

## **Request**

How many times has a child's IRO made a referral to Cafcass due to serious concerns around the Child's Care Plan in the last 3 years?

Please provide the template/blank form to do this and all associated guidance/guidelines on the subject held by the Local Authority.

## **Response**

No referrals have been made to CAFCASS by IRO's in Wigan during the past three years as all serious concerns have been resolved within the local authority.

Guidance on referrals to CAFCASS is contained within the document attached alongside this form, which is available on the intranet (Wigan Workforce Essentials).

The IRO Handbook contains information that relates to the circumstances in which an IRO would consider a referral to CAFCASS, and directs the reader to the CAFCASS website if a referral is required. The Handbook is also available on the intranet.

# Referral to Cafcass

## 1. Overview

The Independent Reviewing Officer (IRO) Guidance gives Independent Reviewing Officers (IROs) the authority to refer looked after children's cases to Cafcass for resolution of abuses of their rights. Prior to any such actions, they also have the authority to negotiate to the highest level of management in the Council, i.e., to Chief Executive where necessary. They should also work with the LA Complaints Officer and advocates where necessary to resolve problems.

Referral to Cafcass and associated potential legal proceedings will involve delay and this should be avoided wherever possible.

The IRO must consider the child's wishes and feelings, subject to age and understanding, in determining which actions should be taken to address problems on their behalf.

Obviously IROs will embark upon this process infrequently and no two circumstances will be the same. It is therefore important that the Independent Reviewing Officer Guidance arising out of the 2002 Adoption and Children Act, paragraph 5.4 et seq. (page 32). Details of legal documentation required, good practice and how to resolve problems are explored. These may be found on the Government website.

## 2. Process

- a. When an **IRO** identifies an unmet need or abuse of a child's rights, this should be addressed in the first instance by reference to the Team Manager or other relevant manager responsible for the case, with a copy of information to the IRO Team Manager. Communication may be made by e mail or memo.
- b. The **IRO** will make the child and/or family aware of the Complaints procedure and the child should be advised of their right to an advocate.

- c. The **IRO** will consult with the IRO Manager if the matter is not resolved by negotiation at Team Manager level. In most instances the best way of addressing the problem will be by referring to the next level of management but it may also involve the young person's use of an advocate, the Complaints process or by supporting the young person to seek their own legal advice, subject to age and understanding.
- d. Following actions at this level or if there is an omission of actions to rectify the problem and the **IRO** can still evidence that the child's rights are being abused, the matter should be referred to higher levels of management i.e., to Head of Children's Services, Director and then Chief Executive. These steps can be taken by the IRO directly but should be endorsed by the IRO Manager to ensure standardisation of responses.
- e. In the event of disagreement between the IRO and Manager about how to address an abuse of a child's rights, the Head of Service will mediate.
- f. If the abuse of the child's rights has not been resolved within the Council management structure, the **IRO** must then establish if there is any other independent person who is able and willing to take on the case on the child's behalf.
- g. If f. above is not possible, then the **IRO** will refer the matter to Cafcass Legal who will determine any action from here onwards. Full details of documentation required are detailed in the IRO Guidance.
- h. Following the referral to Cafcass, if the **IRO** establishes that the child's rights are now being adhered to and their needs met, Cafcass should be notified of this change of circumstances for a decision about the possible withdrawal of the referral.
- i. During the life of the case with Cafcass, they will provide regular progress reports to the IRO, the Chief Executive, social worker, and any other relevant parties. The **IRO** should liaise with the **social worker** to ensure that the child and family are kept informed, and the child's wishes are reviewed.
- j. The outcome of any referrals to Cafcass will be monitored by the **IRO Manager**, who is also responsible for an annual report to the Lead Elected Member for Children's Services. This report would include details of such cases.