

## **Fosterline Wales Factsheet**

### **The role of the independent reviewing officer (IRO)**

#### **Introduction**

Every fostered child or young person must, by law, have a named independent reviewing officer (IRO) who, where appropriate, meets with them privately before reviews and chairs their placement review meetings. This role was strengthened in April 2016 through the Social Services and Well-being (Wales) Act 2014, and IROs were given new powers to check and challenge the local authority's work. They are 'independent' in the sense that they are not the child's social worker, or line manager, but are managed by the same person as the children's teams. Most, however, are employed by the local authority that placed the child or young person.

#### **Legislation**

The role of the IRO is laid out in the Social Services and Well-being (Wales) Act 2014.

The new role includes:

- checking that individual fostered children and young people have an effective care and support plan, that this plan is being implemented and that no child or young person is left to drift within the care system
- checking that care and support plans are of good quality and meets the assessed needs of the child or young person
- holding the local authority to account for the quality of its work with fostered children and young people

Links to the relevant sections of the Social Services and Well-being (Wales) Act 2014, the Care Planning, Placement and Case Review (Wales) Regulations 2015 and the Code of Practice are in the Resources further on in this factsheet.

#### **Review meetings**

Every fostered child must, by law, have an effective care and support plan. 'Effective' means the plan meets their day-to-day and long-term needs and identifies outcomes in relation to their health, education, emotional wellbeing, behavioural development, identity, family and social relationships, social presentation, and self-care skills. Your input as foster carer is key contribution to a successful care and support plan review.

Before the review meeting, the IRO is responsible for listening to the child or young person in private. They should also listen to the views of anyone with parental responsibility, if possible. It is their responsibility to make sure the right people will be at the meeting.

During the review meeting, the IRO will chair the meeting and make sure that the child or young person's voice, their wishes and feelings are heard, even if they have decided not to be present. The focus is on the child or young person's welfare, with reporting on events since the last review, an assessment of the current placement forwarding outstanding tasks to the next review by revising the care and support plan, if necessary.

After the review meeting, the IRO will monitor that the care and support plan is being put into practice and continues to meet the child or young person's needs.

The first review must happen within 28 days of the child becoming looked after, then within three months, and six-monthly thereafter. If a child is placed for adoption, the review cycle starts again. The local authority cannot make significant changes to the plan without authorisation from the IRO. If there are any significant changes or failure to carry out the care and support plan, the local authority must tell the IRO who will bring forward the date of the next review meeting.

IROs also chair pathway plan reviews for young people aged 16 or 17. By law they do not have to chair When I Am Ready review meetings, but this would be good practice.

### **Quality assurance**

IROs must regularly review all children's cases, auditing at least one case file each month and giving feedback to the local authority's quality assurance officer.

IROs must also hold the local authority to account for its role of corporate parent.

The IRO does not deal with complaints from foster carers. Complaints would be the responsibility of the fostering service manager, but if a concern is raised in a review meeting, the IRO can investigate further.

### **Listening to children and young people**

The IRO makes sure the child or young person's voice and wishes are at the heart of the care and support plan, and at the review meeting. The IRO will also support the young person to decide on a way of expressing their views, either if they are attending, or if they do not want to be present in the review. They may also support a child or young person to plan and co-chair their own review meeting, including the venue and who should be invited.

The IRO must also make sure the child or young person

- knows their rights, including their right to challenge decisions that affect their future
- knows what an advocate does, and information on how to contact one
- understand the nature of the care and support plan and why agencies are involved

## **Addressing problems**

Part of the IRO role is to make sure that each child's welfare is both safeguarded and promoted. All IROs must be experienced registered social workers who can provide consultation and advice to professionals working with the child. IROs have a duty to use the dispute resolution process if a child's needs are not being met by their care and support plan.

An IRO can raise any individual or general practice concerns with the relevant social worker and team manager, escalate the concern to the operational manager, and then further escalate the concern to the chief executive. If still concerned, the IRO must notify CAFCASS Cymru who will decide if legal action should be taken. Practice issues include poor quality care and support plans, and occasions where a child or young person has been identified as without an actively supported care and support plan.

The IRO can seek legal advice if they are not happy with the local authority's decisions about a child or young person's long-term plans. IROs have significant power to challenge the placing local authority and insist they listen to the child or young person's wishes and feelings. They can help a child or young person take a decision back to court if that is what is needed to make sure things are done in the best interests of the fostered child or young person.

## **Foster carers and the IRO**

Foster carers should view each review meeting as a significant milestone in the placement, and the IRO as an important resource. They should actively support the young person to attend, or at least confirm they have arranged for their views to be conveyed in writing or by an advocate.

Foster carer should also prepare in advance their own contribution to the review:

- their view on the progress of the care and support plan since the last review
- list any outstanding issues not completed since the last review
- current issues of concern in the current placement or services not provided
- aspirations on behalf of the young person up to the next review and beyond.

A copy of this preparation (which can be in bullet points) should be given to the IRO on arrival at the review meeting, asking the IRO to ensure the matters listed are both raised during the review and confirmed in the review minutes.

Some IROs will share their email address with the foster carer, inviting them to contact them between reviews if the foster carer has any concerns about the progress of the care and support plan, or there are delays in receiving a copy of the revised care and support plan. In addition, if there are significant events which alter the nature of the placement, the foster care should ask the young person's social worker and IRO to bring the review forward as a matter of urgency.

