

IRM Cymru

Annual Report 2017-2018



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). 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 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, not surprisingly given the timescale, 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.

Developments in 2017-18

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 2019. There is a current consultation regarding changes to the fostering regulations one element of which is the future of the IRM.

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 November 2017. The main focus of that was an update on relevant fostering and adoption case law. This also looked at the activity of the IRM over the past year and at developments within the NFF.

Newsletters were sent to all panel members in March and June 2018.

The processes that the IRM uses and linked forms were all reviewed and updated to ensure they were GDPR compliant

Applications to the IRM in 2017-18

There were 12 applications received by the IRM in 2017-18

10 of these were accepted.

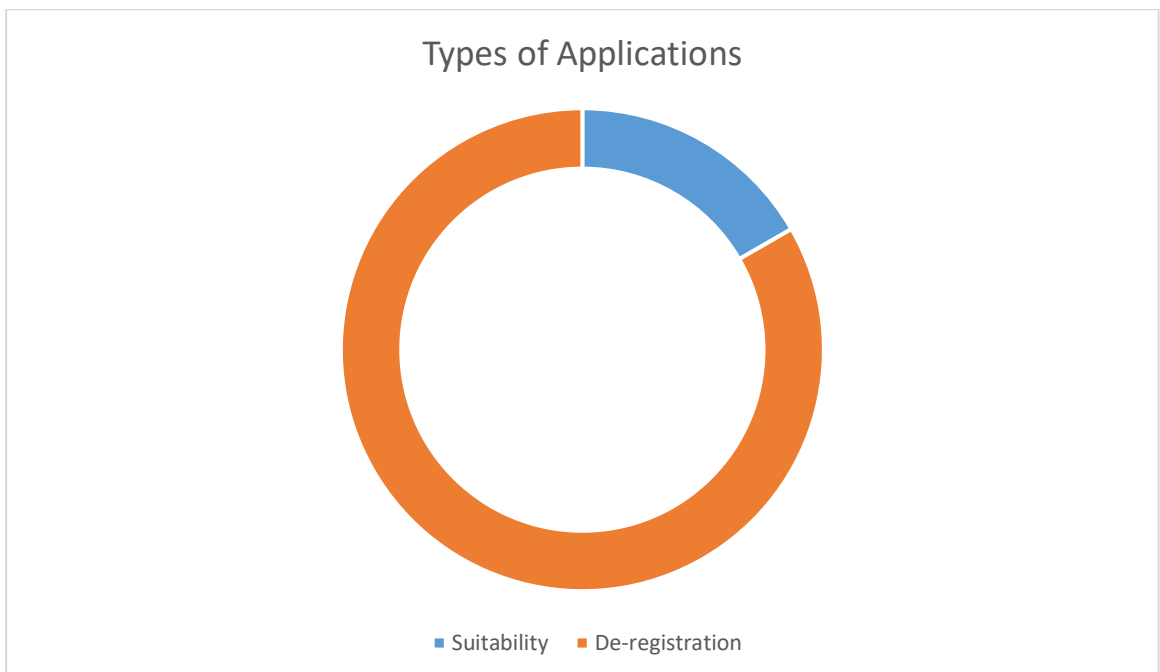
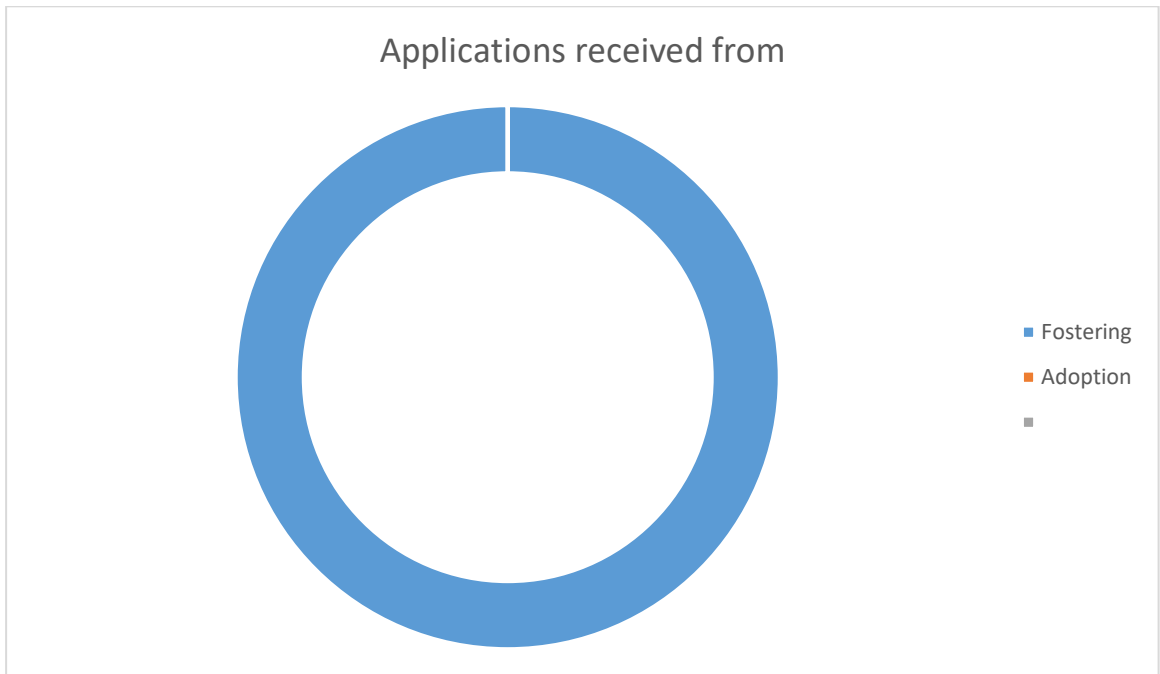
1 was withdrawn from prospective kinship carers.

