



**THE NATIONAL ASSOCIATION OF INDEPENDENT
REVIEWING OFFICERS**

**NAIRO RESPONSE TO
THE INDEPENDENT
REVIEW OF
CHILDRENS SOCIAL
CARE**

A BRIEFING DOCUMENT

JULY 2022

Introduction

1. The final report of the Independent Review of Children’s Social Care ¹ (which we will henceforth call “the Review”) was released in May 2022. It made many proposals some of which may have merit. The proposal on which this paper will concentrate relates to the abolition of the IRO service. The recommendation to dismantle the service (as well as Regulation 44 visitors) is to be found on page 142 of the report

Independent, opt-out, high quality advocacy for children in care and in proceedings should replace the existing Independent Reviewing Officer and Regulation 44 Visitor roles. The Children’s Commissioner for England should oversee these advocacy services, with the powers to refer children’s complaints and concerns to the court.

2. NAIRO believes this proposal is unwise and dangerous. It is based on no serious research, and we believe misrepresents the views of children and young people in the care system.
3. The proposal suggests that the IRO service can be safely replaced, mainly by an improved advocacy service. NAIRO supports any measures taken to improve the service of advocates for children and young people. However to suggest that the advocacy service can replace the IRO service betrays a serious misunderstanding of both roles.
4. There is a history over recent years of attempts to weaken or dismantle the IRO service. These have so far failed and wiser views have prevailed. This proposal is the latest attempt in this series.
5. We will strongly argue in this paper that the government should reject this unwise and dangerous proposal. NAIRO of course recognises that there are weaknesses in the IRO service, and there are ways in which it could be strengthened and improved. We will set out our ideas in this respect.
6. Therefore, in this paper we will set out
 - the background to the setting up of the IRO service, the rationale for the service and why it is still needed
 - the history of attempts to weaken or dismantle the IRO service over recent years
 - an examination of the arguments in the Review to support abolition, including reference to serious research and the views of children/young people
 - analysis of the difference between the IRO service and advocacy service
 - the views of other professional in the sector
 - proposals for improving the IRO service

¹ [The-independent-review-of-childrens-social-care-Final-report.pdf \(childrensocialcare.independent-review.uk\)](https://www.childrensocialcare.independent-review.uk)

- conclusions

The Background to the IRO Service

7. The role of the IRO was created by Adoption and Children Act 2002, and strengthened by Children and Young Persons Act 2008. The 1989 Children Act was amended to incorporate these developments.
8. Parliament passed the legislation requiring IROs as a means of ensuring the human rights of children in care were safeguarded, following the Human Rights Act 1998. There is nothing in the Review's report to suggest that this human rights protection is no longer required; indeed, the reverse is true.
9. Section 25A of the amended 1989 Children Act states that "*If a local authority are looking after a child, they must appoint an individual as the independent reviewing officer for that child's case.*" Abolition of the IRO role would require primary legislation to remove this duty.
10. The rationale for the role arose from concerns about a number of highly publicised cases where children in care had been badly treated for many years, sometimes with serious abuse. In other cases planning drift over many years was going unchecked.
11. The judiciary had a particular concern that the care plans emerging from court proceedings were often not followed through by the local authority. They wanted a process of bringing matters back to court if agreed care plans were not being implemented.
12. It was believed that a statutory reviewing process, conducted by an independent officer, armed with significant legal powers to challenge local authorities, should be able to address these concerns.
13. The IRO was tasked with reviewing the local authority care plan from an independent point of view, with a particular requirement to pay strong attention to the wishes and feelings of the child/young person concerned. The IRO is given significant statutory powers to challenge the local authority and if necessary take the matter into the family court.
14. An important point to note (particularly in relation to the discussion about advocacy services later in this document) is that IROs must act in what they see as the "best interests" of the child. This may often accord with the "wishes and feelings" of the child, but it does not necessarily do so. If there is a difference between "wishes and feelings" and perceived "best interests" the IRO must take the "best interests" route while of course explaining to the child why she is unable to support the child's wishes and feelings.
15. There is no doubt that this role is still required. Over the last nearly 20 years, the tens of thousands of children who have passed through the care system have benefited from this oversight. Such serious research as exists supports this position. NAIRO has assembled a portfolio of anonymized cases that exemplify the positive impact of IROs which is attached at Appendix 1

16. While NAIRO agrees that it is the case that IROs have not always fulfilled the role as strongly as they might and that the service has sometimes been patchy, this is not an argument for abolishing the role. It is an argument for strengthening and improving it.

