned or unplanned, is a significant change for the child and the IRO should be kept informed. In relation to medical admissions, the IRO should be satisfied that there is a plan in place to ensure that the needs of

the child are being met. If the hospital stay is likely to be for some considerable time it may be appropriate to hold a review in the hospital.

- 4.18** In relation to children admitted to a psychiatric unit, whether as a voluntary patient or as a result of a compulsory admission, the IRO will need to be satisfied that Children's Services is fulfilling its responsibilities and that appropriate plans to meet the child's needs and planned outcomes are in place before discharge.

Chapter 5 - Planning transition to adulthood

- 5.1** There are a number of significant transitions for all children during their childhood and Children's Services should, like any good parent, prepare the child for these in a manner that will support the child to manage the transitions and to reach their full potential. The first significant transitions experienced by most children will be within the education system and will include the moves from home to nursery, from nursery to full time primary school and then on to secondary school. Looked after children may require extra help and support to manage these transitions and the IRO should be satisfied that the Minister is making appropriate arrangements to meet the child's needs at such times.
- 5.2** More specifically, transition planning for all looked after children with a Record of Need (Education) or complex health needs should start at the age of 14 and the IRO should be satisfied that such planning is actively being undertaken and is linked to the child's care plan.
- 5.3** The pathway plan should be a comprehensive document that identifies the action and services required to meet the needs and outcomes of the young person during their transition into adulthood and independence. The pathway plan must address:
- Health and development needs;
 - Education, training and employment – any PEP should continue to be maintained while the young person remains in full or part-time education and information within a PEP should feed directly into the pathway plan; it should also have an explicit focus on career planning, taking into account the young person's aspirations, skills, and educational potential;
 - Contact with the young person's parents, wider family and friends and the capacity of this network to encourage the young person and enable them to make a positive transition to adulthood; and
 - The young person's financial capabilities and money management capacity, along with strategies to develop skills in this area.
 - Any other areas associated with the transition to becoming independent such as cooking and managing a home.
- 5.4** The planning process should include a meaningful contribution from the young person as the voice of the young person should be at the centre of the pathway planning process. However, the weight given to their views will depend on the assessment of need by those professionals who are responsible for providing the young person with care and support. By themselves, these views will not be determinative.

- 5.5** The IRO should be satisfied that the proposed pathway plan includes the care plan and has been informed by a good quality assessment in which the young person, their family and professional agencies have been appropriately involved.
- 5.6** The emphasis should be on the rigour and detail required of Children's Services in the pathway planning process. The areas considered during this process should include:
- The proposals to meet the young person's needs; and
 - The date by which, and by whom, any action required to implement any aspect of the plan will be carried out.
- 5.7** The IRO should be satisfied that the pathway plan is aspirational; that it will assist the young person with the transition; and that it has contingency plans in respect of health, education and housing. In the event that the IRO is not satisfied that the pathway plan will meet the child's identified needs s/he should seek to resolve the issue through informal routes or if this is not successful, through the agreed dispute resolution process.
- 5.8** If a review is not due as the young person approaches his/her 18th birthday, consideration should be given to convening an additional review. This is a matter that should be canvassed in the first place at the final scheduled review before the young person's 18th birthday.
- 5.9** The IRO should be provided with an updated copy of the final pathway plan 20 working days before the young person's 18th birthday, whether or not a review is due to take place and should communicate directly with the young person in relation to the arrangements set out in the pathway plan. In the event that the young person or the IRO are not satisfied with the arrangements, consideration should be given to convening an additional review and/or taking other remedial action.
- 5.10** Young people between the ages of 16-18 may be entitled to services to enable them to make a successful transition to the responsibilities of adulthood. If they remain looked after then the IRO has the same duties for these as for all other looked after children.
- 5.11** Too often young people who have been looked after have experienced accelerated and compressed transitions as a result of which they are expected to assume adult responsibilities before they have been adequately prepared and are ready to do so. While the average age for young people to leave home is significantly higher, some looked after young people move to more independent accommodation from the age of 16. Furthermore, past evidence has suggested that it was the most vulnerable looked after young people who tend to make the move to semi-independence at the earliest age.
- 5.12** This is inappropriate, as very few 16-year-olds will have the resilience, emotional maturity and practical skills necessary to make a successful move to independent living. Good practice should involve working with young people to take a long term view and providing them with the necessary support so that they are enabled to reach their potential and have some understanding about how they might be able to achieve their aspirations and ambitions.