1 was ineligible because they did not have a QD as in this instance the applicants were approved but not on the terms they had hoped for which under the current regulations does not constitute a qualifying determination. The other had not progressed to a full assessment.

1 was subsequently withdrawn as it was a kinship foster care application that was in the court arena. The applicant decided to pursue a different option to the IRM.

All of the applications related to foster carers, (3 of whom were potential or current kinship foster carers)

2 were in relation to initial suitability and 10 in relation to a proposed de-registration.



10 of the 12 applications received were eligible. All the applications were heard within the required timeframe.

Geographical spread of applicants in applications

This applications were relatively evenly spread in comparison to earlier years of the IRM's operation. In the case of IFA's the location is that of the office that is supporting the applicants.

Geographical spread of fostering service providers and adoption agency

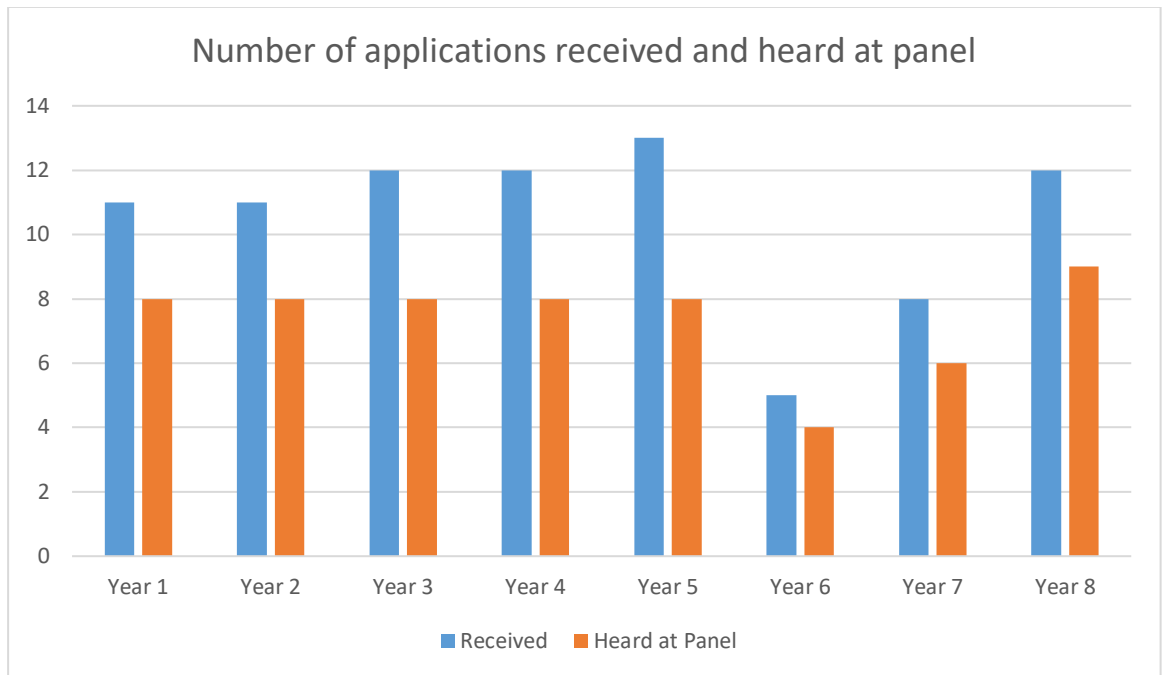
Anglesey	1
Blaenau Gwent	1
Cardiff	2
Merthyr Tydfil	2
RCT	1
Swansea	3
Wrexham	2