The History of Attempts to Weaken or Dismantle the IRO Service

17. Over the last few years there have been attempts to weaken or dismantle the IRO service. We will mention 2 in particular.

- proposals contained in the 2016 Children and Social Work Bill (later to become an Act in 2017)
- proposals contained within the 2018 report on fostering by Martin Narey and Mark Owers entitled “Foster Care in England”²

Children and Social Work Bill 2016

18. The original bill presented to parliament in 2016 contained proposals to allow local authorities to be exempted from certain statutory duties. Emasculating the role of the IRO was frequently mentioned as a good example of how this might be helpful. Campaigning by charities and others in the sector, led by Article 39 and supported by NAIRO led to the government dropping the “exemption clauses” and the 2017 Act contained no reference to these clauses or emasculation of the IRO role.

Foster Care in England Report 2018

19. This report contained on page 101 the following recommendation.

“There is little to recommend the IRO role and (we) believe local authorities should be allowed to dispense with the role, reinvesting savings in front line staffing”

20. There was very little serious argument or research to support this proposal and it seemed to be based on the opinions of a small number of Directors of Children’s Services. There was strong concern and opposition to the proposal in the child care sector and around the country. Lobbying and campaigning took place to encourage the government to reject this recommendation.

21. In July 2018, the government published its response to the Narey/Owers report, “Fostering Better Outcomes”³ The proposal to dismantle the IRO role was firmly rejected. The response said on page 37:

² [Foster Care in England: Review \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

³ [Fostering Better Outcomes - Government response \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

“We will work with organisations representing Independent Reviewing Officers (IROs) and LAs to consider how the role of IROs can be put to best effect in the current system and under existing legislation. The variability of practice nationally is well known. There is potential for IROs to bring about significant practice improvements, alongside their role in ensuring that young people experience the best care from their fostering service. Where IROs are valued and listened to, they provide a legitimate and respected challenge function for individual children’s care plans and the wider service delivery. We want to iron out the inconsistencies, where these serve only to undermine the function of the IRO and to ensure that where practice differs, it is for good reason”

20. in September 2018 NAIRO held a conference at Edge Hill University, Ormskirk. The then Children’s Minister Nadhim Zahawi (who up to very recently was the Secretary of State for Education and is now the Chancellor of the Exchequer) was kind enough to prepare a video ⁴ for the conference supporting the IRO service and its importance for promoting the welfare of children/young people in care.

21. Among other things the Minister said

- *The government’s position on IROs is clear. It is a statutory role enshrined in legislation. it is your job to ensure that a child’s care plan reflects their needs and more importantly that the care plan is being delivered.*
- *It is also your job to challenge those that are not delivering for that child*
- *I see you all as the grit in the oyster. Without you the pearl may never be produced. That is why your role is so important.*
- *IROs can be the eyes and ears of directors of children’s services. Where IROs are listened to they help shape and improve service delivery as well as providing a legitimate and respected challenge*

22. The government’s position at that time was clear and unequivocal in support of the value and importance of the IRO role. There has been no serious research or arguments since that time that should influence the government in changing that position. Certainly no such valid evidence or argument is presented in the Review. We will further address the question in the next section of this paper

23. It would appear that there is a faction within ADCS and possibly the DfE that is sceptical about the value of the IRO role and makes repeated attempts to weaken or dismantle it. We trust that ministers will stick to their clear and well argued position from 2018 and reject the dangerous proposal in the Review, to abolish the IRO service.

The Arguments in the Review for Abolishing the Role of the IRO

⁴ <https://www.youtube.com/watch?v=ETNkUQrzmWk>

24. The arguments for abolishing the IRO service are to be found on pages 137 to 141 of the Review.
25. Further information about evidence on which the arguments are based are to be found in the “Recommendation Annexes”⁵ to the Review, pages 103-115.
26. We have to say that the arguments and evidential base seem very thin.

