



Nation IRO Managers Partnership

Submission to Public Law Consultation

Date: October 2019

The National IRO Managers Partnership (NIROMP) welcomes this opportunity to respond to “Recommendations to achieve best practice in the child protection and family justice systems.”

Several of the report’s themes echo discussions that NIROMP are having at a local, regional and national level. Our [Strategic Vision and Priorities \(2019-22\)](#) document gives emphasis to areas of learning, the sharing of good practice, the use of strengths-based working and supporting the resilience of families and the workforce in these particularly challenging times.

We share concerns about the high numbers of children and families encountering the courts. We would like to see more work happening to support families earlier, a strengthening of pre-proceedings activities and a reinforcement of the ‘No Order Principle’, to avert the need for court involvement where this is both safe and possible.

Our networks operate across the nine government areas of England. We see through our networks that there are differences in the ways local authorities work with children and families across the country. We also see differences in the way that local authorities, the courts and Cafcass work with IROs and we would welcome more support to understand the reasons for and to address such variance. We would also welcome the opportunity for involvement in the Family Justice Council’s advisory bodies and boards.

NIROMP’s response to each of the questions listed in the consultation can be found on pages 2-14 of this document.

Response to each of the survey questions

For ease of reference, our response to each question is highlighted in bold.

1. Please tick the role you play within the Family Justice System, if you tick other please comment your role in the space provided

National Independent Reviewing Officer Managers Partnership (NIROMP)

2. Area

National Group representing all IRO Managers across England

3. Recommendation 1. Sharing Good Practice (Page 35, paragraph 43). To what extent do you agree with this recommendation?

a. Agree – Agree it would aid coherence and it will formalise the process across the country to assist with consistency for both families (expectations of service) in addition to staff moving between authorities.

4. Recommendation 2. A shift in culture to one of co-operation and respect that values and equally questions the contribution of all parties. (Page 36, paragraph 44). To what extent do you agree with this recommendation?

a. Agree

5. Recommendation 3. A renewed focus on pre-proceedings work and managing risk. (Page 36, paragraph 45). To what extent do you agree with this recommendation?

a. Agree

6. Recommendation 4. Develop consideration factors to support decision-making prior to legal gateway meetings. (Page 36, paragraph 46). To what extent do you agree with this recommendation?

a. Agree – This will ensure that Pre-Proceedings are allocated within Social Work teams and legal teams at the right time; tracked by service managers and legal teams to ensure timescales are complied with.

- b.
7. Recommendation 5. Re-focussing the role of the local authority legal advisers and the use of the legal gateway meeting. (Page 37, paragraph 50). To what extent do you agree with this recommendation?

a. Agree

8. Recommendation 6. Develop and share good practice in driving positive challenge with the IRO/Conference Chair. (Page 38, paragraph 52). To what extent do you agree with this recommendation?

Agree – IRO's have a crucial role to play but in a number of Local Authorities they are not valued or respected and their ability to challenge is undermined. It would assist if the IRO role was better acknowledged and valued within the PLO to ensure that court timescales allow for care plans being ratified by reviews and IROs where all the information and evidence is available to them. IRO Chairs' reports should be contained within the bundle and IROs views should be explicitly presented to the court. Current arrangements are a mixture of the Social Worker presenting the IRO's views in their final evidence and confirming that they have been ratified by a review and the Guardian recording the IRO view in their final evidence. A few areas have provision for the IRO to submit a separate report. This is inconsistent across the country. Some Authorities have separate Chair and IRO roles, others are amalgamated. Chair's views are not consistently sought in either pre-proceedings or during proceedings and any attempt to strengthen this role and challenge would be welcomed.

9. Recommendation 7. A renewed focus on the central principles in the pre-proceedings phase of the PLO. (Page 61, paragraph 113). To what extent do you agree with this recommendation?

a. Agree – Agree with points 1-9. There needs to be a re-emphasis on how vital this process is to divert cases from proceedings and so 'proper' representation of the parents is vital. There may also be a benefit in key family members being present to understand the concerns and what needs to be done.

