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YOUNG PEOPLE'S GUIDE TO THE INDEPENDENT REVIEWING OFFICERS' HANDBOOK

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This Guide was written by the Office of the Children's Rights Director and approved by the Department for Education

What is this Guide about?

It is all about **Independent Reviewing Officers** (known as "IROs"). They are the people who chair reviews for children living in children's homes or foster care (sometimes called "looked after" or "in care"). They have an important role in deciding what happens in your future. **This Guide will help explain a "Handbook"**, written by Government, which tells IROs what they should be doing for children and young people like you.

Why should I be interested in this?

This Guide will help you understand what the "Handbook" says about:

- (1) what should be happening at your reviews;
- (2) how certain decisions should be made;
- (3) what IROs do; and
- (4) what they, and you, can do if things aren't happening as they should be.

Why do IROs need the "Handbook"?

It is the IRO's job to make sure that decisions taken are ones that are best for you, follow your care plan and respect your rights. However, it has not always been easy for them to do that in the past because the local authorities they work for might see things differently. It can sometimes be very hard being independent when you also work for the local authority. Government has therefore decided **to give IROs more powers**. This is so that they can be even better at making sure good things happen for children in care.

So, what sort of things does it say in the "Handbook"?

What the "Handbook" is for

By writing the "Handbook", Government are trying to help IROs improve things for children in care by advising them on what they must do. Children themselves have had their say about what IROs should do:

"When they meet the child they should do this one to one so that the child can talk freely. They must check with both the child, and other people working with the child, on whether the child is OK and happy where they are living and with their care plans. They must regularly ask each child whether they are happy with how things are being done for them, and keep checking what is happening for each child against that child's plans and the decisions made at their reviews."

The "Handbook" is just the same as if it were law and MUST be followed unless there are good reasons for not doing so.

What the law says

The law [Children Act 1989] now says that when you first come into care an IRO must be appointed. Once appointed they MUST speak in private with each child before their review (*unless this is inappropriate or you say that you do not want this*). **IROs are there to make sure that reviews are run properly; that your views are listened to; and, that your best interests are protected.**

Where there has been poor practice (*that means decisions or actions that are not always best for you*), and a local authority is failing to act in a child's interests, **the IRO can report them to CAFCASS** (Children and Family Court Advisory Support Service). CAFCASS may then ask a court to look into the matter further.

If you are ever worried that a local authority is not acting properly **you could think about challenging them yourself** using the Human Rights Act 1998. This can be difficult, but there are a lot of people around who can help and advise you (see list of organisations at the end).

What should be happening

The Government has been concerned for some time that:

- IROs aren't doing enough to challenge local authorities that get it wrong
- Reviews do not encourage people to challenge when they are concerned that what is going on is not right for children
- Children's views are not taken seriously enough, and
- Reviews are sometimes not taking enough notice of what is in the child's care plan

Changes the Government wants to see would improve how IROs could speak up for children.

How plans should be made for you

You should already have a care plan before you came into care. If for some reason you didn't the law says that you MUST have one within ten days. **This should say how the local authority plans to care for you**, based on an assessment including what you have said you want to happen. The reviews that you have are supposed to check that your care plan is the right one for you; and that what is in it is actually being carried out. **Care plans**

and reviews are there to help you achieve all that you can be, and, also, to help local authorities act as the best possible “corporate parents” towards you. The “Handbook” says that IROs **MUST** make sure that you are always given your say; and that other people at the review listen.

What IROs do

The main job of the IRO is to make sure that your care plan meets your needs.

They will do this by first, **chairing your review**, second, by **letting you have your own say in your review**; and third, by following up to **make sure that people actually do what they agreed to do**.

These are your reviews, and it is very important that you **make sure that the IRO knows how you feel and what you would want to happen**.

The IRO also has a job to make sure that the local authority knows when it is not doing well enough as a “corporate parent” for children in its care. But, because sometimes good practice is not always easy to spot, IROs will also tell local authorities about where things are going particularly well for children.

The “Handbook” says that the IRO must:

- promote the voice of the child
- ensure that plans are based on a full and proper assessment of each child’s needs
- make sure that each child know how they can get hold of an advocate
- act as a safeguard against children staying in care longer than necessary, or not getting the services they need, because of a lack of good planning
- listen to children and see that they understand any changes to their care plan
- make sure that the local authority is a good “corporate parent” to children in care

Who can be an IRO?

The “Handbook” says that an IRO should be a qualified social worker, with at least five years in the job. They will also need some experience of management behind them.

