

Access to Independent Legal Advice for IROs

The IRO handbook makes it clear that IRO's should have provision of independent legal advice

6.13 Each local authority should have a system in place that provides its IROs with access to independent legal advice. The reason for this is that the IRO works within a complex legal framework, with a number of other professionals and adults who have access to their own legal advice. The IRO may feel isolated and vulnerable in this position. It is essential that the IRO too can access independent legal advice,

6.14 It is important that this service is easily accessible by individual IROs and that IROs do not have to struggle to access it.

IRO handbook 2010

In order for IRO's in Derby City Council to access independent legal advice we have agreed a reciprocal agreement with Derbyshire County Council Legal Services. The process outlined below should be followed:

1. Where an IRO has a query about regulation, legislation or case law as it impacts on a particular child, or the legal position in relation to a particular child, they should request the child's social worker to obtain the necessary clarification and report back to them within an agreed time frame. This will also be of benefit to the social worker.
2. Where an IRO has a concern about the exercise of the Local Authority's powers, decisions or provision of services, and their interpretation of the regulations, legislation or case law, they will raise this with the relevant worker or manager, if necessary referring to the Dispute Resolution Process. The worker or Manager may then obtain further clarification from legal services, for their own guidance.
3. Where an IRO considers that the steps above have been exhausted, and there is a continuing concern in relation to the Local Authority's provision for a child, and case specific legal advice is needed, this will be sought through the reciprocal arrangement with Derbyshire County Council Legal Services. Access to this will be following a case discussion with and agreement of the IRO manager. Provision of such advice should provide a further means of resolution without recourse to CAFCASS or the Courts, although it is within the powers of an IRO to do so.
4. IRO's may also seek non case-specific guidance from CAFCASS Legal. This is particularly the case where a serious matter has failed to be resolved through the Dispute Resolution process and meets the criteria for referral into CAFCASS.