

Independent Reviewing Officer (IRO) Annual Report April 2017 – March 2018

This Annual IRO report provides quantitative and qualitative evidence relating to the IRO Services in East Sussex as required by statutory guidance. The IRO Annual Report must be presented to the Corporate Parenting Panel.

Purpose of Service and Legal Context

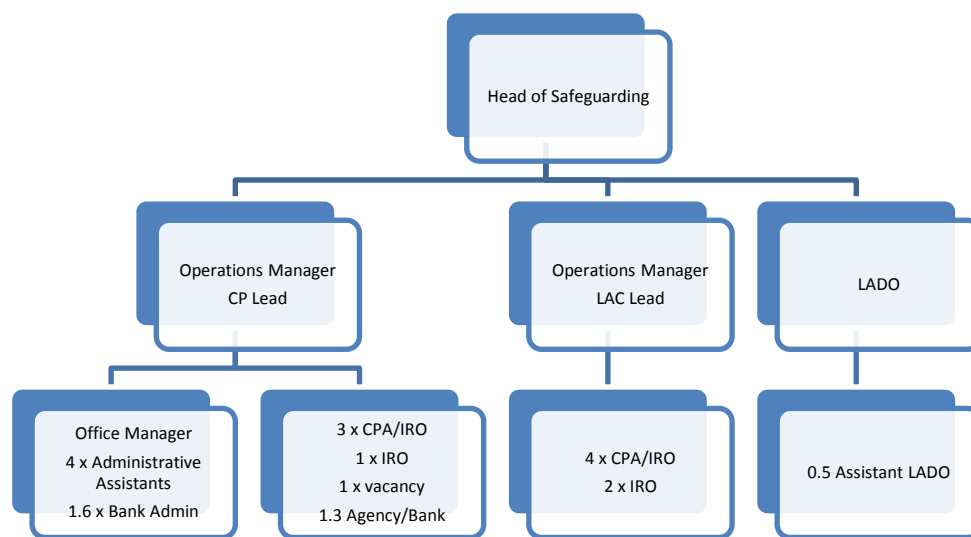
It is vital that children's care plans are reviewed by individuals who are not directly involved in providing support to either the child or the foster carer. IROs need to be objective, to scrutinise and hold to account the individuals and agencies who are charged with meeting the needs of the child.
BASW 2018

1.1 The Independent Reviewing Officers' service is set within the framework of the updated IRO Handbook, linked to revised Care Planning Regulations and Guidance which were introduced in April 2011. The IRO has a key role in relation to the improvement of care planning for children who are looked after and for challenging drift and delay. The responsibility of the IRO has changed from the management of the review process to a wider overview of the case including regular monitoring and follow-up between reviews.

- 1.2 The appointment of an IRO is a legal requirement under S118 of the Adoption and Children Act 2002. IROs quality assure the care planning process for all Looked After Children (LAC) and ensure that their wishes and feelings are understood.
- 1.3 The statutory duties of the IRO are to:
- Monitor the Local Authority's performance of its functions in relation to the child's case
 - Participate in any review of the child's case
 - Ensure that any ascertained wishes and feelings of the child are given due consideration by the appropriate authority
 - Perform any other function as prescribed in the regulations
- 1.4 724 children have been accommodated by ESCC throughout or for some part of 2017/18 with 603 LAC at year end. Each of these were required to have a review within the first 28 days of becoming accommodated; a second review within 3 months and thereafter a review no less than every six months. In addition reviews should take place if there has been, or if there are proposed significant changes e.g. a change of placement, educational provision, legal status etc.

Professional Profile of the CPA and IRO Service in East Sussex

- 2.1 The IRO/CPA Service sits within the Performance and Planning Directorate of Children's Services. The Head of Safeguarding is Douglas Sinclair, there are two Operations Managers; Sue McGlynn and Fiona Lewis who have the leads for Child Protection Advisors (CPA) / Safeguarding and for IROs / LAC respectively. The LADO also sits within the Safeguarding Unit; management cover for this role is provided by the two Operations Managers.



- 2.2 When the unit was created the CPA and IRO were separate specialisms; today the majority of staff exercise a dual role; this is common practice across much of England and Wales. There is a long standing debate regarding the benefits and disadvantages of combining the two functions; specifically there is a concern that it dilutes the independence of the IRO. The two roles are separated by different legislation and regulatory protocols; they each require a depth and breadth of expertise. Whilst this debate is kept under review; operating the combined role allows the Unit greater elasticity and ensures that staff retain a sense of the child's holistic experience. The separate management streams ensure a focus on legislative / practice developments and quality assurance of each function.

- 2.3 The Unit has a relatively diverse staff who bring a wealth of personal and professional skills and experiences to their role. The IRO/CPAs are all registered social workers with extensive experience. They have the confidence and knowledge to bring a critical perspective to the care plans for the most vulnerable children in our county.

- 2.4 At the end of March 2018 the Safeguarding Unit comprised 9.6 fte IROs /CPAs. This was the same

*The IRO should be an authoritative professional with at least equivalent status to an experienced children's social work team manager.
IROH*

staff complement as at the start of 2016/17. During that year a reduction in caseloads had resulted in agreement to reduce Unit staffing by one IRO/CPA. However, in response to increasing demand throughout 2017/2018, resulting in consistently high caseloads, the Senior Management Team (SMT) gave agreement to the post being reinstated.

