

# IRM Cymru

## Annual Report 2016-2017



## 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 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 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 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, 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 2016-17**

The service has been embedded within Children in Wales and has continued to be managed by the personnel who delivered the service when it was managed by BAAF. Both Fiona Probert (the administrator for the service) and Jenny McMillan (the contract manager) have worked 14 hours per week during 2016-17.

The service is being run by Children in Wales under a government grant until March 2017.

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 below) and the limited number of panels it has not been appropriate to undertake a full recruitment process.

A development day was held for panel members in November 2016. This focused on legal and case law issues that were relevant to panel members and also had presentations on the training that foster carers were receiving from confidence in care. It also received and had the opportunity to discuss the family dynamics model especially in relation to kinship carers. There was an update in relation to the ongoing work of the NFF (National Fostering Framework).

A newsletter was sent to all panel members in April 2016.

The work on the IRM web-site has concluded and the letters and documents have been revisited to try and ensure they are as accessible as possible.

The legal advisor to the IRM has produced a guidance note for agencies on writing to applicants where they have a qualifying determination. This was shared with all agencies and has been placed on the IRM website for information.

During the year Welsh Government met with fostering and adoption colleagues to discuss the future of the IRM in Wales. Two consultation events took place one in North and one in South Wales. Following this there was a further meeting and Welsh Government will be sending out a consultation document to all relevant colleagues in relation to proposals for the future of the IRM in Wales.

A tender was released to deliver the IRM service for 2017-18 and Children in Wales were successful in bidding for this. This has been awarded to Children in Wales for 2017-18 with an option to extend this for a further year. The contract has been awarded on the basis that the administrator's hours will remain at 14 hours and the project manager's will reduce to 7 hours per week from April 2017.

## Applications to the IRM in 2015-16

There were 8 applications received by the IRM in 2016-17

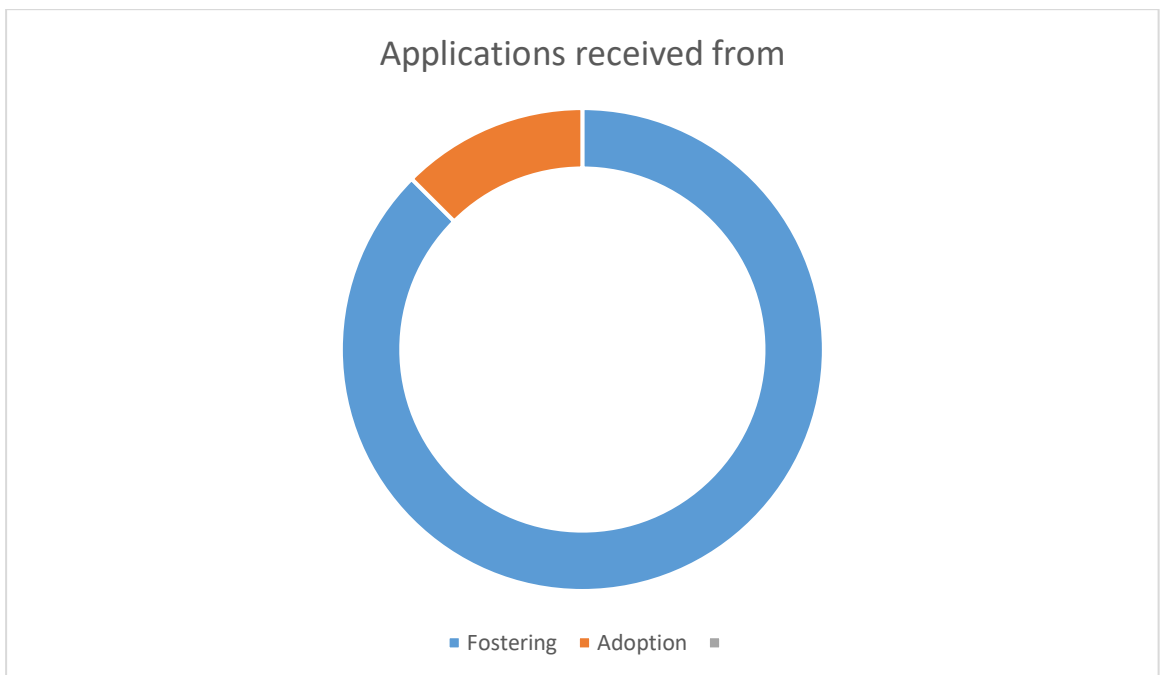
7 of these were accepted, 1 was received out of timescale and the Local Authority were not prepared for it to be heard on that basis.