Specific Needs

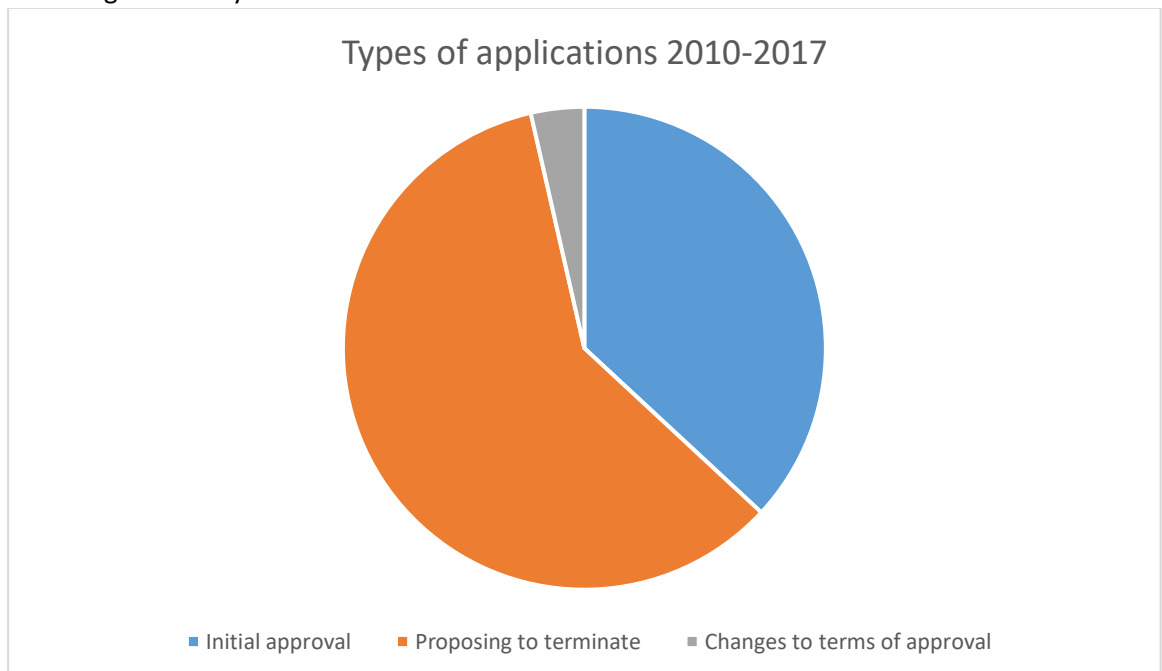
The IRM Cymru ensures at an early stage in the review process that it is aware of any disability or impairment that the applicants or agency representatives might have that would need to be taken into account in arranging a panel. There were no requests in year for such consideration.

One application involved a family where 1 member had Welsh as a first language but as her partner did not they were happy for panel to be heard through the medium of English. The IRM is fortunate to have a panel chair who can communicate through the medium of Welsh.