- 2.5 Higher than expected caseloads and the long-term absence of one member of staff meant that the Unit was reliant on bank / agency staff and a seconded locality manager throughout 2017/2018 of which 1.3 fte staff have continued short term into Quarter 1. Agreement was given in April 2018 to recruit a CPA/IRO to a twelve month contract; in addition two CPA/IROs agreed to temporarily increase their hours from 0.8 to fulltime to increase capacity within the Unit. This equated to an in-work staff complement (including agency) of 11.3 fte at the start of the new financial year.
- 2.6 The Unit made savings in the year 2017-2018 by a significant restructuring of the administrative functions within the team. This has had an impact on timeliness and tracking of the LAC review process as well as a reduction in administrative support for IROs. The Operations Manager for the IRO Service and the Office Manager are currently working with the Business Solutions to develop a more robust system.
- 2.7 IRO/CPAs have continued to undertake a number of different activities although this is currently constrained due to their increased caseloads:
- 1 IRO has a specialist lead for children with disabilities
 - IRO/CPAs have lead on specific training for the LSCB and newly qualified social workers.
 - 1 IRO/CPA chairs PREVENT meetings
 - 2 IROs lead on asylum seeking children and young people

Key Messages

- As a Local Authority our IRO/CPAs represent a well-qualified, experienced and diverse resource. A key quality identified by carers, professionals and young people is for the IRO to be consistent and reliable. ESCC IROs are a relatively stable staff group with many children having had the same IRO throughout their journey through care.
- ESCC IRO/CPAs are knowledgeable and are able to share their expertise to ensure a consistent approach across county. IRO/CPAs offer critical oversight of cases to inform care planning and ensure best practice.
- Most reviews are held well within timescales, are flexible, fitted to the child's needs and are compliant with at least minimum standards.
- IRO/CPA's fulfil most of their expected functions to at least minimum standards and evidence areas of good practice. However high caseloads impact on the broader functions of the IRO role and do not allow for the level of scrutiny which the County should aspire to.
- IRO/CPAs have retained a sense of the importance of challenge and continue to exercise this role.



Risks

Capacity

- 3.1 Numbers of LAC have increased significantly throughout the year from 563 to 609. This has a corresponding impact on caseloads and the ability of the IRO/CPAs to undertake the breadth of scrutiny required of their role.
- 3.2 At the same time the service as a whole has faced challenges in recruitment and there is a national shortage of foster carers.
- 3.3 25% of children in East Sussex were living in poverty (25 351 children) in September 2017 (latest figures available) with the highest concentration in Hastings and Rother at 32.6%. Nationally, the twenty Local Authorities with

the highest levels of child poverty ranged between 36% and 53%, whilst the lowest were between 5% and 13%.<http://www.endchildpoverty.org.uk/poverty-in-your-area-2018/>. A corresponding study by the Joseph Rowntree Foundation found that 30% of children were living in poverty across the UK at the end of 2017.

- 3.4 There is a strong link between childhood poverty/deprivation and becoming looked after. Children from the most deprived wards in East Sussex are almost 5 times more likely to enter the Care system than those from the least deprived wards. (ARDPH 2017/2018). With childhood poverty predicted to increase by around 4% between 2017 and 2020 (Hood and Waters 2017) we should expect an associated rise in demand for placements.

Legal Challenge

- 3.5 The Unit has seen an unprecedented increase in examination of the IRO/CPA's role in care planning and effective challenge. Across the year both within care proceedings and in cases which have been referred back to court for review the courts have required statements from the IRO/CPA in respect of the challenge they have brought to the case and their view on the legality/professional practice of the local authority. In some cases these statements have been prompted by CAFCASS. There is a concern that if this trend continues it will become expected practice which will impact on capacity and associated legal costs (IRO's independent legal advice is bought in from Brighton and Hove)
- 3.6 Legal challenge has focussed on delay in bringing cases to court, returning Placement Orders for revocation; changes to contact without recourse to court and failing to properly consult birth parents. The balance between strict adherence to a legal mandate and the softer workings of cases in children's best interests is a complex one.
- 3.7 It is of note that those cases challenged to date are not exceptional, in the event that the courts are critical of ESCC practice then it is likely that further claims will follow. There is potential for financial compensation in these and future cases.
- 3.8 This scrutiny of the role requires an increasingly forensic approach to practice by IRO/CPAs who are having to evidence challenge more formally than in the past. This has a potential impact on relationships with LAC and Locality teams and on workload.

Uncertainty

- 3.9 The Fostering Stocktake was undertaken by Sir Martin Narey and Mark Owers and published in February 2018; this report makes a number of recommendations which, if acted upon will have significant implications for children within the care system. The report is controversial and would require legislative change in order to enact many of its key points. Those opposed argue that *'recommendations 4, 6, 7, 8 and 33 would greatly weaken the legal protections enjoyed by our country's most vulnerable children and young*

people. They each advocate a dilution of legal safeguards; together they communicate a lack of understanding for the origins and importance to children's welfare of existing policy. We are doubtful that any of the legislative proposals would be compliant with the UK's human rights obligations, both within the Human Rights Act and the United Nations Convention on the Rights of the Child.' Together for Children – Letter to the Minister March 2018.

- 3.10 However others believe that *'in principle it is right that LAs are given the flexibility to put in place arrangements that best suit local children, recognising that not all LAs would use such flexibilities. Many LAs would welcome the opportunity to reinvest potential savings from these areas into other parts of the business according to local needs and priorities.'* (ADCS Feb 2018)
- 3.11 The Government response was expected this spring; whatever the outcome of the negotiations that follow it is likely that there will be a period of uncertainty and change across the Care System. There is a potential impact on staff confidence, retention and development of the IRO service.

Practicing Effectively

Caseloads

- 4.1 It is recognised that IRO/CPAs have been operating with caseloads significantly in excess of those recommended in the IRO Handbook. The capacity required for the service was calculated based on forecasted numbers of LAC and CP plans. Although LAC numbers remain below IDACI, CP numbers have been higher than forecast.
- 4.2 The IRO Handbook recommends that Independent Reviewing Officers hold a maximum caseload of 60 children. ESCC caseloads have consistently been in excess of this and we are aware that we have higher caseloads than neighbouring authorities. The unit sets a target of a maximum caseload of 90 alongside consideration of how many meetings it is reasonable to expect an IRO/CPA to chair in a week. At the end of March 2018 caseloads averaged 102.
- 4.3 High caseloads impact on IRO/CPA's capacity to undertake the robust, nuanced monitoring of care plans that is their primary function. In addition to chairing reviews for LAC the IRO is required to maintain contact with the child between reviews and to track the case between reviews; to prevent drift and to challenge decisions/practice as appropriate. Higher than expected caseloads through 2017/18 have impacted on the fulfilment of these requirements; most IRO/CPAs report minimal contact with children between meetings, IRO/CPAs have continued to monitor cases and to raise challenge but most would acknowledge that their capacity to offer effective oversight across their caseloads is limited. The impact of this is that some children may

*1549 LAC Review Meetings for
724 children were held in the
year compared with:*

1529 in 16/17

1229 in 15/16

remain LAC for longer than is necessary due to a delay in permanency planning or rehabilitation. IROs do prioritise and have scrutiny of the most vulnerable and unstable children within the system.

