

Herefordshire Council - Children's Wellbeing

Independent Reviewing Officers (IRO)

Annual Report

2020/2021

Author: Salwa Farid, Head of Service for Safeguarding, Professional Standards, PSW

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The IRO Annual Report 2020/21 will be presented to; Council's Children's Scrutiny Panel, the Corporate Parenting Board and the Herefordshire Children and Young People Safeguarding Partnership

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1. Introduction

1.1 The purpose of the service and its legal context

1.1.1 The Independent Reviewing Officers' (IRO) service regulations are set within the framework of the updated IRO Handbook and linked to revised Care Planning Regulations and Guidance. The responsibility of the IRO has changed from purely the management of the review process to a wider overview of the case, including regular monitoring and follow-up between reviews. The IRO has a key role in relation to the improvement in the quality of care planning for children Looked After and for challenging drift and delay.

1.1.2 The National Children's Bureau (NCB) research 'The Role of the Independent Reviewing Officers in England' (March 2014) provides a wealth of information and findings regarding the efficiency of IRO services. The foreword written by Mr Justice Peter Jackson; makes the following comment:

"The Independent Reviewing Officer must be the visible embodiment of our commitment to meet our legal obligations to this special group of children. The health and effectiveness of the IRO service is a direct reflection of whether we are meeting that commitment, or whether we are failing."

1.1.3 The NCB research highlights where IROs identify barriers to their ability to fulfil their role, or systemic failures in the service to children looked after, they must raise this formally with senior managers. These challenges and the response should be included in the Annual Report.

1.1.4 The local authority must provide for the children who are in its care; an allocated Independent Reviewing Officer within five days of them becoming Looked After, a first Child Looked After Review within twenty eight days and a second review within twelve weeks of the first review. Following this each child must have a review chaired by their Independent Reviewing Officer no less than every six months and the IRO should have oversight of the effective implementation of the child's care plan in between these reviews. This presents the IRO service with an independent view of not only each child but the performance of the local authority in its provision of care for Children Looked After.

1.1.5 This provides the Independent Reviewing Service with the opportunity to identify where care plans are not being implemented to meet the child's needs or where proposed care plans might conflict with the best interests of the child and escalate this to ensure the child's needs are met. It also provides the chance to identify good practice.

1.1.6 In addition to the review of individual children, the IRO Service is also in a position to identify and escalate systemic issues which result in the local authority not fulfilling its duties to children Looked After.

2.0 Report summary

2.1 IRO perspective on the performance of Herefordshire local authority related to its care of Looked After Children in 2020/21.

2.1.1 The IRO Service undertook 1,111 Child Looked After Reviews (an average of more than three a year per child) and recorded more than 2,750 'IRO Oversight' in between these reviews during 2020/21. The IRO will monitor the child's record in between statutory reviews to ensure that actions are being progressed at a timely pace. As a result of this activity, 120 'informal' and 'formal' disputes were raised recording concerns about unacceptable drift and delay in completing actions or disagreement about the best interests of children when social work teams proposed changes to care plans.

2.1.2 By far, the largest area of escalation was there being no care plan presented for the Independent Reviewing Officer to review. This accounted for 30% of all disputes. The lack of no written care plan to review means the IRO cannot undertake their role and the local authority is failing to meet its regulatory duties.

2.1.3 Systemic issues identified, escalated and addressed through joint working with the Children Looked After Service included drift in assessments to establish whether a child could be matched long term with their foster carers and delays in the completion of Life Story Books for children with plans of adoption.

2.1.4 There continues to be barriers for children and young people accessing CAMHS or other therapeutic support and counselling. Some of this is due specifically to the provider wanting them to be in a stable placement before the work starts, capacity and in some Instances not agreeing that the resource sought is the correct one. While IROs are identifying referrals are appropriately made by social workers, the non-acceptance of referrals by health services does not then result in exploration of other pathways to meet these needs or use of the multi-agency professional disagreement process to challenge such barriers.

2.2 IRO Service Performance

Quantitative performance targets achieved, practice quality requires improvement.

2.2.1 The data received for this annual report records continuing progress in completing work in timescales, a significant increase in the frequency of recording IRO oversights recorded and an all-round picture of a service moving towards a quantitative performance culture.

