



# IRM Cymru

## Annual Report 2021 - 2022

Children in Wales report on development, statistics and trends in the IRM - on behalf of Welsh Government

**Claire Sharp and Rachel Robinson | August 2022**



## Introduction of new staff

Children in Wales was awarded the contract to continue running the IRM for two years from August 2021 – July 2023. The new contract was awarded after a consultation period considering the future of the IRM. The final decision by the Welsh Government was to continue the IRM, and for the new contractor to focus on developing the service to meet current demands and to be accessible in an online environment.

This has been a busy year for the IRM following the decision to maintain the service. There has been a change of personnel with Jenny McMillan who had managed the service for the last 8 Years leaving to enjoy a well-deserved retirement, and Fiona Probert who had worked as IRM administrator for 10 years leaving the IRM to focus on her role as HR administrator for Children in Wales, our host organisation.



Claire Sharp has taken over as the contract manager, working 14 hrs a week, with Rachel Robinson ensuring the smooth administration of the service also having a 14 hrs a week contract.



## Background to the IRM

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 4<sup>th</sup> September 2015 when BAAF ceased to operate. From the 14<sup>th</sup> 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 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 30<sup>th</sup> 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, however it is anticipated that due to the age of people affected by the Adoption and Children Act 2002 reaching the age of 18 years this may be a growing area of recommendations requiring an independent review.

The future of the IRM was included as part of the consultation on the revised fostering and adoption regulations. This was included as part of The Fostering Panels (establishment and Functions)(Wales) Regulations 2018 and The Adoption Agencies (Wales) (Amendment) Regulations 2020 (which became operational on April 1<sup>st</sup> 2020). It was proposed that the IRM would cease and regulations were drafted that would have made use of agency complaints procedures.

Following a wide spread consultation Welsh Government decided that the IRM would continue. Key issues that were raised during the consultation was that what people valued about the IRM was that it provided independency, transparency, and consistency across Wales for local authority foster agencies as well as for Independent Fostering Agencies. Some of the concerns raised about closing the IRM and making increased use of agency complaints systems were that the anticipated cost savings may not be attained and it may be difficult to acquire the specialist knowledge needed to support a review. It was felt that the proposed approach would also be burdensome for the independent sector in terms of cost and time and it would therefore present more difficulties for these agencies to set up a robust system of review. It was recognised that in order to try and attract prospective adopters and foster carers they needed to have confidence that where they were unhappy about recommendations made that were not in their favour, that there was a robust mechanism for independently reviewing the information.

## Developments in 2021 - 2022

Following a successful tendering process Children in Wales entered a new contract to deliver the IRM service on behalf of the Welsh Government from August 2021 until July 2023. The

first task was to recruit new staff to manage and run the service, as the existing staff had made plans to move on due to the uncertainty of the future of the IRM.

Rachel Robinson IRM Administrator and Claire Sharp Contract Manager started on 1<sup>st</sup> November and have been busy managing a steady stream of applications as well as developing the service after a period of uncertainty due to consultation about the continuation of the IRM.

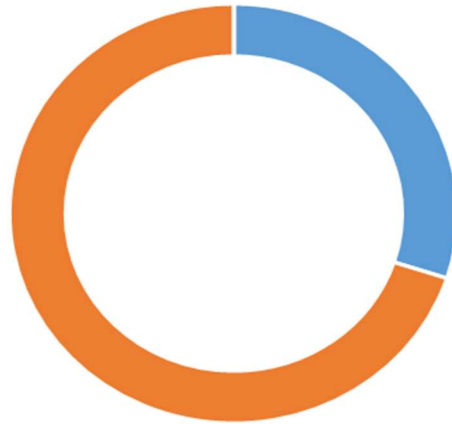
A key area of development was around reviewing and refreshing the current membership of the Central Panel, there had been very limited work in terms of recruitment and panel development whilst the consultation around alternative models had been taking place. The Contract Manager had individual meetings with each panel member to get to know them, to understand the knowledge and expertise that they brought to the service and to seek their views on areas for development.

For the IRM to be representative and relevant there is a need for people who are current foster carers, adoptive parents or who are care experienced to be recruited to the central list to ensure panels have people with a range of appropriate skills and experience on them. In April 2020 when the Covid 19 pandemic struck, it was agreed that all applications would be heard virtually using the medium of Teams. This was a significant move from holding panels in community venues with all participants attending in person. All information was changed from being sent in hard copy by postal mail to being sent to panel members electronically using confidential password protected messaging. The panels held since April 2020 have been heard using Microsoft Teams. All relevant IRM policies and processes have been amended to reflect the changes.

