



**THE NATIONAL ASSOCIATION OF INDEPENDENT  
REVIEWING OFFICERS**

**PRESERVING  
PROMOTING AND  
IMPROVING THE  
EFFECTIVENESS OF  
THE IRO SERVICE**

**EXECUTIVE SUMMARY AND  
RECOMMENDATIONS**

**APRIL 2021**

## **EXECUTIVE SUMMARY**

The National Association of Independent Reviewing Officers (NAIRO) is the professional association for Independent Reviewing Officers. We are a registered charity. Our main aim is to promote the welfare of children in care by maximising the benefit and effectiveness of the reviewing process. We have a large and growing membership and are supported by a number of eminent patrons.<sup>1</sup>

This government in its 2019 manifesto, expressed the intention of reviewing the care system for children and young people in care. The review has now started.

We have prepared a report to seek to assist the review in relation to the IRO service. This summary is the distillation of a longer report that will shortly become available. The longer report contains the evidence and arguments for the positions set out in summary in this document.

In preparing this report we:-

- Hosted a round table meeting with Article 39, Lord Francis Listowel - Nairo Patron, Care experienced young people from Become, Department for Education, LGA, Office of the Children's Commissioner, Ofsted, ADCS, NIROMP, Cafcass, Senior Lecturer in Social Work - Edge Hill University, Association of Lawyers for Children, Care Experience Conference Group, Alliance for children in care/Fostering Network.
- Hosted several meetings of a subsequent working group of representatives from NAIRO, DfE, Ofsted, ADCS, LGA, Cafcass and Niromp.
- Further consulted with and sought the views of children and young people involved in the care system through 'A National Voice' and 'Become'.
- Consulted with our members through; polling of members online surveys and polls, a series of consultation webinars open to all members and discussion at national conferences.

The views and recommendations expressed in this report are NAIRO's alone and are not necessarily shared or endorsed by others in the working group.

However, the views of all these parties, but particularly those of children and young people, have strongly influenced the content of this report.

We believe that it is essential that children and young people in care, amongst the most vulnerable groups of children in the land, have the protection of a powerful and effective reviewing service. If such a service were not to be in

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<sup>1</sup> [Our Patrons - National Association of Independent Reviewing Officers \(NAIRO.org.uk\)](http://NAIRO.org.uk)

place, children and young people would be at serious risk of planning drift and breach of essential rights.

We believe that children and young people in care in this country, derive great benefits from the independent reviewing service. That is certainly the view of the majority of the children and young people we have consulted. The main research that has taken place, undertaken in the early days of the service, believed the service was starting to make a positive contribution. NAIRO has gathered evidence of many cases where IROs have made a significant positive contribution to the lives of children in care.

However, we entirely accept that there are shortcomings in the service. Performance is patchy and practice is sometimes ineffective. There are serious criticisms of the service from a number of commentators, in particular Ofsted and the judiciary. Most of these criticisms relate to lack of effective challenge.

We agree that many of the shortcomings of our service relate to lack of effective challenge when it is needed, which in turn often relates to lack of independence from local authorities. IROs are often inhibited from effectively challenging the Local Authority when they believe it is required. We are also aware of many cases where IROs have been subject to improper pressure to endorse the Local Authority position and challenge is discouraged. In some instances, we are aware that disciplinary procedures have been instigated in this context.

The question of independence is one that has been debated vigorously in the sector since the inception of the IRO service in 2004. Some believe that the service is fatally compromised whilst remaining within the local authority and that effective and independent challenge cannot be effective from that position.

Others believe that it is possible to promote arrangements within local authorities which do establish the necessary independence and that there are overwhelming advantages related to being inside. IROs may develop strong relationships with social workers and other important decision-makers in the authority, understand better how the authority works and be able better to influence decisions and processes from within the authority.

We believe it may be possible to remedy matters with IROs remaining within local authorities, by taking robust measures to establish their independence within the organisation and enhance their status and strategic impact. Most of our recommendations relate to this strengthening.