Supervision and training

- 4.4 Continuing Professional Development has long been a challenge for CPA/IROs due to workload/diary pressures and a shortage of relevant training. The Unit has devised an enhanced CPD programme to take advantage of existing opportunities, mandate a level of formal training and commission bespoke courses. It is anticipated that training will be offered in conjunction with LMG2 and LMG3 from Fostering and Adoption and Youth Justice services. The Social Work Education Team have responded positively to this initiative and are helping to build an inspiring programme.
- 4.5 CPD over the next year will focus on enhancing IRO/CPA's depth of knowledge in key LAC circumstances such as Remand Placements and Children with Disabilities. Enhanced legal training regarding s20 voluntary care placements, permanence and drift will also form part of the programme.

Knowing our Looked After Children

Looked After population and the IRO service

- 5.1 CLA numbers have been high across the year starting at 563 and hovering over the 600 mark throughout the year ending on 604. Numbers of LAC are higher than had been expected with more children and young people becoming accommodated than leaving.
- 5.2 LAC demographics have been impacted by trends in legislation particularly in terms of s20 guidance and addressing options for permanence with Special Guardianship Order (SGO) carers. Increasing numbers of UASC have also pushed up East Sussex LAC although to date these have been fewer than expected.
- 5.3 ESCC target for LAC in 2017/18 was 57.2 per 10000 population; this was up from 51.6 in the previous year. The actual figures for LAC were 57.2 and 53.3 per 10,000 child population respectively.
- 5.4 LAC admissions have remained relatively stable across the past three years although the final quarter of 2017/18 saw a marked increase in admissions. Children leaving care (discharges from care) have been significantly fewer in 2017/18 than in the previous two years.
- 5.5 The gender profile of LAC has remained consistent with previous years. The BME profile is slightly raised; this is in line with CP returns and will also reflect increased numbers of UASC.
- 5.6 Children with disabilities are a relatively small percentage of the LAC population but present very different demands in terms of planning to address

complex needs; often needing to be placed out of their local area, negotiating multi-agency packages of care and working in partnership with families generally without a discrete legal mandate. IRO/CPAs bring a wealth of knowledge to this area with one IRO in particular taking a lead for this vulnerable group.

March 2018	March 2017	March 2016
45% Female 55% Male 12.5% BME	44% Female 56% Male 11.9% BME	42% Female 58% Male 9.2% BME

Legal Status & Care Applications

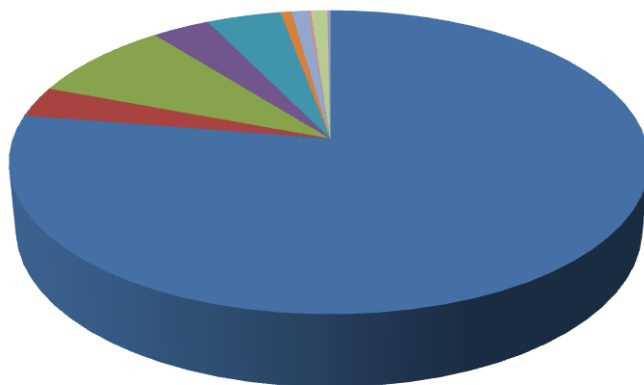
- 6.1 ESCC issued 91 sets of Care Applications in 2017/2018; this was down slightly on the preceding year (104). The National data set is not available for 2017/18; in 2016-17 East Sussex made applications at the rate of 9.1 per 10,000 population; this was slightly below the National figure of 12.5 but in line with statistical neighbours.
- 6.2 60% of Care Proceedings are concluded within the statutory 26 week target with all proceedings averaging 31 weeks. It is right that some proceedings will extend beyond the 26 week timetable in order to ensure that every option to support a child remaining within their family and to enable parents to make necessary changes is explored. However for most children a timely conclusion allows them to be safeguarded and for plans to be made for their longer term care.
- 6.3 The figures above are testament to the commitment and skill of staff in LAC and Locality teams when placing cases before the courts. The 26 week timetable presents significant challenges to all involved. The views of the IRO are required to inform the final order and should be included in the Final Care Plan; the scheduling of expert reports and statements can mean that IROs have a very limited window in which to consider all evidence and provide a thoughtful response. This will be a key area for development in 2018/19.

Where Do Our Children Live Whilst We Are Caring For Them?

- 7.1 The majority of LAC in East Sussex are in foster care; for most children who are unable to live with birth family, foster care offers 'the next best thing'; the opportunity to live within a family and to experience enduring, individual relationships with the adults who care for them.
- 7.2 IRO/CPAs are key to monitoring these placements; they are generally the most senior professionals to spend time in the child's home with them and

their carers. The breadth of placements that IRO/CPAs visit over the years provides them with a unique perspective and depth of knowledge which underpins the review process.

'a sense of security, continuity, commitment and identity ... a secure, stable and loving family to support them through childhood and beyond' (DCSF, 2010).