5.13 The IRO will have a key role to play in making sure that a young person only moves to other arrangements if this move is planned and in the young person's best interests. The overriding principles are:

- A young person should not be expected to move from their care placement at least before legal adulthood, until they have been sufficiently prepared and are ready to take this significant step.
- In any case where Children's Services propose that a young person should leave their care placement before legal adulthood, a review must be held so that the young person, Children's Services staff involved in their care, their carers, other professionals and any other significant people have the opportunity to consider the implications of the move and, if the move is agreed to be in the young person's best interests, how the move is to be managed.
- Where the plan is to move a young person to accommodation that is not regulated, the potential future housing providers (who could be hosts offering supported lodgings, staff from housing services, or staff from a registered social landlord's supported housing scheme) should be actively engaged in the review process. This should ensure that there is absolute clarity about the young person's housing needs and what services will be necessary to support him/her when the time is right to leave the placement.
- Before a review is convened for this purpose, the young person should have been made aware of the housing options available and be offered the opportunity to visit any prospective accommodation beforehand.

5.14 In addition to considering all the key areas in the care plan the IRO should ensure that consideration is given to the following:

- How the proposed move will meet the young person's needs in such a way that the young person can progress in their gradual journey to assuming the responsibilities of adulthood;
- That reports provided for the review, discussion with the young person by the IRO prior to review and information provided by others during the review meeting are able to demonstrate that the young person has been properly prepared to make the move and will be able to manage in the new accommodation; and
- That the proposed move will maintain as much stability as possible for the young person, including family contact and links with the community in which they have been living. In particular, a young person must not be expected to make a move that will disrupt their plans to continue in education, participate in training or gain employment.

5.15 Where a review concludes that it is appropriate for a looked after young person to make the move to independent living arrangements, and such a move takes place, **this does not automatically result in the young person ceasing to be looked after.**

5.16 It is likely that given their vulnerability most young people will benefit from the support resulting from being looked after (including having a pathway plan that is kept up to date and reviewed by an IRO) until the age of 18. However, where there is consideration that it might be in a young person's interests to no longer be looked after, then this **entirely separate** issue must be considered by a properly constituted statutory review of the pathway plan chaired by the IRO. The proposed pathway plan for the young person concerned must be available for scrutiny at this review. The review should also stipulate how in future the pathway plan is to be reviewed and whether there would be any benefits in these meetings being chaired by an independent person, with an established competence in the provision of leaving care, housing support and other services to care leavers.

Young people leaving care

5.17 Unless they return to the care of their parents or wider family, the needs of most looked after children will be best met by their remaining looked after until they reach legal adulthood at age 18. However, in order to maintain safeguards for looked after young people who do leave care before adulthood, ensure equity and enable all care leavers to have the benefit of an independent perspective, Children's Services should consider the advantages of IROs continuing to maintain an overview of pathway plan reviews for such children. The IRO could oversee this process though they may not always be the most appropriate person to chair the review of such a young person. It will often be good practice for these young people to chair their own review though, at least initially, their former IRO may wish to support them to do this.

Young people with a disability

5.18 The transition to adulthood should be an exciting time for young people, when they become increasingly recognised in their own right and respond to new challenges by making important decisions that will influence the rest of their lives. Young people with disabilities will face many of the same experiences and challenges as other care leavers. However, the transition to adulthood for looked after young people with a disability may be particularly challenging as they experience different professional languages, styles, expectations and cultures during the transition from support by Children's Services to support from Adult Services.

