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The role of the independent reviewing officer looks set to move centre stage if the proposals set out in the Family Justice Review (FJR) come to pass, conferring on these child protection professionals more responsibility for speeding up care proceedings in court, a major hobby horse of the coalition government. The FJR outlines a greater role for independent reviewing officers (IROs) in scrutinising plans for children and ensuring actions are completed in a timely and appropriate manner. There is even the possibility of IROs replacing some functions of the court.

Yet, there are serious question marks about the capacity of IROs, a UK-wide profession of over 1,500 practitioners, to meet their current obligations, never mind a swathe of new tasks. A recent BASW survey of members indicated a huge variance in the IRO service across the UK, and particularly in England, with 87% of respondents indicating caseloads in excess of the maximum of 70 recommended by the 2010 IRO Handbook, and 85-100 regarded as fairly standard in the current climate.

Anecdotal evidence at a September conference hosted by the National Association of Independent Reviewing Officers (NAIRO) suggested caseloads above 200. Children caught up in such a system can only expect a raw deal, borne out by the startling findings in the BASW poll that just 11% of social work respondents are confident that children are always seen prior to a review – 53% believe they are seen ‘most of the time’. It leaves too much room for the child’s voice to go missing, with the only chance for the person at the centre of the entire process to express their views coming at the actual meeting itself. One IRO said bluntly: “I do not have time to see children separately from the review with a current caseload of 95 plus children.”

Challenged

The role of the IRO is further challenged by significant evidence that their core focus of independently assessing children’s care plans and ensuring children’s wishes and feelings are given full consideration, is being undermined by the addition of extraneous duties. Of the 290 respondents to the BASW survey in the summer of 2012, 73% said they have responsibility for tasks other than reviewing children’s care plans.

Over 50% reported spending more than half their contracted time recording information, despite the fact some respondents did not know the purpose of this. One told BASW, “we duplicate several lots of data ... I have asked frequently how information is collated and used”. Some indicate the process is more about the National Performance Indicators and



A tale of two IROs

Sue Kent draws on an illuminating BASW poll of members to consider the challenges facing independent reviewing officers and the extent to which they are free to challenge local authority decisions while on the council payroll

Ofsted inspections than individual children’s outcomes. Yet here, as with much of the survey’s findings, there is an alternative view. One said the information is used successfully to “obtain information on the involvement of children and young people in the review process and identify trends across the service”. There is a notable variance in the perception of how the data is collected and used across the UK.

Faced with such pressures, something has to give, so it was perhaps little surprise when a recent Lancashire court hearing (*A&S (Children) v Lancashire County Council (2012)*) cited the IRO involved in the case as being responsible for delays in advancing two children’s care plans, as well as the lack of action in moving the children towards adoption – the original plan in this instance. The finger-

pointing came despite a recognition that the IRO had a caseload of over 200, inadequate training, limited or no access to independent legal advice, inadequate supervision, and was subject to a tick-box system, driven by mandatory performance indicators that didn’t measure the right elements of the process.

It is just such examples that encouraged IROs, social workers, Cafcass employees and academics alike to use the BASW survey to express concerns, particularly around a perceived lack of consistency in the IRO service across the UK. Respondents suggested children in one area are likely to receive a dramatically different service to those in another.

While the picture appears worrying in parts of the country, plenty of evidence remains about the vital role IROs continue to perform.



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IROs at the NAIRO conference, and non IROs in the BASW survey, were clear about the unique work carried out by these experts, in monitoring care plans and chasing social workers and managers about the progress being made for each child they were responsible for, prior to a review. Their role as an advocate for children was repeated time and again, with IROs talking positively about the inclusion of children in all decision making and making all possible efforts to ensure they see a child prior to a review. Most said they believe they have the processes and abilities to challenge any restrictions to the progression of a child's plan, offering examples of where this had been successful.

It was not surprising, therefore, that when the June 2012 issue of PSW carried an article outlining NAIRO's serious concerns about the lack of independence many of its members feel from local authority pressure, that some BASW members objected. Despite the challenges IROs face, the notion that the independence on which the role is predicated is itself under threat is, for some, a suggestion too far.

Outside

NAIRO's case is that without independent management, possibly outside of the local authority, a child's care plan cannot be truly independently reviewed and that, in too many instances, a child does not receive the services or support needed to achieve the planned outcome. NAIRO's charge-list goes on to suggest that recommendations made at reviews are challenged by management and are often changed or ignored, due mainly to resource implications.

