

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **PERSONNEL COMMITTEE**

**4th April 2016**

### **Report of the Head of Children's Service - Andrew Jarrett**

**Wards Affected:** All wards.

#### **Matter for Decision:**

**To establish an additional Independent Reviewing Officer post in the Conference and Review Team.**

#### **1. Purpose of the Report**

The purpose of this report is for members to approve the establishment of an Independent Reviewing Officer (IRO) post, Grade 10, 37 hours per week within the Conference and Review Service.

#### **2. Background**

Approval was given at Personnel Committee on 28th July 2014 when the structure for Children and Young People's Services was approved, to allow flexibility within the structure to allow the service to recruit Social Workers, Consultant Social Workers and IROs at Grades 8, 9 or 10 in order to ensure the service is flexible to meet the demands whilst continuing to improve.

The Conference and Review Service is currently staffed by 11 Independent Reviewing Officers across Neath Port Talbot. The IRO is clearly defined in statute and their role and function has been commented on in detail in the Family Justice Review published in Nov 2011.

Family Law Review.” Out of the children who chose where they thought IRO’s should work the clear majority view was that in future the IRO should carry on working for the Local Authority.”

3.1.15. “We do share the concern that IRO workloads may sometimes be too high in some Local Authorities. We recommend that Local Authorities should review the operation of their service to ensure it is effective. In particular they should ensure that they are adhering to guidance regarding caseload.”

“Revised guidance for IRO’s in England emphasises and strengthens the function of dispute resolution and escalation that should exist within an authority. The formal referral mechanism is one only to be used by exception and the threat is often effective without use .The figures published in this review suggest that the informal route is used as helping to resolve issues without court action. That said the work of the IRO and their impact needs to be more clearly seen and understood.’

Statutory guidance produced for England “The IRO Handbook 2009” is not fully adhered to or officially adopted by Wales, but the broad guidelines are being advised to be noted. The Family Law review is using these guidelines as a benchmark. The caseloads for the IRO in that statutory guidance, are as follows:

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“It is estimated that 50 – 70 looked after children for the equivalent of one full time IRO. This range should reflect the diversity and complexity of cases across local authorities. IRO’s are in the front line of ensuring that the Local Authority acts as a responsible and conscientious corporate parent for the children it looks after.”

The IRO’S in Neath Port Talbot are currently holding between 63 - 73 cases each. These cases require the facilitation of child protection conferences, LAC (Looked After Children ), Respite and

Adoption reviews. The IRO in Neath Port Talbot is responsible for children across the spectrum of disability, learning difficulty, children with mental health difficulties, child protection, and those children in the court arena of care proceedings and adoption. Their knowledge and skill base is vast and the role is complex. Further duties are now expected in terms of pathway planning and this means that to effectively manage these duties one more IRO will be needed.

#### Pathway Planning:

The young person's Independent Reviewing Officer (IRO) has a crucial role in making sure that a young person's views are taken into account in planning for transition from care. Before any move can take place, there must be a statutory review meeting, chaired by the IRO, to evaluate the assessment of the young person's readiness and preparation for any move. No young person should be made to feel that they should 'leave care' before they are ready.

The young person, the professionals responsible for contributing to the young person's care and support plan and pathway plan, and the review must all agree that the young person has developed the skills necessary to manage any transition to more 'independent living' where less support will be provided. Local Authorities must ensure that each care leaver is provided with appropriate leaving care support, and that the young person's needs for care and support are subject to on-going assessment and review. 'Social Services and Well-being (Wales) Act Guidance (draft)'

House of Lords rulings are clear that the Pathway Plan must be formulated and reviewed by a qualified Social Worker (Caerphilly and Lambeth rulings)

This is extremely significant, as relevant and former relevant children are, as a general rule, not provided with a social worker. While this judgment does not require local authorities to allocate a social worker to be in regular contact with such young people, it does require a qualified social worker to be brought in with regard to every review and to monitor and oversee all Pathway Plans.

This should act as a procedural check to ensure that all Pathway

Plans are properly reviewed at least every six months and to make sure that service provision of children in and leaving care is prioritized as opposed to being placed at the bottom of the pile. (Family Law Week, 2010)

Good practice guidance recognises that it would also be inappropriate for the management team of Route 16 to oversee the review and development of the Pathway Plans, given that they are responsible for the oversight of the team budget and have direct supervisory oversight of the allocated workers. The Social Services and Well-being (Wales) Act Guidance (draft) highlight that these responsibilities are not compatible with an effective reviewing process.

There are specific categories of persons that the local authority may not appoint to carry out the IRO function. These are:

- a person involved in preparing the child's care and support plan or the management of the child's case
- the child's social worker or personal adviser
- the representative of the local authority appointed to visit the child
- a person with management responsibilities for any of the above
- a person with control over the resources allocated to the case. (Social Services and Well-being (Wales) Act Guidance (draft)).

Given the above it is recognised good practice for there to be independent oversight of each Pathway Plan review up to the point where the young person ceases to receive a service from the Children's Directorate of the Local Authority. This will ensure that the Local Authority is meeting their responsibility towards this vulnerable and high need group of young people as they transition into adulthood and independence. The Social Services and Well-Being (Wales) Act clearly lays out the legal requirement for a robust Pathway Plan review process to be in place in line with an agreed policy.

In some other Welsh Local Authorities, it is standard practice for Independent Reviewing Officers to be responsible for the oversight of Pathway Plans for young people leaving care. Where this is not

the case, the Local Authority has a designated worker in place to provide independent oversight.