5.19 In particular, young people with a disability may remain in an education establishment until the end of the academic year following their 19th birthday. Following assessment by Adult Services during Year 13, a child may be financially supported by Adult Services to remain in the same placement, for example a residential school, for a further full academic year (Year 14). By this time, the IRO will cease to have a role. Subsequent arrangements made by Adult Services may be of a type or nature that the IRO would have deemed unlikely to meet the needs of the young person, had these arrangements been part of the final pathway plan reviewed shortly before the young person's 18th birthday.

5.20 The IRO then should be rigorous in scrutinising transition plans for disabled young people from the age of 14 years on and ensuring that Children's Services are working closely with Adult Services to commence assessments in a timely manner and identify an adult placement at the earliest possible opportunity. Demand for

adult placements for disabled young people is high and it is likely that there will be waiting lists for the most desirable placements. The earlier the assessment is completed and an appropriate placement identified, the more likely it is that the young person will be able to move to it at a time that will ensure a smooth transition.

5.21 Children's Services should agree and publish a protocol with Adult Services in respect of transition arrangements.

Chapter 6 - Dispute resolution and complaints

- 6.1** One of the key functions of the IRO is to resolve problems arising out of the care planning process. It is expected that IROs establish positive working relationships with the social workers of the children for whom they are responsible. Where problems are identified in relation to a child's case, for example in relation to care planning, the implementation of the care plan or decisions relating to it, resources or poor practice, the IRO will, in the first instance, seek to resolve the issue informally with the social worker or the social worker's Team Manager. The IRO should place a record of this initial informal resolution process on the child's file. If the matter is not resolved in a timescale that is appropriate to the child's needs, the IRO should consider taking formal action.
- 6.2** It is the task of Community and Social Services to put in place a formal process for the IRO to raise concerns and to ensure that this process is respected and prioritised by managers. The process is referred to in this guidance as the local dispute resolution process. It will involve escalating the matter in dispute through a number of levels of seniority within the department with identified timescales for a response at each stage. The IRO may, in emergencies, bypass any stage and progress the dispute to the level they considers most appropriate. The formal dispute resolution process should have timescales in total of no more than 20 working days.
- 6.3** The individual IRO is personally responsible for activating the dispute resolution process, even if this step may not be in accordance with the child's wishes and feelings, but may, in the IRO's view, be in accordance with the best interest and welfare of the child, as well as his/her human rights.
- 6.4** There will be times when the IRO may be advised that obstacles in the way of resolving the issue are outside or beyond the control of Children's Service, for example in relation to staffing, interagency or resources issues. However, if these are impacting on the ability of the department to meet the needs of a child as identified in the child's care plan, the IRO should continue to escalate the issue.
- 6.5** The resolution of disputes is a time consuming activity and can create tensions between the IRO and others involved. The Policy Development, Governance & Quality Assurance Manager will need to ensure that IROs have sufficient time and support in order to carry out this function of their work effectively.
- 6.6** The IRO should ensure that all actions taken in an attempt to resolve a dispute are recorded on the child's case record.

Complaints

- 6.7** The IRO has a responsibility to ensure, where appropriate, that the child understands their right to make a complaint to Children's Services and to have an advocate to provide support with the complaint, should the child so wish.

- 6.8** In circumstances where the child does not have the ability or understanding to instigate a complaint, consideration will need to be given to who is best able to do so, on behalf of the child. The right to make a complaint extends to parents, those with parental responsibility, foster carers and anyone else that Children's Services considers has sufficient interest in the child's welfare. This could include the IRO.
- 6.9** An outstanding complaint being addressed within Health and Social Services complaints procedure should not prevent the IRO from continuing to work to resolve the matter, either informally or by using the agreed dispute resolution process.
- 6.10** Health and Social Services complaints manager (Patient & Client Liaison Officer) should advise the IRO of any complaint brought by or on behalf of the child and may enlist the help of the IRO to resolve the problem.

