

Good Practice Guidance

Effectively Evidencing the IRO role within PLO and Care Proceedings

This guidance complements the existing Cafcass, IRO and Local Authority protocols for Public Law Work and aims to achieve increased understanding and effectiveness of the IRO role within the PLO and care proceedings.

Aims

1. To ensure that the IRO service has an effective and meaningful pathway to participate in the PLO and care proceedings procedure in order to represent the best interests of the child; eradicating drift and contributing to the care planning process through appropriate challenge to the Local Authority.
2. To clarify timings and IRO intervention in the various care planning stages, with particular regard to the LAC Review and endorsement of the Care Plan by the IRO.
3. To identify what court documents and court orders should be made available to the IRO and how these can be accessed.
4. To identify and clarify meaningful information sharing arrangements between the IRO and the Cafcass Family Court Advisor.
5. To establish independent legal support and advice systems for IROs.

Pre-proceedings

The local authorities PLO tracker must be made available to the IRO service and be easily accessed. This will allow the IRO service to offer independent oversight of timescales for decision making when the child is not looked-after and ensure all planning supports this.

The use of Section 20 with or without PLO should be carefully considered and rarely used for children under the age of 10. The allocated IRO will consider the evidence of risk to the child and ensure that the child is subject to the appropriate legal status. Section 20 must not be considered as the only option. Timescales for decision-making within Section 20 need to be clear and achieving permanence needs to be the main consideration.

Early allocation and engagement of an IRO should be considered to support the tracking of the case. This will ensure oversight and input into care planning arrangements that will enable better scrutiny of the case longer term.

Care Proceedings

If PLO or an emergency has led to care proceedings being initiated and the child was not already looked-after, the IRO service should be sent **all** legal paperwork at the time of issue. This is the responsibility of the legal department.

An IRO will be allocated within 5 working days and identity shared via Legal Services for recording in Case Management Orders. Cafcass should be notified of the identity of the Independent Reviewing Officer on allocation or notification.

At the start of care proceedings, as soon as it is available, the Local Authority should ensure the IRO is given the court timetable and directions.

Panel Managers and Cafcass managers will support engagement with the IRO service through the monitoring of the initial notification and review of enhanced value at closure of proceedings.

If PLO has led to care proceedings and the child is already looked-after, the most recent LAC chair's report should be submitted to court, this should reflect the view of the IRO. In accordance with the revised court templates, the social worker must obtain the view of the IRO and accurately record this within the court statement. This can be achieved through the social worker sending the IRO the completed statement and the IRO completing the section requiring the view of the IRO.

Final Care Planning

In order to effectively plan this stage, the social worker and their manager should timetable the final care planning meeting and the completion of final evidence as soon as is practicable after the child becomes looked-after. This should be evidenced within the supervision record on the child's file.

The final evidence should be with the IRO no later than 5 working days prior to the court filing date. The IRO must have all the final evidence and the LAC review must be held in order to endorse / challenge the proposed final care plan. The LAC review must take place prior to final evidence being submitted to court otherwise the care plan has not been endorsed. The LAC review report should state the view of the IRO and rationale and analysis of the care plan. There must be an opportunity for the IRO to represent their views independently.

The IRO service will inform the children's Guardian if the dispute resolution process has been initiated and has not resulted in a resolution. Consideration needs to be given to a separate IRO report for the Court where the IRO is in disagreement with

the Care Plan and attempts to resolve this through dispute resolution procedures have been unsuccessful.

The IRO and Guardian should discuss the case prior to the Guardian's final statement being filed to court and / or any significant events that impact on the child during proceedings. At the end of care proceedings the Guardian will provide the IRO with a closure / handover letter.

After care proceedings have concluded, as soon as it is available, the Local Authority legal department should ensure the IRO is given;

- Court directions
- Judgement
- Cafcass final evidence

Significant Changes to Care Plans

Where practicable the IRO and Guardian should share their views with one another prior to any significant changes to a child's care plan. This will require both the IRO and Guardian to establish methods of communication by telephone and email within proceedings. The IRO will need to be aware of court dates. Significant changes to the care plan should be discussed and reflected in the review process.

The full Cafcass and Independent Reviewing Officer Good Practice Protocol for Public Law Work can be accessed through the National IRO Managers Partnership Website:

<http://nirop.org/tool-kit/>