The Role of the IRO

27. We are told on page 137 of the Review that “*many of these roles have been layered on top of each other over time*” The implication is that there is a mishmash of overlapping roles, incrementally changing, growing like Topsy. This is certainly not true of the IRO role. The role was clearly thought out as a discrete and independent set of duties, logical and separate, not just somehow “layered on”. Nor has the role been “*expanded in a piecemeal fashion*” (page 137 para 4). The only significant change to the role was made by the Children and Young Persons Act 2008 (as mentioned in paragraph 7) where measures were taken to strengthen and improve the role.
28. We are told by the Review that
- “*IROs lack the independence to challenge poor social work practice whilst also not having a meaningful contact with children to champion their wishes and interests*” (page 137 final paragraph).
 - *The review has heard from too many children in care who do not even know the name own reviewing officer*” (page 138 paragraph 1)
 - “*IROs often provide a support service for overstretched local authority teams rather than acting as an independent champion*” (page 138 paragraph 2)
 - moreover “*IROs frequently report supporting more than 70 children at any one time and it is unlikely that effective support can ever be provided by one person to so many children*” (page 138 paragraph 2)
29. NAIRO agrees that the current service is capable of improvement. There is sometimes a problem of insufficient independence and being too close and involved with social work teams. There is certainly a resource issue with many IROs carrying unmanageable caseloads much larger than envisaged in the original guidance.
30. These concerns are of course, an argument for strengthening and improving the IRO role, not abolishing it.
31. The Review finds similar difficulties about the advocacy service (that currently services are patchy, lack independence, and are insufficiently resourced) However, in this case the Review quite properly regards these as arguments for improving and strengthening the advocacy service, not abolishing it!

Children’s Guardians

⁵ [Recommendation-annexes.pdf \(childrensocialcare.independent-review.uk\)](https://childrensocialcare.independent-review.uk)

32. The Review supports the necessity of a very similar role to the IRO, namely the role of the Children's Guardian, working for Cafcass. The Guardian scrutinises the local authority care plan from an independent point of view, taking strong notice of the child's wishes and feelings but acting in what they see as the "best interest" of the child. They must challenge the local authority care plan in the court if they believe it is not in the best interests of the child/young person. The Guardian of course only works for children in the period when the case is in family proceedings.
33. The report argues that "*the gravity of the decision to remove children from their parents needs an independent second opinion*" (page 139 final paragraph). This justifies (it is argued) an IRO type role when cases are in proceedings but not at other times.
34. We would contest this view. One might argue that when the case is in the independent spotlight of the court there may be a reduced need for independent oversight. It is when the case has left the court that there is a greater risk of care that does not meet the needs of the child/young person. The abuse scandals, and long-term drift cases that so worried the judiciary when the role was introduced, do not usually involve cases that are currently before the court.
35. NAIRO is of course not arguing that the Guardian role is unnecessary, quite the contrary, the Children's Guardian is an essential role. We merely argue that it is illogical to suggest that such a role is not needed when a case is not in proceedings.

The Views of Children and Young People

36. Two children are quoted in the report who did not have a good experience of the IRO service. Two court cases are also quoted. Of course when there are about 70,000 children in care at any one time and a service that has been running for nearly 20 years, there are bound to be some unsatisfactory experiences. NAIRO can identify many more. But it is unbalanced and misleading to suggest that this is the general pattern. NAIRO has more balanced evidence about the views of children and young people that we acquired from an exercise in 2018 with A National Voice which can be seen at Appendix 2. This exercise produced a very positive view of the service from children and young people.
37. As mentioned earlier NAIRO has also developed a portfolio of cases where IROs have made a positive difference. (Appendix 1)

The Use of Available Research

38. The report does not appear to make much use of serious available research in analysing the role.
39. There have been three main pieces of research about the work of IROs since its inception. These are:

- *Independent reviewing officers: taking up the challenge*

OFSTED June 2013

- *The role of IROs England*
National Children's Bureau, March 2014
- *Care planning and the role of the Independent Reviewing Officer*
University of East Anglia June 2015

40. A summary of these pieces of research is given at Appendix 3.
41. While all these pieces of research find need for improvement, none of them doubt the value and necessity of the role and certainly none of them recommend abolition.
42. These pieces of research are listed in the bibliography of the "Recommendation Annexes" but there is almost no reference to or analysis of their findings. This is perhaps surprising
43. The Review appears to rely heavily on "Foster Care in England" (Narey and Owers 2018) but as has already been seen the recommendation in that report to dismantle the IRO service was not based on any strong foundations.
44. Overall it is evident that this recommendation of abolition does not rest on any serious evidential research. The serious research and evidence that is available does not support abolition.

The Roles of the IRO and the Advocate.

