

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 7 July 2010	<b>Meeting Name:</b> Corporate Parenting Committee
<b>Report title:</b>		New Guidance around Care Planning for Looked After Children	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Children's Services	

### **RECOMMENDATION(S)**

1. That the Corporate Parenting Committee notes the introduction of new guidance published in March 2010 to underpin the revised legislation for the care of children looked after by the Local Authority Implementation of the new guidance is April 2011.

### **BACKGROUND INFORMATION**

2. In recent years following the high profile deaths of children resulting in a nationwide increase in Child Protection Plans and Children in Care, the Government of the day took steps to strengthen safeguarding and care planning for children and young people. This involved revision to legislation through the Every Child Matters Agenda and the regulations and guidance that supports it.

### **KEY ISSUES FOR CONSIDERATION**

3. Appendix A sets out a copy of the new guidance "New Regulations and Guidance underpinning Care Planning for children looked after by Local Authorities."

### **Community Impact Statement**

4. The decision to note this report has been judged to have no or a very small impact on local people and communities.

### **Equalities Impact**

5. Regulations are intending to improve the outcome for looked after children.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law & Governance**

6. There are no specific legal implications.

### **Financial Implications**

7. There are no financial implications arising from this report.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
<ul style="list-style-type: none"> <li>Summary of New Regulations</li> <li>IRO Handbook</li> </ul>	160 Tooley Street, London SE1 2TZ	Roisin McManus (020 7525 3899)

## LIST OF APPENDICES

No.	Title
Appendix A	New Regulations and Guidance underpinning Care Planning for children looked after by Local Authorities

## AUDIT TRAIL

<b>Lead Officer</b>	Rory Patterson	
<b>Report Author</b>	Jackie Cook	
<b>Version</b>	Final	
<b>Dated</b>	28 June 2010	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Finance Director	No	No
List other officers here	No	No
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Officer</b>	28 June 2010	

## Appendix A

### **New Regulations and Guidance underpinning Care Planning for children looked after by Local Authorities**

In recent years, following the high profile deaths of children resulting in nationwide increase in Child Protection Plans and Children in Care, the Government of the day took steps to strengthen safeguarding and care planning for children and young people. This involved revision to legislation through the Every Child Matters Agenda and the regulations and guidance that supports it.

#### **Key Themes of the Every Child Matters Agenda and The Children and Young Person Act 2008 are:**

- Centrality of the Voice of the Child
- Uncompromisingly high ambitions for children in care
- Good parenting from everyone in the system – corporate parenting
- Stability in every aspect of the child's experience
- Increase in the focus of transparency and quality of care planning

On 24 March 2010, following extensive consultation throughout the country with all representative groups and with all party support in parliament new Regulations and Guidance were agreed to underpin the above themes for care planning for children looked after by local authorities.

#### **Aims of the New Care Planning, Placement and Case Review Regulations (“The Regulations”)**

- to place the child at the centre of all the work
- Streamline the processes for looked after children in order to act as the ‘central spine’ for further revisions to Children Act guidance
- Increase the emphasis on effective care planning;
- Capture new duties set out in legislation;
- Improve the clarity, cohesion and internal consistency of the regulatory framework for looked after children

The Regulations will not be implemented until 1 April 2011 and it is still possible that they may not reflect the current government's policy and some changes may be made. The Regulations are being accompanied by four sets of new statutory guidance:-

- ***Putting Care Into Practice: Statutory Guidance for Local Authorities On Care Planning, Placement and Case Review For Looked After Children*** – This Guidance will become the revised Volume 2 of the Children Act 1989 guidance, replacing some existing Volumes and integrating guidance issued since 1991. It covers each of the elements of care planning required throughout the child's journey in the care system. It specifies the requirements for care plans, including health and education plans, placement decisions and monitoring, and case reviews. They consolidate previous regulations and guidance, providing a central source of reference for local authorities work with children who are looked after.