Since the start of the pandemic the online arrangements have been constantly under review and amendments have been made to enable the process to run as smoothly as possible for all concerned. We are aware that people attending the panel may be nervous about what is involved. In order to support people to contribute fully we hold a pre –panel meeting approximately a week before the panel to establish that everyone can access the session with available technology and understand the process. Another adaptation has been to share the questions that are going to be asked of the applicants and agency several days in advance of panel to enable them to have time to consider their responses.

The majority of applications during this year have been from connected persons/Kinship Carers. Many of these applicants do not have access to interactive devices other than smart phones. This has been an area where we have sought to support applicants with a hybrid approach to accessing the online panel. Support has involved providing a laptop and face to face support for the duration of the panel.

## Type of fostering applications



■ Mainstream foster carers ■ Kinship/Connected Persons



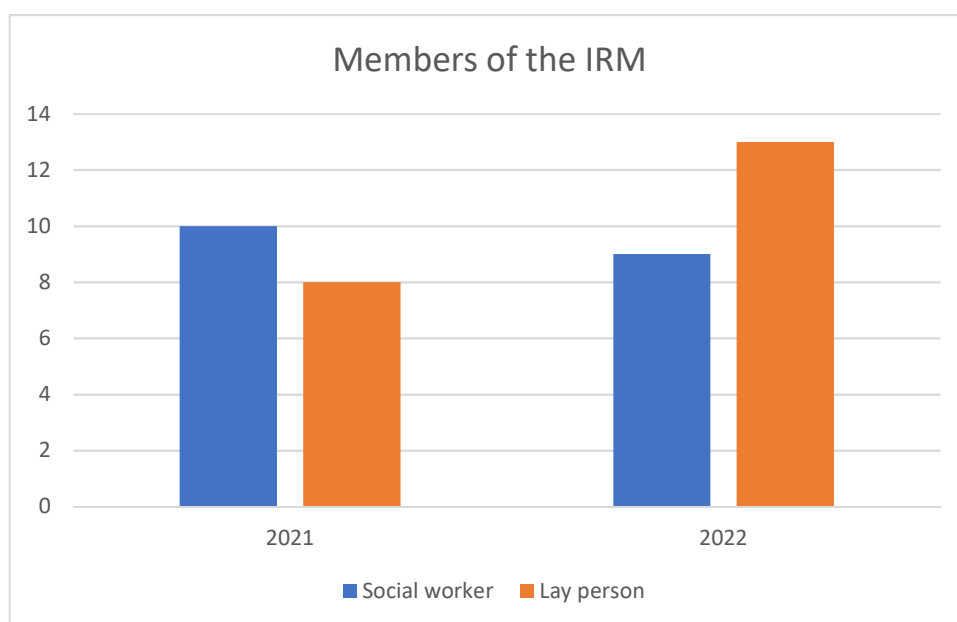


## Central list of panel members

The regulations refer to a list of people, 'suitable by virtue of their skills, qualifications or experience'. The list must include social workers with relevant experience. It also says where practicable it should include people with experience of adoption and people who are or have within the last 2 years been a foster carer.

During this year there has only been a two week period without an application that we are working on. From May onwards we have been managing 5 applications concurrently. When managing multiple applications alongside each other it has highlighted the need for a surplus of panel members on the central list, to ensure availability and that there is no conflict of interest. When handling multiple applications there is a lot of administrative time incurred trying to coordinate dates with all the parties involved. The administrator also needs to ensure that both the applicant and the agency provide the required information to the IRM on time to be circulated prior to the panel.

Following a period of recruitment, we currently have 23 members on the central list which has risen from 18 members in 20-21. We currently have 9 registered SW and 13 lay members. There is no fixed number of members who should be on the central list however it is important to have sufficient numbers to be able to meet the requirements of running a panel. Previous experience of involvement with fostering and adoption panels is helpful.



During this year the IRM has had 4 members resign, 3 due to retiring as registered Social Workers and 1 Social Worker who has started a new job role and does not have sufficient time for IRM work within this post.

We have successfully recruited 3 new social workers to the list, one who works for an independent charity supporting care experienced young people and whose substantive role is to support kinship carers, one is an independent social worker with many years' experience



## How does a panel get put together?

When an application comes to IRM and is accepted, a new panel is put together from the central list. Each panel will need someone to act as the Chair and also a Panel Advisor who must be a qualified social worker to advise on whether the information being shared and recommendations made are compliant with the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 and The Fostering Services (Amendment) Wales Regulations 2010.

The panel is provided by expert medical and legal advice and these advisors remain available by phone if there is an unresolved matter that arises during the panel discussion.

