



Llywodraeth Cymru
Welsh Government



PRACTICE STANDARDS AND GOOD PRACTICE GUIDE

Reviewing and monitoring of a child or young person's Part 6 Care and Support Plan





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 - Cafcass Cymru
 - Voices
 - Y Bont
 - Fostering Network
 - LAC nurses group
 - A senior local authority solicitor
 - Children's Commissioners Office
 - Children in Wales
 - IRO representation
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- The task and finish group
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- National Adoption Service
- Fostering Network
- All Wales heads of children's service
- Cafcass Cymru
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- Fostering ambassadors
- Child care social workers

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CHAPTER 1

What are these practice standards and good practice guide for?

When a child or young person becomes 'looked after' by their local authority and is placed with a kinship carer (a family member or close friend), a foster carer, placed in a residential home, placed at home with parents, or placed for adoption, then the child or young person must have an 'independent reviewing officer' appointed. The IRO is independent of the child or young person's social worker and has certain responsibilities set out in the Welsh law covering children and young people who are looked after.

These practice standards and good practice guide set out, in detail, the ways in which the IRO should monitor and review and support the child or young person's care and support plan. It also sets out the responsibilities a local authority has in ensuring the IRO is able to carry out their work.

Why do we have independent reviewing officers? – The IRO as the 'guardian of the care plan'

Before 2004 local authorities did not have a statutory duty to provide an independent oversight of a looked after child or young person's review. Practice varied, with team managers for the child's social worker or invited team managers from another team chairing the review. Some authorities had, at an early stage, introduced the element of independence with reviewing officers. In 2002 The House of Lords (now the Supreme Court) looked at a case where a care plan, put forward to the court at the end of care proceedings, had not been adhered to. The House of Lords considered whether the court may have powers to monitor a child or young person's care plan once a care order had been made. They came to the conclusion there were no such general powers to override a local authority, but that a local authority could be challenged under the Human Rights Act 1998 (for a breach of article 8 of the European Convention on Human Rights – the right to a private and family life). But the question remained: who would be able to take on that challenge on behalf of the child or young person?

As a response to this case and since the Children Act 2004, a local authority has a duty to appoint an IRO, in the first place to 'monitor the performance of the child's review' and, in the event of a breach of the child or young person's human rights, to refer the child's case to Cafcass Cymru. Since the implementation of the Social Services and Well-being (Wales) Act 2014 in 2016, the duty now extends to monitoring the child's whole case, not just their review.

The status of this guide

The role and functions of the IRO and the local authority in relation to care planning are set out in:

- 1) **Primary legislation:** the Social Services and Well-being (Wales) Act 2014 sets out, in sections 99 -102, three main functions. These are looked at in detail in chapters 5, 6 and 7. Primary legislation must be adhered to.
- 2) **Secondary legislation:** the Care Planning, Placement and Case Review (Wales) Regulations 2015, regs 38 – 44, 53 – 54, set out the detail of the IRO's role in relation to the three main functions. Secondary legislation must also be adhered to.
- 3) **Code of Practice:** the Social Services and Well-being (Wales) Act 2014, Part 6 Code of Practice, now in its second version, April 2018, paragraphs 364 – 394, elaborate on the regulations and explain what must be done and what may or should be done in relation to the role and functions of the IRO. When the Code of Practice states that something must be done, then the IRO or local authority has no choice but to follow the Code. Where the Code states that something may, or should be done, then, although the IRO and local authority must have regard to the Code, they are not acting unlawfully if they do not adhere to the guidance set out.

Why is there a need for practice standards and a good practice guide when there are three layers of law and guidance already covering the role and functions of the IRO? Because this is a complicated area of law and practice, concerning the lives and futures of some of the most vulnerable people in our community, requiring a more detailed guide, both for the IRO's themselves, for children and young people's social workers and their managers and for 'corporate parents', that is the senior managers and elected members (councillors) for each local authority.

This guide itself has two different but interlinked parts:

- 1) **Practice standards:** these are standards by which a local authority is inspected by the Care Inspectorate Wales (CIW). An inspection will take account of the standards and see if the local authority is meeting them. They are not statutory based standards, as they are not contained in the Act, Regulations or Code of Practice, but they are standards endorsed by the Welsh Government and they will assist IRO's, local authorities and inspectors in achieving and maintaining the highest possible standards in supporting our young people in care;
- 2) **Good practice guide:** this guide again has no statutory authority but sets out, for all those concerned with the child or young person, how to achieve and maintain these high standards.

Who are these practice standards and guidance for?

They are for:

IRO's and their managers, who need to know of the best practice available in order to undertake their role to the best of their ability;

Children and young people's social workers and their managers, who need to be clear about their own role in exercising parental responsibility, either under the terms of a care order or interim care order, or using the authority granted to them by birth parents when the child is accommodated under s76 SSWB(W)A. Social workers also need to know what to expect from the IRO in terms of involvement with the child or young person's case;

Corporate parents, the expression used for the collective responsibility a local authority has towards a child or young person who is looked after, including elected members (councillors), senior officers, all relevant employees and partner agencies.

The courts and Cafcass Cymru, so that they may have a clear understanding of what to expect from an IRO during the course of public child care law proceedings.

The people it concerns are:

- **The child or young person**, the most important person in the process. Chapters 5, 6 and 7 have ideas as to how to make the role of the IRO, both on a monitoring basis and during the review process, relevant and useful to the young person, facilitating and encouraging participation and taking into account the young person's own views, wishes and feelings;
- **The child/young person's birth parents and extended family**, who will need to be involved in the reviewing process, have their own parental responsibility acknowledged and respected and their own views, wishes and feelings listened to;
- **The child/young person's prospective adoptive parents** (if the child is placed for adoption);
- **The child/young person's foster carers**, who should be regarded as professionals within the context of a review;
- **The child/young person's key worker** if in residential care;
- **Other people important to the child/young person** (for example education, health and statutory advocacy providers for looked after children and young people).

Note that the term 'child's case' is used as it reflects the wording in the primary legislation (the 2014 Act). However, the term does not reflect either the spirit of the Act or these standards and it is only used where necessary.

CHAPTER 2

The child or young person is at the heart of these practice standards and good practice guide

There are many people involved in a child or young person's life. When that young person becomes looked after by a local authority then that number increases greatly. The purpose of these standards and guidance is to keep the young person at the centre of all planning.

There are a number of legal frameworks which apply to a child or young person who becomes looked after and these frameworks help to ensure that they remain the most important person in the process:

1) The well-being outcomes set out in the Social Services and Well-being (Wales) Act 2014.

Well-being outcomes for children and young people:

- Protection from abuse and neglect
- Promotion of physical and mental health and emotional well-being
- Promotion of physical, intellectual, emotional, social and behavioural development
- Maintenance or development of family or other significant personal relationships
- Involvement in education, training and recreation activities
- Development and maintenance of social relationships and involvement in the local community
- Social and economic well-being (including not living in poverty)
- Living in suitable accommodation

The IRO and local authority must take account of the IRO's role in taking forward these personal outcomes for the individual child or young person.

2) The United Nations Convention on the Rights of the Child.

The UNCRC is part of Welsh law and article 12, 'Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account', is central.

The Children and Young People's National Participation Standards are referred to with each standard. They are set out, on the following page, in full.

- 3) The European Convention on Human Rights. This Convention is also part of our Welsh and UK law and article 6 (the right to a fair trial) and article 8 (the right to a private and family life) apply throughout these standards.
- 4) Whenever a family court, or adoption agency, considers a child then the principles set out in s1 Children Act 1989 or s1 Adoption and Children Act 2002 apply.



The Children and Young People's National Participation Standards

	This means:	We will:
1. Information	You have the right to information that is easy to understand and allows you to make an informed decision	- Provide information that is good quality, clear and accessible - Inform you about who's going to listen and let you know what difference your involvement could make
2. It's your choice	You have the right to choose to be involved and work on things that are important to you	Give you enough support and time to choose if you want to get involved
3. No discrimination	Children and young people are all different and have the right to be treated fairly	- Challenge discrimination - Provide a range of opportunities and support to meet the needs of children and young people
4. Respect	You have the right to have a say. Your opinions are important and will be respected	- Listen to your views, experiences and ideas and take you seriously - Work with you on things you say are important - Value what you have to offer
5. You get something out of it	- You have the right to learn and be the best you can be - You will have opportunities to work with others and make a difference - We want you to be involved in positive experiences	- Work with you in safe, fun and enjoyable ways - Make the most of what you know and do things that build your confidence and skills
6. Feedback	You have the right to know what differences you have made and how your ideas have been listened to	- Always ensure you have feedback in an agreed time - Tell you how your ideas have been used and why - Tell you what happens next
7. Working better for you	Those who make decisions that affect children and young people should put children's rights at the centre of everything they do	- Work with you and learn how we can do things better - Ensure your views make a difference to the way we make plans and decisions

Reviews where there is authority to place for adoption

Once a child becomes the subject of a placement order or once their parents have consented to their adoption, the reviewing duties set out in the SSWB(W)A no longer apply and new duties are set out in the Adoption Agencies (Wales) Regulations 2005. These regulations are replicated in Chapter 8 of this guide. Although the child remains looked after, the placement order changes the focus of the review. During reviews held under the AA(W)R, the adoption plan and adoption support plan, rather than the Part 6 care and support plan, will be reviewed. These reviewing arrangements continue throughout the placement with prospective adoptive parents and until the adoption order is made.

www.adoptcymru.com



Themes from research and consultations with young people in Wales undertaken when creating these standards and good practice guide

- Young people want their views respected (that can mean being honest with them about the limits of their decision making);
- Young people want to be listened to (and for agreed actions to follow to evidence that they had been heard);
- Young people should know who the IRO responsible for reviewing their care and support plan is;
- Young people value having time with the IRO pre and post review;
- The review of the care and support plan should not have to be a meeting. Feedback shows that it is still not unusual, for example, for sexual health matters to be discussed with a range of people present, such as teachers. There should be greater thought about what information is shared with whom. There was also concern that the number of people typically involved in a review meeting was off putting and that attempts at engagement could be patronising;
- IRO's could be more creative about how they undertake reviews (they need to give greater thought to the use of technology). Some young people think there is, for example, the potential to use skype for people to link into the part of the meeting that was relevant to them;
- Young People should receive clear feedback after the meeting about what was agreed (even if it is not what they had hoped for). Some young people feel they should have the minutes, but understand that they cannot necessarily have access to information that is about someone else, e.g. the birth parent(s);
- If there is to be a meeting, young people want a view on who should be present and for what. If they complete consultation documents, pre-review, they need to be relevant to the young people's situation and should be clear on what can or cannot be considered, e.g. contact with birth family;
- Young people want a view on where a meeting (if there is to be one) should be. They are particularly uncomfortable with meetings based in school;
- Young people should understand what an advocate is and have the chance to have one to support them.