10. Recommendation 8. Drafting of local authority pledges or charters to families. (Page 63, paragraph 114). To what extent do you agree with this recommendation?

a. Agree – The LA pledges and charters need to be achievable and in accordance with the practice model being used by the identified Local Authority in question at that time, e.g. signs of safety,

systemic, strength based family approach. In principle the FRG charter is not being applied in practice.

11. Recommendation 9. Working with children, including using the FJYPB's Top Tips. (Page 63, paragraph 116). To what extent do you agree with this recommendation?

a. Agree –useful to have this standardized across all Authorities.

12. Recommendation 10. Simplifying letters to parents. (Page 64, paragraph 118). To what extent do you agree with this recommendation?

a. Agree – Should be more like a bullet point summary in plain and simple language focused on the key points.

13. Recommendation 11. Using the pre-proceedings phase of the PLO early (where required) and effectively. (Page 64, paragraph 121). To what extent do you agree with this recommendation?

a. Agree – The Social Workers should be taking the family and the concerns to their relevant managers/support panel meeting at the earliest opportunity when the concerns arise. Thereafter an early gateway meeting/legal planning meeting would assist in identifying the speed at which the family requires the use of Pre-Proceedings.

14. Recommendation 12. A standard agenda for meetings before action. (Page 65, paragraph 123). To what extent do you agree with this recommendation?

a. Agree – This will allow the Pre-proceedings meeting to remain focused on the key issues and to evidence a clear exit plan to either divert from proceedings or to remain focused on the necessary requirements to issue proceedings.

15. Recommendation 13. Re-focussing the role of local authority legal advisers. (Page 65, paragraph 124). To what extent do you agree with this recommendation?

a. Agree – At the time that a matter is allocated to Legal, it is imperative to have a focus on what is required to be achieved within the Pre-Proceedings process, to include expectations of assessments, expectations of families/parents and with clear timescales to be in place with the review meeting scheduled at which the Local Authority decision is to be shared with the family.

16. Recommendation 14. Better use of assessments, services and support and fuller record keeping. (Page 65, paragraph 127). To what extent do you agree with this recommendation?

Agree-like the proposed assessment record as a succinct way of presenting the information-useful to IRO as an overview. May need to be amended to include additional information such as Family Network meetings or if other family members come forward rather than parent's offering them up. Records need to be succinct and focused on the matters of importance to strengthening family safety and optimising the right outcomes. Records need to be comprehensive, succinct, purposeful and relevant.

17. Recommendation 15. Tracking progress of cases pre-proceedings. (Page 67, paragraph 135). To what extent do you agree with this recommendation?

- a. Agree – At the first meeting with the family, the timetable should be established as to the planned assessments and outcomes and as such the process should not last over 4 months (16 weeks).**

18. Recommendation 16. Working with family and friends and the use of the FRG's Initial Family and Friends Care Assessment: A good practice guide (2017). (Page 68, paragraph 138). To what extent do you agree with this recommendation?

- a. Agree – Very good guidance and has informed some Local Viability Assessments and initial screenings of extended family.**

19. Recommendation 17. Greater pre-birth preparation for new-born babies. (Page 69, paragraph 142). To what extent do you agree with this recommendation?

- a. Agree – Unborn baby's should be tracked within Children's services and legal at the 20 week gestation point to run parallel to child protection, this would also be of assistance to include CAFCASS so that their analysis can be filed, subject to proceedings being issued on birth, at the outset, along with the Local Authority's application.**

20. Recommendation 18. Effecting a change in culture, with training in support. (Page 70, paragraph 147). To what extent do you agree with this recommendation?

- a. Agree – Such training should also include practitioners, by way of all solicitors and barristers to ensure a consistent approach across the board and understanding the culture and practice of working with families in addition to working with the local authority, rather than in opposition to them. More awareness of the IRO role is crucial.**

21. Recommendation 19. Revision of the Form C110A. (Page 93, paragraph 201). To what extent do you agree with this recommendation?