45. In this section we will analyse the roles of the advocate and the IRO and demonstrate that there are fundamental differences, and that the advocacy service cannot replace the IRO service.
46. The concerns that the advocate raises on behalf of a child/young person, should be based on the "instructions" of that child/young person. The advocate should argue the young person's position accordingly. This may or may not be consistent with what is judged by professionals to be in the "best interests" of the child. In many cases there will be consistency but this will not always be the case. Experience tells us that what children and young people sometimes passionately want and desire isn't, sadly, always a safe option for them. For example the child or young person may wish, for very understandable reasons, to return to the care of their parents. Professional opinion based on careful assessments may conclude that this would not be safe. Of course it is right that the child's views should be clearly heard, and put forward in an effective way, but at the end of the day it is the opinion of professionals about best interest (tested by the court if the matter is in proceedings) that should prevail.
47. The wishes and feelings of the child should be given due weight according to their "age and understanding" Of course, the older the child, generally speaking, the more weight should be given to their wishes and feelings. Also, the older the child, the better equipped they are likely to be able to effectively instruct an advocate.

48. The envisaged advocacy service will be “opt out” so that all children/young people will be offered it unless they explicitly refuse. It is likely that some will refuse. Some will have such a distrust of the care system, or will be in such a state of distress (perhaps arising from the experience of serious trauma), that they will not wish or be able to take advantage of the service.
49. It is also the case that that some children and young people will be too young to “instruct” an advocate. A baby or a very young child will not be able to instruct, Some children/young people may have a disability which prevents them from effectively instructing an advocate. On the face of it, these children/young people will not be able to receive the service.
50. It is therefore clearly the case that there will be a large swathe of children/young people in the care system (either those who refuse the service or those who are not properly able to instruct an advocate) who will not or cannot receive the service.
51. The IRO of course while giving careful consideration to “wishes and feelings” of the child, will at the end of the day take a professional view on “best interests” and argue accordingly. There is also a legal duty to provide the IRO service to every child/ young person in the care system, whatever their age and capacity to instruct, and whether they want the service or not. **The IRO service is a universal service for all children/young people in care.**
52. the IRO service takes a holistic view of all the circumstances surrounding the case. They will make sure that the voices of all those concerned with the welfare of the child will be properly heard, including parents, carers, teachers and others.
53. IROs will also monitor cases in between reviews to make sure plans are taken forward, and advise local authorities on strengths and weaknesses of their service for children in care at an aggregate level.
54. It is clear that the advocacy service cannot replace the IRO service. The advocacy service is an important service that should be strengthened and properly resourced, but it is a fundamental misunderstanding to suppose that it can replace the IRO service.

The Views of Others in the Sector

55. Many charities and organisations concerned with the welfare of children in care and with children’s rights are lining up to oppose the proposal to abolish the IRO role. These include
- the British Association of Social Workers (BASW)
 - the National Youth Advocacy Service (NYAS)
 - Article 39 (a children’s rights charity)
 - Become (a charity for looked after children and care leavers)
 - NAGALRO (the body representing Children’s Guardians)

56. Community Care magazine recently polled its readers about the proposal to abolish the IRO service⁶. These readers can reasonably be expected to be composed of social workers and those who work in the social care sector.
57. Of the 1224 people who responded, only 18% believed the role should be abolished. Most of the others believed it should be improved and be better resourced. There was significant support for moving the IRO service out of local authorities.

Improving the IRO service

58. NAIRO believes that good work, to the great advantage of children and young people in care and leaving care is achieved by the IRO service. This view we believe is supported by available research and by the views of children and young people.
59. However NAIRO readily agrees that the service sometimes is patchy and is not always of a high quality. There are often problems about effective independence. The service is also often under resourced.
60. NAIRO (in consultation with others in the sector, and children/young people) has well worked out ideas for improving the service, set out in Appendix 4.