- ***IRO Handbook: Statutory Guidance For Local Authorities and Independent Reviewing Officers on Reviewing Arrangements for Looked After Children –***  
This replaces the 2004 Independent Reviewing Officers Guidance. It describes how IROs should discharge their distinct responsibilities to children looked after with regards to care planning and care review. It also provides guidance to local authorities on their strategic and managerial responsibilities in establishing an effective IRO Service.
- ***Statutory Guidance: Securing Sufficient Accommodation for Looked After Children –***  
This provides guidance for local authorities and their partners about the local authority's duty under section 22G of the 1989 Act to take steps that secure, so far as reasonably practicable, sufficient accommodation for looked after children within the local authority area. It is designed to guide local authorities to
  - Modify their commissioning practices to ensure they have sufficient local provision to meet their need
  - To ensure they have a strategic plan around commissioning placements for their looked after children
- ***Short Breaks Statutory Guidance: How to Safeguard and promote the welfare of Disabled Children Using Short Breaks –***  
This sets out how the legal requirements on short break services under Part 3 of the Children Act 1989 apply for different settings and arrangements. In particular it clarifies when to provide accommodation under Section 17(6) or 20(4) for children accommodated in short breaks.

### **The IRO Handbook**

The Children and Young Persons Act 2008 created a new power for the Secretary of state to issue statutory guidance to Independent Reviewing Officers and their managers. The Handbook should be read in conjunction with the Care Planning, Placement and Case Review Regulations (England) Regulations [2010] which contain the new legislation underpinning the role and functions of the IRO.

Briefly the new IRO handbook specifies the following:

- a) Every Child Looked After should have a named allocated IRO within 5 days of being looked after to provide continuity in the oversight of the case and to enable the IRO to develop a consistent relationship with the child.
- b) The IRO has two clear functions now:
  - to chair the child's review
  - to monitor the child's case on an ongoing basis

In order to provide ongoing monitoring, the guidance recommends that IROs should have maximum caseloads of approximately 50-70 children.

- c) IROs must spend time with the child before each review, to prepare them for the meeting and to be satisfied that that the child has been properly consulted about any proposals for their future. IROs are expected to either have the skills or access to specialist input so that they can establish the views of children with communication difficulties or complex needs.
- d) There are additional requirements on when to hold reviews including when a young person moves from a stable placement or from a regulated (foster care or children's home) to unregulated (semi independence), or when a placement change may result in educational placement change.

- e) IROs will have the authority to adjourn meetings if they are not satisfied that the review has all the information necessary to make a rounded judgement about the viability of the child's Care Plan and whether any proposals are in the child's best interests. If the review is adjourned, it must be completed within 20 working days.

- f) The Local Authority must have in place a dispute resolution protocol and the IRO has a duty to record their interventions on the child's file. The IRO may bypass any stage of the dispute resolution protocol if they consider it necessary. The formal dispute resolution process should have timescales of no more than 20 days. It is the personal responsibility of the individual IRO to activate the dispute resolution process if their view is it is in best interests of the child. The guidance specifies that this should be done even when obstacles in the way of resolving the dispute may be outside or beyond the Local Authorities control, for example resources issue.
- g) Referral by an IRO of a case to CAFCASS (Children and Families Court Advisory Service) should no longer be seen as a last resort but can be considered at any time even if the dispute resolution process has not been concluded.
- h) The Local Authorities Care Plans including those presented to Court should be endorsed by the IRO. This requires much greater communication by social work teams with the IRO, keeping them up to date with significant events. Any disputes between IRO and teams must be highlighted to the Guardian and courts.
- i) Liaison between Guardians and IROs during Care Proceedings is more clearly detailed
- j) Competencies and qualifications for the IRO role - which is described as 'a specialist one which stands alone within the local authority' - are detailed.
- k) The strategic and management responsibilities of the Local Authority including the role and function of the Children's Director and IRO Manager are detailed. An Annual Report of the work of IROs will be presented to Corporate Parenting members.

Bearing in mind that it is still possible for changes to be made by the present government to this guidance, the Quality Assurance Unit will, with other services through the course of the year, interpret this new guidance into the Southwark context, updating existing policies and procedures and introducing new ones if necessary. Overall much of the new guidance is good practice which Southwark has been working towards, and achieving in many areas.