- a. Agree**

22. Recommendation 20. Greater emphasis on pleading “the grounds for the application” in the Form C110A. (Page 93, paragraph 202). To what extent do you agree with this recommendation?
- a. **Agree – The Grounds for the Application/Threshold should be apparent within the C110A and this should then do away with repetition in separate threshold documents at the point of issue.**
23. Recommendation 21. Revision of the Form C110A for urgent cases/use of an “information form” for urgent cases pending roll out of the online form. (Page 93, paragraph 203). To what extent do you agree with this recommendation?
- a. **Agree – And this should be incorporated into the C110A**
24. Recommendation 22. Early notification of Cafcass. (Page 93, paragraph 204). To what extent do you agree with this recommendation?
- a. **Agree – This will assist in prompt allocation and for consideration of the application itself to provide a view to the court. CAFCASS should also ensure, wherever possible, consistency in allocation if there are repeated proceedings.**
25. Recommendation 23. Good practice guidance for courts listing urgent applications and CMHs. (Page 93, paragraph 205). To what extent do you agree with this recommendation?
- a. **Agree – A time marking would be better e.g. 'not before 2pm' to allow representatives for parents to be identified and to attend court, in addition to advising on the application and to take instructions.**
26. Recommendation 24. Working with health services in relation to new-born babies. (Page 94, paragraph 206). To what extent do you agree with this recommendation?
- a. **Agree**
27. Recommendation 25. Including the child’s birth certificate in the bundle. (Page 94, paragraph 207). To what extent do you agree with this recommendation?
- a. **Agree – Such will establish who shares PR for the child and the correct name of the child.**
28. Recommendation 26. Focussed social work evidence / the SWET for urgent applications. (Page 94, paragraph 208). To what extent do you agree with this recommendation?
- a. **Agree – This will refine the issues that the family have to respond to and the Court have to determine. Which in turn will assist with the reduction of court time required for the hearing.**
29. Recommendation 27. Revision of the SWET generally. (Page 94, paragraph 209). To what extent do you agree with this recommendation?

- a. **Agree – This will refine the document and ensure that this is more succinct.**
30. Recommendation 28. A revised template for standard directions on issue. (Page 94, paragraph 210). To what extent do you agree with this recommendation?
- a. **Agree – The template should include directions such as disclosure of previous proceedings key documents and paternity testing if required. The advocates meeting should also be held at least 4 days ahead of the CMH.**
31. Recommendation 29. Introduction of checklists for advocates' meetings and CMHs for practitioners and the court. (Page 94, paragraph 211). To what extent do you agree with this recommendation?
- a. **Agree – Such checklists will keep minds focused and ensure consistency across the board so all practitioners are aware of the expectations at each stage on every case to ensure effective instructions are taken.**
32. Recommendation 30. Circulation of case summary templates. (Page 95, paragraph 212). To what extent do you agree with this recommendation?
- a. **Agree – Such document allows updates to be made for each hearing, rather than re-creating it each time.**
33. Recommendation 31. Early and active case management. (Page 95, paragraph 213). To what extent do you agree with this recommendation?
- a. **Agree – This is essential to prevent unnecessary delay and judicial focus. Similar documents for CMH/IRH would also be welcomed.**
34. Recommendation 32. DFJ focus on wellbeing. (Page 96, paragraph 214). To what extent do you agree with this recommendation?
- a. **Agree – Some broad principles will assist all practitioners, so emails sent between 6.00pm and 8.00am are not expected to be responded to etc.**
35. Recommendation 33. Use of short-form orders. (Page 107, paragraph 250). To what extent do you agree with this recommendation?
- a. **Agree – This will save time for practitioners and the Court for subsequent hearings. The schedule/Annex should contain information that is unlikely to alter throughout the course of proceedings. Paragraphs 251-255 are all agreed.**
36. Recommendation 34. Advocates' meetings: using an agenda and providing a summary. (Page 108, paragraph 256). To what extent do you agree with this recommendation?