Conclusions

61. The IRO service was set up 20 years ago with a very clear remit. It is a clear and discrete role, not one that is “layered on” other roles in a thoughtless and incremental manner.
62. There have various attempts to weaken or dismantle the role in the past few years, on the basis of no proper evidence or research. The government has been wise to resist those attempts.
63. There is no serious evidence or research that is presented in the Review to support the abolition of the IRO service.
64. The Review does not present serious evidence that children/young people do not value the service. Such evidence that NAIRO possesses suggests the opposite.
65. The advocacy service (although a valuable service which should be strengthened and properly resourced) cannot replace the IRO service. This proposal reveals a fundamental misunderstanding of the two roles.
66. It is evident that many children’s charities and organisations that support children and young people oppose the abolition of the IRO service. There is also evidence that the abolition proposal is opposed by most professionals who work in the sector.
- 67. The proposal to abolish the IRO service is dangerous unwise and based on no significant evidence or research. To abolish the service would fundamentally threaten the welfare and rights of children and young people in care.**

⁶ [Should the IRO role be abolished? - Community Care](#)

68. **The government should reject this proposal and instead work with NAIRO and others in the sector to identify and implement measures which will strengthen and improve the IRO service for the benefit of children and young people in care.**

NAIRO

June 2022

Anonymised Case Studies from Independent Reviewing Officers Practice

1. **Simon**, aged 8 and suffering from Post-Traumatic Stress Disorder, had 7 placement breakdowns within 9 months. His IRO used his role to challenge the local authority to undertake an assessment to match Simon's placement needs with the capacity of potential carers to meet those needs. Simon is now in a stable placement with experienced carers who are better able to meet his need and is starting to access therapeutic support.

2. **Peter**, 13, made a number of serious complaints about the behaviour of his foster carers. No action was taken in respect of his allegations. He did not feel that he was believed and felt that he was seen as the cause of the problems. His IRO, who knew him well, drew up a chronology of events which highlighted the times and circumstances in which he had alleged abuse. As a result Peter was moved from the placement and the foster carers were investigated, eventually leading to them being deregistered as foster carers.

3. **Ashley** is a 17 year old boy who has been in care for 6 years on a care order with a foster family who has offered him excellent care and with whom he has made solid, secure and affectionate attachments. Ashley has mild learning difficulties.

Ashley's plan was to join the army and with the help and support of his carers he had been offered a place on a course with a view to recruitment. The carers wanted to continue offering a home base for Ashley and this is also what he wanted. If the army worked out it would be a base for him on leave from the army. If it didn't work out, he could return there and think about other options. The carers wanted to offer him a staying put arrangement.

The local authority didn't think a staying put arrangement was suitable in these circumstances. They wanted to provide him with other supported lodgings for his periods out of the army. The IRO could see no sense in this at all and thought a staying put arrangement was certainly applicable and obviously in Ashley's interests.

The IRO raised a dispute with the local authority about their decision that staying put was not suitable. The dispute failed at stage 1, but the service manager at stage 2 agreed that staying put was suitable and that it should go ahead.

Without the IRO intervention, Ashley would have been forced to leave this placement against his will and the will of his carers, to his great detriment.

4. **Linda**, is a 15 year old girl who was placed at a residential children's home under S20. She had previously been in a foster placement that had ended as she was missing more often than there. Her Mother is an alcoholic and drug user and was unable to keep her safe or to meet her needs. Linda was often reported missing overnight at the new placement and would not say where she was. She insisted that she was with friends and was safe.

At a LAC review the social worker announced that she would be moved to a placement 100 miles away as she would not conform with the rules of the placement. This would have meant leaving her education in year 10 and ending her weekly camhs sessions. This had not been discussed with her prior to the review. She attended and was engaged positively with school and camhs.

The IRO challenged this and insisted that the SW carry out a risk assessment and, more importantly, a plan to manage this risk. Linda stayed where she was and risks were addressed. She took GCSEs and went on to an apprenticeship, qualification as a full time pre-school worker and independent living. Without the IRO she would have been moved and disrupted her education, camhs support and local friendships.

5. **Roy**, aged 16, was looked after under S20 after falling out with his Mother and Step Father. He was in a residential placement. One Friday it was decided that he should move home as senior managers were frustrated at the lack of progress toward a return home. The Team Manager told Roy's IRO that his mother had ended her agreement to S20 and agreed to his return. This turned out not to be the case, according to the Mother. It remained in dispute. Roy went to sofa surf at a friend's but this was a temporary solution. Mother said she would not have him back and Roy's college place was suffering. Roy's IRO challenged the authority and supported Roy to obtain independent legal advice. Roy did so, through Shelter, and he became looked after only after the LA were threatened with Judicial Review. Roy has been in his supported lodgings since then, is nearly 18 and in a full time apprenticeship.

The IRO intervention was instrumental in enabling him to challenge the L.A. with his own legal support.