But, most importantly, **an IRO must be someone who is capable of challenging senior managers**, using the courts if necessary, whenever local authorities are failing to do everything that they should for children in care.

If they are “independent” how come they still work for the local authority?

The Government want IROs to be able to challenge poor practice. They have therefore set as the minimum level of independence that **your IRO cannot be a person who is already involved in your case**. The law [Care Planning, Placement and Case Review (England) Regulations 2010] also says that it cannot be anyone managing someone who is. Nor can it be anyone responsible for the money that goes towards meeting your needs.

Government thinks that for now it is better that IROs stay working in their local authorities. Sometimes, changing everything around isn't for the best. But, they have said that **they will look at this again if IROs do not use their new powers enough to challenge poor practice**.

How does the IRO make sure that my care plan is right for me?

As we said earlier, it is one of the main jobs of the IRO to make sure that the care plan reflects what each child needs. They must also see that it includes everything that the law says that the local authority should do for you.

To do this properly, the “Handbook” says that **there must be an up to date assessment of all of your needs**. The IRO will make sure that this includes hearing from you, and many other people involved in your life. The key role in your assessment will be done by your social worker. This assessment is then used to consider your care plan, and that all takes place at your review.

One very important change that Government has made is to say that **there should be no change to your placement without first of all having a review** of your care plan, chaired by the IRO. **Regulation 32** says:

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

Each review must always consider:

- whether to confirm or change your care plan;
- what actions need to be taken to implement it;
- who needs to do what; and
- when they need to do this by

The “Handbook” goes on to say that if the IRO and the local authority cannot agree on what is best for you then there is what is called **a local dispute resolution** (a bit like a complaints procedure) to help try to sort this out.

Why doesn't the IRO just take the local authority straight to CAFCASS?

Good question! They certainly have the right to, but **sometimes it is better to try to sort out differences informally**. Often this is much quicker, and courts would expect that the IRO and local authority had tried to agree things among themselves first. That is one of the things that CAFCASS is there to help them do.

What preparation is done for my review?

The **IRO must: speak to you before the review**; speak to your social worker at least 15 days before; read all relevant reports and background information; and, **send out forms to you**, your parents/carers and other people involved in your life for each to complete with their views. These forms should be sent out about two weeks before the review.

How reviews should happen

The law says that **reviews should take place at least every six months**, although the first two will happen much sooner (*that is within twenty days of you coming into care and then again within three months*). These are reviews of the plans that have been made for how you are going to be looked after (called the "care plan"). **They are not reviews of YOU!**

The **IRO should listen to you** about how the review meeting is run and who you think should attend. Some children do not like having parents at the meetings at the same time. Also, it might be that some places and times are better for you. You might prefer smaller meetings with fewer people. And, you may have your own ideas about what you want to say and how you would like to say it.

The review should allow you to **discuss the things that matter to you**. As children get older, especially those planning for the day when they will be leaving care, they should be **encouraged to chair their own reviews**.

Some children, whose first language might not be English, may need the help of **an interpreter** to take part in their review. Others might want **an advocate** to help speak up for them. This could be where they are not confident that adults are listening to them.

Remember, these are first and foremost your reviews. The IRO has the power to stop them if the local authority hasn't prepared for it properly; or, your IRO is not satisfied that you are ready for the meeting.

If they don't work for you then it is probably a safe bet that they are not going to work for anybody else either.

What sort of things are reviews supposed to cover?

Your review should always consider:

- any changes in your circumstances since the last review;
- whether decisions since your last review have been carried out, and if not why not;
- whether your legal status is right; and whether it allows proper plans to be made in your long term interests;
- whether contact with friends and family is what you want, and what you need;
- whether your placement is meeting your needs;
- your education and what progress you are making, to see whether any actions need to be taken to support you better;
- what activities you are involved in and like doing;
- a report on your health and whether any actions are needed to make sure that you stay healthy;
- any help you might need in knowing and understanding who you are;
- what advice, support and assistance you might need;
- what preparation you might need for when the time is right for you to leave care;
- whether you have been visited often enough by your social worker, and feel that they have listened to you; and
- whether decisions for you have been taken and acted upon quickly enough.

The **IRO is responsible for making sure that things agreed in your care plan are happening**, and within reasonable timescales.

Keeping you safe

If you were on child protection before it is unlikely that this will be necessary once you are in care. In any case, **it is the IROs job to always consider your safety**.

Your development

The IRO should make sure that your care plan includes **an up to date assessment of your needs** for being healthy; staying safe; achieving and learning; doing helpful things; and, having enough to live on. This should take account of any disability or different cultural needs you have including diet, language or religion.