Provision of independent legal advice

- 6.11** Community and Social Services has an agreed system in place, through the Law Officers' Department, that provides its IROs with access to independent legal advice, should this be required owing to the LOD being 'conflicted' in some way. The reason for this is that the IRO works within a complex legal framework, with a number of other professionals and adults who have access to their own legal advice. The IRO may feel isolated and vulnerable in this position. It is essential that the IRO too can access independent legal advice, in addition to seeking the advice and support of the Policy Development, Governance & Quality Assurance Manager.
- 6.12** It is important that this service is easily accessible by individual IROs and that IROs do not have to struggle to access it.

Chapter 7 - Strategic and management responsibilities

Establishing an effective IRO service

Appointment of the IRO

7.1 If a child is Looked After by the Minister (whether or not the child is in their care – see **paragraph 1.8**) an individual must be appointed as the IRO for that child's case

7.2 Community and Social Services have a number of duties in relation to this appointment:

- It should have a system in place to ensure that the manager of the IRO service is advised that a child has become looked after within two working days.
- The IRO must be appointed to the child's case before the first review and, as a matter of good practice, should be appointed within the first five working days
- Ensure sibling groups, whether or not placed together, have the same IRO, except where conflict of interest between siblings makes this inappropriate or the size of the sibling group makes this unmanageable.
- Arrange for the child to be given notification of their IRO, along with details about how to make contact with them. This could be by email or text. If the child is only informed verbally, then the date that they were given this information must be placed on the case record.
- Ensure that the IRO is allocated for the duration that the child is looked after and that they continue as the IRO if a child returns into care at a later date, if reasonably practicable.
- Where a mother and/or father and their child are looked after, the child should have a different IRO.
- Have a written policy regarding the manner in which the child's case will be reviewed and provide the child, the parents and any other person whose views it considers to be relevant (e.g. the child's foster carer) with a copy. This should include information on the role of the IRO and action that can be taken in the event that decisions made at a review are not implemented.
- Ensure that if the IRO leaves the employment of, or for any other reason stops being the IRO for a particular child, they should introduce the new IRO to the child in person.
- Ensure that at no time, apart from in the first five working days, should a looked after child be without a named IRO.

- Have a system in place which ensures that the name of the IRO and his/her contact details are recorded on the child's case record.
- Ensure that arrangements are made for the IRO to meet the child before the first review.

Administration of the review process

- 7.3** Community and Social Services should provide sufficient administrative support to facilitate the delivery of an efficient and effective review process, enabling review meetings to take place in accordance with procedures and good practice. Invitations to reviews and consultation documents should be sent out to all those participating in the review at least ten working days before the meeting and the record of the review should be distributed within the required timescales. The Manager of Independent Safeguarding & Standards should inform the Policy Development, Governance & Quality Assurance Manager of any shortfalls in the provision of this aspect of the service.

Management

Role and functions of the service manager

- 7.4** Each IRO will be provided with oversight, professional advice and management support by a designated manager who will be accountable for the quality of service that is offered to each individual looked after child.
- 7.5** That manager should be a qualified social worker who will be able to demonstrate a sound understanding of the legal framework and care planning process governing how the Minister meets his/her responsibilities towards looked after children.
- 7.6** The manager should have the independence, ability and confidence to support the IRO through the dispute resolution process and to ensure that the IRO is not treated in any adverse way, should the IRO progress a matter to a more senior level.
- 7.7** The manager should ensure that there are policies in place to ensure the quality of service delivery. This should include regular and routine feedback from parents, children and social workers and an audit of the records and direct observation of the IRO.
- 7.8** Alongside colleagues in Children's Services, the service manager should be responsible for establishing effective arrangements for looked after children to communicate with senior managers in Children's Services and other relevant agencies.
- 7.9** The manager should ensure that the size of the caseloads enables each IRO to comply with regulations and relevant guidance in order to achieve the outcomes for every looked after child that a conscientious and caring parent would seek for their own children.

