

IRM Cymru

Annual Report 2020-21



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 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 relevant information, 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 and the . The Adoption Agencies (Wales) (Amendment) Regulations 2020 (which became operational on April 1st 2020). It was proposed that the

IRM would cease and regulations were drafted that would have made use of agency complaints procedures. Having consulted upon those Welsh Government decided that in order to promote a consistency of approach across Wales that the IRM would continue. It extended the contract with Children in Wales until July 2021 and a tendering process is underway in relation to the delivery of the service after that date

Developments in 2020-21

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 currently operated by Children in Wales on behalf of Welsh Government it is contracted to do so until July 2021

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 there has been about the long term future of the IRM (see above). It has not been appropriate to undertake a full recruitment process.

The IRM usually holds a development day for panel members but again given the uncertainty re the continuation of the contract one was not held in 2020-21 Regular communications were sent to panel members to update on for example relevant case law. The AFA legal bulletins are sent to panel members for their information.

In April 2020 it was agreed because of the covid pandemic that all applications would be heard virtually using the medium of teams. All information was sent to panel members electronically and panels were heard using Microsoft teams. Policies were amended to reflect this change. As the year progressed amendments were made to enable the process to run as smoothly as possible, for example questions compiled prior to panel were shared with the applicants and agency at least 24 hours in advance of panel to enable them to have time to consider their responses.

Applications to the IRM in 2020-21

There were 8 applications received by the IRM in 2020-21

4 of these were accepted.

1 was withdrawn – Kinship case, applicant decided to ask the agency to ‘look again’

1 was ineligible because the application was out of timescale.

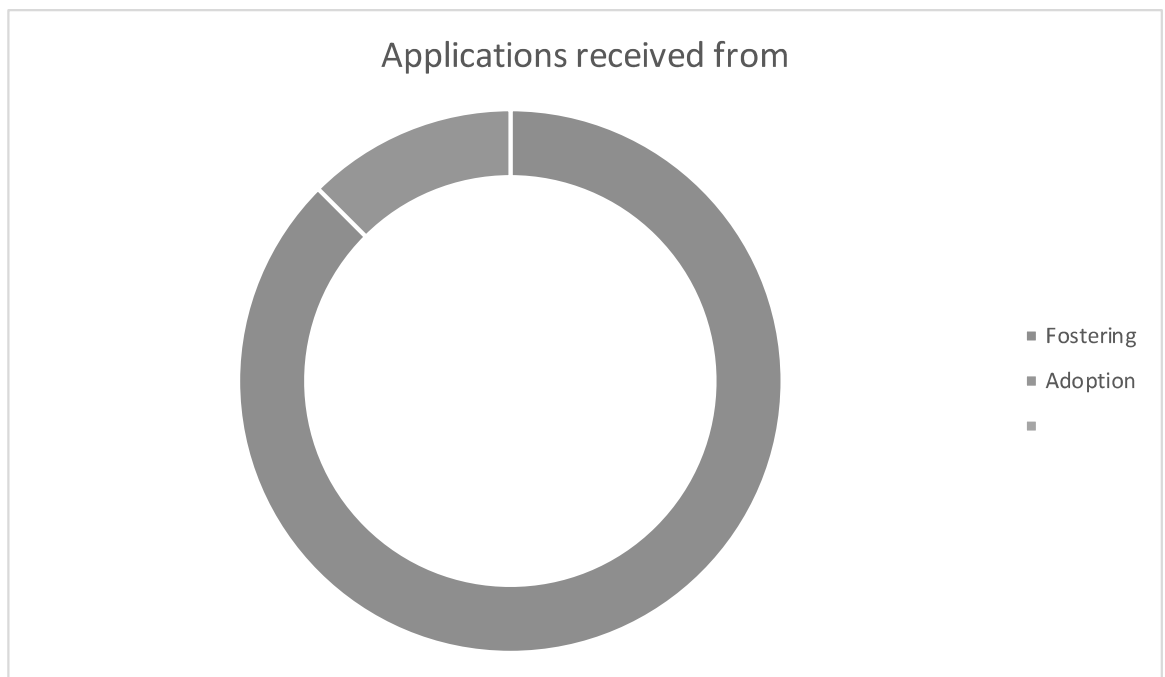
1 was ineligible as the applicants had resigned as foster carers.