Planning for the long-term

The IRO should make sure that plans for you include what is best for your long-term stability. This might include returning home or living with friends or family. In some cases, it might be best to be with long-term foster carers or be adopted. Whichever, **it is important that you are not constantly moved around from one place to another.**

The IRO will want to know that the local authority has explained its plans to you carefully and that you understand fully what the implications are, especially if this means you being brought up in another family.

Adoption

Where the plan is for adoption, the IRO will want to be kept informed about progress in finding you suitable adoptive parents. Once this has happened, the IRO will make sure that the adoptive parents have the support they need to meet your needs.

Information you should be given at review

The **IRO has to give you information about your right to challenge** the local authority where you disagree with what they are trying to do for you. They must explain to you about taking your own case to court, talking to an advocate or making a complaint. The IRO must themselves consider whether any change to your legal status would be better for you.

Record-keeping

The IRO has to make sure that a proper record is kept of your reviews, including the views of all those who attend and any decisions taken to change your care plan. **You should also get a copy of this** and your social worker should update your care plan, within a couple of weeks, if necessary.

Review Decisions

Once a decision has been made at your review it doesn't mean that it will always happen. The "Handbook" says that someone senior within the local authority will need to agree it within a week. If the IRO doesn't like what they have decided they can first of all try to sort it out informally. But, failing that,

they can take the issue to a **local disputes resolution** (*you may remember that we said this works a bit like a complaints procedure*) or refer their concerns to CAFCASS (*they are the people who may ask a court to step in and decide what is best*).

Once there is agreement, the IRO must ensure that each person does what they are required to do to make your care plan work.

Checking by IROs

In order to make sure that things are happening for you, your social worker has to let the IRO know:

- about any change of care plan at short notice, for example from a decision taken at court;
- where decisions from your review are taking too long to do;
- about any changes to contact arrangements;
- any change of social worker;
- about any child protection concerns;
- about any complaints from you, a parent or carer, or on your behalf;
- any sudden, unexpected change of placement;
- about any changes in your family;
- where you are charged with an offence or sentenced;
- where you are excluded from school;
- where you run away;
- about any serious illnesses or accidents; and
- decisions made about your long-term care.

Not all these things mean that a review needs to take place.

There must, however, always be a review:

- (1) if it is proposed that you should leave care before you are 18;
- (2) if someone thinks that you should move somewhere more independent (*such as so-called "semi-independent" or "independent" living*);
- (3) if you are a child in care and have been in custody;
- (4) wherever an unplanned move would affect your education;

- (5) if a move is planned whilst you are still in Key Stage 4; or,
- (6) if someone is suggesting to move you from a settled placement.

The "Handbook" says that **before you change placements** the IRO should make sure that your review looks very carefully into what is best for you. To do this they will want to see that there is an up to date care plan that is based on an assessment of what you need. If the IRO is not satisfied that the local authority's plans are right for you then they can ask that any placement move is 'frozen' (*that means it cannot go ahead*) until differences have been sorted out. The IRO will then use **the local dispute resolution** we spoke about earlier. And, remember, at any time **the IRO can ask CAFCASS to look at your case** so that a court can decide whether what the local authority wants to do is really what is best for you.

The IRO has an important role to play in **making sure that the local authority acts towards you as a good parent** would be expected to do (this is often referred to as "**corporate parenting**"). From time to time, the Children's Rights Director for England may ask IROs to tell him how well local authorities are doing.

Children receiving short breaks

The "Handbook" explains the IROs role in **making sure that any "short break" placements are meeting your needs**. As the name suggests, these are placements that are needed only for a short period of time, between the normal care you receive at home.

Helping children who find it difficult to have their say

All children in care, including those with disability, special needs or whose first language may not be English, **have a right to be listened to**. The IRO must therefore see to it that children with any particular communication needs are also able to have their say in reviews. If a child needs extra support to do this (*perhaps through British Sign Language, Widget, Makaton, translation and interpreting services, or independent advocacy*) then **the IRO must make sure that necessary specialist help is available to them**.

Children involved in crime

The "Handbook" says that the IRO has a particular role in trying to keep children in care out of trouble with the law. They must check that your care plan does everything to prevent any likely offending.

However, **if you are ever sent away to custody** by the courts (*such as to a young offenders institution or secure training centre*), whilst you are in care, the "Handbook" says that **the local authority should still act in the manner of a good parent towards you**. This means that they should visit you whilst you are in custody, and talk to the local Youth Offending Team (YOT) about plans for when you come out.