## **What if a Foster Carer is not happy with their IRO?**

In the current legislation in Wales, looked after children and young people are able to choose their own advocate. They can ask their foster carer to act as their advocate and the local authority should provide advice and support to help the foster carer to take on the advocacy role.

The advocate's role in the complaints procedure is to:

- empower the child/young person by enabling him or her to express views, wishes or feelings, or by speaking on his or her behalf
- seek the resolution to any problems or concerns, identified by the child/young person, by working in partnership with them and only with their agreement
- speak for or represent the child/young person at all stages of the complaints procedures by providing information, advice and support
- provide the child/young person with information about their rights and options, helping to clarify the complaint and the outcomes they are seeking.

Independent Reviewing Officers (IROs) monitor the review process of the care plans of looked after children by local authorities and challenge poor practice by local authorities, including drift in care. IROs chair review meetings, and ensure that the local authority involves the child and significant adults in their review process. They have a specific responsibility to check children are aware of their right to advocacy.

The process of advocacy and complaints must run alongside the IRO's actions in resolving an issue and it will be good practice for the IRO, the complaints officer and any advocate to agree channels of communication and their respective roles to resolve a complaint.

### **What if Young Person is not happy with their IRO?**

In the current legislation in Wales looked after children and young people:

- are able to choose their own advocate.
- should be helped to understand the choices open to them and the differences between the options.
- should be helped to understand the 'differences in the kind of support available and is therefore able to make an informed choice between lay advocacy and an independent professional advocate'.
- The local authority must provide information and advice about advocacy services routinely, together with assistance to access an advocate. This should be part of the process of the assessment and review of a child or young person's care and support needs.
- If you the child or young person chooses their own advocate, the local authority should provide support and advice to help your advocate to assume the role.
- When a child or young person feels that their concerns or problems are not being resolved, they may want to think about or make a complaint/representation the local authority .

- The local authority should publish detailed guidance on the complaints and representations process which explains the roles and responsibilities of the key individuals.

If you are not happy with an Independent Reviewing Officer, you should try speaking to the Independent Reviewing Officer's manager about your concerns. If you are still not satisfied, you can make a complaint.

## Resources

**Social Care Wales** has an Information and Learning Hub providing a range of useful information on the 2014 Act:

[socialcare.wales/hub/sswbact](http://socialcare.wales/hub/sswbact)

**Section 4 of Code of Practice 6 of the Act** will provide you full details of the IRO role

[hgov.wales/docs/dhss/publications/180328pt6en.pdf](http://hgov.wales/docs/dhss/publications/180328pt6en.pdf)

## Legislation

Sections in Part 6 of the Act deal with independent reviewing officers

[www.legislation.gov.uk/anaw/2014/4/part/6/crossheading/review-of-cases/data.xht?view=snippet&wrap=true](http://www.legislation.gov.uk/anaw/2014/4/part/6/crossheading/review-of-cases/data.xht?view=snippet&wrap=true)

This link takes you to Regulation 42 about the independent reviewing officer's role in the child or young person's care and support plan review meeting

[www.legislation.gov.uk/wsi/2015/1818/regulation/42/made](http://www.legislation.gov.uk/wsi/2015/1818/regulation/42/made)

Part 8 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 covers the regulations for independent reviewing officers

[www.legislation.gov.uk/wsi/2015/1818/part/8/made](http://www.legislation.gov.uk/wsi/2015/1818/part/8/made)

## How The Fostering Network can help

The Fostering Network offers advice, information and support. Our expertise and knowledge are always up-to-date and available through our vital member helplines, publications, training and consultancy.

### Advice

Fosterline Wales

Call us on 0800 316 7664 from 9.30am - 12.30pm Monday to Friday.

If you call outside this time please leave a message and someone will call you back as soon as possible.

You can email us or write to us at:

[Fosterlinewales@fostering.net](mailto:Fosterlinewales@fostering.net)

The Fostering Network Wales  
33 Cathedral Road  
Cardiff CF11 9HB

### **Support and resources**

Our website is an essential source of information, while our online community brings together foster carers for peer support and advice. You can login to share your experience and get advice from other foster carers. Our online community is a safe and secure area to discuss foster care matters.

[thefosteringnetwork.org.uk](http://thefosteringnetwork.org.uk)

### **Training and consultancy**

Wherever you are in your fostering career, as a foster carer, social worker or manager, The Fostering Network has a range of training designed to meet your development needs.

For more information contact our learning and development manager, Sarah Mobedji at [sarah.mobedji@fostering.net](mailto:sarah.mobedji@fostering.net)

### **About The Fostering Network**

The Fostering Network is the UK's leading fostering charity, bringing together everyone who is involved in the lives of fostered children to make foster care the very best it can be.

### **Contact**

To find out more about our work in Wales, please contact:

The Fostering Network Wales  
33 Cathedral Road  
Cardiff CF11 9HB

Telephone: 029 2044 0940

Email: [wales@fostering.net](mailto:wales@fostering.net)

Web: [thefosteringnetwork.org.uk](http://thefosteringnetwork.org.uk)

Find us on Facebook: [facebook.com/thefosteringnetwork](https://facebook.com/thefosteringnetwork)

Follow us on Twitter: [@fosteringnet](https://twitter.com/fosteringnet)

Follow us on Instagram: [@fosteringnet](https://www.instagram.com/fosteringnet)



[/thefosteringnetwork](https://facebook.com/thefosteringnetwork)



[@fosteringnet](https://twitter.com/fosteringnet)

© The Fostering Network 2017