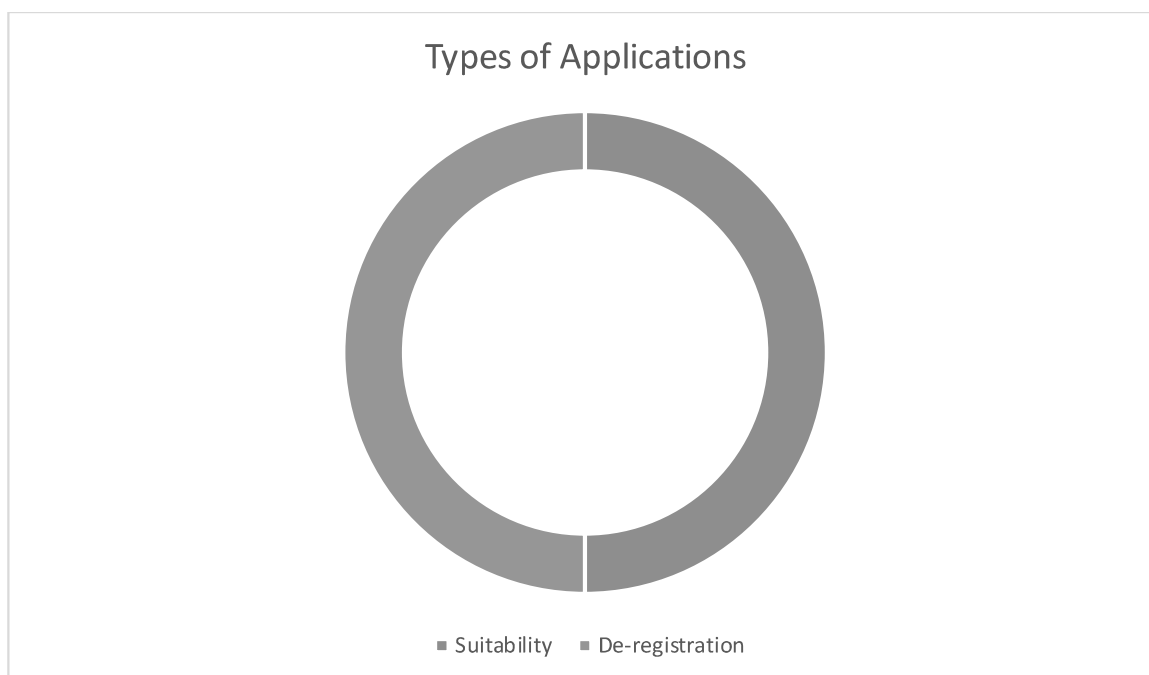
1 was ineligible as the applicants had been approved as foster carers but received a letter stating they had a qualifying determination.

7 of the applications related to foster carers and 1 was from an adopter.

Of the 4 accepted cases, 2 were in relation to initial suitability and 2 in relation to a proposed de-registration.

Applications to the IRM in 2020-21





5 of the 8 applications received were eligible (although as stated above 1 was subsequently withdrawn). All applications were heard within the required timeframe.

Geographical spread of applicants in applications

6 of the 8 applications were from the south of Wales, 1 was from North Wales and 1 from Mid 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