Children in Secure Children's Homes

The law says that **children living in a secure children's home must have their welfare needs reviewed** by a specially appointed panel of three people (called the "Secure Accommodation Panel"). They will hold reviews, but **these are different to the reviews that take place to look at your care plan**. The purpose of a "secure accommodation panel" review is to check: (1) that the reasons for you being in secure accommodation still apply; (2) that the placement there is still necessary; and, (3) whether any other type of accommodation might be more appropriate.

Your IRO could be one of the people on the Panel, just as long as one of the other two is someone who is independent of your case. In any event, **your IRO will want to keep well informed and up to date with what your secure accommodation panel thinks**.

Children Admitted to Hospital

Your IRO will want to keep in touch with what is happening if you are ever admitted to hospital, to make sure that your needs are being fully met.

Unaccompanied Asylum-Seeking Children

Some children in care (sometimes called "looked after") are also **children from overseas who are applying to live in this country**. They have the same right to services as other children in care. Whilst the IRO will take into account asylum and immigration issues, **they must look at all the other needs of the child as a looked after child**.

Planning for leaving care

Planning for when you leave care should start long before you actually have to leave. The "Handbook" suggests that this should be as young as 14 years of age for children who have special educational needs. Although ages for other children aren't suggested, IROs will want to begin looking at planning for children leaving care at an early stage.

The "Handbook" explains that **planning for leaving care should**, at an appropriate time, **become part of your care plan and reviews** whilst you are still in care. This may have happened already. If it has, **you are likely to have something called a "Pathway Plan"**, and this should be just as detailed as your care plan in saying how the local authority will be meeting your needs (*such as for keeping you healthy; helping you with education, training and employment; keeping contact with your friends and family; and, making sure that you have the skills and means to manage your money*).

As with your care plan, **the IRO must make sure that you have your say** in how your pathway plan is put together. You should have a copy of your

own pathway plan once it has been finally agreed. **Your pathway plan will be there as a reminder of what the local authority has agreed to do** to get you ready to leave care and also, for you, after you have left. Remember that either you or your IRO can ask for a review, even after you are 18, if you are not satisfied with the arrangements that your local authority has made for you.

The IRO has a very important role in making certain that **you only move when it is right for you**. Only a review can agree when you are ready, and it should include views from all of the people involved (*such as from housing schemes, supported lodgings or landlords/landladies*). You should know what housing options are available and have the chance to visit places before moving.

In deciding whether it is right for you to move, the IRO will:

- consider how the move meets your needs;
- look at reports and talk to you so that they know that you have been properly prepared to manage in your new accommodation; and
- consider whether the move is likely to last; give you good access to your friends and family; and help you to stay in education, training or work.

Even though you may have moved out, and are now living independently, **your IRO can decide that you are still technically in care**. This is because, although they want you to be able to live your own life and make your own decisions, allowing you to be regarded as still in care (or looked after) **means that you can more easily get help and support** if you need it than you would be able to if you were thought of as only a care leaver. Your IRO will also look at how your pathway plan is to be reviewed once you have left care.

Young People Leaving Care

The law to do with leaving care, and **what you are entitled to**, is far from easy. Don't worry if you don't understand it. You are not on your own! First of all, **you need to know what category you come into**.

Are you an **"eligible child"**? That means ...

- a young person **aged 16 and 17**
- **who has been 'looked after' from the age of 14** (for at least three months)
- **and is still 'looked after' now**

Are you a **"relevant child"**? That means ...

- a young person **aged 16 or 17**

- **who has been 'looked after' from the age of 14** (for at least three months)
- **has been 'looked after'** during some time **whilst 16 or 17**
- and has **already left** care (*including hospital or custody, if in care before this*)

Are you a **"former relevant child"**? That means ...

- a young person **aged 18 to 21**
- **who was 'looked after' from the age of 14** (at least for three months)
- **and was 'looked after'** during some time **whilst 16 or 17**

Are you a **"qualifying child"**? That means ...

- a young person **aged between 16 and 21** (or 24 if in full-time education or training) who **either** has; a **"special guardianship" order**, or did until they turned 18; **or was looked after between the ages of 16 and 18**

Although this is given here for your information, **you should not have to worry about what type of care leaver you are likely to be** or what you are entitled to. These are questions that your IRO and social worker should be able to answer. However, most care leavers should expect:

- (1) a pathway plan before you are 16
- (2) an assessment of what you need
- (3) help with money
- (4) a personal adviser to support you, and
- (5) help with your accommodation

Unless you are returning to the care of your parents or family, the "Handbook" **encourages IROs to make sure that you continue to be treated as a 'looked after' child until you reach 18**. Local authorities are asked to consider, where best, keeping your IRO involved in your case until then.