6. **Sally** had been looked after under a care order for 6 years, she was 17 and settled with a long term foster carer. Staying Put had been agreed and confirmed by the IRO at two LAC reviews. It was in the Care Plan and Pathway Plan. A decision was taken by senior management that staying put may not be appropriate and that there was 'not sufficient paperwork' to support it. Sally was very distressed and became very anxious when told this by her social worker. (This was her 6th SW in 2 years). The IRO challenged the local authority and encouraged Sally to seek support from an advocate and, if necessary, independent legal advice.

Sally stayed put and is now working full time aged 18.

7. **Mary** was 17 and had been looked after for 4 years under S20, having previously lived with her maternal grandparents under a residence order. She had been in 8 different placements, foster and residential and two mental health providers. She had self harmed and was sectioned at one time.

Her final residential placement, in an area 120 miles from her home town, had been very successful and her self harming had stopped and she was managing her anger and emotions. Mary wanted to stay in that area. She had a long term boyfriend and did not wish to move back to her home town, having been away for 4 years.

A year before her 18th birthday there was no planning for her accommodation post 18. This had been addressed at more than one LAC review and the IRO was told that there was no funding for her to remain in the area and that, if she stayed there, she would have to go into a YMCA hostel. The IRO challenged this, asking why this could not be funded in the same way as Staying Put or Supported Lodgings. The LA then agreed to fund an independent flat through a local provider with support, she moved in 2 months before her 18th birthday. This was a really good outcome for Mary who is thriving. This would not have happened without the intervention of the IRO.

8. **Peter** is a 9 year old boy who has been in care on a care order with his 5 year old sister in an excellent foster placement with the D family, for 4 years. He has made secure, safe, affectionate attachments with the carers and other members of their family. It is a very good placement for him.

Peter suffers from autism and ADHD and his behaviour is very challenging. He has significant problems with impulse regulation and his behaviour can be aggressive and violent. He has been aggressive and violent to his 5 year old sister and there are serious and legitimate concerns about the safety of this little girl.

The suggestion was made that the boy should be moved on a temporary basis to another placement, for respite for the exhausted carers, and to see what further measures might be taken to help him to control and manage his aggression, so that his placement with his foster family (who he regarded as his own family) could continue. In particular, he needed special education arrangements, possibly with a residential component, where a behaviour regime might be established which would be transferred to the home and that would help him to manage his behaviour. If this proved impossible, consideration would have to be given to ending the placement with the Ds. The IRO was prepared to support such a plan.

However, the local authority decided that his current foster carers could not meet his needs under any circumstances, and that the placement should end. He would be moved to another foster home, a few days before Christmas. This would be a permanent move and he would have very little contact with his current foster family following the move.

The IRO believed this new plan to be not in Peter's interests. The IRO also believed it to be unlawful. The local authority proposed to make this change:

- Without providing an assessment on which the change of plan was based
- Without producing a revised care plan. Indeed the local authority claimed that this change in plan was relatively trivial and did not require an amended care plan.

- Without the change of plan being agreed through the review process, or by the IRO outside the review process.
- Without consulting with the child and the birth parents

The IRO warned the local authority about this potential unlawfulness, urged them to reconsider the matter and suggested that an independent assessment of Peter's care and educational needs be undertaken by an independent expert. The local authority refused to listen to these warnings and proceeded with their plan to move Peter.

The IRO referred the matter to CAFCASS. Surprisingly, CAFCASS were very relaxed about the unlawful nature of these plans and regarded these difficulties as "procedural". They supported the local authority's position on the basis of a deeply flawed assessment that the local authority produced at the eleventh hour. The CAFCASS officer did not consult with the IRO or any other parties, apart from the local authority. There was still no care plan.

The IRO was advised that he had no route to the court other than through CAFCASS. If the CAFCASS route did not work, the IRO could take no further direct action. However the IRO was advised the carer could take the matter to court as the child's "litigation friend"

The IRO had been working closely with the carers throughout this matter, despite the LA's attempts to fetter such communication. The carers who felt very strongly about the matter agreed to act as Peter's "litigation friend". An application was made to the High Court under the Human Rights Act in relation to the potential breach of B's right to family life. The application was successful and the move was averted. The court restrained the LA from making the move. The IRO was ordered to be the child's "litigation friend" and so now had standing in the court. The LA swiftly reversed its position and agreed it was in Peter's interests to remain with his current carers.