Bridgend	1
Gwynedd	1
Torfaen	1
NPT	1
Monmouthshire	1
Cardiff	2
Powys	1

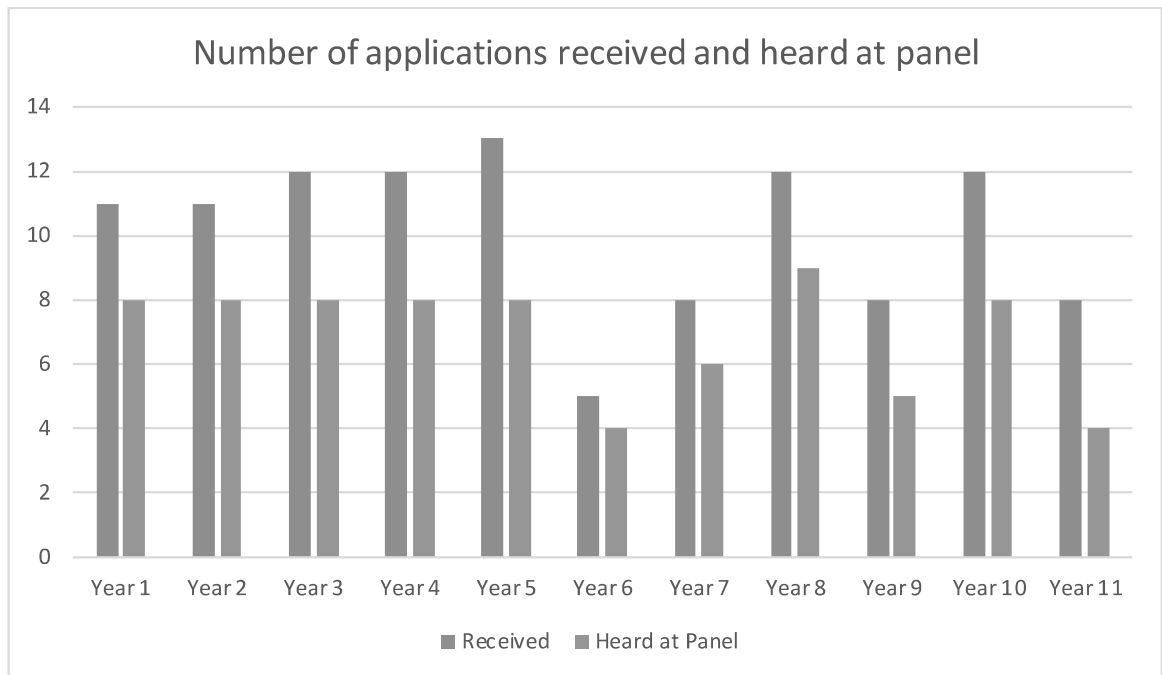
Specific Needs

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

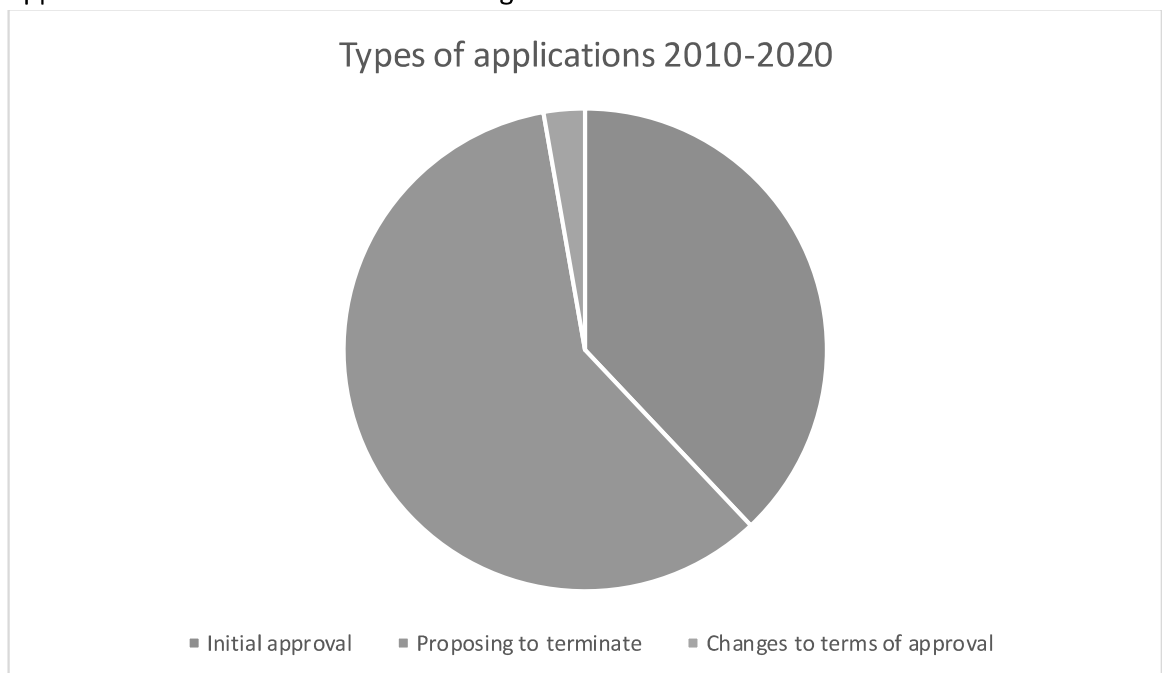
be taken into account in arranging a panel. There were no requests in year for such consideration.