2.2.2 During 2020/21 the monthly average of Children Looked After in Herefordshire was around 335. IRO raised 120 formal and informal disputes related to looked after children's care plans.

2.2.3 The implementation of Signs of Safety went live in February 2021 and as such, the impact of the practice model cannot be evaluated until the report for 2021/22. However, the Safeguarding

and Review Service undertook significant amounts of preparatory work during 2020/21, including 2 and 5 days' training for each IRO/CP Chair, an additional days' training on chairing Conferences through Signs of Safety and another day training on the use of Signs of Safety documentation within Conferences and Child Looked After Reviews.

3.0 Report

3.1 A review of IROs' core activities and additional tasks. There is a need to establish whether IROs' additional activities compromise independence or capacity.

3.1.1 While the details of the Child Protection Conference Chair aspect of the service will be addressed in a separate report, it is important to note that during 2020/21, IROs were until the end of February 2021 holding combined IRO and CP Chair caseloads. These caseloads had reduced on average by 5 from the previous year due to the reduction in Children Looked After and children subject to Child Protection Plans. It is likely that this contributed to the improvement in performance for timeliness across performance measures and the increase in quantity of IRO oversights.

	Monthly average of Children Looked After	Monthly average of children on a Child Protection plan	Average combined IRO caseload
2019/20	347	139	65
2020/21	333	117	60

3.1.2 The IRO Handbook requires the IRO Annual Report to consider if additional activities of IROs compromise either their independence or their capacity to function as IROs. The reduction in caseloads of both children 'Looked After' and children subject to a Child Protection Plan during 2020/21 meant additional activities did not compromise independence or capacity during this year.

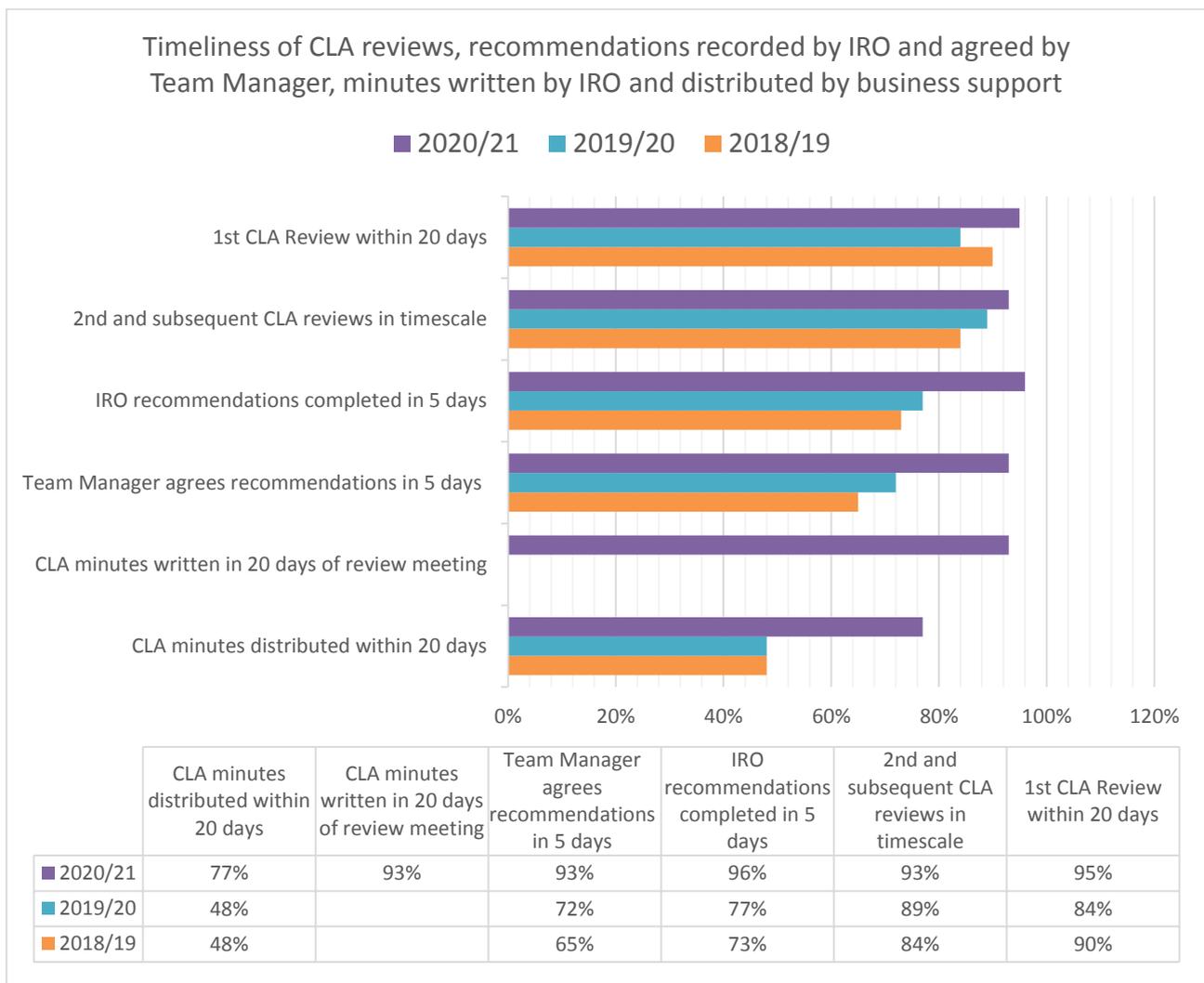
3.1.3 Core activities of the IROs include; preparing for and chairing Child Looked After Reviews, undertaking and recording oversight of cases between reviews with social workers and their team managers, reviewing case files, visits to children in placement, additional consultations with children, parents, carers and other agencies, quality assurance of assessments and plans which contribute to changes in care planning for the child, liaison with CAFCASS Guardians in court proceedings and clarification of legal advice, as well as the escalation of informal and formal disputes to address drift and challenge where there is disagreement in promoting the child's best interests.