Without the IRO involvement in this case, it is almost certain that this detrimental move would have taken place. This would have caused Peter enormous trauma and distress and would have breached his human rights. It would have severed his most important relationships, and would be contrary to his long-term interests. The psychological consequences for him would have been extremely damaging.

NAIRO

January 2018

THE VIEWS OF CHILDREN AND YOUNG PEOPLE ON IROs – DECEMBER 2020

NAIRO sought to ascertain the views of children and young people about the IRO service. of their work to children about their experience of the care system.

NAIRO participated in special events for care experience young people organised for us by A National Voice (ANV) ⁷ ANV is part of Coram Voice, a charity that seeks to empower young people and enhance their influence on the care system.

These events were held on 8.12.20 and 17.12.20. We asked the young people their general views on the value of the IRO service and its strengths and weaknesses. We also consulted them on the particular proposals that we are putting forward in this report.

Below is a summary of the views of the young people.

Overall

- Generally young people highly valued the IRO role
- IROs usually made sure made sure their voice was heard
- Usually a consistent person who stays around a long time, sometimes in contrast with frequently changing social workers This is a common theme, that IROs are a relatively stable workforce, providing stable longlasting relationships for children and young people.
- However in one case a young person did not know they had (or should have had) an IRO and had no idea about the service.

Good things that IROs do

- Strong trusting relationship with the IRO is the most important thing
- Meeting IRO separate from review really important – not just a few minutes at the beginning of the review
- It's good when IROs hold people accountable for plans and decisions
- It's good for IROs to "check in" with young person between meetings about how they are, and about progress on plans and decisions

⁷ www.coramvoice.org.uk/get-involved/become-a-care-ambassador/

- Some IROs stayed in touch after they left care which is great.
- IROs stand up for young people e.g. with teachers and education
- Some IROs would not allow people to attend the review (e.g. teachers) if young person didn't want them.
- The IRO can be "someone who believed in me"
- Some IROs manage the discussion so the meeting doesn't talk about things the young person doesn't want talked about

Not so good things

- It's "rubbish" if the IRO doesn't get to know the young person properly.
- It's bad if there is no proper meeting before review.
- It's bad if they don't chase plans and decisions.
- It's bad if they don't control the discussion properly.
- It's bad if they only seem interested in making the council look good
- Change of IROs can be bad. One person had three IROs in a year and each didn't follow up from the previous one
- Sometimes IRO does not seem to be impartial and independent.
- IROs sometimes tend to side with the social worker

Independence

There were mixed views.

- All thought independence was important but some thought it should be possible within Local Authority.
- Some thought it would be better for IRO to be outside the authority
- IROs shouldn't be punished and bullied for not agreeing with the social worker.
- IROs shouldn't have to worry about being fired!
- IROs might become more distant to the young person if outside the authority
- Really important IRO has authority and is "above" the social worker

- Young people would need IROs even if all social workers were really good.
- Some young people don't have confidence in council investigating complaints – they just try to make the council look good!

Involvement after young person leaves care

- It would be really good to have this support from IRO.
- It would make leaving care less of a “cliff edge”
- Personal Adviser service very variable – some are brilliant but some are not.
- IROs could hold PAs accountable

IRO pledge to young person at beginning of service

- Really good idea – both to explain the service properly and to promise what they will do.
- Young people could hold IROs to account for what they promise
- National pledge would be good, with capacity to tailor it to young person's needs.
- But IROs shouldn't make unrealistic promises

We are very grateful to the young people who have taken the time to give us their views and we have sought to make sure that our proposals are strongly driven by these opinions.

SUMMARY OF RESEARCH ABOUT THE WORK OF IROS

There have been 3 main pieces of research about the work of IROs since the inception of the role in 2004. These are:

- **Independent Reviewing Officers: taking up the challenge.**

*OFSTED, June 2013*⁸

- **The role of IROs in England.**

*National Children's Bureau, March 2014*⁹

- **Care planning and the role of the Independent Reviewing Officer.**

*UEA, October 2015*¹⁰

This summary seeks to identify the main findings of each of them and picks out common themes

OFSTED: Independent Reviewing Officers: taking up the challenge

This report looked at a sample of 10 Local Authority areas. It drew on evidence from 111 cases, the views of children and young people, carers, and professionals from the local authorities and from partner agencies. The main findings included:

- the pace of progress in IROs taking on the full scope of their enhanced responsibilities has been too slow in most local authorities
- excessive workloads for IROs in most authorities visited had an adverse impact on their ability to carry out their role effectively
- the quality of IRO annual reports... was not consistently good enough
- IROs in most areas have not forged strong links with the corporate parenting board or the Children in Care Council. They were not sufficiently integrated into senior leadership discussions or strategic reviews

⁸ [Independent reviewing officers taking up the challenge.pdf \(publishing.service.gov.uk\)](#)

⁹ [role of independent reviewing officers in england final report.pdf \(ncb.org.uk\)](#)

¹⁰ [3029311e-0e27-19bb-7c93-5b7cc9e5b8c4 \(uea.ac.uk\)](#)

- the involvement of IROs in cases during care proceedings was underdeveloped
- the independent challenge that can be provided by IROs was encouraged and welcomed by senior managers

Recommendations included:

- local authorities should take urgent action to implement in full the revised IRO guidance
- the IRO annual report should set out the quality of corporate parenting and care for looked after children
- the government should correlate analyse and report on the information from IRO annual reports so that the findings inform policy and improve the quality of care

OFSTED was concerned about (among other things) the lack of strategic impact that the IRO service was found to have on Local Authority policy and provision of looked after children services. The report did not particularly expressed concern about lack of challenge, a concern subsequently expressed in many OFSTED inspections of particular local authorities.

NCB: The role of IROs in England

The National Children's Bureau methodology used the following. Online surveys were completed by 295 IROs, 65 IRO managers and 60 DCSs in April-August 2012. Out of 152 local authorities in England, they received at least one completed questionnaire (from a DCS, an IRO manager or an IRO) from 122 local authorities (80%).

The report found that the IRO role in ensuring high quality care planning was yet to be fully realised. Its recommendations included among other things;

At a national level

- a consistent template for IRO annual reports should be developed
- there should be a debate about "additional duties" for IROs and which constitute a conflict of interest
- an "independent arbitration service" should be developed for serious disputes that do not require CAFCASS involvement
- a national set of standards for IROs should be developed

At a Local Authority level

Each director of children's services should promote a culture demonstrating their support for the service by

- disseminating information to or involved about the role of the IRO
- using the annual report to contribute to improved outcomes for children in care
- assessing training and development needs and commissioning role specific training and support
- undertaking and analysis of number of IROs needed to properly perform their duties

At IRO service level

IROs should

- take personal responsibility for ensuring that children and young people understand their role
- where there are barriers to fulfilling their role these should be raised formally with senior managers
- review of all additional tasks should be undertaken to establish whether these compromise IRO independence or capacity.

UEA: Care planning and the role of the Independent Reviewing Officer

The methodology used a mixed methods approach to get a full picture of care planning and the role of the IRO. It included

- Analysis of case files of 122 looked after children, in four local authorities;
- In-depth interviews on half the cases (61),
- Nationally-distributed questionnaires for IROs (65), social work managers (46) and children's guardians (39)

Conclusions and key messages included

- the majority of those involved believed IROs "to be making valuable contributions to care planning and the well-being of looked after children"
- there was a preference by some for more cooperative, less confrontational methods of intervention. Most IROs felt their views were respected by the Local Authority managers and social workers although some gave examples of resistance

- sometimes challenge was futile “there is no point shouting more and more loudly people to do something which is simply beyond their power to do”
- but IROs may not always appear sufficiently challenging or independent and indeed sometimes they may not be
- IROs must have realistic workloads and good administrative support
- an independent organisational setting for IROs is unlikely to resolve the intrinsic ambiguities and challenges of their job
- it is important for courts to be sure that IROs know of and support the Local Authority’s care plan. It should be routine to ask for confirmation of the IROs view
- social workers and team managers do recognise the importance of the IRO’s independent view and the need for challenge but prefer the more collaborative and less confrontational ways of doing so

Summary

This is the briefest of visits to these three complex pieces of research, and it of course cannot do them justice. However we think it is fair to say that common themes include;

- a need for enhanced strategic impact
- a need for better understanding of the role by all related professionals
- a need for bespoke training
- a collaborative approach where possible but formal challenge where necessary
- a need for reasonable workloads, monitored by OFSTED

None of the pieces of research believed that the role of the IRO should be abolished.

MEASURES TO IMPROVE IRO PERFORMANCE

NAIRO in collaboration with partners and colleagues in the sector and having consulted children and young people, and care experienced young people, have generated the following proposals for improving the IRO service.

Improving IRO performance within local authorities

We have 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.