We also believe that it is appropriate that there should be consideration of arrangements for removing IROs from Local Authority management and placing them within another body. Further discussions with relevant parties should take place to identify and evaluate these options.

We believe that, if these recommendations are implemented, it will lead to a significant enhancement of the welfare and improvement of outcomes for children and young people in care.

## **RECOMMENDATIONS**

### **Improving IRO performance within local authorities**

We have generated a number of proposals about this approach. They may be divided into three areas

- enhancing the independence, capacity to challenge, and strategic impact of the IRO service
- improving IRO contribution to family proceedings.
- measures IRO teams may take to enhance effectiveness

### **Enhancing the Independence and Strategic Impact of the IRO Service**

1. Ensure location of IRO team in the Local Authority organisational structure provides management accountability which is clearly separate from operational management arrangements.
2. Protocol to be agreed between lead member/Chief Exec/Director of Children's Services, setting out arrangements in the Local Authority for:
  - ensuring independence and efficacy of the IRO service
  - encouraging and promoting appropriate challenge
  - protecting IROs from improper pressure.
3. Ensure IRO managers have experience of being an IRO, properly understand the duties and promote and support independence and challenge.
4. Establish an independent line of support and arbitration for IROs with a body external to the local authority.
5. Training/briefing should be provided across the LA on the role, responsibilities and duties of the IRO. This training to be provided for all those working with or for children and young people in care, including foster carers, SWs, managers, senior managers and elected members.
6. Local Government Association (LGA) should strengthen briefing notes for lead members for children's services in relation to the IRO role and include this in regional briefings.
7. The IRO's role should be focused on looked after children and young people (apart from 8 below).

8. The role should be extended to cover young people who have left the care system if they would like it.
9. The IRO service should provide systematic feedback to the Local Authority about the strengths and weaknesses of its looked after children's services. An important element of this will be the annual IRO report. This report should
  - consider the strengths and weaknesses of the LAs looked after children service as a whole
  - make recommendations about critical areas for service improvement
10. Regular meetings should take place between the IRO service and the Lead Member, Chief Exec/ Director of Children's Services to review Local Authority performance in relation to outcomes for looked after children. The consideration of the IRO annual report and its implications for service development will be a key part of this process.
11. OFSTED should liaise closely with the IRO service when conducting inspections and give due attention to the IRO strategic analysis of local services and suggestions for improvement.

#### IROs and the Family Court

12. In relation to independence and challenge, we believe that implementation of the measures set out in the previous section, regarding strategic impact, will help to enhance IROs' independence and capacity to challenge, particularly in the court arena. We would expect this to result in a far higher number of referrals to CAFCASS.
13. There should be a duty (set out in statutory guidance) for the IRO to provide a separate report to the court in family proceedings. It may be helpful if this report is provided as part of the Guardian's report, so that the documents may easily be seen side-by-side.
14. A power for IROs should be introduced to enable IROs to take matters to court, in the event that a referral to Cafcass has not resulted in the action that the IRO believes is necessary and is in the interests of that child or young person.
15. Protocols about IROs, CAFCASS, and the courts working together should be improved to reflect the changes recommended here.
16. There should be a centrally provided source of independent legal advice for IROs.

#### Additional measures IRO teams may take to enhance their effectiveness

17. Each team should undertake an IRO service health check.
18. This exercise should generate an improvement plan which should be implemented.
19. Each IRO service should adopt a code of practice.
20. Each IRO service should adopt a pledge to children and young people in care.
21. Each team should develop close links with the local authorities' Children in Care Councils to listen to the voices of children and young people to improve the IRO service and its strategic influence on looked after children services in general.

### **Placing the IRO service outside local authorities**

22. Discussions should take place between relevant agencies/bodies to identify possible options for placing the IRO service outside local authorities. The advantages and disadvantages of these options should be analysed.

### **Legislation regulations and statutory guidance**

23. Measures that are agreed, should be supported by changes in legislation regulations and statutory guidance.