An IRM panel usually between 5-7 people sitting including the chair, and must include at least 2 social workers who have recent or current experience of adoption and fostering services. The remaining places are made up of social workers or lay members who have relevant skills and experience. In order for the panel recommendation to be truly transparent and independent it is important that there is no conflict of interest, so the panel members for each case must identify if they have any connection to the agency, or individuals involved. It is good practice to have some members who have direct experience that relate to the nature of the application i.e mainstream foster carers if the application is about the deregistration of a mainstream foster carer. We aim to have a mix of people on a panel including characteristics such as age, gender and ethnicity.

## Development opportunities for panel members

There has been a need for updated training and development for panel members as this was put on hold waiting for the outcome of the Welsh Government consultation on the future of the service.

Two development days took place in autumn 2021– these focussed on the core role of the IRM and on up to date caselaw, we then provided training on Unconscious Bias in May 22.

## Feedback on the Development days

*Really useful – Was good to have a background, plus a clear overview of adoption, fostering and disclosure determination cases. Really enjoyed the case examples that were discussed that brought those scenarios and complexities to life.*

*As a new panel member, it was good to have an overview of the things that IRM can and cannot consider and the parameters of the recommendations.*

*I found the session very interesting and increased my knowledge and understanding of the process after IRM if a person still isn't accepting the outcome of the ADM*

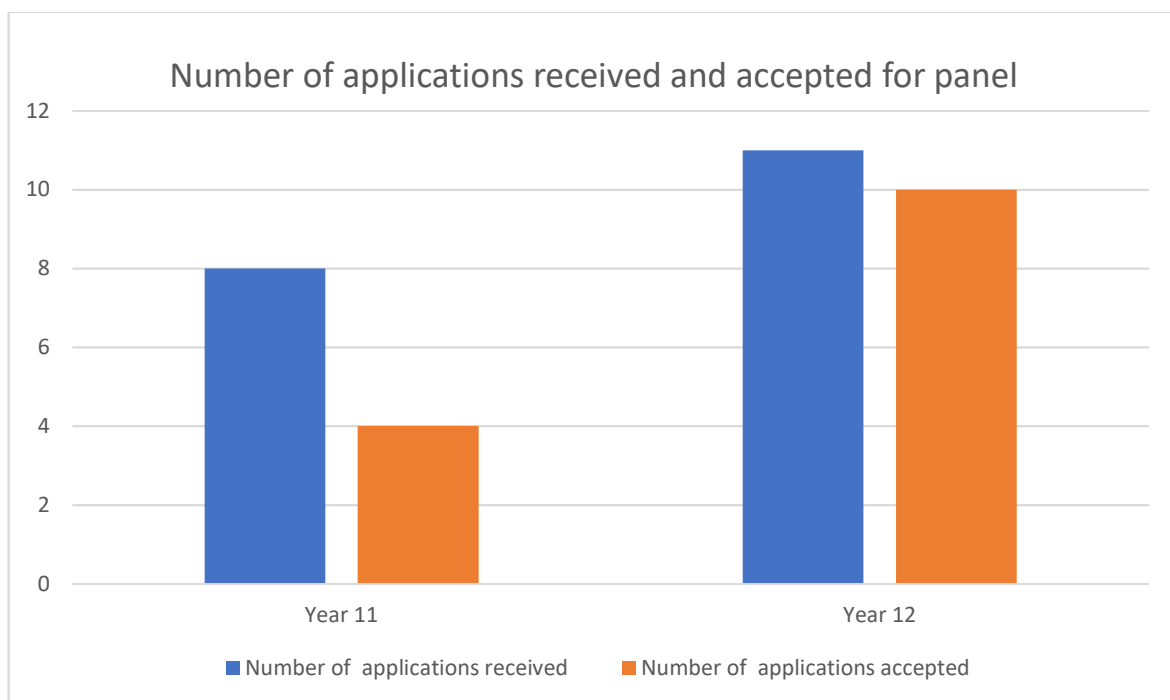
There is ongoing development of induction resources for new members of the central list.



## Applications to the IRM

Number of applications received	11
Number of applications accepted	10
Number of Review Panels	7 completed, (1 pending), 2 withdrawn
Types of application by category	Fostering - 10 Adoption - 0 Disclosure of Information - 0
Types of fostering applications	Deregistration of foster carer – 6 Suitability to foster - 4
Types of application by applicant status	Mainstream foster carers - 3 Connected Persons - 7
Number of cases where IRM Recommendation concurred with QD	Recommendation concurred with QD - 7 review panels pending - 1

There has been an increased number of applications to the IRM this year compared with the previous year. There are a number of cases every year which are accepted but have the review panels held in the following reporting year.