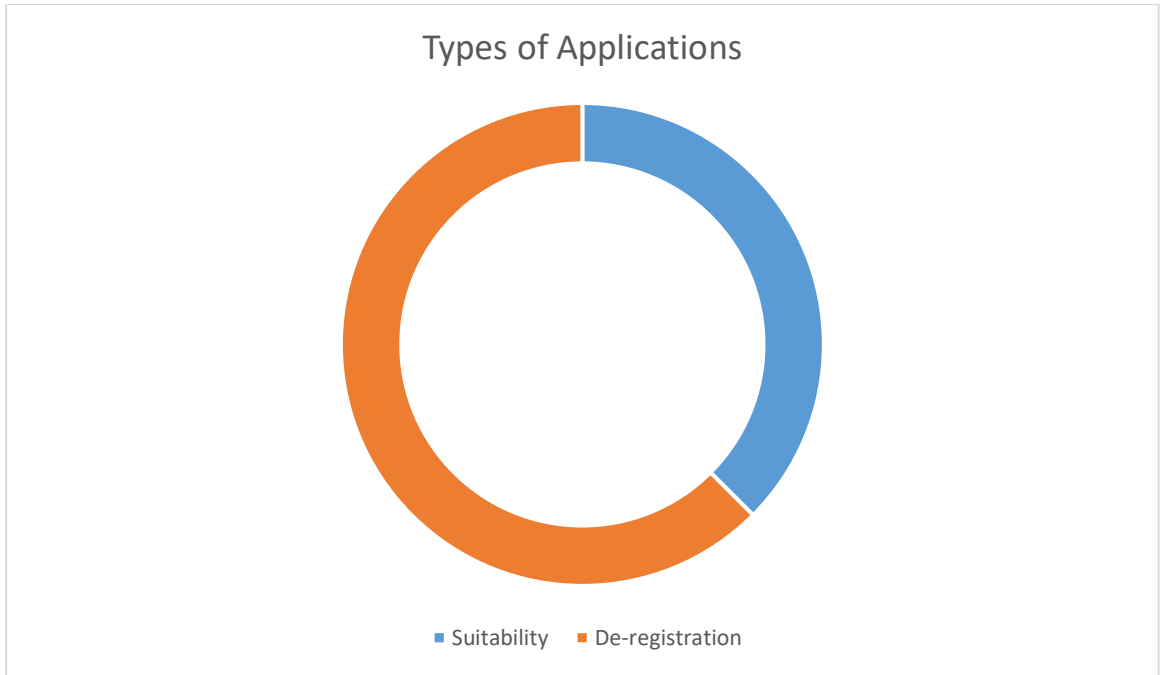
1 was subsequently withdrawn as it was a kinship foster care application that was in the court arena. The care proceedings concluded before an IRM panel could be convened and the agreed care plan was not for a fostering arrangement.

7 of the applications related to foster carers, (2 of whom were potential kinship foster carers)

3 were in relation to initial suitability and 5 in relation to a proposed de-registration.

1 was from a prospective adopter who the agency were 'minded not to approve'





7 of the 8 applications received were eligible. As stated above one was received out of timeframe. All the applications were heard within the required timeframe.

#### **Geographical spread of applicants in applications**

This year in contrast to previous years the applications came from a wider geographical basis