Local Authority	Review Process
Torfaen	IRO
Pembrokeshire	IRO
Bridgend	IRO
Ceredigion	IRO
Cardiff	IRO
Wrexham	Dedicated Social Worker or Young Person
Denbighshire	Complex or high finance cases – IRO Other 18 +– Dedicated Practice Leader
Monmouthshire	Dedicated Social Worker
Merthyr	IRO

**Number of Eligible, Relevant and Former Relevant as of 24th February 2016**

	31.03.11	31.03.12	31.03.13	31.03.14	18.08.15	24.02.16
Eligible	0	0	12	59	64	53
Relevant	23	22	25	25	22	19
Former Relevant	212	216	223	232	242	255
Total	235	238	260	316	328	327

Please note that the number of former relevant young people listed currently includes young people who are qualifying under Section 24, and those who are open with minimum support due to Special Guardianship Order (SGO) or post 21 years old due to continuing financial support in respect of their education. It also includes those young people who are entitled to re-engage with the service under Re-Connect to Care should they commence an education or training course prior to their 25th birthday.

The actual number of relevant and former young people who require Pathway Plan reviews at this current time is 120.

The Conference and Review Service need to begin undertaking reviews for relevant and former relevant young people without further delay. In order to achieve this staffing capacity needs to increase. Based on the amount of Pathway Plan Reviews that currently need to take place and current staff caseloads the Conference and Review Service would require a further 1.5 IRO's to take this forward. In the first instance it is proposed that the team is increased by 1 full time member of staff.

For eligible young people coming through the service the review process should simply continue unheeded past the point where they leave care and until they are no longer provided a service by Route 16, or until they formally request that the process ceases as

outlined above. Reviews should continue to be scheduled at a minimum of every six months.

### **3. Financial Impact**

As mentioned above, approval was given at Personnel Committee on 28th July 2014 that there is flexibility within the structure and budget to allow the service to recruit Social Workers, Consultant Social Workers and IROs at Grades 8, 9 or 10. Therefore as a social worker in the service is retiring, this post will be re-designated as an IRO post. The additional amount will be met from within the existing staff budget for CYPS so no additional funding is required.

### **4. Equality Impact Assessment**

The Equality Impact Assessment Screening Form has been completed in order to comply with the Authority's Public Sector Equality Duty. This screening has assessed that a full Equality Impact Assessment is not deemed necessary.

### **5. Workforce Impacts**

The workforce implications arising from this proposal is that an IRO post will be advertised following the Council's usual recruitment and selection practices.

### **6. Legal Impacts**

Under current legislation, the Pathway Plan should be reviewed at a minimum of six monthly periods until the involvement of the Local Authority ceases (at 21 years old or up to 25 years old, dependent upon the young person's engagement with education and training).

At present there is no formal Pathway Plan review process in place in Neath Port Talbot for young people who have left care and

continue to have a service from Route 16 as relevant or former relevant under the Children (Leaving Care) Act 2000.

Local Authorities must ensure that each care leaver is provided with the appropriate leaving care support, and that the young person's needs for care and support are subject to ongoing assessment and review. Social Services and Well-Being (Wales) Act.

## **7. Risk Management**

At present there is no formal Pathway Plan Review process in place in Neath Port Talbot. This not only falls short of the legal requirements it places the most vulnerable and high need group of young people as they transition into adulthood and independence at risk of failing to reach their full potential.

In the absence of ongoing assessment and reviews there is no efficient monitoring taking place. This could potentially disadvantage the young person in Neath Port Talbot eligible for the service in ensuring that appropriate leaving care support is being provided, in order to meet the individual's needs to afford them the maximum opportunities to ultimately promote their independence.

## **8. Consultation**

There is no requirement for public consultation on this proposal.

## **9. Recommendations**

It is recommended that Members approve the establishment of an Independent Reviewing Officer post, Grade 10, 37 hours per week within the Conference and Review Service.

**FOR DECISION.**



## **10. Reasons for Proposed Decision**

The additional post will ensure that the Local Authority will be able to execute their responsibilities towards a vulnerable and high need group of young people as they transition into adulthood and independence post 18 years of age.

It will also ensure that Neath Port Talbot can satisfy the legal requirement for a robust Pathway Plan review process to be in place in line with an agreed policy as per The Social Services Well-Being (Wales) Act.

In addition to this, given the recommendations of the Family Law review, the implementation of the Social Services and Well-being Act, and the need to commence pathway planning, I suggest that these legislative drivers, alongside the anticipated projected increase in need for services in Wales and the number of Pathway Plans, we will need to undertake and evidence as a Local Authority. Furthermore without this post, we will leave some of our children vulnerable, and run the risk of not achieving the best outcomes for children in Neath Port Talbot, who are in receipt of our services.

## **11. Implementation of Decision**

The decision is for immediate implementation.

## **12. Officer Contact**

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SET UP COSTS

APPENDIX 1

	This Year (2016/17) £
Costs	
Recruitment Costs	
Accommodation Costs	
Office Costs	
Others	
Total Set Up Costs	_____n/a_____
Funding of Set Up Costs	
Revenue Budget	
Reserves	
Special Grant	
Other (Specify)	
Total Funding of Set Up Costs	_____n/a_____

## RECURRING COSTS

	This Year	Maximum
Costs	£'000	£'000
Employee Costs		
- Starting Salary		
- Additional cost at Maximum Salary	Nil	£5,000
Accommodation Running Costs		
IT Annual Costs		
Other Running Costs (Tuition Fees)		
Total Recurring Costs		
Funding of Recurring Costs		
External Sources		
Specific Grant:		
- staffing costs		
- other		

Funding from External Agencies		
Service Level Agreement		
Other (Specify)		
Internal Sources		
Existing Budget Allocation (CYPS Staffing Budget)	Nil	£5,000
Additional Guideline Allocation		
Other		
Total Funds Available		