

IRM Cymru

Annual Report 2018-2019



Introduction

The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 and The Fostering Services (Amendment) Wales Regulations 2010 came into force in April 2010. An IRM service had been in operation since 2005 (operated by Welsh Government). At that point the entitlement related solely to adoption. The 2010 regulations extended the remit of the IRM to include fostering and the extended service was operated by BAAF Cymru on behalf of Welsh Government until the 4th September 2015 when BAAF ceased to operate. From the 14th September 2015 the service became hosted by Children in Wales, who again operate the service on behalf of Welsh Government.

The Independent Review Mechanism (IRM) was introduced in order to increase public confidence in the transparency of the approvals process and to encourage more people to consider fostering or adopting some of the most vulnerable children in our society.

Where a fostering or adoption agency is planning (following its own panels consideration) not to approve, or cease the approval of foster or prospective adoptive parents or change the terms of approval of foster carers, without their agreement this gives what the regulations refer to as a 'qualifying determination' and offers the opportunity for the situation to be reviewed by an IRM panel before the final decision is made by the agency.

The IRM is not an appeals process, and the final decision regarding suitability or continuing suitability, or in the case of foster carers their terms of approval remains with the agency, but they must take into account the views of the IRM panel when they make their final decision.

The other area where the IRM panel can give a recommendation is to adopted adults who were adopted on or after the 30th December 2005, or to the birth relative of someone adopted on or after that date. Two areas can be considered

- That the agency will not proceed with an application for the disclosure of protected information, or
- That it will disclose the information against the will of the subject of the information.

There have been no such applications to date.

IRM panels are made up of people from a central list. These are people with a range of personal and professional experience. All will have been appointed to the list following a recruitment process and references and DBS checks will have been undertaken. Panel members are provided with annual training and ongoing appraisals.

The future of the IRM was included as part of the consultation on the revised fostering and adoption regulations. They are included as part of The Fostering Panels (establishment and Functions)(Wales) Regulations 2018. The revised Adoption regulations are due shortly. The

IRM process is included in the revised regulations but its longer term future remains under discussion.

Developments in 2018-19

The service continues to be managed by Children in Wales and by the same personnel as in previous years. Fiona Probert (the administrator for the service) is contracted to work for 14 hours per week and Jenny McMillan (the contract manager) works for 7 hours per week.

The service is being run by Children in Wales on behalf of Welsh Government it is contracted to do so until March 2020.

The central list has been maintained and there have been sufficient people on that to continue to deliver the service. It is acknowledged that the panels are not as diverse as they could be in terms of membership but given the lack of certainty about the long term future of the IRM (see above). It is not appropriate to undertake a full recruitment process.

A development day was held for panel members in March 2019. The main focus of that was on the regulatory changes and their impact upon the IRM. It also looked at recent serious case reviews and what could be learnt from those to assist panel members in coming to a robust recommendation.

Information was sent to all panel members in relation to the consultations regarding the proposed regulatory changes to adoption and fostering. Additionally information was sent in December 2018 and March 2019. The AFA legal bulletins are sent to panel members for their information.

Applications to the IRM in 2018-19

There were 8 applications received by the IRM in 2018-19

5 of these were accepted.

1 was withdrawn when the ADM changed their recommendation.