- 7.3 The majority of children in the care of East Sussex experience stable placements, however there is increasing pressure on placements which is resulting in a higher number of children experiencing less than optimum matches and subsequent placement moves. Across 2017-2018 an average of 10.4% of children experienced 3 or more placements within the preceding twelve months; this was up from 9% in 2016/17. 3% of children had experienced 5 or more placements, up from 2% in the preceding year.
- 7.4 IRO/CPAs should review any change of placement to ensure that moves are in the child's best interests. The team are increasingly using opportunities within our Management Information System, Liquid Logic (LCS) to scrutinise the matching process and bring challenge when appropriate

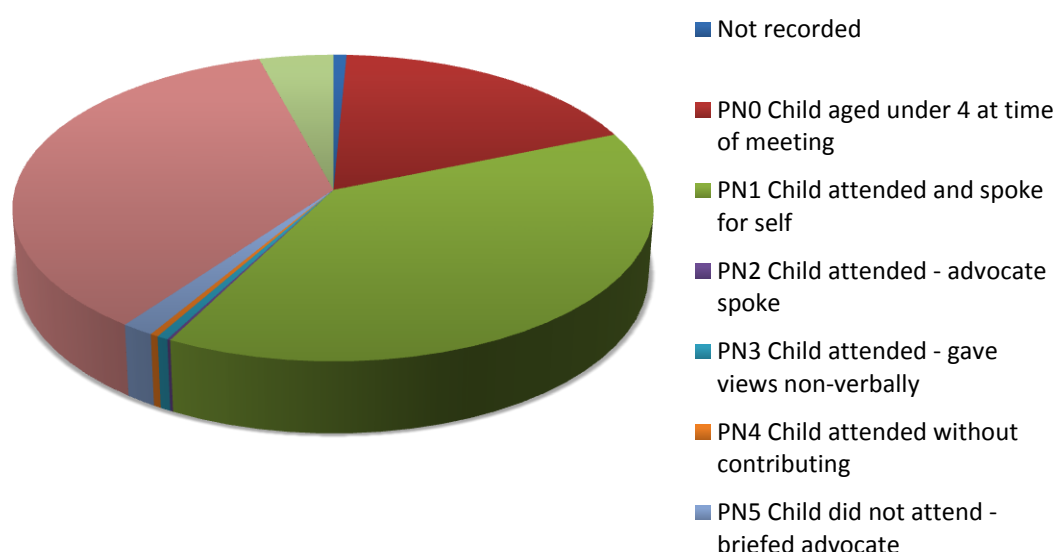
Where Do Children Go When They Leave Our Care?

- 8.1 29 children were adopted through East Sussex last year. Adoptions are one of the most enduring and serious interventions that the Local Authority makes in a child's life. IRO/CPAs are key to this process, providing a bridge between birth, foster and adoptive carers. The IRO/CPA is often the one professional who has had involvement throughout the child's journey; they are skilled and experienced in managing these transitions.
- 8.2 50 children who were discharged from the care of East Sussex in 2017/18 returned to their families. This is a positive reflection on the work which is undertaken by LAC and Locality teams in cooperation with the IRO/CPAs.

- 8.3 19 children were made subject to a Special Guardianship Order with family/friends; 4 other children achieved permanence with existing foster carers through the same order.
- 8.4 21 young people moved out of Local Authority care into independence with formal support; 11 others moved to independent living with no formal support in place. 13 young people reached the age of eighteen but remained living with their existing carers under Staying Put arrangements. The intention of Staying Put arrangements is to ensure that young people can remain with their former foster carers until they are prepared for adulthood, can experience a transition akin to their peers, avoid social exclusion and be more likely to avert a subsequent housing and tenancy breakdown. (OICS – Staying Put in Foster Care - Care Leavers (England) Regulations 2010, Planning Transition into Adulthood for Care Leavers Guidance and Government Staying Put Guidance (2013.) IRO/CPAs review each child's plan prior to their 18th birthday to ensure that young people have appropriate support in place for their move to independent living / adult services.
- 8.5 4 young people who had been remanded into care were subsequently sentenced to custody and so were no longer LAC. 4 Young People became the responsibility of another Local Authority and 1 18 year old UASC was discharged having been missing for a significant period.

Participation

- 9.1 Participation in reviews has remained level with last year; approximately 40% of LAC contribute actively to their review; 4% of LAC did not attend or contribute their views in any way; this is up slightly on the year before.



- 9.2 Whilst the majority of LAC are aware of their right to an advocate, take up of this service is inconsistent. Only 2% of children who did not attend their review had briefed an advocate
- 9.3 The Children In Care Council (CICC) and others have commented that LAC Reviews have drifted away from being 'the child's meeting', becoming overly bureaucratic with too many people in attendance. Alternative approaches and a new name were requested. The Unit is working with the CICC, LAC Managers and Business Support to develop a creative document and to relaunch the approach to reviews in East Sussex.
- 9.4 LAC Reviews have a legal mandate and statutory functions which must not be lost within these changes. However a method has been arrived at which will allow meetings to be differently presented with less bureaucratic paperwork and adopting the CICC proposals regarding branding.
- 9.5 Children in care did not seem to be aware of their rights within the review process; not all children understood their right to determine who comes to their review; some did not have a copy of The Pledge and not all could name their IRO. These continue to be key challenges for the unit which will be addressed over the coming year.
- 9.6 A further challenge for the unit is to improve the level of communication with children between reviews. IRO/CPAs will generally meet with children immediately prior to their review but this is not an alternative to the more frequent visiting expected within guidance. Whilst some IROs meet some children between reviews this is well below target and must be improved as caseloads reduce.

IROs ensure that children participate in their reviews and that their voices are heard. IROH

Timeliness of Reviews

- 10.1 It has become evident that an improved tracking system for Reviews is needed to ensure reliable data in this area. This issue is due in part to the way in which LCS operates with reviews sometimes flagging as late due to having taken place after the 'scheduled date' but in fact still within statutory timescales. There is also a problem whereby reviews do not show as having occurred until the closure of a number of LCS functions; this means that the data collected on any one day will identify a number of 'late' meetings which have in fact taken place within timescales but have not yet passed through the full administrative process. With around 30 LAC Reviews taking place each week and IROs experiencing substantial administrative backlogs the data error for this figure is significant.
- 10.2 Historically the Unit kept a spreadsheet of all ILAC / LAC reviews; this was abandoned under the Management of Change process as it was thought to be

redundant. Options for tracking LAC will be prioritised in 2018/19 following the outcome of the current LEAN review.