CHAPTER 3

Defining the role of the IRO – What does an IRO do?

There can be confusion around what an IRO must, should or may do. Later chapters go into the detail of the role but this chapter aims to make clear what the IRO has the power to do and what they do not have the power to do. The young person needs to know, when they meet or speak with their IRO and/ or attend a review meeting, what the IRO's relationship is with their social worker and the social worker's manager; who has the final say when a decision has to be made?

WHAT THE IRO DOES	WHAT THE IRO DOESN'T DO
Monitor the child's case	Manage the child's case
The IRO's role is to monitor, that is keep an overview, of the child's case, not just at formal review meetings, but in between review meetings as well. However, the IRO does not make final decisions about a child's case; that is for the child's social worker and managers. The 'decisions' made during a review are, in fact, 'recommendations' to the local authority. The word 'decisions' is used throughout the guide as it reflects the wording of the regulations and Code of Practice.	
Liaise with/advise the social worker	Manage the social worker
The IRO will want to develop a good working relationship with the child's social worker, and, in some circumstances, be able to advise the social worker. However, the social worker has their own manager, who takes responsibility for their actions and decisions. The IRO does not take on the role of managing the social worker.	
Rigorously review the child's care and support plan	Devise the child's care and support plan
During the reviewing process (see below) the IRO has a duty to look at how the child has been looked after and how the care plan is progressing, but the IRO does not make care planning decisions; the care plan is ultimately the decision for the social worker and manager as they are the representatives of the local authority who either have parental responsibility for the child or young person or are acting with birth parents' consent under s76 SSWB(W)A.	
Refer to senior managers through a dispute resolution process/ refer to Cafcass Cymru if a significant failure in the care plan	Overrule the local authority
As the IRO does not have the power to overrule the local authority decision making process, there has to be some way of showing that they are concerned about the progress of a child or young person's case or a decision made in relation to a care and support plan. The local authority should have a dispute resolution process by which IRO's can make senior managers in the local authority aware of their concerns, with a view to resolving them. If that internal process does not work, then the IRO may refer to Cafcass Cymru (see below for details).	
Develop a specific relationship with the child / young person	Undermine the role of the child / young person's social worker
The child's social worker is the person who exercises parental responsibility and needs to develop a relationship with the child or young person. The IRO, though sometimes important as a consistent person in the child or young person's life for a number of years, should not take on the 'parental' role that the child's social worker should have.	

What other factors affect the IRO role?

- 1) The IRO must be **suitably qualified and skilled**, as set out in **paras 392 of the Part 6 Code of Practice**.
- 2) The IRO must be **independent**. See **paras 386 and 387 of the Part 6 Code of Practice**.

383: The independence of the IRO is essential to enable them to effectively challenge poor practice. The CPPCR(W) Regulations do not prescribe the position of IRO's within the responsible local authority but they do prescribe minimum levels of independence.

384: There are specific categories of persons that the local authority may not appoint to carry out the IRO function (Reg 54(3) Of the CPPCR(W) Regulations). These are:

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

The IRO is employed by the local authority, but his / her statutory role is independent of the local authority. In order to maintain independence all those managing and supporting the IRO and the IRO him/herself need to work in a way that protects and promotes that independence.

It is important to ensure that all communication between the IRO and anyone acting on behalf of the local authority (social worker/team manager/service manager/head of service) is conducted in a formal way and properly recorded. Some IRO teams and social work teams share the same, or adjacent, office space. Under these circumstances, extreme caution should be exercised in ensuring that communication is kept on a professional level and always recorded. There is no place for an informal 'chat' as this may compromise the independence of the role or at least appear collusive to children or young people or birth parents.

IRO's and social workers also need to think about how the child or young person, their family and carers may perceive the independence of an IRO if, for example, they both arrive to a review meeting in the same car, or appear to be very friendly with each other.

- 3) The role of the IRO carries with it **personal responsibility** for carrying out his or her functions. In a case in 2012, *A & S v Lancashire CC* [2012] EWHC 1689 (Fam) it was clarified that the IRO may be held personally responsible for:

- a) Identifying if a child or young person's human rights are being infringed;
- b) Ensuring that the local authority acts upon the recommendations of the LAC review;
- c) Referring to CAFCASS if the child/young person's human rights are infringed or significant recommendations of the review are not acted upon.

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

- 4) The IRO has a role in as a corporate parent (see Chapter 4 of these standards and para 369 of the Part 6 Code of Practice).

HOW THE STANDARDS ARE SET OUT

The Standards (highlighted in purple) are set out in the following four chapters. Chapter 4 covers the IRO's role in relation to corporate parenting. The monitoring process is discussed in Chapter 5; monitoring refers to the continuing process of monitoring that takes place in between the reviewing process. Chapter 6 looks at the formal reviewing process and Chapter 7 deals with the specific responsibilities the IRO and responsible authority have in ascertaining the child/young person's views, wishes and feelings. A list of the standards is set out on the following page:

Chapter 4

The IRO's role in relation to the corporate parent/The IRO looking at how local authorities are acting as parents for looked after children and young people.

- 1) The IRO monitors the performance of the local authority as a corporate parent, and if s/he identifies patterns of concern, brings them to the attention of the senior manager concerned.
- 2) The local authority ensures that the IRO has capacity to fulfil its statutory and regulatory duties.
- 3) The local authority ensures the IRO receives supervision, training and development.

Chapter 5

The IRO's responsibility for monitoring a child or young person's case/the IRO's work to keep an overall eye on how the child or young person is getting on

- 4) The IRO monitors the child or young person's case on a continuing basis and ensures that the care and support plan remains in the child or young person's best interests.
- 5) Each local authority has within its policies clarity as to who undertakes which roles/functions when overseeing/monitoring a child or young person's care plan.
- 6) The IRO ensures that the monitoring process prevents drift in the child's care plan.
- 7) Each local authority is clear in its looked after children policies what significant failure or changes of plan should be referred to the IRO (and how that failure /change is communicated to the IRO).
- 8) a) Each local authority has a dispute resolution process which details how significant concerns raised by the IRO regarding a child or young person's care plan will be dealt with.
b) The IRO ensures that, if there are significant concerns in relation to a child or young person's care plan, they are brought to the attention of the appropriate senior manager in a clear and timely way.
- 9) The local authority ensures that the IRO has access to timely legal advice that is independent of the local authority, if deemed necessary by the IRO, at the third stage of the dispute resolution process.

Chapter 6

The IRO's responsibility for reviewing the child or young person's case/the IRO's work to review, at certain times, how the child or young person is getting on

- 10) The responsible authority ensures that the child or young person's Part 6 care and support plan is reviewed in accordance with regulations and the code of practice.
- 11) The IRO has direct contact with the child or young person in advance of the review.
- 12) The IRO ensures that the child/young person is enabled to participate in the review.
- 13) The IRO ensures that all participants and contributors to the review process are sufficiently informed and prepared.
- 14) The responsible authority agrees /ratifies the decisions made at the LAC review within a reasonable timeframe. If the decisions are not agreed/ratified by relevant managers, then the IRO is informed of that decision.

Chapter 7

How to ensure that the child or young person's views, wishes and feelings are sought, heard and acted upon

- 15) The IRO ensures that the child or young person understands their right to request a review of their care plan.
- 16) a) The IRO ensures that the child or young person understands the role of everyone involved in the review process. The child/young person understands their right to an active offer of advocacy and one is provided if required;
b) The IRO ensures that any child or young person with sufficient understanding has an awareness of their right to make a complaint;
c) The IRO ensures that any child or young person with sufficient understanding has an awareness of their right to make an application, with leave, under the Children Act 1989;
d) The IRO ensures that the local authority considers, in appropriate circumstances, the appointment of an independent visitor
- 17) The IRO ensures that the child or young person is consulted in advance about who should contribute to the review of their care and support plan and if a meeting is to occur, the venue and that they are comfortable with those attending.
- 18) The IRO ensures that the child or young person is enabled to participate in the review process.
- 19) The IRO takes account of the child or young person's preferred method of communication and aims to be creative in their management of the review, including the consideration of new technologies.

How to use the standards and good practice guide

Under each individual standard, written in **purple**, there is a box which sets out the good practice – ways in which the IRO, social worker and manager, and ‘corporate parent’ can demonstrate that they are meeting that particular standard. In the second column, the relevant parts of the [Social Services and Well-being \(Wales\) Act 2014](#), [Care Planning, Placement and Case Review \(Wales\) Regulations 2014](#), [Part 6 Code of Practice](#) and [National Participation Standards](#) are set out.

At the bottom of the page, in a yellow box, there are ideas for good practice and comments from young people who are care experienced, birth parents and other interested people.

These practice standards and guide do not comprehensively cover what should be included in a child/young person’s review – that is not their purpose. Details of all the elements to be included in a review are covered in the Part 6 Code of Practice. This document complements the Code of Practice; it does not replace it.



CHAPTER 4

The IRO's role in relation to the corporate parent and / or the IRO looking at how local authorities are acting as parents for looked after children and young people

STANDARD

1. The IRO monitors the performance of the local authority as a corporate parent, and if s/he identifies patterns of concern, brings them to the attention of the relevant senior manager concerned

Ways of ensuring that the IRO is enabled to monitor the corporate parenting role

- 1.1 An IRO presence at corporate parenting meetings and the ability/space given to challenge patterns of concern
- 1.2 Attendance at permanency panels or other processes, involvement at the four month review to ensure there is a permanency plan in place that avoids drift
- 1.3 IRO team meetings to discuss patterns of concern which are then taken to senior management meetings
- 1.4 Regular reports to senior management, with data incorporating quantitative and qualitative information on placement moves, 'When I'm Ready', out of area placements, children waiting for adoptive placements, etc.
- 1.5 Regular liaison between IRO team and senior management

Good Practice

In many authorities there is IRO representation at the corporate parenting panel. If these meetings take place during school holidays children can attend.

In Powys IRO's have representation on the operational managers' team and can bring themes or concerns along to those meetings. Conwy has a similar arrangement.

In Caerphilly there is IRO representation at permanency panel and adoption review meetings.