- a. **Agree – however would seek that Advocates meetings take place a minimum of 4 days ahead of a CMH/FCMH or 7 days before the IRH/FH.**
37. Recommendation 35. Use of new template position statements and case summaries. (Page 108, paragraph 258). To what extent do you agree with this recommendation?
- a. **Agree – These will ensure that positions are concise and focused and contain necessary information. All of the templates are agreed.**
38. Recommendation 36. Renewed emphasis on judicial continuity. (Page 109, paragraph 261). To what extent do you agree with this recommendation?
- a. **Agree – This is best for the child, to ensure a consistency in approach and knowledge of the case and its dynamics. This is also best for the practitioners as background and openings will be much more concise due to standing knowledge of the issues.**
39. Recommendation 37. Renewed emphasis on effective IRHs. (Page 110, paragraph 262). To what extent do you agree with this recommendation?
- a. **Agree – This should be in the window of week 18-20 to then allow time for a Final Hearing to be listed should it be needed. The points in paragraphs 264i-viii are agreed.**
40. Recommendation 38. The misuse of care orders. (Page 111, paragraph 265). To what extent do you agree with this recommendation?
- a. **Agree**
41. Recommendation 39. Case management of cases in relation to new-born babies and infants. (Page 111, paragraph 266). To what extent do you agree with this recommendation?
- a. **Agree – The CMH should give early scrutiny to any pre-proceedings assessments and whether these need to be revisited or not; an additional hearing could assist at the 12 week point to review the Local Authority's twin tracking process is well underway.**
42. Recommendation 40. Experts: a reduction in their use and a renewed emphasis on “necessity”. (Page 111, paragraph 267). To what extent do you agree with this recommendation?
- a. **Agree – Unless the case is particularly complex, there needs to be an emphasis on the work undertaken by the allocated social worker and children's guardian as well as the knowledge held by the IRO. Any expert assessment is to ensure necessity, rather than mere agreement of all parties.**

43. Recommendation 41. Experts: a shift in culture and a renewed focus on social workers and CGs. (Page 112, paragraph 269). To what extent do you agree with this recommendation?
- a. **Agree – Re-enforces that the SW, Guardian and the child’s IRO are experts in the case themselves.**
44. Recommendation 42. Judicial extensions of the 26-week limit. (Page 112, paragraph 270). To what extent do you agree with this recommendation?
- a. **Agree – Such to be recorded on a case by case basis, dependent on their facts and the circumstances for the child. This should also be considered at the first CMH to have consideration of a realistic track at that point.**
45. Recommendation 43. A shift in focus on bundles: identifying what is necessary. (Page 113, paragraph 272). To what extent do you agree with this recommendation?
- a. **Agree – There needs to be responsibility placed on the Respondent Parties to respond to the Local Authority's proposed highlighted index in a timely way ahead of each Hearing dependent on the issues.**
46. Recommendation 44. Fact-finding hearings: only focus on what is necessary to be determined. (Page 113, paragraph 273). To what extent do you agree with this recommendation?
- a. **Agree**
47. Recommendation 45. Additional hearings: only where necessary. (Page 113, paragraph 274). To what extent do you agree with this recommendation?
- a. **Agree – Hearings are only to be listed in addition in the event that matters cannot be submitted by way of agreement via a C2 Application and consent order being filed. The repeated listing of numerous CMH's should not be used by the judiciary as a as a means of micro-managing the Local Authority.**
48. Recommendation 46. The promotion nationally of consistency of outcomes. (Page 114, paragraph 276). To what extent do you agree with this recommendation?
- a. **Agree**
49. Recommendation 47. SGO assessments and SGSPs. (Page 119, paragraph 286). To what extent do you agree with this recommendation?
- a. **Agree.**
50. Recommendation 48. Better training for SGs. (Page 121, paragraph 289). To what extent do you agree with this recommendation?