Covid-19 impacted on the capacity of IROs to undertake physical visits to children in placements, with guidance being that physical visits, as not for safeguarding purposes, were not to be undertaken. However, IROs continued to meet virtually with looked after children to get their wishes and feelings.

3.2 Child Looked After Reviews

3.2.1 There were a total of **1,111 CLA Reviews** undertaken in 2020/21 by 7.5 IROs who were also, at this time, undertaking Child Protection Conferences. The breakdown of this activity is as follows;-

1st Child Looked After Review	74
2nd Child Looked After Review	84
Subsequent Looked After Review	953



3.2.2 Data identifies improvement in all areas of process compliance related to Children Looked After Reviews. Internal audits also identified that the quality of CLA Review minutes was good in all cases audited in November 2020, providing ‘clear focus on how children and young people will maintain links with their birth families and people important to them.’

3.2.3 Total IRO oversights in 2020/21 for Children Looked After as at 31.03.21 = **2,754** (additional oversights were recorded on children and young people who ceased to be Looked After during

2020/21 although these are not captured in the data as reporting covers children who are currently Looked After). There is further work required to ensure that the quality of the IRO monitoring is robust and impacting on children’s outcomes reducing drift in care planning. Although the process of monitoring is embedding in the practice this, as yet, is not translating into reduction of drift for children.

	2018/19	2019/20	2020/21
Child has minimum 2 or more IRO oversights	83%	84%	100%
Child has minimum 4 or more IRO oversights	Not counted	Not counted	96%

3.3 Raising concerns and disputes

As identified in the summary of this report, the use of effective challenge to address drift and delay remains an area requiring improvement. There is evidence through the increased use of informal and formal dispute resolution processes that more challenge is being undertaken, but equally there is evidence from dip sampling completed by the Principal IRO that 15% of IRO oversights were inadequate because they did not address identified drift or missed a bigger issue, 39% required improvement because they lacked purpose to the oversight or consideration of what the issue meant for the child and 46% were good in being purposeful, addressing delay with timescales set or considered different perspectives or alternatives for the child or analysing good assessments and plans as right for the child.

The Formal Dispute process has a maximum period of twenty working days for the Service Managers / Heads of Service to respond and resolve the matter from the date of notification, with a formal dispute meeting taking place by day 15 if the matter appears intransigent or there is no response received. Within this twenty days, depending upon the urgency of the matter, the IRO can set shorter deadlines and can undertake external escalation at any point. The IRO Handbook regulations set out the duty of the IRO to make external escalation if necessary by referral to CAF/CASS.