In Swansea the IRO manager attends monthly senior performance meetings to feedback on themes and quality issues.

Code of Practice para 371: The responsibilities of the IRO include:

- Monitoring the activity of the local authority acting as a good corporate parent

Para 385 Code of Practice: 'The IRO also has a duty to monitor the performance of the local authority's functions as a corporate parent and to identify any areas of poor practice. This should include identifying patterns of concern emerging not just from an individual child, but also more generally in the collective experience of their looked after children. Where these more general concerns around service delivery are identified, the IRO should immediately alert senior managers to these concerns.'

Para 369 Code of Practice: 'The IRO should bring a degree of objectivity and oversight to practice and decision making in monitoring the Part 6 care and support plan and improving the life chances of each child. The IRO has an important role in ensuring that a local authority has a consistent approach towards the care of children for whom it is corporately responsible.'

UNCRC, art 12 / NPS: Those who make decisions that affect children and young people should put children's rights at the centre of everything they do.

We will:

- Work with you and learn how we can do things better
- Ensure your views make a difference to the way we make plans and decisions

STANDARD

2. The Local Authority ensures that the IRO has capacity to fulfil its statutory and regulatory duties

2.1 The Social Services and Well-being Act 2014 has placed the following duties upon the IRO:

- S100(1)(a) SSWBA 2014: 'Monitoring the performance by the local authority of its functions in relation to the child's case'. This duty extends the role beyond the statutory review and, if performed adequately, involves time and resource (see chapter 5). Since the case of *A & S v Lancashire CC* [2012] EWHC 1689, the family court has placed a high expectation and personal responsibility on the IRO for the prevention of drift that leads to a breach of the child/young person's human rights;
- Reg 42(1)(b) CPPCR(W)R 2015: the duty to speak to the child in private about the matters to be considered in the review. See Chapter 6.

2.2 Additionally, compliance with the UNCRC demands that the IRO ensures the meaningful participation of children and young people. See Chapter 7.

2.3 Local authorities need to ensure that individual caseloads reflect these duties and enable to IRO to perform their role in compliance with the SSWB(W)A, the ECHR and the UNCRC.

2.4 The LA should give consideration as to whether a minute taker is required, where there is a complex review of a care and support plan.

S7(2) SSWB(W)A: A person exercising functions under this Act in relation to a child...must have due regard to Part 1 of the United Nations Convention on the Rights of the Child...

Para 367 Code of Practice: The Act introduces changes which will enable the IRO to have a more effective and independent oversight of the child's case, so that the child's Part 6 care and support plan represents an effective response to the child's assessed needs and respects the child's integrity and dignity

UNCRC, art 12 / NPS: Those who make decisions that affect children and young people should put children's rights at the centre of everything they do.

We will:

- Work with you and learn how we can do things better
- Ensure your views make a difference to the way we make plans and decisions

Good Practice

Caerphilly, a minute taker is provided at reviews, if required, where there is complexity or a large sibling group.

'There are different ways to include children and young people in the review of their care and support plan. The IRO should be creative and the review undertaken to meet the individuals needs this will require time, not just the same process for all.'

IRO



STANDARD

3. The local authority ensures the IRO receives supervision, training and development

- 3.1 IRO's should have regard to the Code of Professional Practice for Social Workers and The Social Worker, Practice Guidance for Social Workers Registered with Social Care Wales
- 3.2 All IRO's should have access to social work supervision. If the IRO manager is unable to provide that, then the local authority should make it available.
- 3.3 As qualified social workers, IRO's need opportunities for training and development relevant to that role
- 3.4 The unique role of the IRO requires that they should be up to date with current practice, case law and trends in social work
- 3.5 IRO's should make use of post qualifying opportunities recommended for social workers, as set out in the Social Care Wales Qualification Framework
- 3.6 Discrete training for the IRO role, for example, making the best use of the dispute resolution process, should be made available, to ensure that IRO's are able to meet the experience required by regulation

Reg 54 CPPCR(W)R (Qualifications and experience of independent reviewing officers)

Para 392 Code of Practice: IRO's are required to have specific qualifications and experience in order to fulfil their statutory functions (reg54 CPPCR(W)R). The IRO should:

- be registered as a social worker by the Care Council for Wales (now Social Care Wales), Part 16 of the register maintained by the Health and Care Professions Council under Article 5 of the Health and Social Work Professions Order 2001, or in a corresponding register maintained under the law of Scotland or Northern Ireland
- be able to provide evidence of sufficient relevant social work experience in children's social care to be able to undertake the IRO functions
- have the ability to communicate with children and young people, the confidence and ability to challenge senior managers, and a thorough understanding of the legal framework relating to looked after children and care leavers, including knowledge of relevant regulations
- have a thorough working understanding of the legal process and the issues involved when a local authority makes an application for a care order
- have experience of providing social work supervision and support, and knowledge of the evidence about what makes for good quality practice in working with children and their families



CHAPTER 5

The IRO's responsibility for monitoring a child's or young person/s case' and / or 'the IRO's work to keep an overall eye on how the child or young person is getting on

The ACT:

s100(1)(a) the independent reviewing officer must monitor the performance by the local authority of its functions in relation to the child's case

s100(3) If the independent reviewing officer considers it appropriate to do so, the child's case may be referred by that officer to a Welsh family proceedings officer

STANDARD

4. The IRO monitors the child or young person's case on a continuing basis and ensures that the care and support plan remains in the child or young person's best interests

Ways of demonstrating that monitoring is taking place:

- 4.1 Evidence of regular monitoring between reviews, built into the timeframe;
- 4.2 Contact with child/young person between reviews/ face to face contact with child/young person at mid-point between reviews;
- 4.3 Systems for tracking care plans so that the IRO can pick up on the child/young person's progress and can record information on the system to evidence monitoring;
- 4.4 Recording all conversations/communication with the child's social worker;
- 4.5 Being clear with the child's social worker on lines of communication (agreeing a protocol to either a) compensate for lack of frequent contact (if different sites) or b) to ensure that close proximity/knowledge of everyday events does not blur boundaries);
- 4.6 With children subject to placement orders (see Chapter 8), ensuring that the Adoption Agencies (Wales) Regulations 2005 and the accompanying statutory guidance are adhered to

s100(1)(a) the independent reviewing officer must monitor the performance by the local authority of its functions in relation to the child's case

42 (1) The IRO must

- d) Ensure the review is conducted in accordance with this Part and in particular
 - (i) That the person responsible for implementing any decisions taken in consequence of the review are identified, and
 - (ii) that any failure to review the case in accordance with this Part or to take proper steps to implement decisions taken in consequence of the review are brought to the attention of an officer at an appropriate level of seniority within the responsible authority

Para 366 Code of Practice: The functions of the local authority are to:

- Monitor the local authority's performance in relation to the child's case

UNCRC NPS: Children and young people are all different and have the right to be treated fairly

We will:

- Challenge discrimination
- Provide a range of opportunities and support to meet the needs of children and young people

Good Practice

Many local authorities have a mid point review in order to provide a formal monitor of the care plan.

In Monmouthshire and Pembrokeshire, after the midpoint review, a summary is placed on each child's file of progress since the last review.

In Pembrokeshire the IRO and social worker meet 10 days before the review to prepare for the review meeting by resolving any potential problems. This has made the review meeting a more positive experience for all concerned.

'These mid point reviews work well and if something hasn't been actioned since the last review people do respond when chased.'

IRO



STANDARD

5. Each local authority has within its policies clarity as to who undertakes which roles/functions when overseeing/monitoring a child/young person's care plan

Monitoring starts from the day the review ends:

- IRO sends record of key decisions within 5 working days of review (good practice)
- Decisions made at a review are subject to agreement by the relevant manager (usually team manager)
- Team manager informs IRO of what is agreed/not agreed within 5 working days of receiving the key decision document (good practice)
- IRO sends full record/minutes of review within 20 working days of review to child/ YP's social worker/team manager (good practice)
- IRO ensures that the child/ young person is given minutes or letter/text, explaining the outcome of the review (good practice /national participation standards)
- Child/YP's social worker places record onto child's file (44)
- Child/YP's social worker amends care and support plan within 5 working days of receiving full record and within 25 days of the review (good practice)
- If team manager agrees, implementation begins (43(a) and monitoring begins)
- If team manager does not agree, IRO considers whether 'significant' and whether to bring to attention of senior managers (dispute resolution process) (42(1)(d)(ii))

If during monitoring, there is a change of plan:

- Child/YP's social worker's responsibility, if a proposed change, for it to be considered at review, unless not reasonable practicable (38(2))
- Child/YP's social worker/team manager to inform the IRO of any significant failure to make such arrangements or any significant change of circumstances occurring after the review that affects those arrangements (43(b))

The timings set out above and in the accompanying diagram on p28 provide a challenge, particularly for the team manager to respond to the IRO within 5 working days of receiving the key decision document from the IRO. This timescale should be aspirational, in order to avoid drift, particularly if the team manager is to disagree with a decision made at the formal review and will not ratify it. If the 5 working day deadline cannot be met, then there should be a response within 10 working days at the latest.

s100(1)(a) the independent reviewing officer must monitor the performance by the local authority of its functions in relation to the child's case

Regulations (in the order that they appear in previous column)

44 The responsible authority must ensure that a written record of the review is prepared, and that the information obtained in the course of the review, details of proceedings at the review meeting, and any decisions made in the course of or as a result of the review are included in the child's case record

43(a) The responsible authority must make arrangements to implement decisions made in the course, or as a result of, the review

42(1)(d)(ii) The IRO must ensure the review is conducted in accordance with this Part and in particular that any failure to review the case in accordance with this Part or to take proper steps to implement decisions taken in consequence of the review are brought to the attention of an officer at an appropriate level of seniority within the responsible authority

38(2) The responsible authority must not make any significant changes to the 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

43(b) The responsible authority must inform the IRO of any significant failure to make such arrangements or any significant change of circumstances occurring after the review that affects those arrangements

UNCRC NPC: You have the right to know what differences you have made and how your ideas have been listened to

We will:

- Always ensure you have feedback in an agreed time
- Tell you how your ideas have been used and why
- Tell you what happens next

Good Practice

In Wrexham work has been undertaken to ensure that review minutes are written in a way that the child can understand their life journey in the future.

Many authorities use text/other social media (where safe and secure) to provide minutes to the child/ young person.

Swansea are in the process of developing affirmation letters to children and young people.

'The IRO should be clear about the boundaries of the review and ensure everyone else understands that too.'