- a. **Agreed – This training needs to be specific and could mirror the training to that of foster carer/adopter training. There would need to be bespoke training to incorporate management of parents and existing, often complex family relationships, facilitating contact post orders being made. There will need to be consideration of timescales for this training and needs to be carried out alongside the assessment process. Some aspects of the training will need to be compulsory and such training may be considered as part of the successful/or not of the concluded assessment.**

51. Recommendation 49. A reduction in supervision orders with SGOs. (Page 122, paragraph 290). To what extent do you agree with this recommendation?

- a. **Agree**

52. Recommendation 50. Renewed emphasis on parental contact. (Page 122, paragraph 291). To what extent do you agree with this recommendation?

- a. **Agree**

53. Recommendation 51. Appended guides. (Page 127, paragraph 302). To what extent do you agree with this recommendation?

- a. **Agree - These need to be simplified even further as they would not be easy for families to understand. Should possibly have an alternative guide for parents/families to be more explanatory as to what aspects are being referred to, e.g. explanation and what s20 means – 'you will keep your PR, but the LA will talk to you regularly and any big decisions will be discussed with you, but we, the LA, will be looking after your child, and you agree with this, and it could be that your child lives with a family member or a foster carer.'**

54. Recommendation 52. No time limits on s 20 / s 76 – but agreement at the start. (Page 128, paragraph 303). To what extent do you agree with this recommendation?

- a. **Agree**

55. Recommendation 53. Focus on independent legal advice. (Page 128, paragraph 304). To what extent do you agree with this recommendation?

- a. **Agree. IROs should have access to independent legal advice where necessary. This remains an issue in some authorities.**

56. Recommendation 54. Local authority implementation of the good practice guide and a review of their functioning. (Page 128, paragraph 305). To what extent do you agree with this recommendation?

- a. **Agree – Although the Local Authority are able to implement this good guidance, there ought to be a simplified user friendly version for families to be able to understand. In addition there should be**

reference to the 'Good Practice Guidance on Working with Parents with a learning disability, 2007 (updated Sept 2016)' and 'Good Practice Guidance working with people with an acquired brain injury, Feb 2016.'

57. Recommendation 55. On-going training / education on the proper use of s 20 / s 76. (Page 129, paragraph 306). To what extent do you agree with this recommendation?

a. Agree

58. Recommendation 56. A process of feedback and review on the proper use of s 20 / s 76. (Page 129, paragraph 307). To what extent do you agree with this recommendation?

a. Agree

59. Recommendation 57. Further consideration of and guidance on s20 / s 76 and significant restrictions on a child's liberty. (Page 130, paragraph 308). To what extent do you agree with this recommendation?

a. Agree

60. Recommendation 1. Consideration of pre-birth support for families. (Page 39, paragraph 54). To what extent do you agree with this recommendation?

a. Agree – However the Local Authority need to be involved early, to include an Early Help Focus, and CAFCASS involvement is also imperative. Utilising Pause/Time or similar projects to prevent recurrent proceedings, such to inform any further involvement. There would also be a significant benefit for looked-after children / Care Leavers to be offered additional support in preparation for parenthood and when that should be. In addition consideration to be given to whether child protection conferences are required or whether this is a duplication of process and additional stress for parents if pre-proceedings are to be utilised.

61. Recommendation 2. Re-considering the role of Cafcass preproceedings. (Page 71, paragraph 152). To what extent do you agree with this recommendation?

a. Agree – Such involvement is vital for prompt allocation and consideration of the facts so that early analysis can be provided. This offers independent scrutiny so that the Family can be confident with the Local Authority Assessments. In addition, CAFCASS can assist in identifying how risks may be appropriately ameliorated by support and other resources to avoid the need for proceedings.

62. Recommendation 3. Public funding for parents during preproceedings. (Page 71, paragraph 153). To what extent do you agree with this recommendation?

Agree

63. Recommendation 4. Research into the regional variation in the proportion of urgent applications. (Page 96, paragraph 216). To what extent do you agree with this recommendation?

a. Agree – This will be important for other areas to know what situations require urgent applications as there can be a variance in Threshold and this will assist with consistency across the board, not only for families, but also practitioners.