It is recognised within the IRO service and across the system as a whole that there is more work to be undertaken to ensure that the process is effectively addressing delays in children’s planning. There are too many cases where responses are outside of the timeframes leading to further escalation. This is an area of work that will be focused on during 2021/22 to ensure that we see improved performance and timeliness in responses impacting on outcomes.

3.3.1 Escalated to CAF/CASS

In 2020/21 one child’s case was externally escalated to CAF/CASS Legal by their IRO following the dispute process not achieving resolution; the same as the previous year. The matter was successfully resolved when legal letters were sent from CAF/CASS.

3.3.2 Informal disputes

'Informal disputes' case notes began to be captured in data reporting from September 2020, therefore, there was no data available for 2019/20. These are in addition to the 'IRO oversights' recorded. In the eight months recorded, there were 91 informal disputes raised:

Informal dispute case notes – type

Care Plan / Pathway Plan not written - cannot review	23
Care Plan / Pathway Plan not authorised by manager	7
Delay in issuing legal applications once decision made	15
No placement plan / delegated authority	9
Assessments not completed *	10
Assessments not to standard / does not address risks	6
No allocated social worker	2
No Safety Plan	2
Delay in asylum application / appeal	1
Drift in progressing plan for adoption	2
Drift in Life Story Work	1
Delay in health actions	1
Other	12
Total	91

* includes Child and Family assessments and assessments of Family Time, sibling relationships, Placement with Parents, psychological assessments of parents and / or children and EHC assessments

3.3.3 Formal Disputes

There were 29 Formal Disputes recorded between May 2020 and April 2021, which was the same number within 2019/2020.

Formal dispute case notes 2020 / 21 – type

Care Plan / Pathway Plan not written - cannot review	5
Care Plan / Pathway Plan not authorised by manager	0
Delay in issuing legal applications once decision made	0
No placement plan / delegated authority	3
Assessments not completed	15
Assessments not to standard / does not address risks	1
No allocated social worker	1
No Safety Plan / Support Plan	1
Delay in asylum application / appeal	1
Drift in progressing plan for adoption	2
Drift in Life Story Work	0
Delay in health actions	0
Other	0
Total	29

3.4 Independent Legal Advice

3.4.1 Independent legal advice was sought on two occasions by separate IROs. One was an IRO who considered application to court for a group of children with disabilities who were already subject to S20 voluntary arrangements was not required and would put families through unnecessary legal action. The local authority went ahead with the applications in relation to these children and the Judge fed back to the local authority that such cases did not need to come to court. The other was an IRO seeking legal advice prior to making the above external escalation to CAFCASS.

3.5 Compliments and complaints related to Independent Reviewing Officers

3.5.1 There were seven complaints dealt with relating to IROs in 2020/21, largely relating to allegations of poor practice of social workers not being picked up by IROs. In some complex cases where the challenge was directed at both the IRO and the social worker, the evidence did not back up significant poor practice of the social worker on these cases so the complaints in relation to the IROs were not substantiated. However, where practice did fall short of good, these aspects were acknowledged in the complaints responses and learning passed on to IROs to maintain their positive regard, reflective practice and ensure they have a clear perspective on the experiences of the child and their family in their interactions with the local authority as corporate parent. One complaint against an IRO was raised by a parent who assaulted their ex-partner with a weapon brought with them to the review. Their complaint was that they had not received enough communication, and this was not substantiated.

3.5.2 There were eight compliments for the Independent Reviewing Officers formally recorded by the officer responsible for collating compliments in 2020/21, from social workers, parents, carers and schools. One parent commented in their feedback "Thanks for all your help and support. It is really good to know I can talk over any issues I have with you. Many Thanks."

3.6 Consultations, participation in reviews, advocacy and Independent Visitors

3.6.1 Consultations with Children

'Consultations with children' record when the child or young person has met with their IRO prior to the review meeting. The data also includes when a child or young person has been contacted and invited to meet with their IRO but has declined. As such the figures includes all children who had direct consultation with their IRO and those children who were given the opportunity to meet with them but it was the child's choice not to meet with their IRO. Noticeable in 2020/21 was the decrease in children attending their review. With Child Looked After Reviews all being 'virtual' during 2020/21 the value of attending their reviews may well have decreased for children and young people. IRO feedback is that whilst more older teenagers are happy to use this medium and attend their reviews, younger children find it less appealing. It is proposed that as the situation progresses

in 2021/22 the service will monitor how best we manage reviews to ensure that we maximise children’s involvement depending on their age and wishes.