Young person with care experience



STANDARD

6. The IRO ensures that the monitoring process prevents drift in the child's care plan

This standard contains a major responsibility in relation to a child or young person's plan. In particular the IRO should have close regard to:

- 6.1 **A child accommodated on a voluntary basis under s76 SSWb(W)A.** What is the care plan? Is it to return the child to birth family in the near future or is the child likely to remain accommodated with a plan for permanent removal? Is the s76 placement depriving the child of his /her art 6 (right to a fair trial) and art 8 (right to a private and family life) in not making an application to the court for a care order? This could be a breach of the child's human rights for which the IRO may be responsible. However, there may be times where s76 is appropriate and where it is provided as a genuine service to the child or young person and their family. In these circumstances the IRO should be mindful of the birth parents' capacity to consent to s76 and evidence of them continuing to be active parents and exercising their parental responsibility, as well as being satisfied that the child/young person's article 6 and 8 rights are not being breached. The IRO should also be mindful of the child or young person's own views, wishes and feelings and of the duty to assist the young person to seek their own legal advice if appropriate.
- 6.2 **A child subject to a placement order under s21 ACA 2002.** When the placement order was granted, what guidelines did the family court give for the period of time within which the local authority should search for prospective adoptive parents? An application to court should be made for a revocation of the placement order if adoption is no longer the care plan for the child. The IRO should also be mindful of any delay with an application by prospective adoptive parents for the adoption order. Is the delay as a result of a dispute over the adoption support plan or are there other reasons?
www.adoptcymru.com
- 6.3 **Placement with parents, under Regs 16 – 21 CPPCR(W)R.** How long has the child been placed at home, under the terms of a care order? What is the long-term plan for the child? Should an application be made for a discharge of care order/ substitution of supervision order? Is this the right plan for the child to remain at home, under PWP – is the child's well- being going to be served by continuing to be placed at home under a care order?
- 6.4 **The need for a discharge of a care order under s39 CA 1989.** Is the child/ young person moving towards home and birth parents? Review the purpose of the care order. Does the local authority need to continue to hold parental responsibility?

s100(1)(a) the independent reviewing officer must monitor the performance by the local authority of its functions in relation to the child's case

Para 370 Code of Practice: The IRO should offer a safeguard to prevent any 'drift' in the planning of the care for the looked after child and ensure that the local authority's efforts in reviewing children's cases are focussed on meeting the needs of each child

Para 371 Code of Practice: The responsibilities of the IRO include:

- Offering a safeguard to prevent any 'drift' in care and support planning and the delivery of services

Para 372 Code of Practice: It is important to distinguish between reviewing as a process of continuous monitoring and reassessment, and the formal review of the Part 6 care and support plan

UNCRC NPS: Those who make decisions that affect children and young people should put children's rights at the centre of everything they do

We will:

- Work with you and learn how we can do things better
- Ensure your views make a difference to the way we make plans and decisions

Good Practice

Many local authorities are now ensuring that any discussions between the IRO and child/YP's social worker are formal and are properly recorded and placed on the child's file.

'I feel that the meetings are full of promises but nothing gets implemented for the children and they don't get the help they need. It seems that things are taking a very long time to get implemented.'

Birth family member



'There is a need to ensure there is someone involved in the review that the child or young person is able to be open and honest with about their situation.'

Young person with care experience



STANDARD

7. Each local authority is clear in its looked after children policies what significant failure or changes of plan should be referred to the IRO and how that failure/change is communicated to the IRO

A s31 care plan and a Part 6 care and support plan should indicate which are the most important components of a particular plan.

Although it is not appropriate for IRO's to attend legal gateway or legal planning meetings, they should be informed of such a meeting taking place and receive the minutes of the meeting. It may be useful for IRO's to attend later planning meetings, where the welfare analysis is undertaken on the care plan options available for the child.

In relation to children who are placed at home with parents under a care order, the care plan should be very clear what the triggers for removal, when required by the child's safety and welfare, are.

It is the child/young person's social worker's responsibility to update the IRO on significant events in the child's life and changes, or potential changes, to the care plan.

There should be clear, formal lines of communication between the child/YP's social worker and IRO for the communication of a significant change of care and support plan, child/ young person's or birth family's circumstances and a system for the recording of that communication.

A system of low-level alerts at an early stage to flag up potential problems to the IRO helps to keep the IRO informed. Although low level, these communications should still be properly recorded.

s100(1)(a) the independent reviewing officer must monitor the performance by the local authority of its functions in relation to the child's case

43 The responsible authority must:

- (a) make arrangements to implement decisions made in the course, or as a result, of the review, and
- (b) Inform the IRO of any significant failure to make such arrangements or any significant change of circumstances occurring after the review that affects those arrangements

Para 382 Code of Practice: 'staff of the local authority are required to alert the IRO of any significant changes to the child's Part 6 care and support plan or of any significant failure to implement decisions arising from a review. A significant change would include changes to a child's permanence plan such as a placement breakdown or unplanned move. Where well established arrangements for a child suddenly break down, the IRO should schedule a new review with all involved parties to consider a new short-term plan and the options that are to be considered for longer term objectives.'

UNCRC / NPS: Those who make decisions that affect children and young people should put children's rights at the centre of everything they do

We will:

- Work with you and learn how we can do things better
- Ensure your views make a difference to the way we make plans and decisions

Good Practice

Good/clear/recorded exchange of information.

IRO gets a 'heads up' of change of plan on system.

Positive changes to the child's life (eg success in exams/ courses) can be relayed to the IRO as well. The IRO can then respond to the child/YP.

'Some IRO's ask young people about their goals and ambitions but others don't – they just focus on 'problems'.

'It's good to have a review when there is a change of placement to check how things are going.'

Young people with care experience



STANDARD

8. a) The local authority has a dispute resolution process which details how significant concerns raised by the IRO regarding a child/young person's care plan will be dealt with
- b) The IRO ensures that, if there are significant concerns in relation to a child/young person's care plan, they are brought to the attention of the appropriate senior manager in a clear and timely way

- 8.1 The local authority dispute resolution process (DRP) should be clear and accessible;
- 8.2 IRO's should know the basis of the protocol, where to access details of it and be confident in its use as a means of finding a solution/reaching an agreement with the local authority;
- 8.3 No stage of the process should be 'informal', in that all discussions/meetings within the process should be properly recorded;
- 8.4 The final stage (ideally there should be no more than three) should be at head of service level;
- 8.5 The whole process itself should take no longer than 20 working days to complete;
- 8.6 Independent and timely legal advice should be made available to the IRO at the third (head of service) stage (see Standard 9);
- 8.7 If the IRO believes that the significant concerns amount to a fundamental breach of the child or young person's human rights, then s/he should go straight to the stage three, head of service level, of the DRP;
- 8.8 If the IRO believes that, after exhausting the DRP, there remains a significant flaw in the child or young person's care plan amounting to a breach of their human rights s/he should then make a referral to Cafcass Cymru, using the Cafcass Cymru protocol and being mindful of the threshold for referral set out in the protocol
- 8.9 If possible, all concerned should view the process as a positive way of resolving a disagreement or amending a care plan which has significantly failed or drifted.

See diagram on p25

See the IRO Protocol between Cafcass Cymru and ADSS Cymru, 2018.

www.adsscymru.org.uk/media-resources-list/s20-guidance/

s100(1)(a) the independent reviewing officer must monitor the performance by the local authority of its functions in relation to the child's case

42(1)(d) The IRO must ensure the review is conducted in accordance with this Part and in particular

(a) ...

(b) that any failure to review the case in accordance with this Part or to take proper steps to implement decisions taken in consequence of the review are brought to the attention of an officer at an appropriate level of seniority within the responsible authority

UNCRC / NPS: Those who make decisions that affect children and young people should put children's rights at the centre of everything they do

We will:

- Work with you and learn how we can do things better
- Ensure your views make a difference to the way we make plans and decision

'The IRO needs to demonstrate their independence by the way they manage the review process.'

Young people with care experience

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'We as a family didn't believe that the IRO is independent but does look out for the best for the children.'

Care experienced sibling group living with grandparents

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STANDARD

9. The local authority ensures that the IRO has access to timely legal advice that is independent of the local authority, if deemed necessary by the IRO, at the third stage of the dispute resolution process

Legal advice provided under this standard needs to be independent of the local authority's legal department, whose clients are the child care social worker and managers. There is a potential conflict of interest for local authority lawyers within the home authority in advising both social worker and IRO.

Legal advice may not be sought from the Welsh Government CAFCASS Cymru legal department as their client is CAFCASS Cymru. Again, therefore, there is a potential conflict of interest.

The IRO needs to be able to access their own legal advice, at the third stage of the dispute resolution process, where they are involving the head of service.

It is for the local authority to decide how to make legal advice available to the IRO. Many local authorities have established reciprocal arrangements with one or two neighbouring authorities. Other local authorities make arrangements for private practice solicitors (with experience in public child care law) to be available.

The IRO may also need their own legal advice when brought into the family court to account for their actions in a particular case. It must be borne in mind that the IRO carries personal responsibility in their role in holding the local authority to account. Again independent legal advice should be made available.