Comparative Data 2010-18

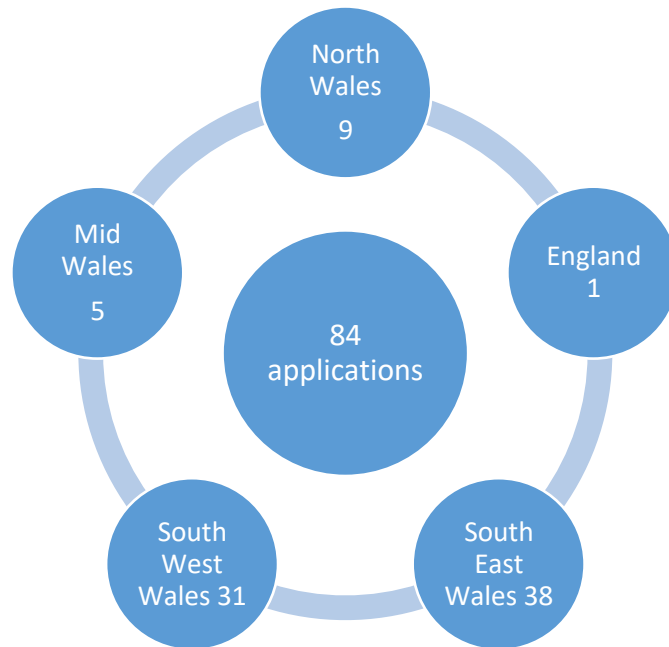


Year 8 saw an increase in applications on recent years to 12. Nine progressed to panel although 3 applications were received in March 2018 and so were not heard until the following financial year.



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 were no applications from Adopters

Location of applicants



Location of agencies in the 84 applications received

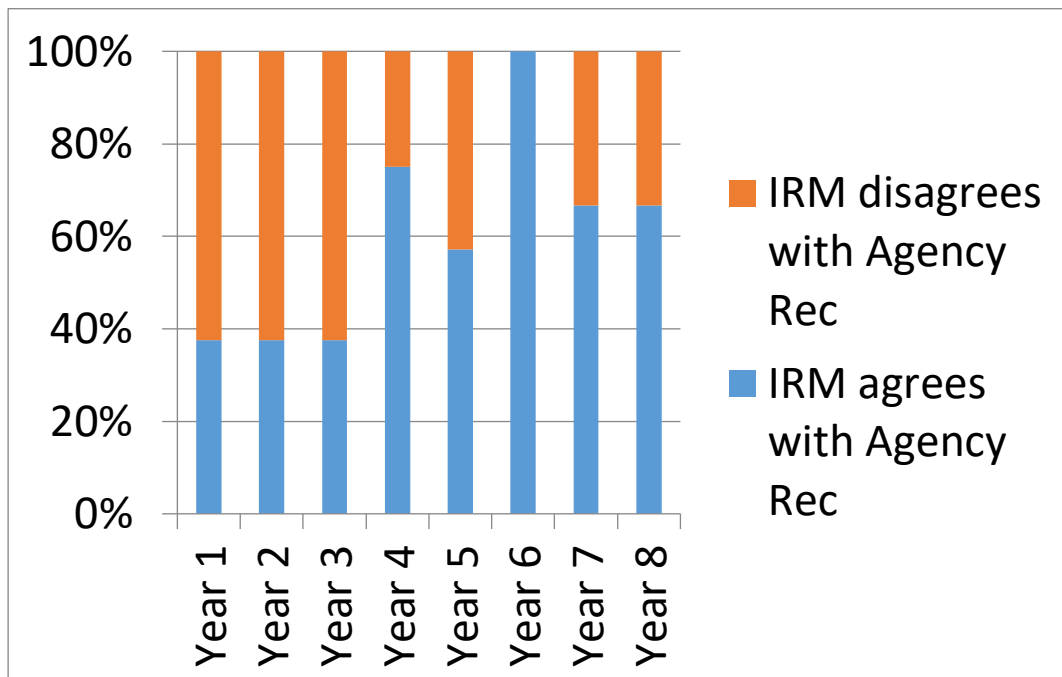
Anglesey	1
Blaenau Gwent	3
Bridgend	1
Caerphilly	2
Cardiff	17
Carmarthenshire	3
Ceredigion	1
Conwy	1
Flintshire	1
Gwynedd	1
Merthyr Tydfil	3
Neath Port Talbot	6
Newport	3
Pembrokeshire	1
Powys	2
Rhondda Cynon Taff	11
SEWAS	1
Swansea	17
Vale of Glamorgan	2
Wrexham	4

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.