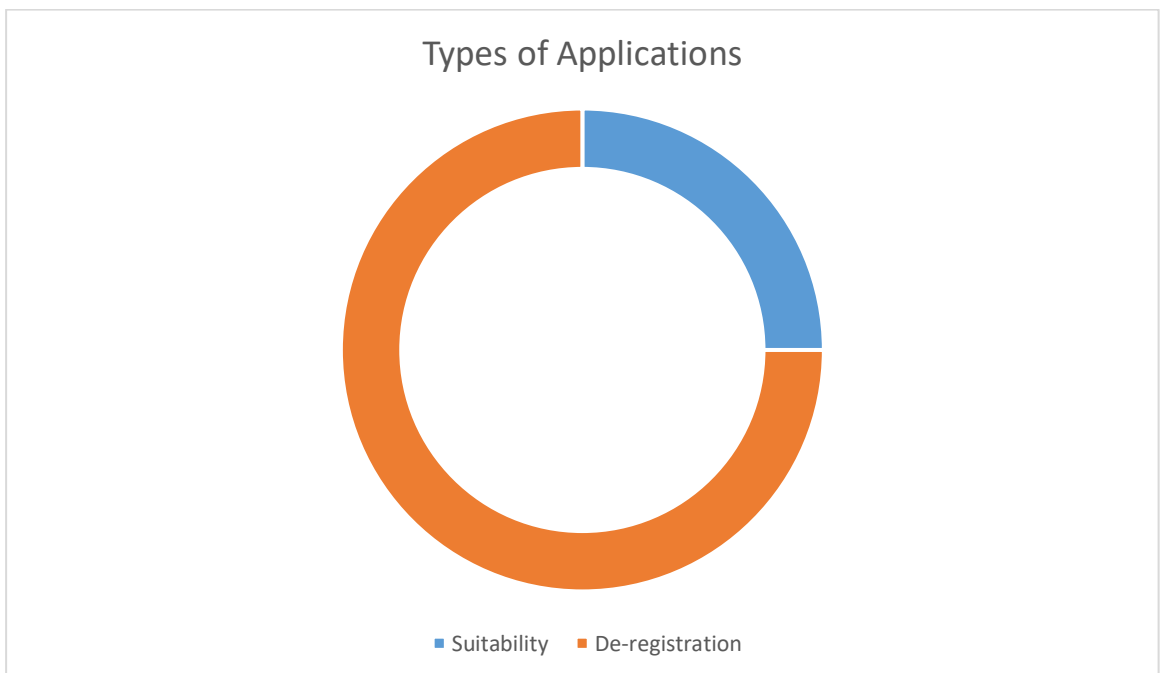
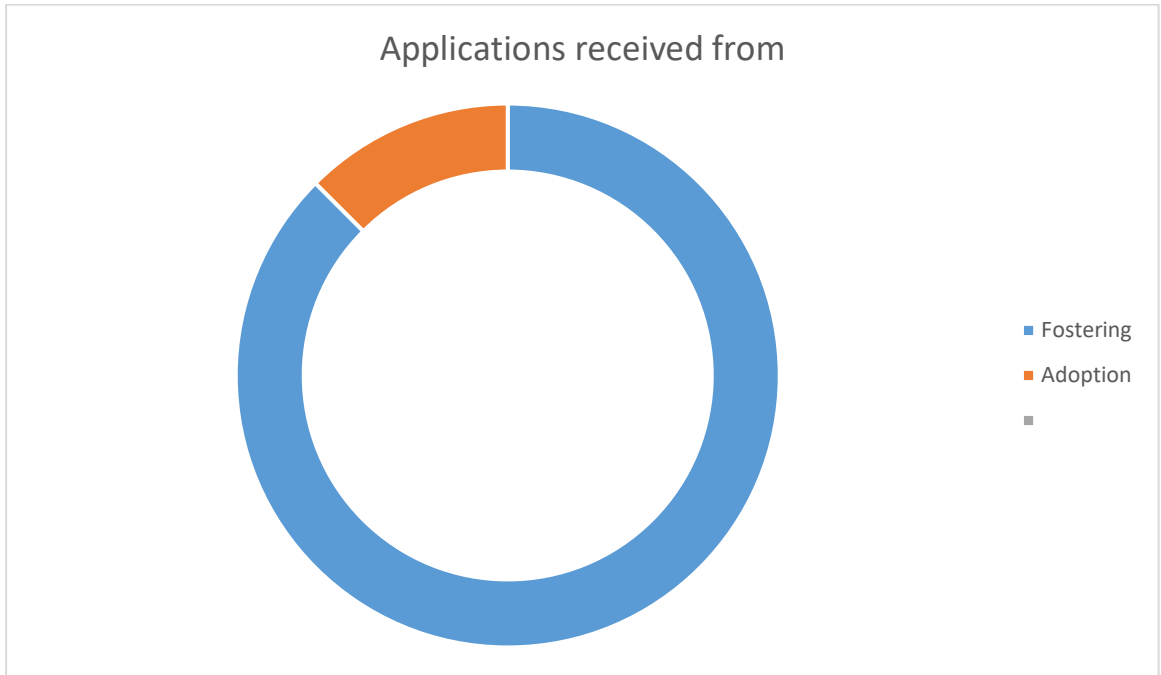
1 was ineligible because they had not progressed to a full assessment.