10.3 167 reviews were showing as late at the end of March 2018; 10% of all reviews up from 5% in 2016/17, however:

- 13 were a miscalculation and were not late
- 30 were less than a week late
- 34 were more than a week but less than a month late
- 21 appear to have been held more than a month late and will be followed up.
- 6 Children's legal status had not been updated so were included in error
- 63 were awaiting outcome only but had been held on time.

10.4 This data will be followed up with individual chairs and will inform the administrative review. Comparisons with previous years cannot be relied upon as the data was not subjected to the same analysis.

Quality of Care Planning

Role of the IRO within Care Proceedings and beyond.

11.1 There is an increased emphasis within Care Proceedings on the role of the IRO. This has been demonstrated nationally with a number of articles/calls for formalisation of the IRO contribution and experienced locally in an increased demand for court statements and evidence from IROs in individual cases. This enhanced scrutiny of the oversight applied by the IRO does demand a more forensic approach to issues resolution and escalation. The Unit has seen a number of requests for statements to Court from IROs in cases where there is drift and post-proceedings where there has been a delay in securing permanence or where Care Plans/Contact have been changed without recourse to the Court.

11.2 A recent article in Family Law Week called for a greater emphasis on the views of the IRO within Care Proceedings citing the December 2017 CAFCASS Practice Note. This article and others reflect a national picture where the views of the IRO are inconsistently and ineffectively represented in Court. Practice in ESCC would appear to be stronger in this respect with IROs reporting consistent communication with Guardians (CAFCASS) within Care Proceedings. Inclusion of the IRO's view in LA documentation continues to be problematic however, with timescales and workload pressures meaning that social workers often do not provide IROs with sufficient time to respond to statements and care plans. The National Association of Independent Reviewing Officers (NAIRO) and the South East Regional group have discussed development of a stand-alone form for IROs to better evidence their experience, qualifications and involvement in the case.

Ensuring Management oversight

- 12.1** The revised statutory guidance states that operational social work managers must consider the decisions from LAC Reviews before they are finalised. This is due in part to the need to ensure any resource implications have been addressed. Once the decisions have been completed by the IRO/CPA the Locality/LAC Manager has 5 days to raise any queries or objections.
- 12.2** A screen of LAC reviews identified that the above process was not being routinely followed and new guidance is being issued to ensure that the service is compliant. In practice such queries are rare due to the high level of communication between social workers and IRO/CPAs but this remains an important balancing exercise within the review cycle.

Progress on Priorities set for 2017-2018

IROs have had an increased focus on monitoring and reviewing statutory requirements- e.g. Initial Health Assessments and Personal Education Plans

- 13.1** IRO/CPAs monitor compliance with Health Assessments and Personal Education Plans at each review. There is an expectation that these documents are available for scrutiny prior to the meeting and that the IRO follows up on any recommendations or delay. These meetings are essential tools in the Local Authority's exercise of its Corporate Parenting. It is the role of the IRO to ensure that social workers understand the value of IHAs and PEPs, the importance of timely review and of progressing identified needs.
- 13.2** The Unit is working with Locality teams to streamline and track the Initial Health Assessment (IHA) process. There have been changes to the delivery of Health Assessments which will be important to embed across the Service. Whilst targets for achieving assessments within timescales have almost been met for 2017/18 there should be an ambition to drive up this expectation and to ensure more detailed examination of individual plans.
- 13.3** The Operations Manager with responsibility for IROs is part of the newly formed 'Health of LAC Strategic Forum' which aims to drive forward health outcomes for LAC. This is a multiagency forum bringing together processes, knowledge and innovation to streamline services and broaden take-up.
- 13.4** The IRO outcome document should have enabled a more robust focus on statutory requirements. However IROs are not routinely gathering / recording qualitative or quantitative data. This will be a performance priority for the coming year.

IROs have continued to monitor Section 20 placements to address drift in planning

- 13.3 IROs have continued to monitor children placed under s20 to ensure that such placements are legal and that drift is minimised. S20 challenge represents one of the most common areas of debate between IROs and Locality teams; it is an issue of national prominence with increasing scrutiny by the courts. See Appendix.

Half-day workshops and audits focussed on diversity needs, pathway plans and sibling contact were planned for 2017/18.

- 13.4 A detailed audit of all UASC's files was undertaken in conjunction with the Equalities and Participation Unit. See Appendix.
- 13.5 IROs have attended a range of diversity training and development activities to enhance knowledge, skills and practice within the Unit.
- 13.6 Audits in respect of sibling contact and pathway plans will be priority areas in 2018/19. ***Improved performance for reviews being held on time***
- 13.7 See above

Reduced IRO / CPA caseload

- 13.8 See above

IROs have contributed to driving forward expectations in respect of Pathway Plans and the uptake of Passports to independence.

- 13.9 The application and quality of Pathway Plans has significantly improved over the past two years; up from 74 plans in March 2016 to 230 plans as at March 2018. Young people's views are now much more clearly recorded and there is a stronger sense of their participation in planning for their future.

Identifying good practice, problem resolution and escalation

- 13.10 Providing independent challenge whilst recognising the pressure that social workers are operating under and not adding unfairly to their workload is not an easy task. Quantifying the challenge provided by IROs is therefore complicated by the extensive efforts most make to resolve issues informally in the first instance. This approach is in line with guidance in the IRO Handbook which recommends recourse to formal dispute resolution and escalation only after informal professional discussion has failed.
- 13.11 IRO/CPAs do however offer a high level of professional questioning and challenge to ensure that plans for children and young people are robust and timely. The unit operates a system of Issues Resolution and escalation; there is an increasing move to evidence the early stages of this process and to capture ongoing monitoring of the same.