	2018/19	2019/20	2020/21
Consultation with child before their review		84%	96%
Participation - Child attends or wishes conveyed by other person / medium	96%	90%	89%

3.6.2 Advocacy

Herefordshire children social care has a 30 hours per week contract with the Advocacy service that is managed by the Complaint department. IROs check at each Child Looked After Review if there are any issues which the child or young person would like the help of an advocate to raise for them on their behalf. One example of this was a referral made for a young person to provide them with an independent voice for an assessment of whether they should live with their sibling following a respite period of living apart. The advocate enabled their voice to be heard, the young person emphasising it was 100% better than before and it would not be right to change it, and that their teachers were recognising what a difference living apart had made. The other child had a slightly more ambivalent view of being apart and the words of both children contributed to the decision making as well as assessment of their individual needs, input from parents, carers and schools in resolving this complex question. During 2020-21 there were 46 pieces of advocacy work commissioned for Children Looked After, the majority of which were under the category of ‘promotion of wishes and feelings for review’.

3.6.3 Independent Visitors

The Independent Visitor Service was impacted significantly by the restrictions on visiting arising from Covid-19 and it is understood that recruitment for this volunteer service during this time was particularly problematic. Nevertheless virtual contact was maintained in most cases by the 14 existing Independent Visitors. IROs raise the question at reviews as to whether an Independent Visitor is appropriate for children who have little or no contact with their family members or live in residential environments where continuity through independent visiting can be more constant than social workers or IROs and is a valuable adult in their lives. The role of the Independent Visitor is explained and if the child / young person wants to have an Independent Visitor then the referral is made by the social worker. The service has been limited in its offer in previous years with waiting lists for the small number of Independent Visitors available. However, young people who have had a long standing relationship with their Independent Visitors have now reached adulthood and there is now increased availability. The number of referrals however remained low during 2020-21, with only 7 requests for Independent Visitors made; this likely due to the periods of lockdown and restrictions on visiting arising from the pandemic. It is an area that the IRO’s will continually promote during 2021/22 as this ensures children have positive adult connections and monitoring of demand against capacity will be part of the processes put in place.

3.7 Communication with parents

3.7.1 IROs clarify prior to each review if parents have been included on **the invitations** on the convening document and if not, why not. This is hampered however on a few occasions when social workers do not complete the convening documents for business support to arrange the meeting

and this means the absence of an invitation to parents only becomes evident at the meeting itself. This then requires either follow up phone calls or a second meeting being arranged. Unfortunately there is no data to identify the frequency of social workers arranging meetings rather than completing the convening forms, but feedback from IROs is that this happens infrequently. Improvement will be reported in 2021/22 report.

3.7.2 There are processes to improve parental **participation** within the review yet these were impeded by social workers not undertaking designated processes. A problem particularly evident when there is a high turnover of staff and when more children are becoming Looked After at the point of involvement with MASH and Assessment Teams rather than the CP and Court Teams who have more experience of the 1st CLA processes. In 2020-21 the parental consultation form was sent out to parents' addresses on the convening forms, but again this required the convening forms to be completed in timescale. Business Support send two reminders to the social worker but if they do not receive the convening form more than 10 days before the review, they do not convene and the social worker has to arrange the meeting. Improvement will be reported in 2021/22 report. This has impacted on overall performance of the service in this area of practice.

4. Wider issues

4.1 Court judgements and external audits

4.1.1 The court judgement of Justice Keehan in March 2021, following on from previous judgements by the same High Court judge, has had a seismic impact on Children's Services within Herefordshire.