1 was ineligible because they were approved for a specific child and that young person had returned home to parents so the placement was not required. Following discussion with both parties the agency amended their letter terminating the carers approval and the applicant was happy to withdraw their application on receipt of the revised letter.

All but 1 of the applications related to foster carers.

2 were in relation to initial suitability and 6 in relation to a proposed de-registration.

Applications to the IRM in 2018-19



6 of the 8 applications received were eligible (although as stated above one was subsequently withdrawn). All the applications were heard within the required timeframe.

Geographical spread of applicants in applications

This applications were all from the south of Wales In the case of IFA's the location is that of the office that is supporting the applicants which can suggest a disproportionate number of applications from locations such as Cardiff or Wrexham.

Geographical spread of fostering service providers and adoption agency

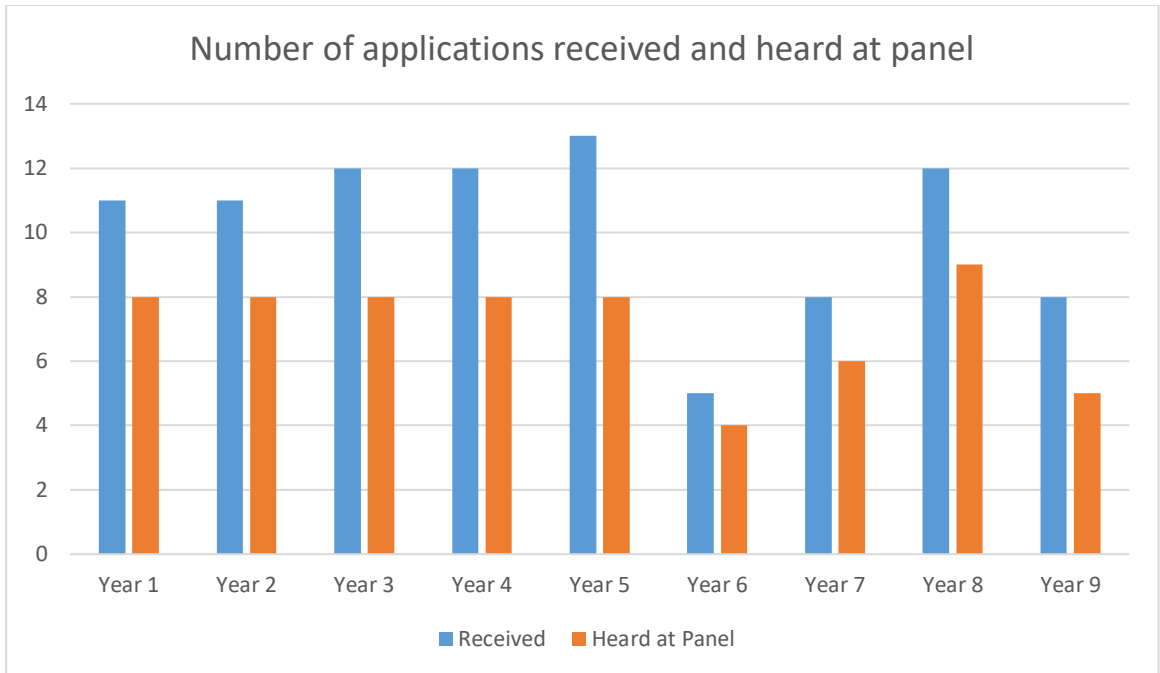
Swansea	1
RCT	2
NPT	1
Cardiff	3
Powys	1

Specific Needs

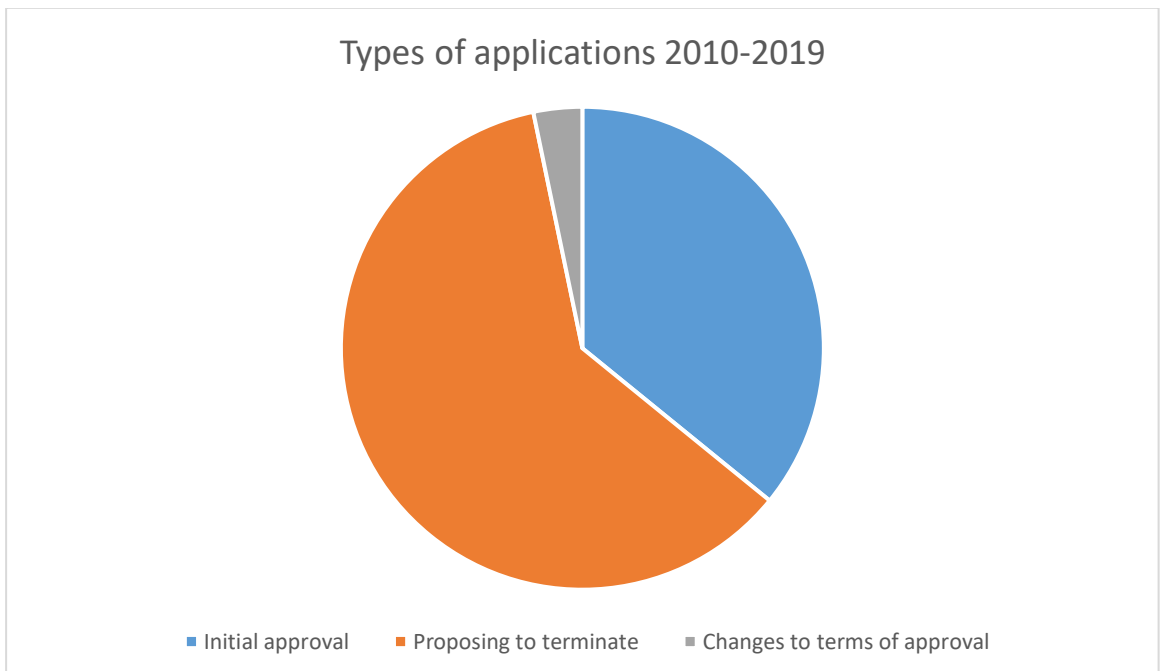
The IRM Cymru ensures at an early stage in the review process that it is aware of any disability or impairment that the applicants or agency representatives might have that would need to be taken into account in arranging a panel. There were no requests in year for such consideration.

There were no requests to hear any application through the medium of Welsh during this year.

Comparative Data 2010-19

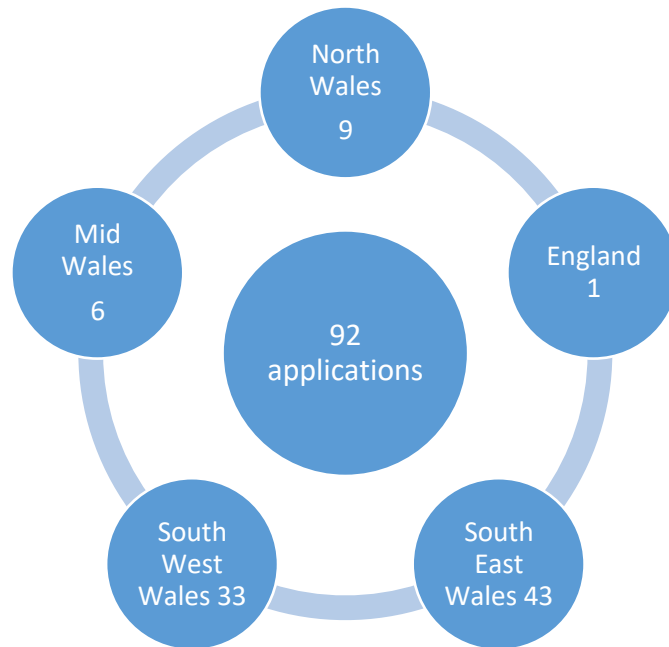


Year 9 saw a decrease in the number of applications on the previous year, although 3 of the applications from the previous year were heard within this financial year as they had been received in March 2019



This year saw a continuation of the trend for the applications to the IRM to be dominated by fostering applications the bulk of which were proposed de-registrations. There was 1 application from an approved adopter where there was a proposed de-registration.