13.12 No cases have been referred to CAFACSS during 2017/18.

Actions For The Year Ahead

- Development of a standalone form for IRO contribution to Care Proceedings
- Embed and develop the CPD programme
- Enhance the profile of IROs through lead areas and facilitating training
- Ensure robust, consistent scrutiny of care plans with use of the issues resolution process where necessary
- Roll out of a more child friendly LAC Review process/document in line with statutory duties and the requests of the CICC.
- Driving up of standards within the unit to ensure that review decisions are circulated within timescales.
- Increased expectation that IROs will visit or at least communicate with all LAC aged 5 and over between reviews.
- IROs to routinely record the quality of Health Assessments and PEPs.
- Dental Health amongst LAC in ESCC has been identified as being a particular cause for concern. This will be a focus for improvement across the LAC Service in 2018/2019. IROs will contribute to this target through pre and post review monitoring / discussions with carers, social workers and young people.

There are 70,000 children in the care of the state and they have faced more challenges in their short lives than most of us will ever know. Anne Longfield, Children's Commissioner for England.

Appendix - Thematic Audit Summary

Two LAC themed audits were undertaken relating to Section 20 Placements and Care Planning for Unaccompanied Asylum Seeking Children (UASC) in East Sussex.

Section 20 Placements

- 1.1 Children placed under s20 may be disadvantaged in terms of their legal protection or there not being an appropriate adult exercising parental responsibility for them. Families may be disadvantaged due to a lack of clarity regarding their legal rights.
- 1.2 However families do not always want to formalise s20 placements through court, particularly where the child is living with relatives. Social work teams can be reluctant to destabilise fragile relationships or to expose the child to immediate risk in a bid to achieve long term security. IROs are increasingly using their independent challenge to ensure that proper scrutiny and balance has been applied to s20 decision making. Evidencing this challenge is essential to reduce the possibility of misuse of the power.
- 1.3 An audit of all s20 placements as at 30/03/2018 was undertaken; in drilling down on the data those records where the child is an UASC or where they have been remanded to LA care were screened out due to their unique legal status.

Findings

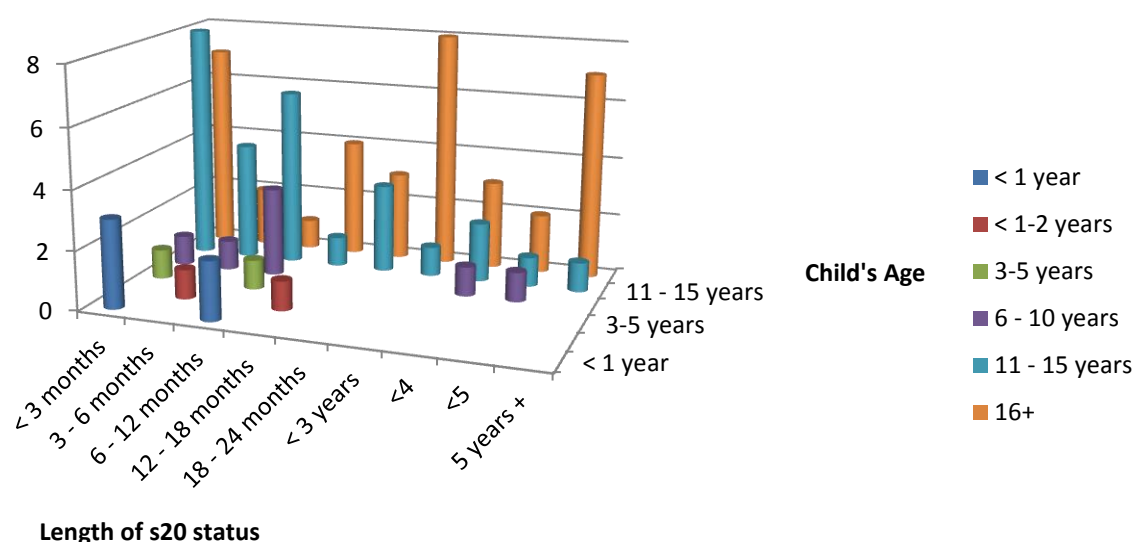
- 1.4 Delays updating the child's legal status mean that some children show as being subject to s20 when in fact this status has been superseded by other orders or they have left the care system.

CONTEXT

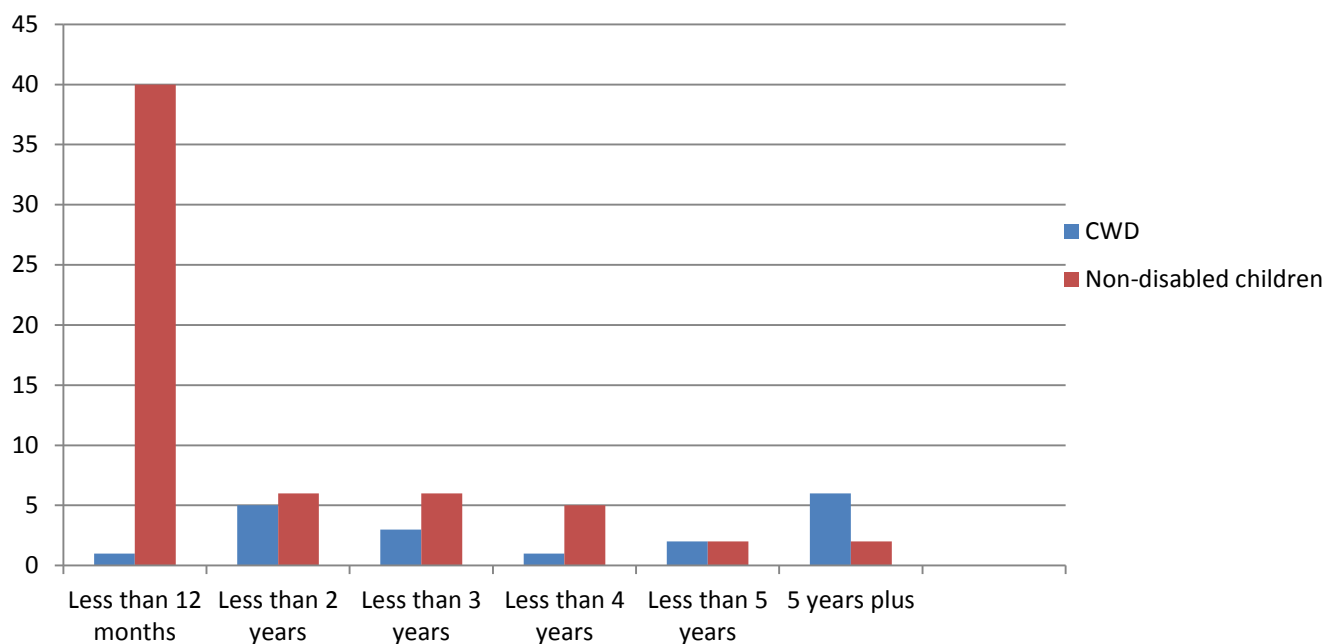
In 2015 the President of the Family Court Division stated:

"The misuse and abuse of section 20 in this context is not just a matter of bad practice. It is wrong; it is a denial of the fundamental rights of both the parent and the child; it will no longer be tolerated; and it must stop. Judges will and must be alert to the problem and pro-active in putting an end to it. From now on, local authorities which use section 20 as a prelude to care proceedings for lengthy periods or which fail to follow the good practice I have identified, can expect to be subjected to probing questioning by the court. If the answers are not satisfactory, the local authority can expect stringent criticism and possible exposure to successful claims for damages. N (Children) (Adoption: Jurisdiction) [2015] at para 171 of HHJ Munby's judgment.

- 1.5 S20 is most commonly used to provide short term respite or safeguarding with the majority of s20 placements lasting less than 12 months. NB this figure is artificially lower in this audit as it would be more affected by the annual 'churn' than the longer term placements.



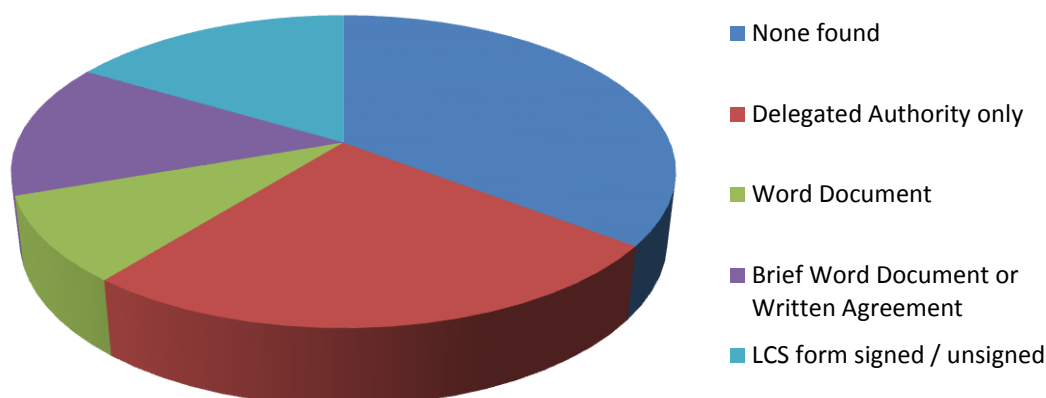
- 1.6 Children aged 16+ constitute the majority of s20 placements.
- 1.7 A relatively small number of children in East Sussex have been subject to s20 for more than 5 years; the majority of these are children with complex and enduring disability.
- 1.8 Children with disabilities represent approximately 25% of the s20 cohort (excluding UASC and remand). These children were least likely to have a signed s20 agreement at a level that complies with current guidance. However there was good evidence across these files of IRO oversight and in most cases there was good evidence of an effective working relationship with families.



CWD / Non-Disabled S20 Split

- 1.9 S20 regulation has evolved over the past 3 years. There has been clear guidance from CSCMT/ Legal Services; however social workers are not using a consistent process to record parental agreement to s20. Historically parents signed a Placement Agreement which did not set out their legal rights; some children have remained accommodated without this agreement being brought into line with current guidance.
- 1.10 Whilst some historic variation is to be expected the system now needs to be clearer. Word documents uploaded to ecasefile are not always easy to find; a range of different templates are being used, not all are compliant; in some cases the child's name did not appear on the signed document. The LCS form will not contain the parents' signature unless it is printed off and a hard copy uploaded; this is a significant risk within the system which needs to be addressed.

S20 Consent Document



- 1.11 It is not unusual for parents to challenge s20 status but then not pursue return of the child to their care. In those circumstances the legal mandate for the LA can become confused. Some of the files reviewed evidenced a request for the child to be returned but did not formalise the parent's subsequent consent. In the event of future legal challenge these cases would be vulnerable.

Recommendations

- 1.12 The agreed procedure for obtaining and recording parental consent to s20 must be re-circulated.
- 1.13 Social Workers should use the LCS s20 agreement as this will be the current version; they should record on that form the date of upload to ecasefile a signed copy of the same. All ecasefile uploads should have a standard referencing format.
- 1.14 Where, in exceptional circumstances a handwritten or other note of the parents' consent is taken this should be followed up as soon as possible with the formal documentation.
- 1.15 Those children who have been subject to s20 for a significant period of time should have consent revisited at least annually. The IRO should satisfy themselves at each review that the above procedure has been followed and that s20 status remains the appropriate legal mandate. The child's legal status should be explicitly referenced in the review documentation.
- 1.16 Parental consent to s20 should be reviewed following any formal (abandoned) request for the child to be returned home.
- 1.17 It may be appropriate for a bespoke s20 form to be devised for CWD in acknowledgment of the different needs/motivation for these children becoming looked after.