4.1.2 The local authority also accepted that "It has not been sufficiently rigorous and consistent, throughout its involvement with the children, in ensuring that staff and carers fully understood, and complied with, the limits of shared or delegated parental responsibility and the need to recognise rather than compete with the birth parents rights." The IRO role over the years should have asserted that it is the care plan which defines where decision making could and could not be delegated to the foster carers. Matters of Life Story Work, Family Time, the children's identity and education were clearly set out in the care plan and not for the foster carers to direct or impede. When this proved to be the case, there should have been assertive challenge and clarity made through the placement plan and the delegated authority agreement and this re-enforced by the fostering supervising social workers and through the annual foster carer's reviews. To address this, the new role of Fostering IRO will be in place from April 2021, their remit being to chair annual 'home reviews' independent from the Fostering Service and be line managed within the Safeguarding and Review Service. Where there are issues in carers not following delegated authority agreements, these can be highlighted and dealt with formally if necessary in the carer's reviews.

4.1.3 Within the judgement there was significant criticism of the process, practice and quality of the Special Guardianship Assessment and how conflicting opinions were not enabled to be heard openly or resolved fairly within the Fostering Service. An independent audit will be completed in April 2021 and referred to in the IRO report 2021/22.

4.2 Where IROs identify barriers to their ability to fulfil their role, or systemic failures in the service to looked after children, they must raise this formally with senior managers. These challenges and the response should be included in the Annual Report.

4.2.1 Barriers to fulfilling the role of the IRO include Care plans and Pathway Plans frequently not being written for the IRO, children and their families, carers and other agencies to consider before the review meeting or sometimes even at the review meeting. This issue was the subject of multiple Formal Disputes in 2020/21. The matter has been raised with senior managers in 2020/21 but with the turnover of staff, this issue will continue to be raised.

4.2.2 Virtual meetings, while required in 2020/21 due to Covid-19 restrictions, impacted on the human interactions that are an essential part of social work. Parents largely rang in with no video, in part due to technical issues but more often than not because they preferred the detachment. While this can be enabling, it can also impede interaction and raises issues of confidentiality when others may be present without the knowledge of the chair.

4.2.3 Systemic failures identified by the IRO Service to senior management in 2020/21 included the identification of drift and delay in establishing long term placements for children with a care plan of long term foster care. Seventy cases were identified by the IRO Service of children with a plan of long term foster care for twelve months or more yet who had not had a long term placement identified or been formally matched.

4.2.4 IROs are spending too much time re-scheduling or having two or more separate meetings. The additional meetings are not those arising out of reviews where separate consultations with children and parents are necessary but because assessments are not presented or completed to inform changes of care plan.

5. Progress as to plans for 2019 – 2020

5.1 Safeguarding and Review Scorecard

Completed. The work in regard to confirming the scorecard for the service is completed with the performance team. Only two points are on the waiting list to be reported on, the oversight of permanency planning by IRO, and CP Chair oversight and escalation

5.2 Develop a child friendly “Care Plan”

Partly completed. The IRO completed the design of the child friendly care plan, and now are working with the Participation team to complete the work.

5.3 IRO Oversights

Completed. By the 31st March 2021, 96% of children looked after had a minimum of 4 IRO Oversights recorded on their case record within the preceding 12 month period.

5.4 Improving the quality of Children Looked After Review Minutes

Completed, and ongoing. The feedback received from the two independent audits advised that the quality of the IRO letters to children following their reviews is good and child friendly. However, this will continue to be monitored to ensure consistency in practice.

5.5 Distribution of Child Looked After Review Minutes

Partly completed. Some work was completed between the IRO service and Business Support service to ensure that Looked After Children review minutes are distributed within 20 working days. 93% of review minutes were distributed within 20 working days of the review for 2020/21. We will continue to work with the Business Support service to achieve 100%, however, the reduction in the number of business support has impacted negatively on the progress.

5.6 Review the way the Safeguarding and Review Service manages its workload

Completed. The service now has two work streams, IRO and CP Chairs with their perspective managers.

6. Moving forward

6.1 Structure and profile of the IRO Service

6.1.1 Throughout much of 2020/21, the IRO Service was constituted of six full time and three part-time IROs who undertook dual roles of IRO and CP Conference Chair. The service was split in the middle of February 2021 into two areas, with three full time and three part time IROs within the new IRO team. The combined IRO / CP Chair Service of nine staff was line managed by the Principal IRO up until June 2021 when an additional agency Principal IRO was brought in to manage the Child Protection Chairs. It is proposed this be a permanent change to continue to enable more direct management oversight of IROs in line with manageable supervising responsibilities.