7.10 The manager should be responsible for ensuring that IROs receive appropriate training on a regular basis.

7.11 The manager should be responsible for producing an annual report. 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:

- The numbers, outcomes and procedures for resolving concerns, including the agreed 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, the continuity of employment and the make up of the team and how it reflects the identity of the children it is serving;
- The 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;
- The outcomes of quality assurance audits and performance, measured against identified key performance indicators 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.

7.12 The report should be available as a public document. It would be good practice to publish this on the Independent Safeguarding and Standards website so that looked after children can easily access the assessment of the quality of their parenting.

Caseloads

7.13 The IRO manager will take into account the following in relation to the size of caseloads:

- Anticipated requirements set out in regulations and guidance;
- Caseloads in comparable circumstances;
- The outcomes of quality assurance audits and performance measures; and
- Capacity to support developments within the service, especially in relation to increasing the active participation of children in the review process.

7.14 The provision of a quality service to each looked after child requires the IRO to have sufficient time to:

- Consult with all the relevant adults, including foster carers, before each review;
- Read all the relevant documentation before each review;

- Meet with the child in a meaningful way before the review (this may well involve meeting with the child on a different day in advance of the review);
- Chair all meetings that make up the review;
- Provide a full record of the review;
- Complete quality assurance documentation;
- Undertake any follow up work after the review;
- Monitor drift;
- Alert Children's Services in writing of areas of poor practice;
- Consult with the social worker and the child, following a significant change;
- Resolve concerns informally, implementing the local dispute resolution process where necessary;
- Travel to meetings; and
- undertake training and attend meetings for the purpose of consultation and professional development.

7.15 It is estimated that a caseload of 50 to 70 looked after children for a full time equivalent IRO, would represent good practice in the delivery of a quality service, including the full range of functions set out in this handbook. This range should reflect the diversity and complexity of cases across different local authorities.

Role of the Managing Director of Community and Social Services

7.16 IROs are in the front line of ensuring that the Minister acts as a responsible and conscientious parent for looked after children. For this reason it is essential that the Managing Director of Community and Social Services (usually through the Policy Development, Governance & Quality Assurance Manager, whose responsibilities will include quality of care, rather than operational or resource management) is accountable for the effective performance of the IRO function.

7.17 It is important that the Managing Director is able to demonstrate that the child's voice has been placed at the heart of the strategic planning for looked after children. Their behaviour will provide real evidence that they are committed to providing high quality personal services to every child looked after by them, which strive to be excellent in everything they aim to achieve and are good enough for any child in the community.

7.18 The Managing Director of Community and Social Services will need to:

- Understand the rationale and statutory functions of IROs and have the capacity to appreciate and support IROs in their role and in the execution of their duties;
- Have a sound understanding of the legal framework and care planning process governing how the Minister meets their responsibilities towards looked after children;
- And be satisfied that policies and procedures are in place to ensure direct communication between senior managers across the departments and partner agencies.

Interagency and interdepartmental working together

7.19 It is not unusual for the social worker, who is often the most junior in the hierarchy, to be left to attempt to implement a review decision that requires the co-operation of other departments or agencies. It is therefore important that Community and Social Services ensures that partner agencies are clear about the role of the IRO. Reliable systems should be established that ensure that partner agencies comply with the objectives and demands of the agreed dispute resolution process. This should allow social work Team Managers to obtain updates, responses and clarification to the agreed dispute resolution process. In the event that the intervention of the relevant Head of Service is required, they should be able to call on their counterparts in partner agencies to seek a resolution within the child's timescale and to address wider organisational issues that may be creating the obstacles.