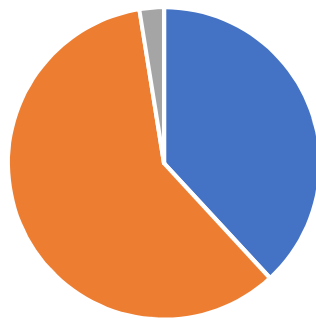
Most of the applications have been received in relation to local authority agencies with only 1 from an Independent Fostering Agency.

Applications received from (agency) 2021 - 2022



- Vale of Glamorgan
- Neath Port Talbot
- Rhondda Cynon Taf
- Conwy
- Swansea
- Powys
- Cardiff
- Bridgend
- Foster Care Associates

Types of applications over the whole term of the IRM (2010-2021)



- Initial approval
- Proposing to terminate
- Changes to terms of approval

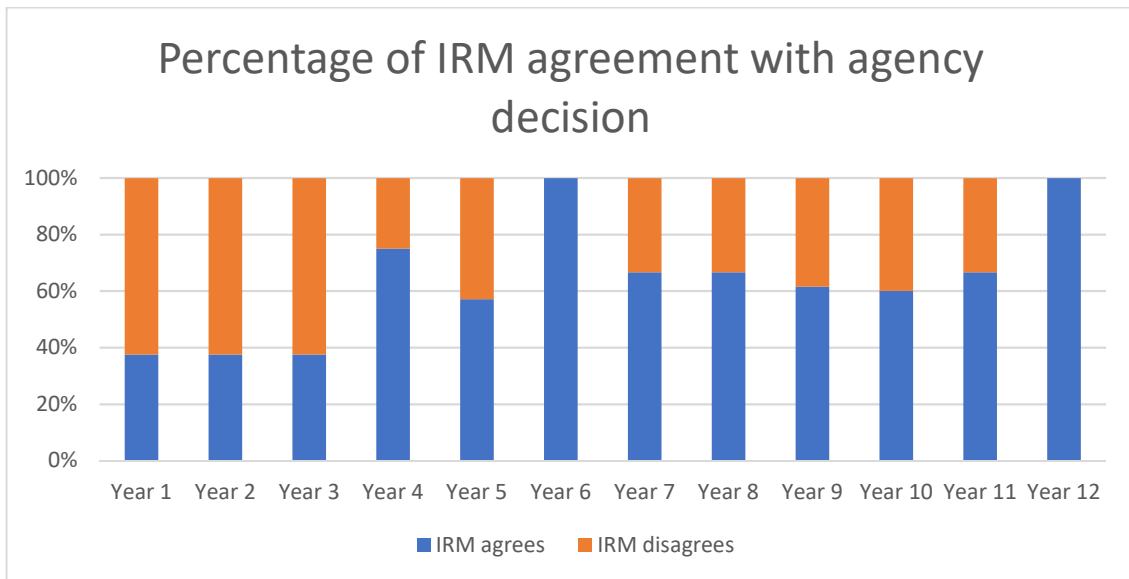
### Outcome of panels - recommendations

Although the IRM have concurred with all recommendations this year there has been concerns raised by panel members about the lack of support provided to foster carers (both Mainstream and Connected Persons) by agencies particularly in the context of isolation and children not attending school due to Covid 19.

It has also been noted that there is a high turnover in Social Workers in several of these cases which has not helped applicants to build relationships and has impacted on consistency of support provided. In several cases there were significant periods of time with no social worker allocated.

Several of the applications from Connected Persons have been running alongside applications to Family Court for Special Guardianship Orders. This has complicated the process of trying to arrange suitable dates for the IRM panel within the expected timeframe. It has also led to

cases being withdrawn as the decision about where children will live has been resolved through the courts.