64. Recommendation 5. Research into the frequency and use of police protection and EPOs. (Page 96, paragraph 217). To what extent do you agree with this recommendation?

Agree-would highlight differences in practice and highlight good practice

65. Recommendation 6. Reconsidering planning for new-born babies, including the role of Cafcass pre-proceedings. (Page 97, paragraph 219). To what extent do you agree with this recommendation?

a. Agree

66. Recommendation 7. New IT system. (Page 97, paragraph 220). To what extent do you agree with this recommendation?

Agree.

67. Recommendation 8. An improvement in the range and quality of data collection/analysis by HMCTS / MoJ. (Page 97, paragraph 221). To what extent do you agree with this recommendation?

a. agree

68. Recommendation 9. A review of the funding of the family justice system. (Page 97, paragraph 222) To what extent do you agree with this recommendation?

a. Agree-court time is a consistent factor in care proceedings over 26 weeks

69. Recommendation 10. A review of public funding for parents in pre proceedings and care proceedings. (Page 115, paragraph 278). To what extent do you agree with this recommendation?

a. Agree

70. Recommendation 11. On-going review of the statutory framework. (Page 123, paragraph 293). To what extent do you agree with this recommendation?

a. Agree

71. Recommendation 12. Further analysis and enquiry. (Page 124, paragraph 295). To what extent do you agree with this recommendation?

a. Agree – We support Paragraph 295(2) for an amendment to the Children Act 1989 to allow for Interim Special Guardianship Orders to be made as a wholly proportionate order during the course of the proceedings and to allow for the proving and testing out period to be undertaken.

72. Recommendation 13. A review of public funding for proposed SGs. (Page 125, paragraph 296). To what extent do you agree with this recommendation?

a. Agree – At present there is a pressure for individual Local Authority's to fund this advice and this then has implications for their budgets.

73. Recommendation 14. FGCs. (Page 125, paragraph 297). To what extent do you agree with this recommendation?

a. Agree

74. Recommendation 15. A review of public funding for those with parental responsibility “signing up to” s 20 / s 76. (Page 130, paragraph 310). To what extent do you agree with this recommendation?

a. Agree

75. Recommendation 16. Investment in the use by local authorities of a multidisciplinary approach. (Page 131, paragraph 315). To what extent do you agree with this recommendation?

a. Agree – However resources remain an issue for everyone to engage. It should include the Local Safeguarding Children Partnership.

76. Best Practice Guidance – Local Authority Decision Making. To what extent do you agree with this recommendation?

a. Agree-inconsistencies in practice as to whether child protection conferences make recommendations about consideration for pre-proceedings and clarity around this would assist.

77. Best Practice Guidance – Pre-proceedings and PLO assessments. To what extent do you agree with this recommendation?

Agree would support with consistency across the country.

78. Best Practice Guidance – The Application. To what extent do you agree with this recommendation?

a. Agree – Agree with the templates proposed.

79. Best Practice Guidance – Case Management. To what extent do you agree with this recommendation?

a. Agree – Agree with the templates proposed.

80. Best Practice Guidance – Special Guardianship Orders. To what extent do you agree with this recommendation?

a. Agree – On page 210, para 11, we're not in favour of Care Proceedings concluding on a Final Care Order as this builds in potential for delay in making further application for an SGO. Would prefer delay in the initial proceedings to test out with a view to concluding with an SGO where appropriate.

81. Best Practice Guidance – s 20/s 76 Accommodation. To what extent do you agree with this recommendation?

a. Agree – This is fine for practitioners, however there needs to be a simplified, user friendly document for families, including older children. H3 could be simplified further e.g. accommodation can be referred to as 'where you will live'. This needs to be understood by the most vulnerable of young people who are accommodated by the Local Authority. Also, 'contact' should be expressed as 'who you are to spend time with and when'.

82. Any further comments?

No.