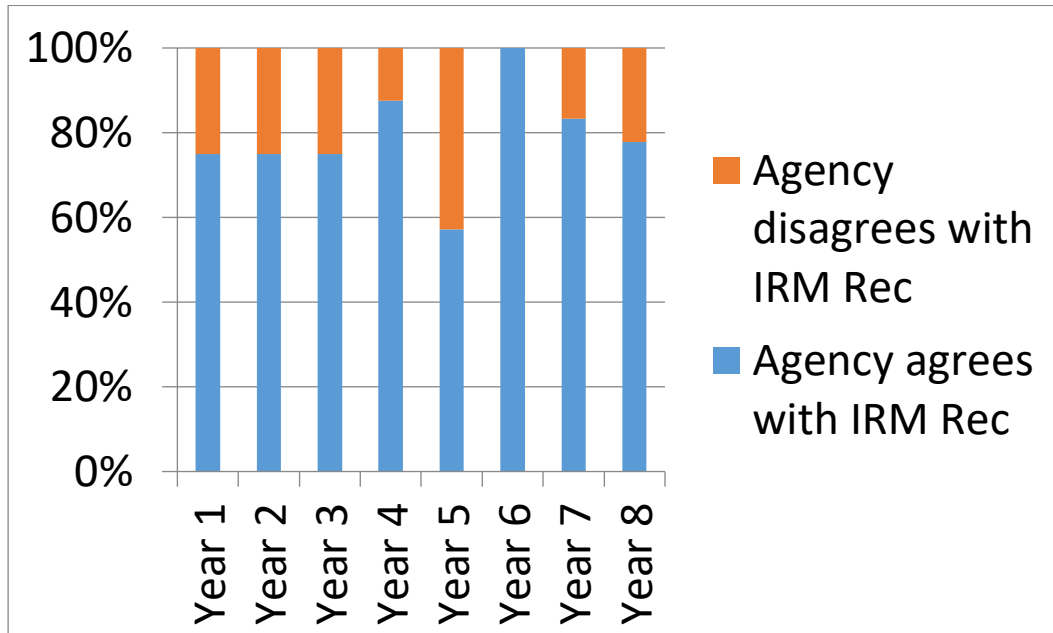
Status of applicants

For the known ethnicity of applicants they have all been White Welsh / White British with the exception of 2. In 2017/18 all applications were from White Welsh / White British with the exception of 1 application.