#### **Geographical spread of fostering service providers and adoption agency**

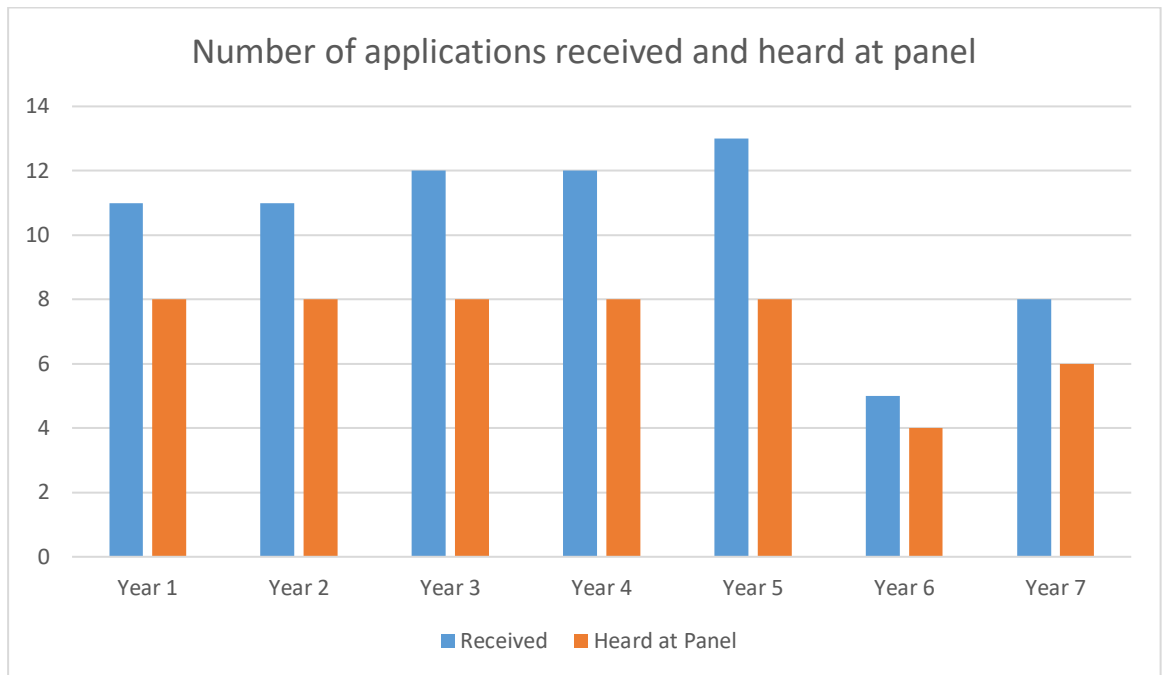
<b>Cardiff</b>	<b>2</b>
<b>Conwy</b>	<b>1</b>
<b>Gwynedd</b>	<b>1</b>
<b>Powys</b>	<b>1</b>
<b>SEWAS</b>	<b>1</b>
<b>Swansea</b>	<b>1</b>
<b>Vale of Glamorgan</b>	<b>1</b>

#### **Specific Needs**

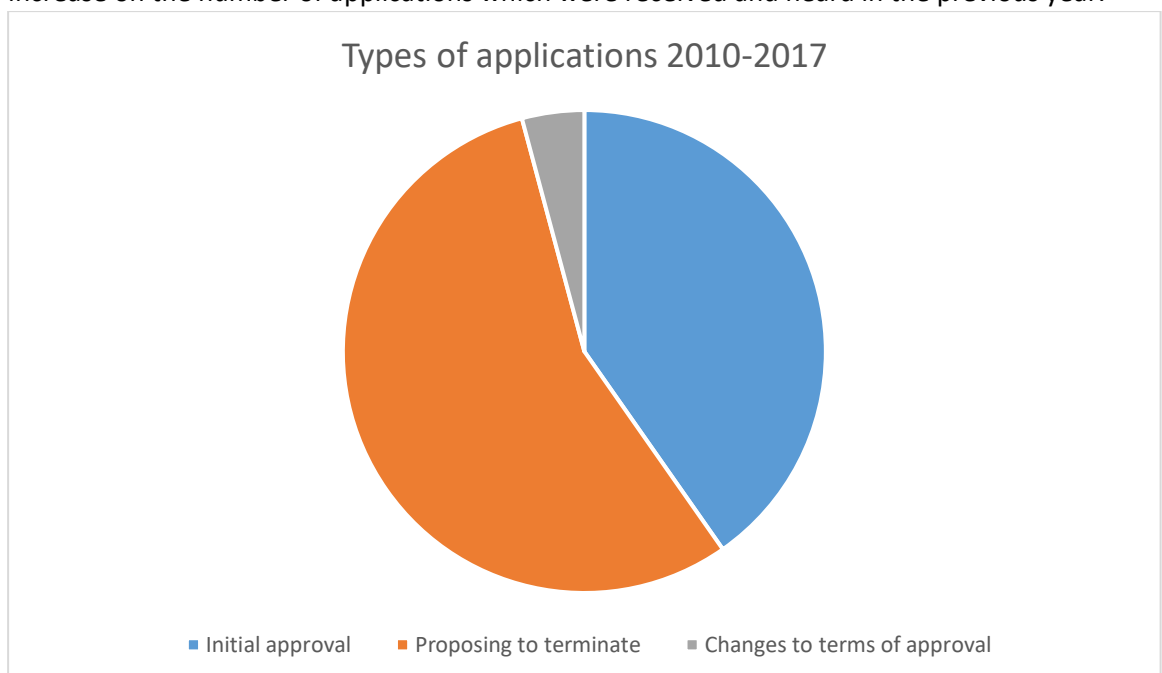
The IRM Cymru ensures at an early stage in the review process that it is aware of any disability or impairment that the applicants or agency representatives might have that would need to be taken into account in arranging a panel. There were no requests in year for such consideration.

There was 1 request for a panel to be held through the medium of Welsh and this was arranged with the support of simultaneous translation for some panel members. The chair could communicate through the medium of Welsh or English which was very helpful to the process.