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

Comparative Data 2010-2021

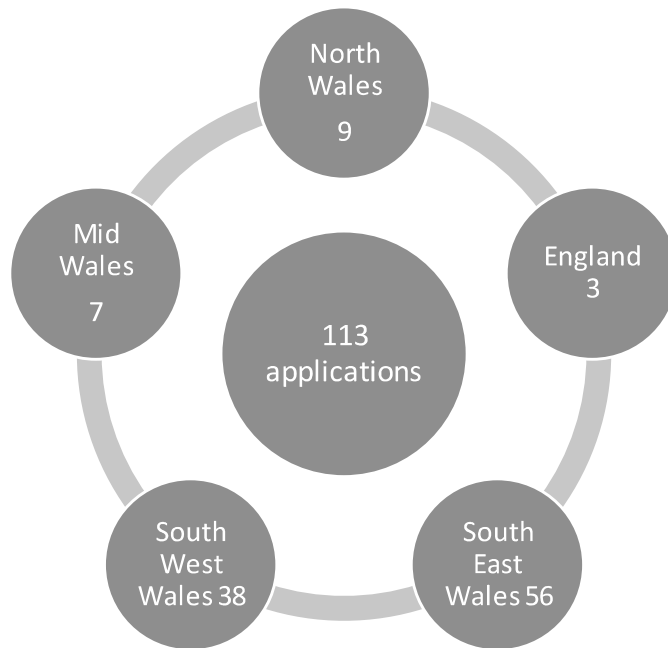


Year 11 saw an decrease in the number of applications on the previous year. With 8 applications received and 4 reviews being held



All but 1 of the applications received in 2020-21 were from proposed or current foster carers. Half were in relation to suitability and the other half were in relation to proposed de-registration. 3 applications were from kinship foster carers (1 of which was withdrawn)

Location of applicants



Location of agencies in the 113 applications received

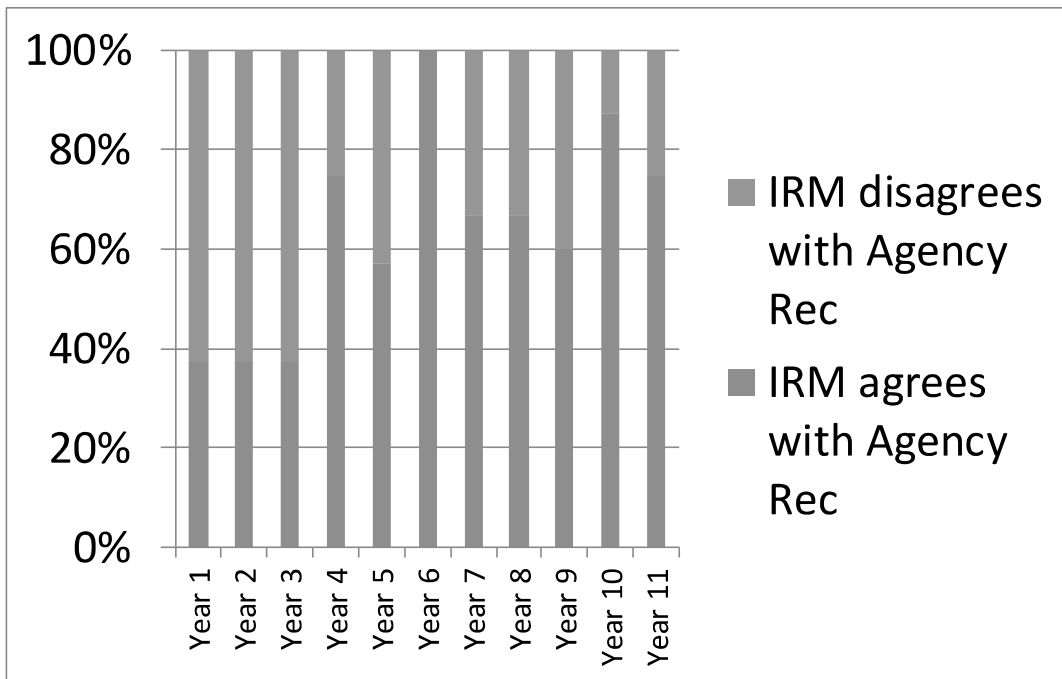
Anglesey	1
Blaenau Gwent	3
Bridgend	2
Caerphilly	2
Cardiff	25
Carmarthenshire	3
Ceredigion	1
Conwy	1
Flintshire	1
Gwynedd	2
Merthyr Tydfil	3
Monmouthshire	1
Neath Port Talbot	10
Newport	5
Pembrokeshire	1
Powys	4
Rhondda Cynon Taff	13
SEWAS	1
Swansea	20
Torfaen	1
Vale of Glamorgan	6
Wrexham	4
England	3