Location of applicants



Location of agencies in the 92 applications received

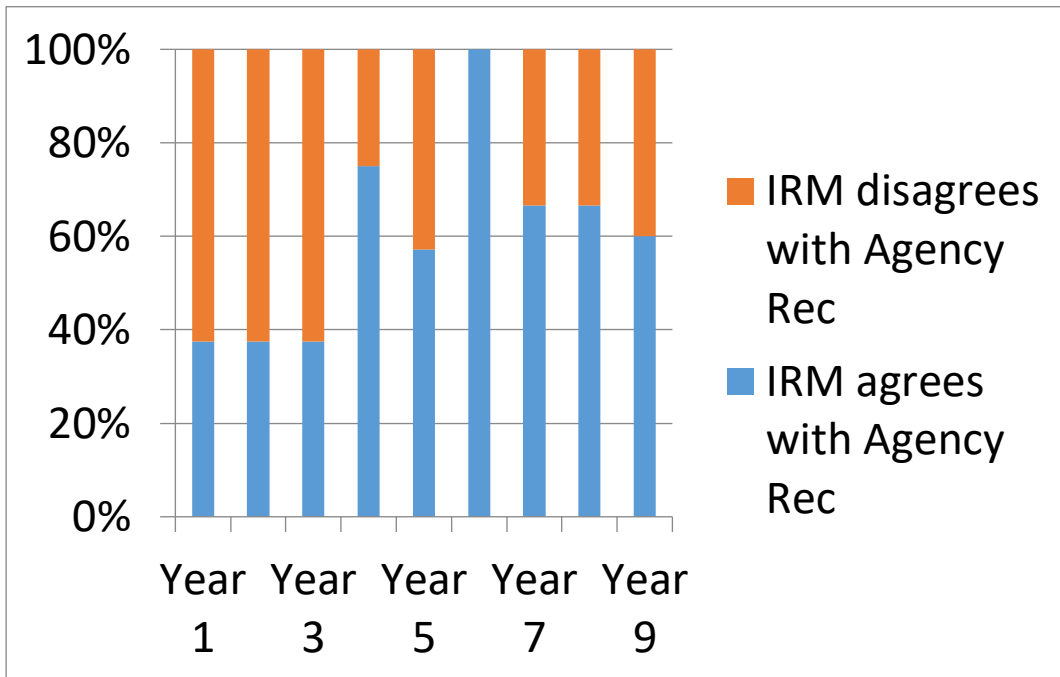
Anglesey	1
Blaenau Gwent	3
Bridgend	1
Caerphilly	2
Cardiff	22
Carmarthenshire	3
Ceredigion	1
Conwy	1
Flintshire	1
Gwynedd	1
Merthyr Tydfil	3
Neath Port Talbot	7
Newport	3
Pembrokeshire	1
Powys	3
Rhondda Cynon Taff	13
SEWAS	1
Swansea	18
Vale of Glamorgan	2
Wrexham	4
England	1

The applications reflect the location of the head office of the agency so some areas such as Cardiff and Wrexham may appear to be disproportionately represented as a number of IFA's have their head office in these locations.