Among the survey respondents, there was a marked split in opinion about the independence of IROs. While 55% hold the view that IROs can be independent while employed by a local authority, examples of their position being compromised were numerous, including 20% being aware of pressures on independent reviewing officers to change their recommendations following a review. One respondent reported witnessing an IRO "being reminded who paid their wages" and another cited an occasion where "one IRO was threatened with disciplinary procedures if they did not change a review recommendation".

Social workers and IROs also offered worrying examples of bullying and abuse, including an IRO who said: "This has been mostly a subtle discrediting and criticism of me through gossip and comments between senior management".

In May 2012 NAIRO's Maggie Duggins wrote to the then children's minister for England, Tim Loughton, to highlight the culture of threats and intimidation in which some IROs are forced to operate. While acknowledging that the reviewing system

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continues to work effectively in many areas of the country Ms Duggins said "a significant number of examples have been identified where this is not the case". NAIRO pointed to the situation in one local authority where IROs were being prevented from exercising an independent role due to a head of service threatening officers with disciplinary action because they have raised concerns about cases. In others, NAIRO says IROs have been told that they can only make a challenge with the permission of a senior manager.

Opponents of NAIRO's position, however, believe the problem is not about a lack of independence or the processes in place for the IRO to challenge successfully but, as one respondent to the survey put it, an "increase in the number of children whose care plans we are responsible for reviewing and monitoring on an on-going basis". Caseloads again.

For many close observers IROs continue to do their jobs effectively and without encumbrance. Eighty per cent of respondents said they had seen, whether as an IRO or as an observer, challenges to poor practice and decision making with the aim of progressing a child's care plan, or had witnessed an IRO challenge poor practice on behalf of the child in other circumstances. Not all were able to confirm if the challenges had been successful but a sizable body of opinion appears to believe IROs remain vocal and assertive, as borne out by the 85% who said they had witnessed an IRO positively influence a child's care plan.

Specific examples illustrate the point, with one respondent stating how "a commitment by the LA [local authority] to move a child from a stable (but expensive) placement was challenged by the IRO and the LA backed down".

Another states: "As a LA employed IRO I feel very secure in my role and feel able to constructively challenge".

The fact IROs across the country continue to perform an important role is indisputable but so too, it would appear, is the notable evidence to the contrary – that far too many postholders are either dealing with unmanageable caseloads or unacceptable management. The caseload dilemma is of course one much of the wider social work profession can relate to, so is unlikely to be resolved without a significant commitment of vitally needed resources.

The independence question begs different answers, such as that put forward by one survey

respondent who suggested that "you should not be able to be an IRO for an LA that you have previously worked for in a differing capacity in the recent past". Another backed the NAIRO stance, stating: "I think the IROs being in the LA but managed separately is an ideal position for them where they can act as a critical friend to team managers but challenge according to protocols".

Firm conclusions about independence are difficult so it is welcome that BASW is to take part in a national advisory group, set up by NCB and examining the situation in England only, on 'The Role of the IRO in Improving Care Planning for Looked After Children'. Ofsted is also to look closely at the role – again in England – with inspectors planning to undertake an IRO thematic inspection of up to ten local authorities, with a report to be published around April 2013.

Highly skilled

Part of any examination of the role and work of IROs must consider the status and standing of the post. It has always been seen in the past as a highly skilled position, based on the assumption that IROs have been team managers or equivalent, as well as experienced social workers. So it was with dismay that one respondent reported an example of a retired police officer being an IRO. Equally, it was very disappointing to hear testimony from one social worker that as part of the spending review some local authorities have conducted pay reviews in which IROs have been demoted to social worker scales with new contracts and reduced pay, purely because their positions don't fit neatly into the category of 'manager'. Little wonder there is evidence of a 32% vacancy rate across the UK [TRUE?? SOURCE??].

What is clear is the need for a recognition, across all local authorities, of the crucial role played by IROs, the need to tackle unmanageable caseloads and how, where support isn't in evidence, children are suffering as a result.

We need better information about the true picture nationwide and, where necessary, concerted action to follow.

PSW

Sue Kent is a BASW England professional officer and oversaw the IRO online survey