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.

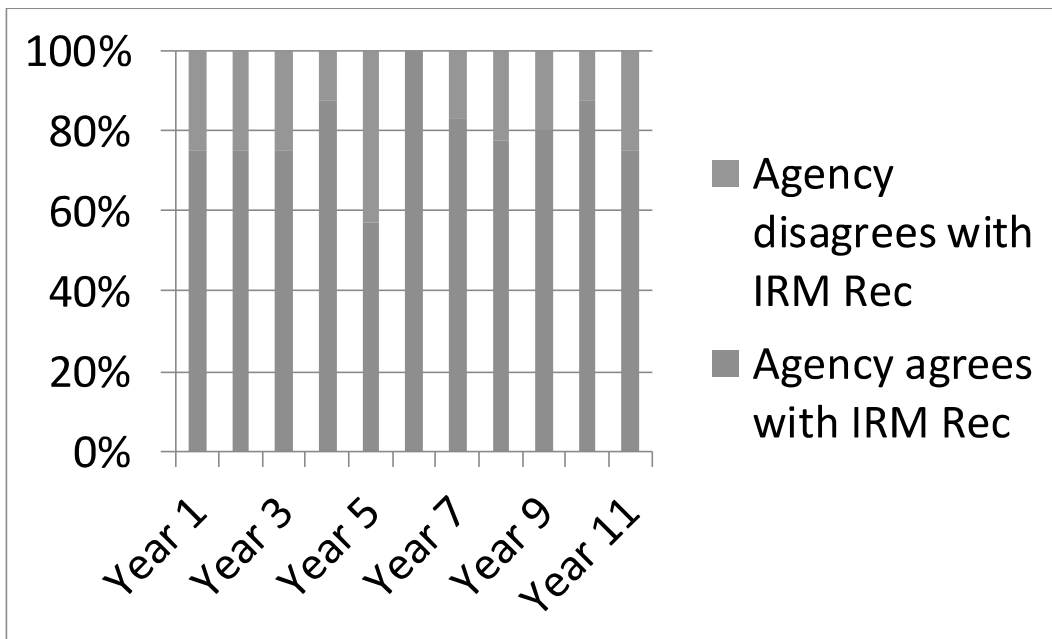
Status of applicants

For the known ethnicity of applicants they have all been White Welsh / White British with the exception of 2. In 2020/21 all known applications were from White Welsh / White British.