IF A REFERRAL TO CAFCASS CYMRU IS CONSIDERED:

See the IRO Protocol between Cafcass Cymru and ADSS Cymru, 2018

www.adsscymru.org.uk/media-resources-list/s20-guidance/

s100(1)(a) the independent reviewing officer must monitor the performance by the local authority of its functions in relation to the child's case

s100(3) if the independent reviewing officer considers it appropriate to do so, the child's case may be referred by that officer to a Welsh family proceedings officer

Reg 53(3) In the following circumstances the IRO must consider whether it would be appropriate to refer the child's case to a Welsh family proceedings officer

- a) In the opinion of the IRO, the responsible authority has filed in any significant respect
 - i) To prepare the child's care plan in accordance with these Regulations,
 - ii) To review the child's case in accordance with these Regulations, or to implement effectively any decision taken in consequence of a review, or
 - iii) Is otherwise in breach of its duties to the child in any material respect, and
- b) Having drawn the failure to the attention of persons at an appropriate level of seniority within the responsible authority, it has not been addressed to the satisfaction of the IRO within a reasonable period of time

UNCRC / NPS: Those who make decisions that affect children and young people should put children's rights at the centre of everything they do

We will:

- Work with you and learn how we can do things better
- Ensure your views make a difference to the way we make plans and decisions

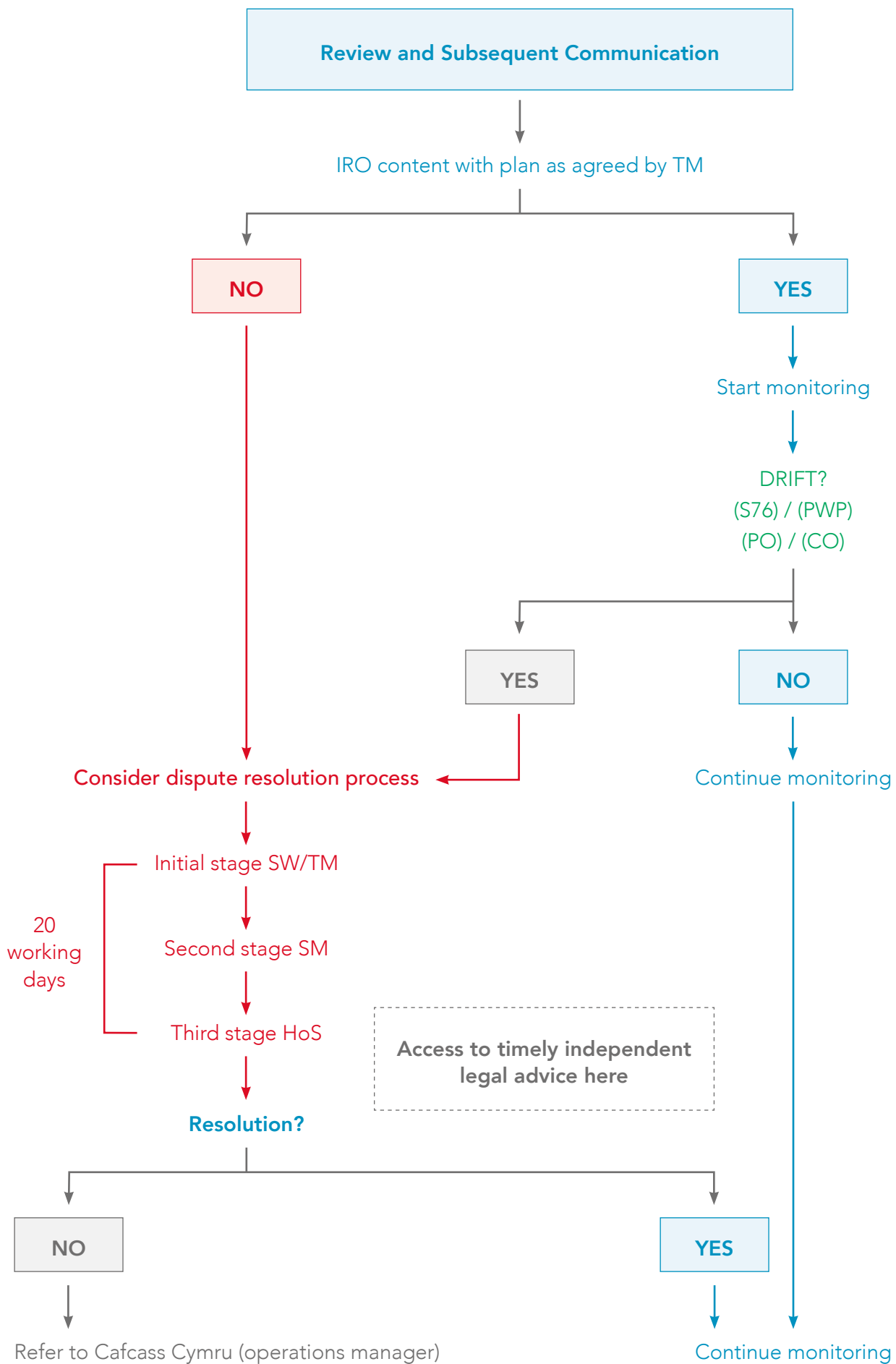
Good Practice

In Swansea the reciprocal legal department (NPT), offers training to IRO's, including subjects such as new case law and the use of s76 arrangements.

'The status of IRO's would be greatly enhanced if their ability to access independent legal advice and representation was made clear...'

Keith Towler, 2016





CHAPTER 6

The IRO's responsibility for reviewing the child or young person's case' and /or 'the IRO's work to review, at certain times, how the child/ young person is getting on

The review is a process, not a meeting – how this concept can be put into practice

The Act:

S100(1)(b) Participate, in accordance with the regulations, in any review of the child's case

STANDARD

10. The responsible local authority ensures that the child/young person's Part 6 care and support plan is reviewed in accordance with regulations and the code of practice

- 10.1 The IRO should always be aware of their role in continuing the 'what matters conversation' with the child or young person, started with their social worker, as set out in the SSWB(W)A;
- 10.2 The format of the review meeting should be agreed with the child or young person and their views, wishes and feelings taken into account;
- 10.3 In agreeing a format for the review meeting, the child or young person's privacy needs to be respected;
- 10.4 If, as part of the review process, there is a meeting and the child or young person does not wish to attend, the IRO should ensure appropriate consultation and representation of their views, wishes and feelings within the meeting;
- 10.5 The IRO should be clear on who is implementing which action at the end of a reviewing process and the timeframe for it (reg 42(1)(d)(i));
- 10.6 It is good practice for the key decisions record to be shared by the IRO with the team manager within 5 working days of the review and the full record of the meeting (prepared in compliance with reg 44), completed within 20 working days of the review. The care and support plan should be updated by the child or young person's social worker within 5 working days of receipt of the full record of the review meeting. The care plan will, therefore, be amended within 25 working days of the review and the child or young person's file updated. See diagram on p25;
- 10.7 The full record of the meeting is shared with all participants;
- 10.8 An accessible record is written and shared with child/young person and their birth family (reg 44);
- 10.9 If decisions made at the review meeting are not agreed/ratified, the relevant (usually team) manager must inform the IRO within 5 working days (Reg 43(a)) and see Standard 5
- 10.10 There should be no significant change of care plan without first being considered at a review, unless not reasonably practicable (reg 38(2)).

Note all timeframes are good practice, not regulatory.

See the IRO Protocol between Cafcass Cymru and ADSS Cymru, 2018

www.adsscymru.org.uk/media-resources-list/s20-guidance/

S100(1)(b) Participate, in accordance with the regulations, in any review of the child's case

Précis of the regulations:

38(1) The responsible authority must review the child's case in accordance with this Part.

42(1)(a) IRO must, as far as reasonably practicable, attend any meeting held as part of the review

Timescales

39(1) first review within 20 working days of child becoming looked after

39(2) second review not more than three months after first

39(2) subsequent reviews no more than six months

42(1)(d) The IRO must ensure the review is conducted in accordance with this Part and in particular -

(i) that the persons responsible for implementing any decision taken in consequence of the review are identified

44 The responsible authority must ensure that a written record of the review is prepared, and that the information obtained in the course of the review, details of proceedings at the review meeting and any decisions made in the course of or as a result of the review are included in the child's case record

43 The responsible authority must

(a) Make arrangements to implement decisions made in the course, or as a result, of the review, and

(b) Inform the IRO of any significant failure to make such arrangements or any significant change in circumstances occurring after the review that affects those arrangements

When else is a review needed?

38(2) to be no significant change in care plan unless the proposed change has been considered at a review, unless this is not reasonably practicable;

39(3)(c) if the young person requests a review; however, no requirement to carry out review if IRO considers early review not justified (39(4) See diagram on p25

UNCRC / NPS: Those who make decisions that affect children and young people should put children's rights at the centre of everything they do

We will:

- Work with you and learn how we can do things better
- Ensure your views make a difference to the way we make plans and decisions

Good Practice

Post review information/ensuring information is accessible to YP (in Swansea IRO's send a letter /card/certificate post review).

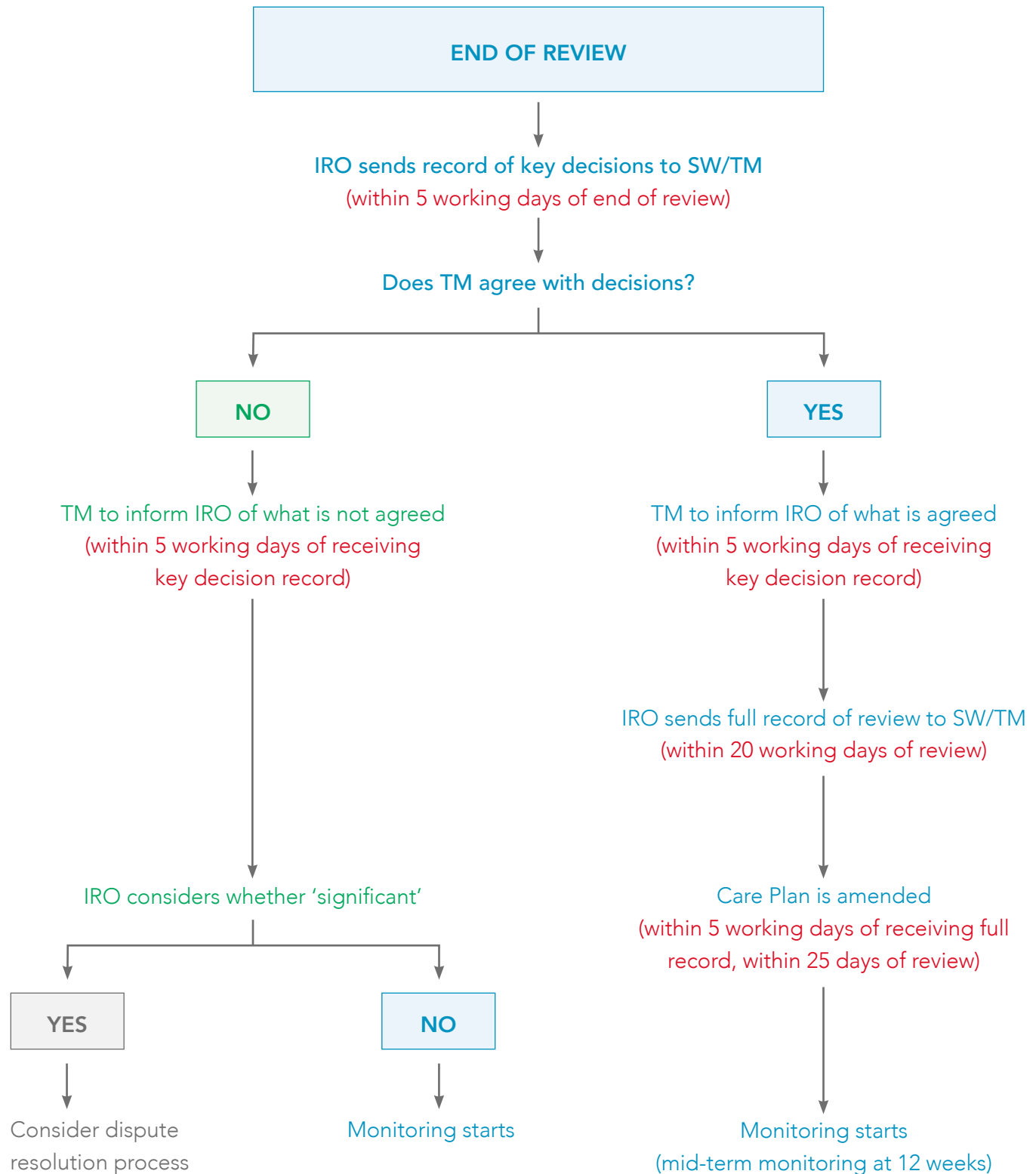
Celebrating the young person. In Cardiff IRO's always end the review with a celebration of what has gone well and what has been achieved, writing these down so that the child or YP can take them away from the meeting with them.