Young people with disability

Becoming an adult is no less challenging or exciting for children with disabilities. There can be some special difficulties though because of the way children's and adults' services are sometimes organised very differently. For example, young people are often able to stay on in residential education until they are 19. This is likely to mean that when they leave care their support will have to come from adult services. This might not be a problem, but adult services have no legal responsibility for providing advice and support to young people leaving care. The worry is that they might not always do this.

IROs have a key role in seeing that plans for young people with disabilities include **children and adult services working closely together to best assess and meet the young person's needs.**

Dispute resolution

Earlier, we spoke about what the IRO could do if they disagreed with the local authority over what is best for you. The "Handbook" describes a process called **the local dispute resolution**. This is where the local authority must make arrangements with the IRO to try to sort out any differences that there might be between them. **The idea is that things are usually sorted quickly, informally and without any need to go to court.** However, this does not prevent the IRO from calling in CAFCASS (The Children and Family Court Advisory Support Service). CAFCASS is an organisation that helps children to have their say in family courts. If asked by your IRO, **they can take your case to court** and ask them to make the decision that is best for you, if for some reason your local authority can't or won't.

Most local authorities do their very best to get it right for children in care. However, sometimes other priorities can get in the way (*such as money, targets, council policy and public pressure*). It isn't easy for your IRO to challenge a local authority decision that they disagree with. **This is why the law has recently changed**, to give IROs more power to be able to do the very best job for you, even when these other pressures and priorities seem to be getting in the way.

Complaints

Your **IRO will make sure that you know about your right to complain**, and provide you with help to get an advocate if you need one. If you do ever decide to complain to your local authority about things that you are not happy with, your IRO will still carry on working for you to try to get it sorted. This means, for example, that if your complaint is taking too long or not being taken very seriously, **your IRO will do their best to try to resolve this.** However, where it is not possible for them to sort things out **they can always ask CAFCASS to deal with it instead.** Remember, CAFCASS are the people who could take your case to court if they feel that your local authority is not doing what is best for you, or doing enough to respect your human rights.

Legal advice

To help IROs do the very best job for you, the "Handbook" says that the local authority must provide them with their own legal advice. This **will help IROs to better understand what your rights are**, and to know what they can do if your local authority are not respecting them.

TEN important things to know about IROs

- (1) If you are in care (or “looked after”) **the local authority must appoint an IRO for you.**
- (2) Your IRO **chairs your case reviews.**
- (3) If you have brothers and/or sisters in care **they too will have the same IRO as you do.**
- (4) **You should know who your IRO is** and how to make contact with them.
- (5) **You should keep the same IRO** for the whole time that you are in care.
- (6) If you are a parent yourself of a child who is also in care, you should both have a different IRO.
- (7) **You should be given written information** explaining the role of the IRO, and telling you what you can do if things decided at your review aren't carried out.
- (8) If your IRO leaves (perhaps to go to another job or retire) they must introduce you to your new IRO.
- (9) Apart from your first week in care, **you should never be without an IRO.**
- (10) **Your IRO should meet with you in person** before your first review.

Helping your IRO to do the very best job for you

The “Handbook” says that IROs should be managed and supported in a way that helps them to do their job to the very best of their ability. This means **making sure that they:**

- are managed and supervised by an experienced, qualified social worker
- are given sufficient admin support
- have enough time to do all of the things that will need to be done
- get the training they need
- do not have too many cases to deal with at any one time.

In addition, **their managers need to make sure that children in care can get to talk to senior managers** in children's services. They must also make a report to local councillors (*to members of the corporate parenting board*), every year, about how the IRO service is doing, and the involvement of children and parents in reviews. They must put this report

on the local authority's website so that **you can see for yourself what is being said about how well your council is doing** at being a 'corporate parent'.

Directors of Children's Services

The "Handbook" says that children's voices should be at the very heart of shaping local services for children in care. The Director of Children's Services is responsible for making that happen, and will **need to understand** (1) what IROs are for; (2) what their own legal responsibilities towards children in care are; and, (3) that senior managers in their department, and from other services, all need to be working together to achieve the same good outcomes for children in care.

The "Handbook" gives detailed guidance on how different agencies and departments must come together to **do things in partnership for the benefit of children in care**.

Making it happen

The IRO is the person responsible for **making good things happen for children in care**. Children and young people have told the Children's Rights Director for England that they are concerned about how long it takes to get things done. So, **the final word on the job of an IRO goes to children who were consulted**:

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