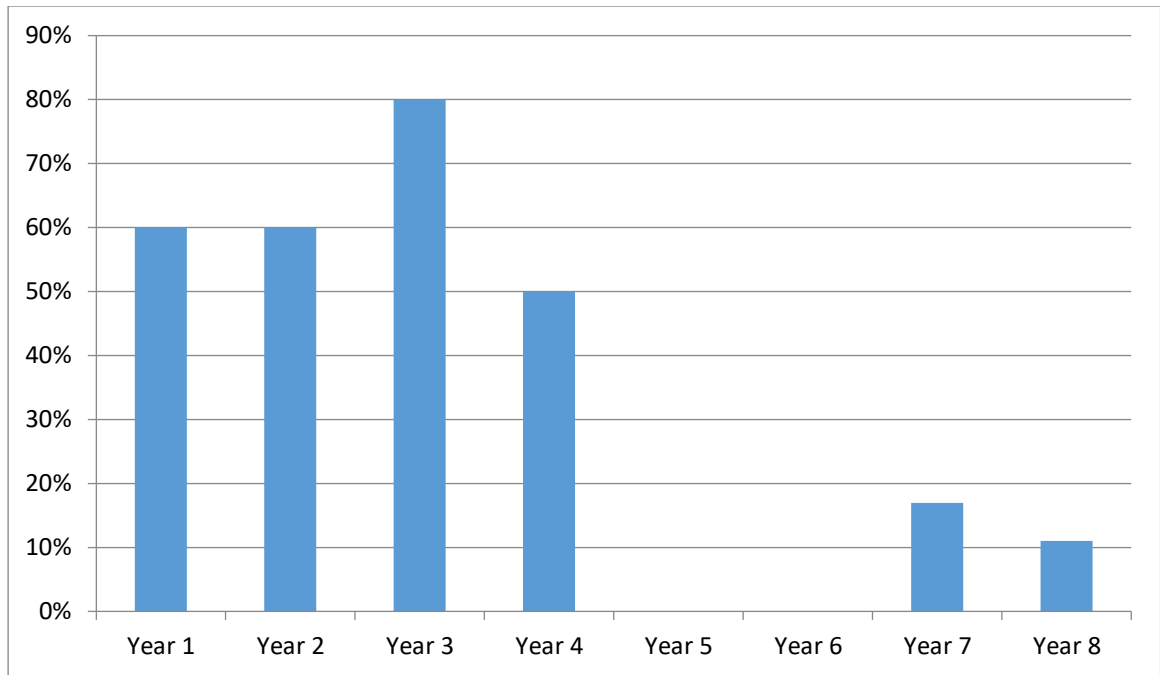
The chart below shows as a percentage, where the IRM disagrees or agrees with the Agency recommendation.



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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 8 the IRM concurred with the agency in 6 out of the 9 applications that review panels heard. The agencies went on in those cases to uphold their original proposed decision

In the 3 cases where the IRM panel did not agree with the agencies proposed decision, in 2 cases the agency proceeded with its proposal to de-register and in the other the ADM decided to continue with the carer's registration with a development plan to address the issues of concern the agency had identified.

Applications from connected persons (kinship)

This year saw 3 applications from potential kinship carers following several years where the number of such applications had declined.

1 of those was not heard at panel as the application was withdrawn.

1 was where the carer was a respite kinship carer and the agency did not feel that foster carer approval was needed in order to facilitate the contact the carer was having with the young person

1 was in relation to a carers who had been looking after their grandson for some time but were recommended not to be suitable.

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

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 documentation and the provision of an independent assessor/reviewer where there were proposed de-registrations.

Areas for development identified by the IRM

As in previous years some applicants to the IRM had been subject to a child protection investigation following an allegation. Sometimes this was the catalyst to examine past concerns that carers felt had been dealt with and were aggrieved when they were raised again. It is accepted that sometimes a chronology which includes past events can show a pattern of concern which leads to the proposal to de-register

In a high percentage of applications communication appears to have broken down between the agency and the applicant. There is a risk that the IRM process can exacerbate rather than help to remedy that. Although applicants consistently feedback that even where their application has not achieved the desired outcome for them they have valued the opportunity to 'have their say'

Feedback to the IRM

The IRM received no complaints during 2017-18

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 wish to thank everyone involved for making this a fair process. When you find yourself in this situation it's never going to be easy but, it was clearly explained throughout and we understood what was happening.

Thank you for making us feel at ease during this difficult time – thank you for listening.

Quotes from agency below

The panel was very smooth running despite this being quite a difficult and unusual situation. It was helpful to have IRM's views as it's always good to have additional external views and advice as we are all dealing with complex matters.

I found the IRM process helpful – minutes from the meeting were well formatted and clear and the legal advice shared beforehand was helpful.

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 has shared information about the consultation regarding the fostering regulations to panel members and will be providing a response to Welsh Government about those

Conclusions

- The 1st 5 years of the IRM saw a consistent number of applications to the IRM. Year 6 saw a significant decline to 5 applications since then there has been a steady increase and year 8 has seen the number of applications returning to those of previous years with 12 applications
- 10 of the 12 applications were in relation to proposed fostering de-registrations.
- Geographically there was a more even spread of applications

- In this year of the 9 applications heard by panels, the IRM panels concurred with the proposed de-registration in 6 of the cases. In 3 it differed, in those the agency upheld their original proposal to de-register but in 1 amended that to allow the foster carer to continue with a supporting action plan.
- There were 3 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.
- 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 of panels.