7.20 Adult Services, as well as agencies working with children, should be involved in these arrangements.

Delay and drift

7.21 Children and young people are particularly concerned about delay and drift in the care planning for their lives and a lack of communication with them about progress in relation to the implementation of their care plans. In the words of the children consulted by the Children's Rights Director for England, Roger Morgan, the job of the IRO is to:

“make sure that everyone does what they are meant to, make sure the child gets their say and make sure things get done”.

7.22 There is a duty on the IRO to make sure that the person responsible for implementing decisions made at a review is identified. As part of this process the IRO should also identify a timescale for the implementation of the decision. If the decision is not implemented within that timescale, or only partially implemented, the IRO may consider activating the agreed dispute resolution process. Where the delay is having a negative impact on the child's welfare, the IRO should not be deflected from fulfilling core IRO functions by issues relating to staffing or budget limitations that are given by others as reasons for delay. **The timescale for the child must be the deciding factor.**

7.23 IROs play a key role in preventing drift for looked after children. They will need to ensure that Children's Services adheres to guidance in relation to planning for and achieving permanency for all looked after children. As part of this role they may request tangible evidence of actions that have been taken.

7.24 In relation to services required for the child from other agencies or departments, the IRO should expect to receive information about when the referral was made, to whom it was sent, and the date by which a response was requested. In this way it should be possible to identify at an early stage any likely drift so that consideration can be given to the timely use of the agreed dispute resolution process.

Emergency placements

7.25 Children are frequently moved to a placement on an emergency basis. This can be for a number of reasons but most often as a result of an unplanned entry into the care system or because of the breakdown of a placement. It will be important for the IRO to ensure that placements secured in these circumstances do not become longer term placements by default. The IRO will need to be provided with evidence to confirm that the needs of the child can be met in the placement and, particularly if the child is placed out of area, that all necessary services will be provided from partner agencies, within the child's timescale. A series of placement moves for a child is not desirable but, equally, neither is retaining a child in a placement that does not adequately meet his/her needs.

Appendix 1: Involving children with communication needs

- 1.** Children with additional communication needs have the same rights as all looked after children in the care planning process to have their wishes and feelings ascertained and given due consideration by Children's Services. The principles underpinning the involvement of children with complex communication needs are the same as for all children; however this group of children require additional action by IROs.
- 2.** Children with additional communication needs may use a range of communication methods and approaches. These include signing systems such as British Sign Language, symbol systems such as picture communication symbols, and augmented communication aids. An individual approach to understanding each child's communication method is required. Some children will communicate with only a sign or word or movement that indicates yes and another indicating no. This does not mean that the child cannot understand or is not able to communicate their wishes and feelings. Some children's involvement will need to focus on their likes and dislikes, which should be used to inform planning and decision-making.
- 3.** If a child has additional communication needs the IRO service should be informed prior to, or immediately following, the planning/placement meeting and the child's preferred communication method should be recorded in his/her care plan.
- 4.** The IRO manager should consider the child's preferred method of communication when allocating the referral. This means allocating such a referral to a specialist IRO with knowledge and experience of children with communication needs or an IRO with experience of the child's specific communication method.
- 5.** Where specialist expertise is not available within the IRO team a presumption should be made that a child with communication needs will be supported by an independent advocate, with the child having the right to opt out or choose someone else to support him/her if s/he wishes. The allocated IRO should ensure that, from the outset, the child has access to this specialist support so that his/her wishes and feelings can be elicited effectively. This support should be made available throughout the care planning and review process including when any significant changes are proposed.
- 6.** The IRO manager should recognise that more time will be required to elicit the wishes and feelings of a child with communication needs and adjust workloads accordingly.
- 7.** Involvement should be seen as a process and not simply measured by attendance at a review meeting. Children with communication support needs should be actively encouraged to attend review meetings that are organised to best facilitate their involvement and feedback should be provided in a format that is accessible to the individual child.