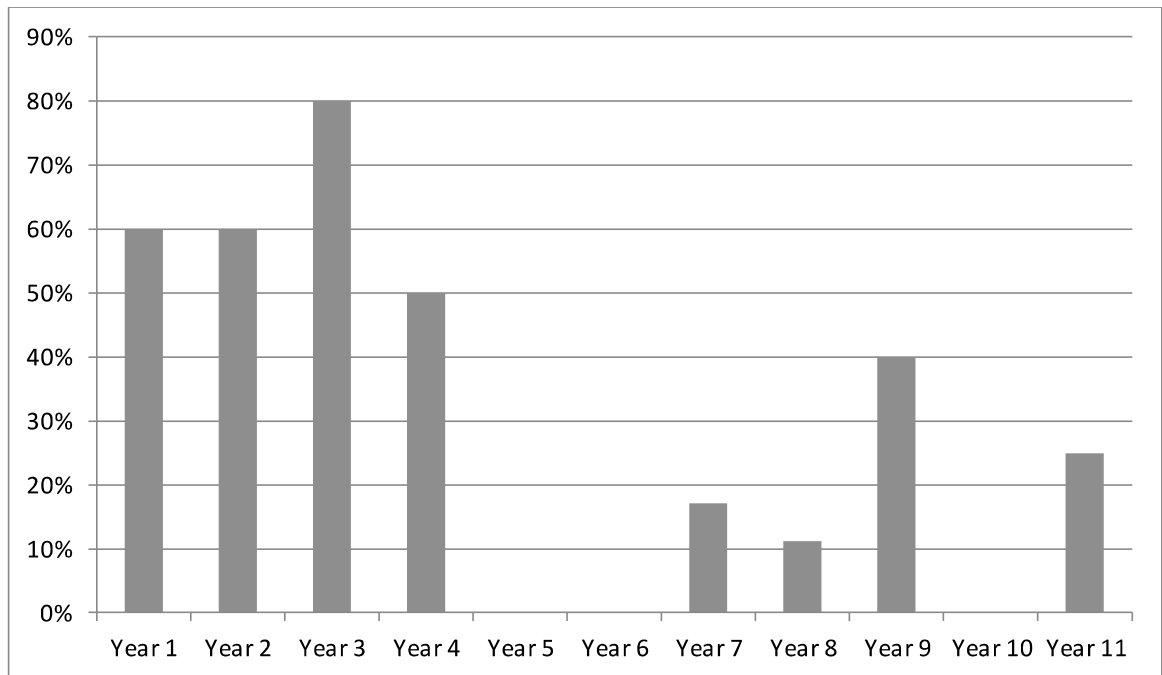
The chart below shows as a percentage, where the IRM disagrees or agrees with the Agency recommendation.



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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 11 the IRM concurred with the agency in 3 out of the 4 applications that review panels heard. The agencies went on in those cases to uphold their original proposed decision.

In the 1 case where the IRM panel did not agree with the agencies proposed decision, the final decision from the agency concurred with the IRM.

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%

Year 10 – 75%

Year 11 - 38%

This year has seen a decrease to 3 applications from potential or actual kinship foster carers. Of the 4 that did not proceed to a review 1 was a potential kinship carers.

Good Practice identified by the IRM

Given that the reviews had to move rapidly to virtual panels. Agencies were very helpful in supporting applicants to manage the process via teams. On occasions they visited people to ensure they were familiar with Microsoft teams

The representatives who attended the review panels 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 the IRM review panel in a timely manner and were very helpful in terms of the provision of additional information where requested.

Areas for development identified by the IRM

- As the future of the IRM has been uncertain for a number of years there has been very limited work in terms of recruitment and panel development. Now the decision has been taken to retain the IRM in Wales that will need to occur
- 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 on them.
- There is a need for updated training and development as panel members have not been provided with this because of the planned ending of the IRM.
- It is particularly important that there is training in relation to adoption disclosure for those panel members who would hear such an application,
- An induction pack needs to be developed for new members of the central list

Feedback to the IRM

The IRM received no complaints relating to cases heard in 2019-20. However one applicant made a complaint in relation to a review that took place in 19-20. The complaint was investigated in line with the IRM complaints procedures. The complaint was not upheld by that and the complainant was not content with the outcome and applied to the ombudsman. The ombudsman investigated the complaint as the IRM is a service provided on behalf of Welsh Government. The ombudsman did not uphold the complaint

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.

Conclusions

- The IRM Cymru has received 113 applications in the 11 years it has operated on behalf of Welsh Government. In the year 19-20 it received 8 applications a decrease on the previous year
- 7 of the 8 applications were in relation to fostering, the other in relation to adoption.
- Geographically, 6 of the applications were from south wales, 1 from mid wales and 1 from north wales
- In the year, 2019-20 of the applications heard by panels, the IRM panels concurred with the proposed de-registration in 3 of the cases. In 1 it differed.
- The covid pandemic required a rapid switch to sending papers electronically and holding panels virtually via the medium of Microsoft teams. This has worked effectively and has the advantage of reducing the use of paper and travel time and costs. It is anticipated that the IRM will continue to operate in this way
- 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, has made it difficult to plan ahead for example in terms of recruiting to panel membership to enhance the diversity and skill base of panels. It is anticipated that the new contract will enable that to occur