Minutes/record to celebrate achievements – 'well done – what an achievement!'

'Every review should celebrate what a young person is doing well (and not just educational achievement).'

Young people with care experience





STANDARD

11. The IRO has direct contact with the child or young person in advance of the review

- 11.1 The IRO ensures that the child or young person understands the purpose of a review of a Part 6 care and support plan (this work is done in conjunction with the child or young person's social worker);
- 11.2 The IRO ensures that the child or young person is aware of contents of their care and support plan and understands what it means to them. This work is done in conjunction with the child or young person's social worker and will be part of the 'what matters conversation';
- 11.3 The IRO checks with the child or young person as to their preferred language/method of communication;
- 11.4 The IRO discusses with the child or young person who will be in attendance at the review meeting, if one is taking place;
- 11.5 The IRO discusses venue options with the child or young person if a review meeting is to take place;
- 11.6 The IRO discusses how the child or young person would like to contribute to a review;
- 11.7 The IRO discusses where the child or young person would like to sit if there is to be a review meeting;
- 11.8 The IRO is clear with the child or young person what matters will be discussed and which decisions can be influenced by them;
- 11.9 The IRO gives consideration to technology and whether this can be helpfully used for the review of the care and support plan.

Good Practice

In NPT there have been consultation days with different ages of children and young people in order to update their consultation documents, which are in booklet style.

If the child does not attend the review meeting then the foster carer brings the consultation booklet.

Carmarthenshire IRO's meet with the child or young person to complete the document.

S100(1)(b) Participate, in accordance with the regulations, in any review of the child's case

42(1)(b) the IRO must speak to the child/YP in private about the matters to be considered at the review unless the child/YP, being of sufficient understanding to do so refuses or the IRO considers it inappropriate having regard to the child/YP's age and understanding

Para 379 Code of Practice: The IRO is required to speak with the child in private prior to the review, unless the child refuses to do so or if the IRO considers it inappropriate because of the child's age or understanding. It is important for the IRO to work with the child to ascertain their views and identify any issues and establish how s/he would like to make the most meaningful contribution to the review.

UNCRC / NPS: You have the right to have a say. Your opinions are important and will be respected

We will:

- Listen to your views, experiences and ideas and take you seriously
- Work with you on things you say are important
- Value what you have to offer

'We have never met the IRO before the meetings and were very anxious about the meeting. Perhaps the IRO could meet us beforehand and explain about the meeting and who would be there.'

Sibling group with care experience

'It is good to know the person before you start the review so you know them not just what is on the file. It should be a professional relationship not a friendship.'

Young person with care experience

STANDARD

12. The IRO ensures that the child or young person is enabled to participate in the review

- 12.1 The IRO is aware of the participation standards and his/her work with the child or young person reflects the approaches advocated within them;
- 12.2 The IRO ensures that the child or young person has the opportunity to contribute to the review by completing an appropriate consultation document in advance of the review process and thought is given as to who is the most appropriate person to assist the young person with that;
- 12.3 The IRO ensures that the child or young person is aware of their role within the review process;
- 12.4 Everyone at the meeting has a copy of the agenda/ list of things to talk about;
- 12.5 The IRO ensures that careful thought is given to the sharing of any additional information at a review meeting if one occurs;
- 12.6 The IRO supports the child or young person to have a voice and express it in a way they feel comfortable with;
- 12.7 The IRO ensures that the views of the child or young person are heard within the review process;
- 12.8 The IRO is aware of achieving the balance between the child or young person's participation and the formal review process.

Good Practice

IDEAS FROM YOUNG PEOPLE

The young person co-chairing with the IRO

Having a standard item on the agenda for the young person to have their say – this can be done by writing it, saying it, recording it in advance and playing at the meeting.

The option of skyping into a review (either the young person or other review participants).

Playing a DVD of young person's views, wishes and feelings.

S100(1)(b) Participate, in accordance with the regulations, in any review of the child's case

42(1)(b) the IRO must speak to the child in private about the matters to be considered at the review unless the child, being of sufficient understanding to do so, refuses or the IRO considers it inappropriate having regard to the child's age and understanding

P371 Code of Practice: The responsibilities of the IRO include:

- Ensuring that all reasonable steps have been taken to ascertain, and give proper consideration and weight to the child's current views, wishes and feelings

UNCRC / NPS: You have the right to have a say. Your opinions are important and will be respected

We will:

- Listen to your views, experiences and ideas and take you seriously
- Work with you on things you say are important
- Value what you have to offer

'Being in care is still a stigma, young people have the right to privacy and being pulled out of class to go to a meeting let's everyone know.'

Young person with care experience

”

'We understand that the review has a responsibility to ensure the young person is ok but it is a fine line about what needs to be shared and made public for that to happen.'

Young person with care experience

”

STANDARD

13. The IRO ensures that all participants and contributors to the review process are sufficiently informed and prepared

- 13.1 The IRO should ensure, in conjunction with the child's social worker, that birth parents or others with PR understand and are enabled to be involved in the review process;
- 13.2 Where a review meeting takes place any written information should be shared in advance of it and help given to ensure that the contents are understood;
- 13.3 Any new information must be shared in advance of a review meeting;
- 13.4 Where appropriate, birth parents or others with PR should be advised of advocacy services;
- 13.5 There should always be an agenda/list of things to talk about and all participants should have one;
- 13.6 The IRO should always introduce people, explain who they are and why they are at the review and explain the agenda;
- 13.7 The review meeting should ensure that the views of foster carers (including kinship foster carers) and residential workers are fully aired and are taken into account;
- 13.8 Where a review meeting takes place the IRO should ensure there is no use of jargon;
- 13.9 If the review is endorsing a care plan for adoption, this should be known by birth parents in advance of the review meeting. The IRO should make explicit the fact that the review has endorsed the plan; the IRO's view then goes to the relevant agency decision maker;
- 13.10 The IRO should ensure that all participants understand that decisions made at a review are subject to agreement/ratification by the social work team manager or other manager. Consequently, decisions can change in between reviews.

ADOPTION REVIEWS

- 13.11 The IRO should ensure that when a review is undertaken under the Adoption Agencies (Wales) Regulations 2005, when a child has been placed with prospective adoptive parents, all participants understand that the prospective adoptive parents have acquired some parental responsibility, but the child remains looked after until such time as an adoption order is made.
- 13.12 An adoption review should provide an opportunity for the placement to be scrutinised and appropriately challenged, in line with the requirements of s37(7) AA(W)R 2005.
- 13.13 An adoption review should consider a chronology of significant events for the child, since being placed, including any harm the child may have suffered, however caused, and the ongoing support needs of the child and prospective adoptive parents.

S100(1)(b) Participate, in accordance with the regulations, in any review of the child's case

40(1)(2)(b)(c)

42(1)(c) the IRO must ensure that, so far as is reasonably practicable, the views, wishes and feelings of the child/YP's parents, or any person who is not the child/YP's parent but who has parental responsibility for the child/YP, have been ascertained and taken into account

P371 Code of Practice: The IRO should (also) ensure that the views of parents, or those with parental responsibility, are also taken into account, where possible

Good Practice

NPT have consultation documents for parents and for carers.

Use of skype (if possible)/use of other technologies if the IRO cannot meet with birth family beforehand.

'I don't get to input my views or opinions before either of my children's reviews, I am allowed to read the social worker's report 10 minutes before the meeting starts. This does not give me enough time to read the report and comment on it.'

Birth mother



'Being asked questions at a meeting with lots of people there, it's hard.'

'The 'sheets' (consultation forms) need to evolve with the child or placement. There need to be different, relevant questions on them as at present it's the same questions each time.'

Young person with care experience



STANDARD

14. The responsible authority agrees /ratifies the decisions made at the review within a reasonable timeframe. If the decisions are not agreed/ratified by relevant managers, then the IRO is informed of that decision

Good practice timeframe (as set out under Standard 5)

- 14.1 The Local Authority and IRO adhere to the process set out in the diagram on page 28
- 14.2 The IRO sends the team manager a record of the key decisions made at the review meeting within 5 working days of the review meeting/ end of review process
- 14.3 The team manager (or other senior manager) considers the key decisions made at each review and informs the IRO and all attendees whether they agree or do not agree with the decisions made at the review process (within 5 working days of receiving the key decisions record);
- 14.4 If the decisions made at the review are not agreed/ratified by the team manager and the IRO considers there to be a consequent significant failure in respect of the child or young person's care plan, the IRO activates the local disputes resolution process (see diagram on p25)

Note: The timings set out above and in the accompanying diagram on p28 provide a challenge, particularly for the team manager to respond to the IRO within 5 working days of receiving the key decision document from the IRO. This timescale should be aspirational, in order to avoid drift, particularly if the team manager is to disagree with a decision made at the formal review and will not ratify it. If the 5 working day deadline cannot be met, then there should be a response within 10 working days at the latest.

S100(1)(b) Participate, in accordance with the regulations, in any review of the child's case

43(b) the responsible authority must make arrangements to implement decisions made in the course, or as a result, of the review

44 the responsible authority must ensure that a written record of the review is prepared, and that the information obtained in the course of the review, details of proceedings at the review meeting, and any decisions made in the course of or as a result of the review are recorded in the child /YP's record

P377 Code of Practice: The local authority must ensure that a written record of the review is prepared (reg 44). The review record should contain an accurate and comprehensive record of the meeting, including the decisions made about the care plan and the views of all those who attended and were consulted upon during the meeting.