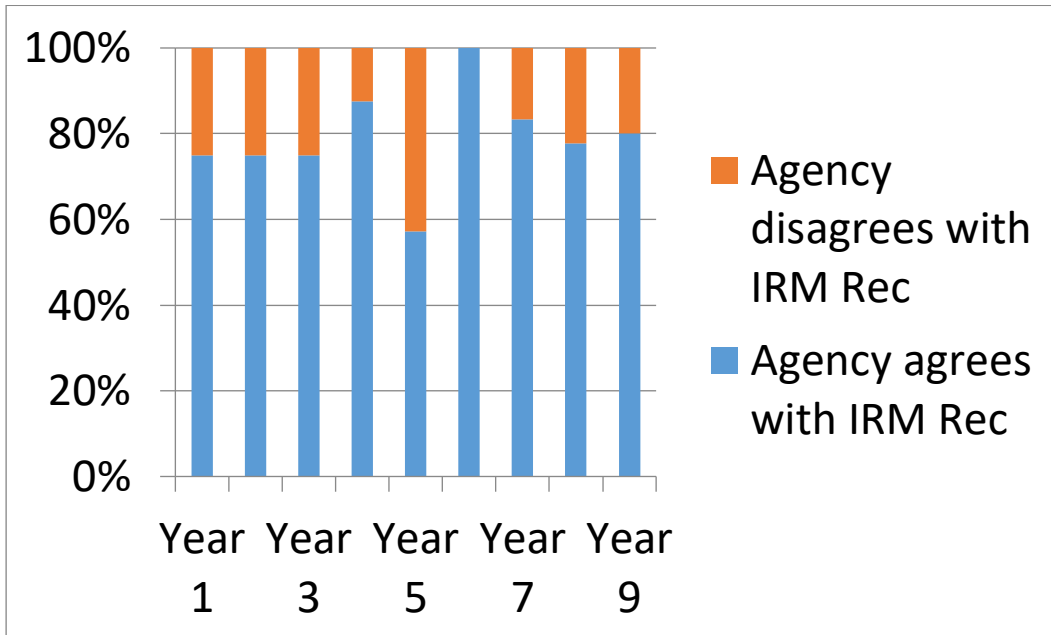
Status of applicants

For the known ethnicity of applicants they have all been White Welsh / White British with the exception of 2. In 2018/19 all known applications were from White Welsh / White British.

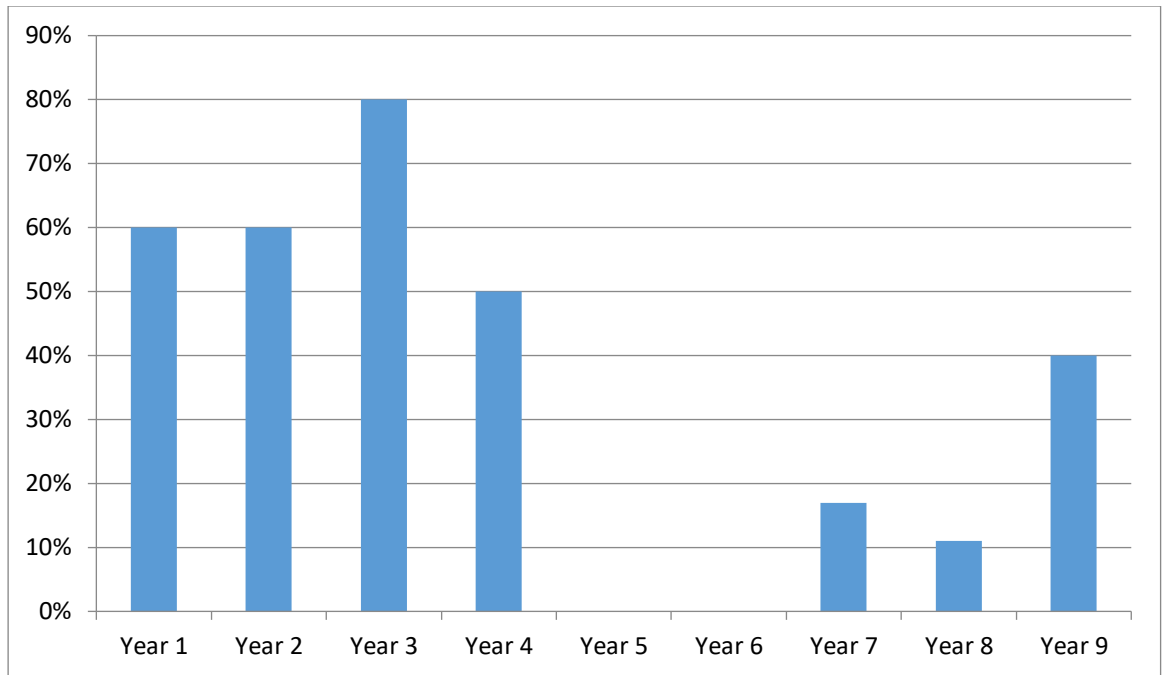
The chart below shows as a percentage, where the IRM disagrees or agrees with the Agency recommendation.



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The bar chart below shows the percentage of cases where the IRM disagreed with the initial QD and the Agency then concurred with the IRM recommendation.



In year 9 the IRM concurred with the agency in 3 out of the 5 applications that review panels heard. The agencies went on in those cases to uphold their original proposed decision.