### Specific Needs

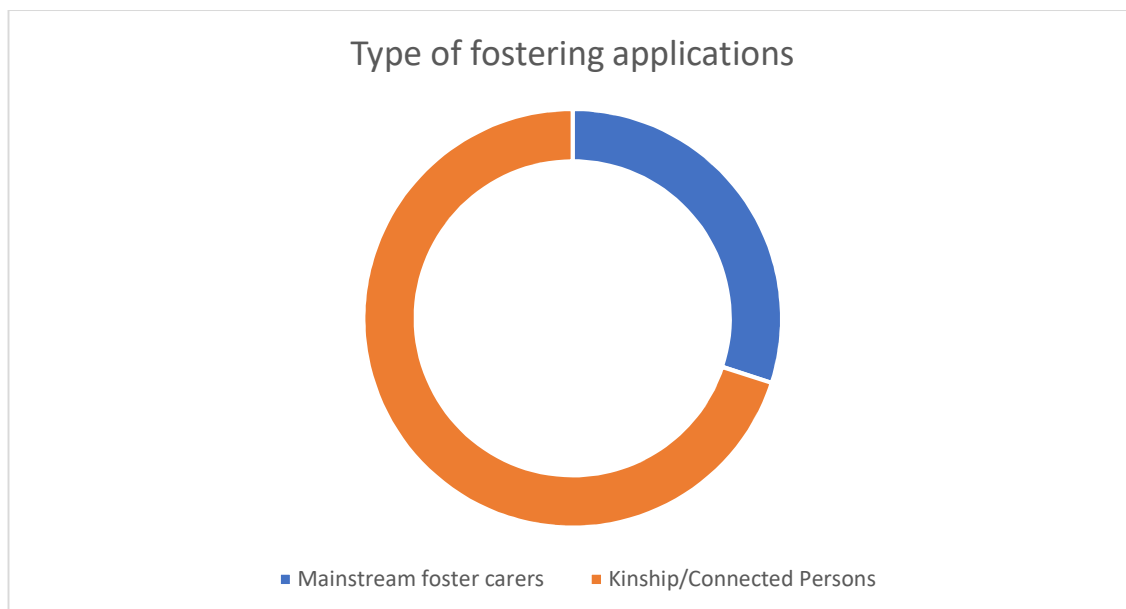
The IRM Cymru checks at an early stage in the review process that it is aware of any disability or impairment that the applicants or agency representatives might have that would need to be taken into account in arranging a panel. There were no requests in year for such consideration. There were no requests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



## Emerging themes during 2021 - 2022

### Kinship Carers/ Connected Persons

The majority of applications relate to Connected Persons fostering with all but one case involving grandparents.



### **Extract from - Two decades of UK research on kinship care: an overview Joan Hunt December 2020**

*While the children entering kinship care tend to have needs as great as those in other forms of substitute care, and greater than those in the general child population, the circumstances of the carers taking on such a challenging task are, in general, much less advantageous than either the general population of birth parents or, unrelated foster carers..... Using administrative child welfare data, McArten and colleagues (2018) found a strong, statistically significant, correlation between deprivation and kinship foster care in all UK countries.*

### Limited Support Available

A consistent theme across applications was that there had been a lack of support from the agency which had added to the difficulties of the situations being faced. When an application involves the deregistration of a foster carer then the applicants can usually access support from a formal provider such as Foster Talk. However where the decision is about suitability to foster then the applicants do not have access to the formal sources of support, especially if they are kinship carers who have been caring for a child informally. It has been noted that there is very little support available for connected persons to help them to understand and challenge decisions made by the local authority, especially if they have not been accepted as suitable. We have been developing stronger links with Welsh based organisations who we can signpost kinship carers to for further support including Kinship Cymru and The Roots Foundation.

### Limited access to Technology

The situation that kinship/connected person applicants are more likely to come from lower socio-economic groups in society is borne out by those applying to the IRM service. Applicants who are kinship carers are less likely to have access to a laptop and have mainly used a mobile phone for all

interactions with their foster agency and subsequently with the IRM. It has become apparent that some applicants have needed to use their mobile phone to read and make sense of large amounts of assessment and reporting information sent to them by Fostering Agencies, these can be in excess of 100 pages of A4. They have also attended the original foster panel by mobile phone.

In two cases during this year the IRM has supported access to the panel by meeting with the applicant in a space which is acceptable to them and providing the applicant with a wifi connected laptop and support in using this. This has enabled them to take part in the proceedings and be able to view all the panel members present. Applicants have also had documents printed and sent out to them by secure post for them to be able to read the information more easily and make notes to help them present their issues to panel.

### Impact of Covid 19

The impact of Covid 19 has been apparent in many of the cases coming forward to the IRM in terms of the limited support available to foster carers both mainstream and kinship carers. Sources of support during this time largely went online, many children did not attend school, and there were high levels of staff absence in foster agencies and wider support services due to sickness. This put a strain on communication, reduced access to quality face to face training opportunities and exacerbated already difficult relationships. It also delayed assessments and reports as it took longer to gain access to the people who needed to contribute to these.

### Responding to general enquiries

The IRM is at times approached by people who are unhappy with the way that they have been treated by their fostering or adoption agency. We signpost these to the agency complaints process or to other independent sources of support including their Members of the Senedd, the Children Commissioner for Wales and Fostering and Adoption charities. We are continually developing our information as to possible support available to better respond to a range of needs.