UNCRC / NPS: Children and young people are all different and have the right to be treated fairly

We will:

- Challenge discrimination
- Provide a range of opportunities and support to meet the needs of children and young people

'We need to get the minutes sooner.'

Young person with care experience



CHAPTER 7

How to ensure that the child / young person's views, wishes and feelings are sought, heard and acted upon

The Act:

s100(1)(c) ensure that any ascertained wishes and feelings of the child are given due consideration by the local authority

STANDARD

15. The IRO ensures that the child/young person understands their right to request a review of their care plan

- 15.1 Information on the IRO needs to be given in the 'Looked after children (LAC) pack' given when the child/ young person starts to be looked after;
- 15.2 At the first review the IRO should ensure that the child/ young person knows how to contact them (either directly or through the team);
- 15.3 The IRO needs to ensure (subject to age and understanding) that the child/ young person understands that they can contact the IRO and ask for a review to take place before the next planned review. The IRO should, in discussions with the young person, give examples of when it would be right for the young person to request a review.

s100(1)(c) Ensure that any ascertained wishes and feelings of the child are given due consideration by the local authority

39(3)(c) the child or young person may request a review,

39(4) the responsible authority is not required to carry out a review pursuant to paragraph (3)(C) if the IRO considers that a review before the time specified in (1) or (2) is not justified

P377 Code of Practice: The local authority must ensure that a written record of the review is prepared (reg 44). The review record should contain an accurate and comprehensive record of the meeting, including the decisions made about the care plan and the views of all those who attended and were consulted upon during the meeting.

UNCRC art 12 / NPC: You have the right to choose to be involved and work on things that are important to you.

We will:

- We will give you enough support and time to choose if you want to get involved

'None of us knew we had the right to request a review of our care plan.'

Young person with care experience



STANDARD

16. a) The IRO ensures that the child/young person understands the role of everyone involved in the review process. The child/young person understands their right to an active offer of advocacy and one is provided if required
- b) The IRO ensures that any child/young person with sufficient understanding has an awareness of their right to make a complaint
- c) The IRO ensures that any child/young person with sufficient understanding has an awareness of their right to make an application, with leave, under the Children Act 1989
- d) The IRO ensures that the local authority considers, in appropriate circumstances, the appointment of an independent visitor, in line with the National Independent Visitor Standards for Wales

THE ACTIVE OFFER OF ADVOCACY

(see Part 10 Code of Practice)

Local Authority Duty (to a looked after young person):

- Inform the child or young person of the availability of advocacy services and offer a meeting with the local independent professional advocacy service.
- If the child or young person would like to meet with an advocate, the social worker should make a referral to an advocacy service, requesting an active offer meeting to take place with the child or young person. The child or young person must consent to the referral being made.
- Record the offer of advocacy and the child or young person's decision on the local authority case management system.

.....

'The children (who were old enough to have a voice in the process) were offered an advocate who saw them once but not since. This does not give them a voice in the process.'

Birth parent



.....

'It's potentially a really positive arena in which to move things forward. All young people should be supported to ensure they can use this opportunity.'

Young person with care experience



[s100\(1\)\(c\)](#) ensure that any ascertained wishes and feelings of the child are given due consideration by the local authority

a) Active offer of advocacy

[The Act: s178](#)

[Part 6 Code of Practice: paras 8-9, 31-33](#)

b) Complaints

[The Act: ss174, 175, 178](#)

[Reg 53\(1\)\(b\) CPPCR\(W\)R](#)

[Code of Practice: paras 388 – 391](#)

c) Applications under the Children Act

[ss 8 & 10 Children Act 1989](#)

[Reg 53\(1\)\(a\)\(2\) CPPCR\(W\)R](#)

[Code of Practice: para 388-391](#)

d) Independent visitors

[The Act: s98\(1\)\(2\)](#)

[Reg 55 CPPCR\(W\)R](#)

[Code of Practice: paras 330 – 339](#)

[Code of Practice: para 391](#): These are all complex issues to explain to a child, and the IRO and the IRO's managers must be satisfied that the child is aware of and understands what their rights are.

[UNCRC art 12 / NPS](#): You have the right to choose to be involved and work on things that are important to you. We will give you enough support and time to choose if you want to get involved

We will:

- listen to your views, experiences and ideas and take you seriously
- work with you on things you say are important
- value what you have to offer

STANDARD

17. The IRO ensures that the child/young person is consulted in advance about who should contribute to the review of their care and support plan and if a meeting is to occur, the venue and that they are comfortable with those attending

Contributions (see also Standard 12)

- 17.1 The views of the child/young person need to be sought in advance of the review process;
- 17.2 There needs to be a discussion with the child/young person about whose views will be sought as part of the review process and why;
- 17.3 Where a meeting is to occur as part of the review process, the child or young person's views should be sought in relation to who should attend;
- 17.4 Where there is to be a meeting as part of the review process and the child or young person does not wish a participant to attend, the IRO should seek to arrange for their views, wishes and feelings to be heard separately ;
- 17.5 Consultation documents should be age appropriate and relevant to the child's particular situation.

Venue

- 17.6 The child/young person's views should be sought about the venue for a review meeting if one is to take place. School is generally thought to be an inappropriate venue.

s100(1)(c) ensure that any ascertained wishes and feelings of the child are given due consideration by the local authority

Para 378 Code of Practice: IRO's should chair the review meetings of all children who are looked after. Chairing the meeting enables the IRO to monitor the appropriateness of the care plan, oversee its implementation and establish whether the milestones set out in the Part 6 care and support plan are being achieved in a timely way. The IRO should ensure that all those involved in the meeting provide a meaningful contribution to the discussion. This will facilitate the development of informed decisions about the short and long-term actions that will be needed to take forward the child's care and support plan

UNCRC art 12 / NPS:

- You have the right to learn and be the best you can be
- You will have opportunities to work with others and make a difference
- We want you to be involved in positive experiences

We will:

- Work with you in safe, fun and enjoyable ways
- Make the most of what you know and do things that build your confidence and skills

Good Practice

Some authorities consult with the child/ young person, as part of the consultation process, as to who they would like to have at their review, the venue (if possible to agree to the young person's request) and the general running of the meeting, including whether the young person wishes to chair some or all of the meeting. Chairing requires preparation of the young person.

'I do not want teachers coming to my house.'

'All reviews should be personal to the young person and seek to empower them.'

Care experienced young people



STANDARD

18. The IRO ensures that the child/young person is enabled to participate in the review process

See also Standard 12

- 18.1 The review of a care and support plan may be undertaken in one meeting. However it may be equally appropriate to receive a range of contributions that would enable the review to be completed without a formal meeting
- 18.2 If a child/young person finds it difficult to attend and sit through a review meeting, their views should be sought to ensure they influence the review and subsequent care and support plan
- 18.3 If a review meeting is to take place, the views of the child/young person should be sought, in advance, about who is to attend
- 18.4 If a meeting is to take place as part of the review and the child/young person wishes to attend, they should be adequately prepared
- 18.5 The child/young person should be asked in which language they would like the review to be conducted, in compliance with the Welsh Language (Wales) Measure 2011
- 18.6 Where a review meeting takes place, it should be conducted in compliance with the UNCRC and national participation standards
- 18.7 A review 'process', if it is not just one meeting, should take a maximum time of 15 working days, with the aim of concluding it in a shorter period. If the review is undertaken in this way, the IRO, child or young person's social worker and team manager should ensure that the steps following the review are completed as soon as possible and well within the timeframe set out under Standards 5 and 10
- 18.8 The IRO should take particular care in ensuring that the reviewing process enables children or young people who experience communication difficulties to make a full contribution to their own review
- 18.9 The IRO should ensure that, if of sufficient age and understanding, the child or young person has access to Children in Wales' guide 'Getting your voice heard in your looked after review meeting'.

s100(1)(c) ensure that any ascertained wishes and feelings of the child are given due consideration by the local authority

Reg 40:

- (1) The responsible authority must prepare and implement a written policy regarding the manner in which it will review cases in accordance with the this Part.
- (2) The responsible authority must provide a copy of its policy to
 - (a) The child, unless it would not be appropriate to do so, having regard to the child's age and understanding.

Para 371 Code of Practice: The responsibilities of the IRO include

- Ensuring that all reasonable steps have been taken to ascertain, and give proper consideration and weight to, the child's views, wishes and feelings
- Ensuring that the child fully understands the implications of any changes to the Part 6 care and support plan

UNCRC art 12 / NPS:

- You have the right to learn and be the best you can be
- You will have opportunities to work with others and make a difference
- We want you to be involved in positive experiences

We will:

- Work with you in safe, fun and enjoyable ways
- Make the most of what you know and do things that build your confidence and skills

'All those people discussing your life, makes you feel much smaller than them.'

'It would have been nice to have had a real say in a meeting that was about my life.'

Young people with care experience



Good Practice

In Cardiff, every review is concluded by celebrating something that the child/young person has done well in the preceding months. The review always ends on a positive note.

In Caerphilly the young person has identified tasks to complete before the next review, so that they feel more involved in the process.

‘Remember that you don’t have to attend the whole meeting, you may just want to come in at the beginning or end and so you can get an update on what has been talked about.’

Children in Wales guide



STANDARD

19. The IRO takes account of the child/young person's preferred method of communication and aims to be creative in their management of the review including the consideration of technology

- 19.1 The IRO needs to ensure that the child or young person is enabled to discuss which language or form of communication they wish to use;
- 19.2 The child or young person should be enabled to contribute to the review process by whatever method of communication they are most comfortable with;
- 19.3 Discussions should take place with the child or young person in advance of the review about how best to ensure their voice is heard;
- 19.4 Consideration should be given to review participants contributing to the review process by technology such as skype;
- 19.5 Consideration should be given to young people recording their own views, wishes and feelings for their review (although care would need to be taken over storage/deleting etc following the review)

s100(1)(c) ensure that any ascertained wishes and feelings of the child are given due consideration by the local authority

Reg 40:

- (1) The responsible authority must prepare and implement a written policy regarding the manner in which it will review cases in accordance with the this Part.
- (2) The responsible authority must provide a copy of its policy to
 - (a) The child, unless it would not be appropriate to do so, having regard to the child's age and understanding.