In the 2 cases where the IRM panel did not agree with the agencies proposed decision, 1 amended their proposed decision and decided that the adopter remained suitable. In the other a proposed de-registration of a foster carer the agency confirmed their proposed decision.

Applications from connected persons (kinship)

Year 1 – 64%
 Year 2 – 45%
 Year 3 – 25%
 Year 4 – 17%
 Year 5 – 15%
 Year 6 – 0%
 Year 7- 25%
 Year 8 – 25%
 Year 9- 12%

There was 1 kinship application in the year. That related to a proposed de-registration. The young person in question had returned home and as stated above the carer withdrew their application following the re-wording of the proposed de-registration by the agency

The timeframe for care proceedings do make it difficult for potential carers to utilise the IRM given that the assessments are often concluded close to the final hearing date.

Good Practice identified by the IRM

The representatives who attended the IRM on behalf of their agencies were generally well prepared and presented well and able to give a clear response to the questions.

Agencies provided all the information required by panel in a timely manner and were very helpful in terms of the provision of additional information where requested.

There were a number of examples of good practice, such as reports that clearly highlighted areas of vulnerability and contained a good standard of analysis

Areas for development identified by the IRM

Given the small number of applications to the IRM it is difficult to identify particular trends or areas for development. As in previous years where de-registrations are proposed relationships have sometimes broken down between the agency and the applicants. Changing expectations of foster carers with carers not engaging fully in learning and development can lead to carers no longer meeting the required competencies. A chronology is helpful in identifying patterns of concerns in relation to carers

Feedback to the IRM

The IRM received no complaints during 2018-19

As a result of feedback from one agency who attended the IRM. The questions that have been collated for the applicants and agency are given to both on arrival so they have an opportunity to view them and if helpful make notes before coming into the panel. The feedback following that change has been that both applicants and agencies have found that helpful.

A further feedback suggested that alongside the information for applicants to the IRM there should be written guidance for agencies on the process. This is being undertaken in conjunction with the revisions to the documentation resulting from the regulatory changes.

The applicants to the IRM, the agency proposing the qualifying determination and all Independent review panel members are provided with questionnaires to complete on the quality of the service that was provided by the IRM Cymru. That includes their experience at the review panel.

Overall the feedback continued to be positive in relation to the service.

The following quotes are representative of the feedback

Quotes from applicants below

We were given plenty of time, allowed breaks when it became too much and felt we explained ourselves in full with no pressure.

We felt able to speak for the first time and felt reassured about the process with clear direction of what was happening.

Quotes from agency below

Whilst not the easiest of situations the IRM enabled this applicant to feel they had the opportunity to have their case and our work scrutinised, which I believe was important for them and hopefully enabled them to have an increased understanding of the Local Authority's position.

Developmental issues for the IRM

- The IRM will continue to ensure that it is in regular contact with agencies and that accessible information is available to prospective applicants. It will respond to any requests for information about the IRM from agencies or foster carer groups.
- The IRM is currently reviewing all information to ensure it is compliant with the changes to the fostering regulations and will do the same with regard to the revised adoption regulations. This will include a brief guide to agencies to be sent out with the initial letter notifying them that an application has been received.

Conclusions

- The IRM Cymru has received 92 applications in the 9 years it has operated on behalf of Welsh Government. In the year 18-19 it received 8 applications. It also dealt with 3 applications that had been received in March 2018.
- 5 of the 8 applications were in relation to proposed fostering de-registrations and 1 was in relation to a proposed adoption de-registration. Two applications were in relation to initial suitability.
- Geographically the majority of the applications were from the South of Wales.
- In the year, 2018-19 of the applications heard by panels, the IRM panels concurred with the proposed de-registration in 3 of the cases. In 2 it differed, in one of those the agency upheld their original proposal to de-register but in 1 it amended that to allow the applicant to remain as an approved adopter.
- There were 2 kinship applications this year but one of those was withdrawn as they were in the court arena and the applicants decided to pursue a different route. In another the applicant withdrew their application after the agency amended their termination letter.
- Panel members are committed to the process and they plus the legal and medical advisor provide a professional service.
- The uncertainty regarding the future of the IRM in Wales, makes it difficult to plan ahead for example in terms of recruiting to panel membership to enhance the diversity and skill base of panels.