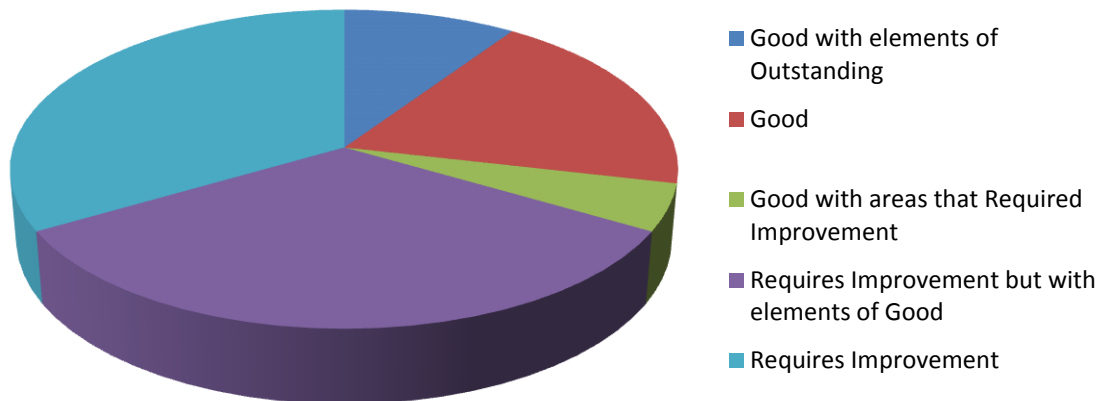
Audit of Assessment and Planning for Unaccompanied Asylum Seeker Children

- 2.1 Responding to the needs of UASC has become increasingly pertinent as numbers increase due to conflict elsewhere in the World and changes under the government dispersal scheme. At the end of March 2018 there were 20 UASC open to ESCC; cases were held across LAC, YST and ThroughCare teams with some variation in practice. Many of the UASC were placed outside of the County boundary with evident implications for Care Planning and Review. Changes to the ESCC offer for UASC including a discrete team and efforts to bring placements back within County are a positive development and can reasonably be expected to address many of the findings below.
- 2.2 Two IROs within the Unit lead on UASC and undertake the majority of these reviews; this has ensured development of a secure knowledge base which is evident in the quality of outcome documents.
- 2.3 Understanding and meeting the diverse needs of the children in our care was an area for development that was identified during the 2014 Ofsted Inspection. Maintaining a focus on the child's experience – including continuing to address diversity remains a priority for Children's Social Care in 18/19.
- 2.4 As a result of this priority an audit of UASC case files was agreed in February 2018 to ensure assessments and plans demonstrated an explicit understanding of diverse needs arising from the child's cultural and heritage background, disability, or other equality characteristics, as well as specific needs arising from their status as UASC. This audit was undertaken jointly between the Safeguarding, and Equalities and Participation Units.

Findings

- 2.5 Mental Health / Emotional Wellbeing were observed to be neglected areas; this is common across other LAs and Agencies. LAC CAMHS do not routinely pick up these children, their needs are quite distinct and they are often reluctant to take up services.
- 2.6 Use of placements in more diverse communities has benefits however it also places a geographical distance between the UASC and their social worker which was evident in the quality of relationship on some of the files.

Quality of Assessment and Planning for UASC



- 2.7** Family assessments did not always explore the child's diverse needs. Faith was usually explored, although it appears that less attention is paid to cultural needs when the child does not identify as Muslim. In some cases the social worker had relied on the age assessment rather than completing their own assessment; whilst providing useful detail of the child's experience in their home country and journey this doesn't explore needs.
- 2.8** The child's needs in relation to faith had usually been mentioned in the plan. Sometimes links to the country or culture of origin had been explored, but other diverse needs did not feature. Where the child had expressed a wish to assimilate into Western culture, this had been readily accepted, however links to diverse cultures should have been continued to ensure that the child develops a coherent identity. The identity section was not always complete on the Pathway Plan. It is easier to evidence that diverse needs have been considered if clear headings are used within the plan.
- 2.9** Social workers identify the experience of the child 'back home' and journey either through Age Assessment, Home Office interview or Family Assessment. Where there is evidence of trafficking, this did not always appear to have been explored. Mental health needs as a result of trauma had often been acknowledged but not fully explored.
- 2.10** Social workers had encouraged UASC to make contact with family back home using the Red Cross family seeker service. Sometimes social workers had attempted to access mental health support for child through LAC CAMHS or the Refugee Council. Updates re asylum claim were not always clear in the plan.

Recommendations

- 2.11 A number of 'quick wins' were identified in terms of consistency and guidance re the LCS process and reporting parameters.
- 2.12 Family Assessments and Reviews should ensure that the UASC's holistic experience has been captured and their diverse needs identified. The child's journey and experience should be evident throughout the file so that this is not lost.
- 2.13 Asylum claim/immigration and identity to be explicitly discussed at all UASC reviews. IROs to record in LAC Review outcome document.
- 2.14 Future planning re pathways to independence and contingency in the event of asylum claims being refused needed to be better evidenced on file.
- 2.15 All UASC should have an allocated, qualified social worker who is actively working the case.
- 2.16 Placement matching should be better evidenced. Where an UASC is placed with a provider with expertise in that area this should be identified on the file rather than just naming the resource.
- 2.17 Legal advice was recommended in respect of data re sexuality as there is a risk of this information being passed back to the country of origin by the Home Office which could place the UASC or their relatives at serious risk of harm. There has been recent legal precedent in this area and significant financial compensation claims.

Report Author: Fiona Lewis

Co-Author: Susan McGlynn

<https://www.basw.co.uk/news/article/?id=1702>

'Getting the Most Out of Independent Reviewing Officers in Care Proceedings' 20/04/2018; Gabrielle Jan Posner, Barrister and Recorder, Trinity Chambers Chelmsford; <http://www.familylawweek.co.uk/site.aspx?i=ed189418>

Anne Longfield, Children's Commissioner for England, response to Department for Education's publication of 'Foster Care in England'; 6th February 2018; <https://www.childrenscommissioner.gov.uk/2018/02/06/anne-longfield-childrens-commissioner-for-england-responds-to-department-for-educations-publication-of-foster-care-in-england/>

Hood, A. and Water, T. (02 November 2017) 'Benefit cuts set to increase child poverty, with biggest rises likely in North East and Wales'; The IFS <https://www.ifs.org.uk/publications/10029>

'UK Poverty 2017'; JRF Analysis Unit; Joseph Rowntree Foundation