Para 371 Code of Practice: The responsibilities of the IRO include

- Ensuring that all reasonable steps have been taken to ascertain, and give proper consideration and weight to, the child's views, wishes and feelings
- Ensuring that the child fully understands the implications of any changes to the Part 6 care and support plan

UNCRC / NPS: You have the right to information that is easy to understand and allows you to make an informed decision

We will:

- Provide information that is good quality, clear and accessible
- Inform you about who's going to listen and let you know what difference your involvement could make

Good Practice

In Caerphilly and Swansea IRO's encourage the young person to chair their own review meeting and develop their own agenda on what they would like to talk about.

In Swansea children as young as five are encouraged into their review meeting to participate towards the end of the meeting.

In a number of authorities, at the end of the review meeting, everyone says something they have heard that makes them feel proud of the child or young person.

'The review meetings are too formal.'

Young person with care experience

'There's a need to use new and creative ways of communicating and sharing information using IT.'

Fostering Network



CHAPTER 8

Alternative reviewing regulations to reg 39

Short breaks care

Reg 62(3)(d) CPPCR(W)R: regulation 39 does not apply, but instead –

- (i) The responsible authority must first review the child's case within 3 months of the start of the placement, and
- (ii) The second and subsequent reviews must be carried out at intervals of not more than 6 months

Adoption

Where authority to place (placement order (s21aca) or consent (s19 aca))

The CPPCR(W)R continue to apply but there is the additional imposition of reg37(3) Adoption Agencies (Wales) Regulations 2005:

37(3) when there is **authorisation but child is not yet placed with prospective adoptive parents**, the AA must carry out a review of the child's case:

- (a) Not more than three months after the date on which the agency first has authority to place; and
- (b) Thereafter not more than six months after the date of the previous review,

until the child is placed for adoption.

Child placed for adoption

When a child has been placed for adoption, the provisions of CPPCR(W)R cease to apply and the provisions of reg 37(4) Adoption Agencies (Wales) Regulations 2005 apply:

37(4) where the **child has been placed for adoption**, the AA must carry out a review of the child's case –

- (a) not more than four weeks after the date on which the child is placed for adoption;
- (b) not more than three months after the first review; and
- (c) thereafter not more than six months after the date of the previous review,

unless the child is returned to the agency by the prospective adopter or an adoption order is made.

GLOSSARY

Terms and abbreviations

ACA (Adoption and Children Act 2002) The main adoption legislation for England and Wales

AA(W)R (Adoption Agencies (Wales) Regulations 2005) The regulations that dictate how reviews are undertaken when a child is placed with prospective adoptive parents

Accommodation under s76 Children can become looked after, on a voluntary basis, without an order of the court, if either their birth parents agree to the accommodation or they are unable to care for their child

Agenda The name for the list of things that are to be discussed at a review meeting

CA (Children Act 1989) The main piece of child care law in England and Wales, that sets out how children should be protected if they are suffering, or are likely to suffer, significant harm. The Children Act also contains the private law orders (child arrangement orders) that a young person may wish to seek the leave of the court to apply for if they do not wish to remain looked after by the local authority

Care order The order, granted by the family court, giving the local authority parental responsibility. When a care order is made the child or young person becomes looked after

CPPCR(W)R The Care Planning, Placement and Case Review (Wales) Regulations 2015. These are the regulations covering children and young people who are looked after

Children in Wales The authors of the young person's guide to reviews and a national body which is the umbrella for a number of national organisations working with and for children

Corporate parents The term used for the responsibility a local authority has for a looked after child or young person. Elected councillors and senior managers of a local authority all have a collective responsibility for the children in their care

ECtHR (European Convention on Human Rights) The Convention, which contains article 6 (the right to a fair trial) and article 8 (the right to a private and family life) was made part of Welsh and English law with the introduction of the Human Rights Act 1998. These two articles (and some others) are very important to the role of the IRO in reviewing and monitoring a child or young person's Part 6 care and support plan. The IRO and the child or young person's social worker must ensure that the young person has these rights upheld whilst they are looked after by the local authority

DRP (Dispute Resolution Process) This is the process by which the IRO will attempt to sort out with the child or young person's social worker and team manager any worries she or he has that the care and support plan is not in the child's best interests and may be breaching their human rights

Head of service The name of the senior manager in a social services department who has overall responsibility for children's services

HRA (Human Rights Act 1998) The UK Act of Parliament that made the European Convention on Human Rights part of the law in Wales and England so that people (including looked after young people) may, in certain circumstances challenge a local authority through the courts for a breach of their right to a fair trial (or hearing or process) and right to a private and family life

Kinship carers The term for family or friends who become foster carers for particular children who need to become looked after. A lot of looked after children or young people who are looked after have family members (usually grandparents) who are also their foster carers

ICO (interim care order) A short term order which is granted, by the family court, to a local authority, during 'care proceedings' where the local authority has proved that there are reasonable grounds for believing that the child or young person is suffering, or is likely to suffer, significant harm if an order is not made

LA (local authority) The public body/council that has the responsibility for providing services for children and families, protecting them when they are at risk of harm and seeking parental responsibility for them if they believe it is not in the child or young person's interests for them to remain at home

'looked after' The general term for children who have either an interim care order or care order or whose parents have consented to their voluntary accommodation, or are prevented from caring for them

PR Parental responsibility 'All the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his/her property.' (s3 Children Act 1989). All mothers and most fathers have PR. When a care order is made the local authority gains parental responsibility and shares it with the parents

PO (placement order) An order made by the family court, if it agrees with the local authority's plan for adoption for a child. A placement order allows a local authority to place a child with prospective adoptive parents

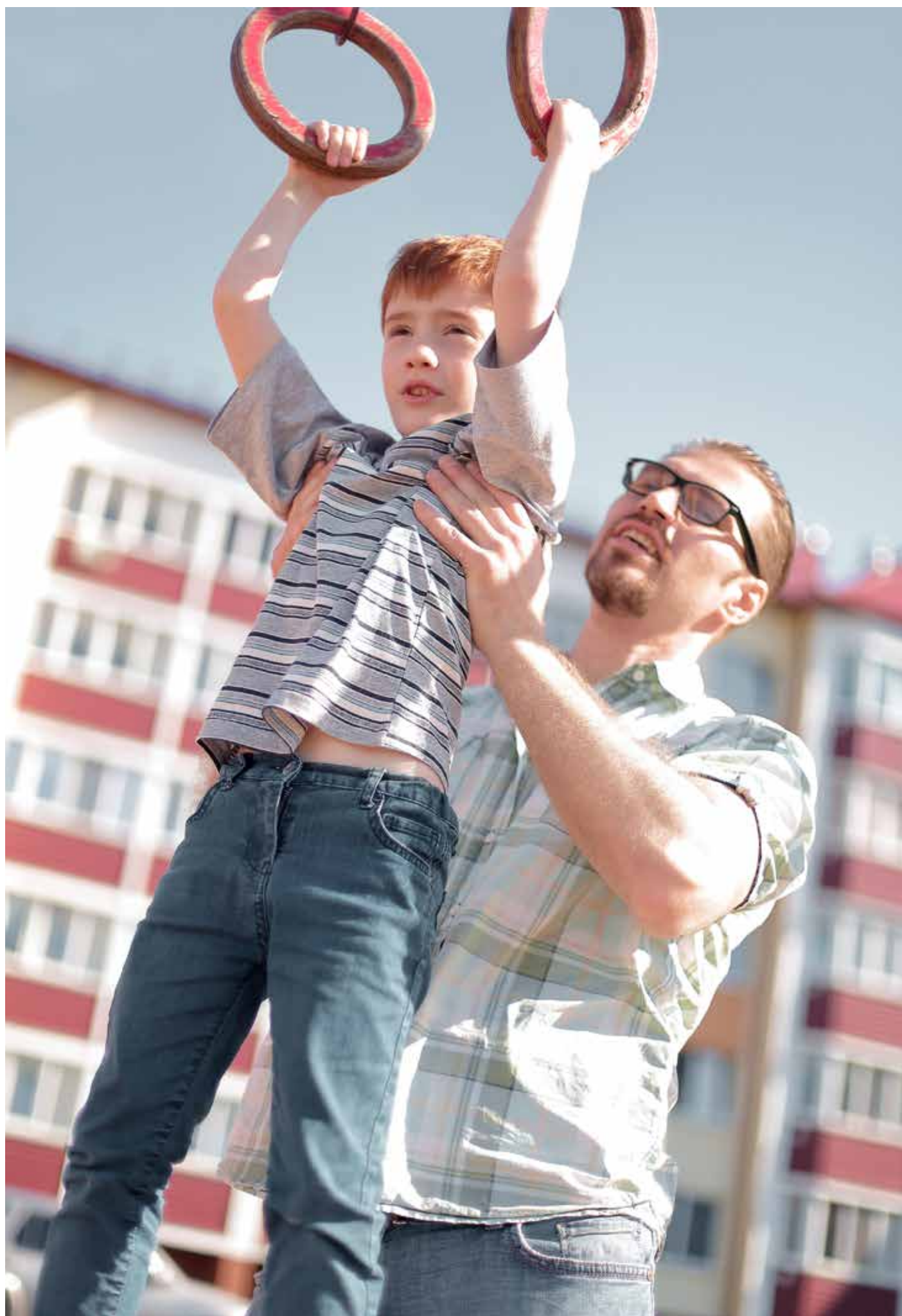
PWP (placement with parents) Sometimes children who have care or interim care orders still live, or are placed back, with their birth parents. There are regulations, contained in the Care Planning, Placement and case Review (Wales) Regulations 2015, setting out what a local authority must check before they can place a child at home when the court has given them parental responsibility

Service manager A manager in the social services department who works under the head of service and is the manager for the social worker's team manager

Statutory The word means that something has been laid down in a statute (Act of Parliament) and therefore has to be followed. The Part 6 Code of Practice is 'statutory guidance' and therefore the local authority has to follow it.

Social worker (SW) The qualified person who has responsibility for the work in ensuring that a looked after child or young person is well looked after in their foster home or residential home and is having their needs met with health, at nursery, school or college and is having the right type and level of contact with family

Team manager (TM) The experienced social worker who manages and supervises the social worker. Social workers are organised into 'teams' and the team manager has overall responsibility for the team. The service manager manages the team manager





AFA CYMRU

The Association for Fostering and Adoption Cymru (AFA Cymru) is a Welsh charity that promotes good practice across the breadth of permanency planning for children and young people. It also offers advice, training and consultancy to professionals and members of the public to support best practice.

AFA Cymru is employed under the umbrella of St David's Children Society and is part funded by a Welsh Government grant.

If you wish to download further copies of this guide, please visit our website.

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