6.1.2 The current IRO Service has four full time IROs and two part time IROs. One full IRO is scheduled to retire at the end of September 2021, and their position will be open to recruitment.

6.1.3 The regulations require IROs to have at least five years' qualified Social Work experience and be an authoritative professional with at least equivalent status to an experienced Children's Social Work Team Manager. This is not the case in Herefordshire and has not been the case for at least the last five years. IROs are employed at a pay grade below Team Managers, despite this having been raised repeatedly with Directors of Children's Services since 2016 as being contrary to regulations. It has been raised again with the Director of Children's Services within an all staff meeting. Assurance has been given that all roles are being subject to re-evaluation and this will be addressed as part of this process.

6.1.4 All current IROs are permanent and there were no agency IROs required in 2020/21. This stability has enabled consistent peer support during the most testing of years for everyone, albeit via video calls. A Team Building Day, physically meeting up together with the other areas of the Safeguarding and Review Service will take place at the beginning of July 2021 to enable some positive development work and team building.

6.1.5 Line Management of the IRO Service in 2020/21 was undertaken by the Principal IRO who from March 2020 was on a fixed term contract. Prior to this the Interim Head of Service had also been covering the Principal IRO role for three months. The fixed term contract Principal IRO also covered for two months in October and November 2021 for the Interim Head of Service role prior to the current Head of Service for Safeguarding and Review joining the local authority in late November 2020. The current Principal IRO returned to Herefordshire after a six month break at the end of March 2021 and is a permanent member of staff.

7.0 Next step for the IRO Service 2021-2022

7.1 The Improvement plan for Herefordshire Children's Safeguarding includes a development plan for the Independent Reviewing Officers with a six part training programme beginning on the 11th August 2021. This training will cover the areas of the independent role of the IRO, positive challenge, rights and participation of children, legislative framework and effective chairing skills. This will be delivered by our external colleagues from the Independent Audit Group and include local authority solicitors for the legislative framework session. **Nov 2021**

7.2 To undertake a 360 degree feedback on how the IRO Service is experienced, IROs will be distributing after meetings short feedback emails to all attendees of Children Looked After Reviews from the beginning in August 2021, to gain the perspective of children and young people, parents, carers, social workers and attendees from other agencies such as education and health. These will be returned to the Principal IRO with responders choosing whether their feedback remains anonymous or not. The process of sending out consultation forms to children, parents and carers is too dependent on other processes to trigger this work and more fail safe methods will be explored with the Head of Service for Safeguarding and Review and business support to maximise opportunities for pre-meeting consultations. **Aug 2021**

7.3 Recent proposed changes to panels means oversight of court proceedings, permanence plans (for adoption, matching long term foster placements, progression to special guardianship and reunification with parents), step-downs from residential care and the provision of complex services for complex needs will be subject to additional tracking and scrutiny. The Principal IRO will be attending four of these panels. **Jul 2021**

7.4 The Principal IRO will continue to observe the practice of IROs at review meetings and audit the quality of Children Looked After Review Reports. There will continue to be monthly dip sampling of the quality of IRO Oversight to ensure they are focused and purposeful, set out the views of the IROs on the progression of the care plan and where required identify issues in practice. **Ongoing**

7.5 Monthly meetings with Looked After Children Service will take place to review all open formal and informal dispute to ensure that drift and delay identified by the IROs services are dealt with in a timely manner. **June 2021**

7.6 IROs will continue to contribute to their own and service development through reflective group supervisions, recommencing after the fortnightly training programme concludes in October 2021. These are additional to the monthly Team Meetings. A further two Team Development Days will also be scheduled, the first meet up for this year in August having focused on enabling the voice of

the child, with work being shared with the Participation Group and awaiting direct feedback from children and young people. **July 2021**

7.7 IROs will continue to monitor children's permanency plans, and refer children to permanence panel for oversight where there is an identified drift or delay. A new scorecard point to be developed to monitor practice. **Nov 2021**

7.8 IROs will work with the participation team and children council to produce child friendly care plans. **March 2022**

7.9 Confirm the permanent establishment for the IRO service. **March 2022**