### Comparative Data 2010-17

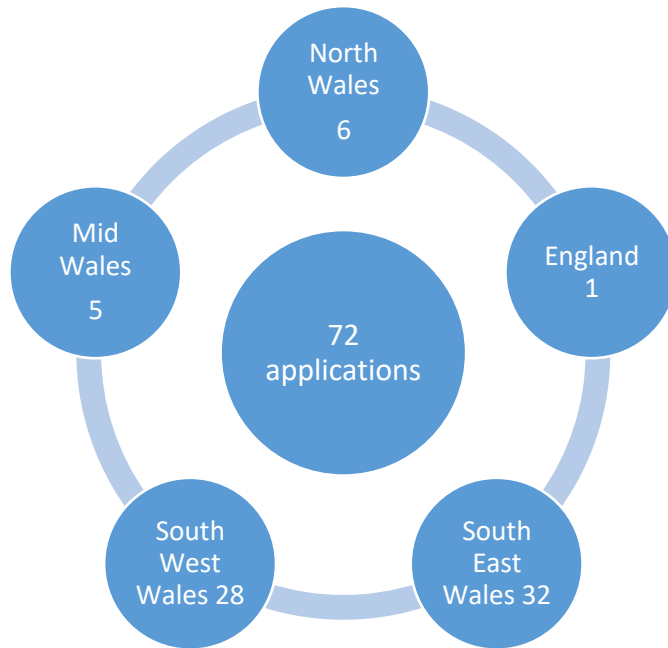


Year 7 while having a small number of applications in relation to some earlier years saw an increase on the number of applications which were received and heard in the previous year.



This year saw a continuation of the trend for the applications to the IRM to be dominated by proposed de-registrations, and by fostering rather than adoption applications.

### Location of applicants



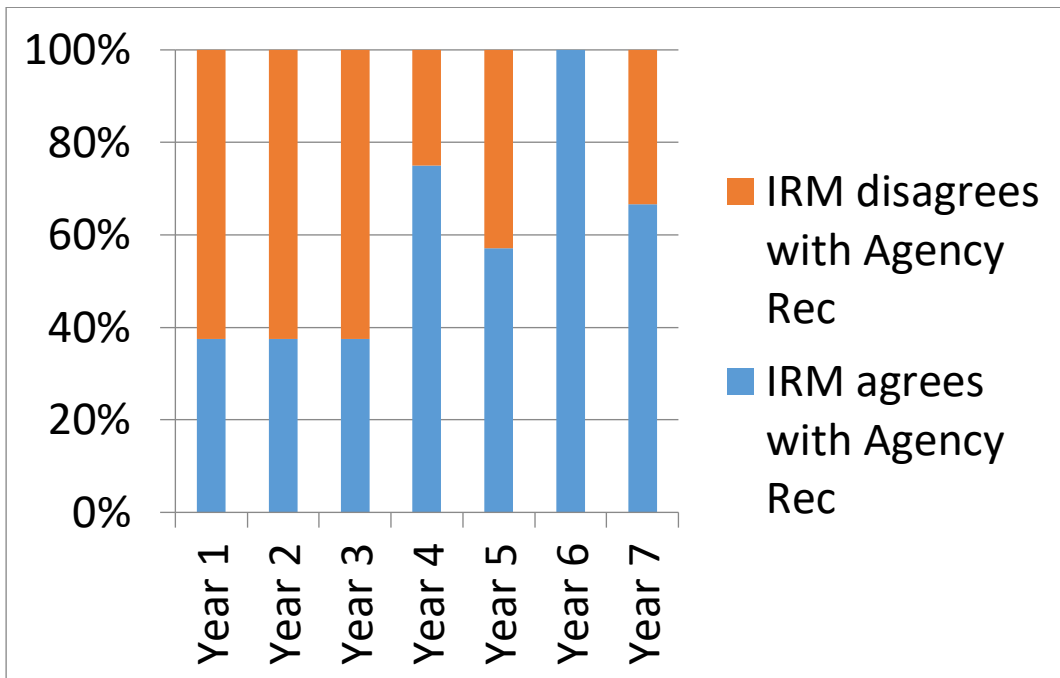
### Location of agencies in the 72 applications received

Blaenau Gwent	2
Bridgend	1
Caerphilly	2
Cardiff	15
Carmarthenshire	3
Ceredigion	1
Conwy	1
Flintshire	1
Gwynedd	1
Merthyr Tydfil	1
Neath Port Talbot	6
Newport	3
Pembrokeshire	1
Powys	2
Rhondda Cynon Taff	10
SEWAS	1
Swansea	14
Vale of Glamorgan	2
Wrexham	2

### Status of applicants

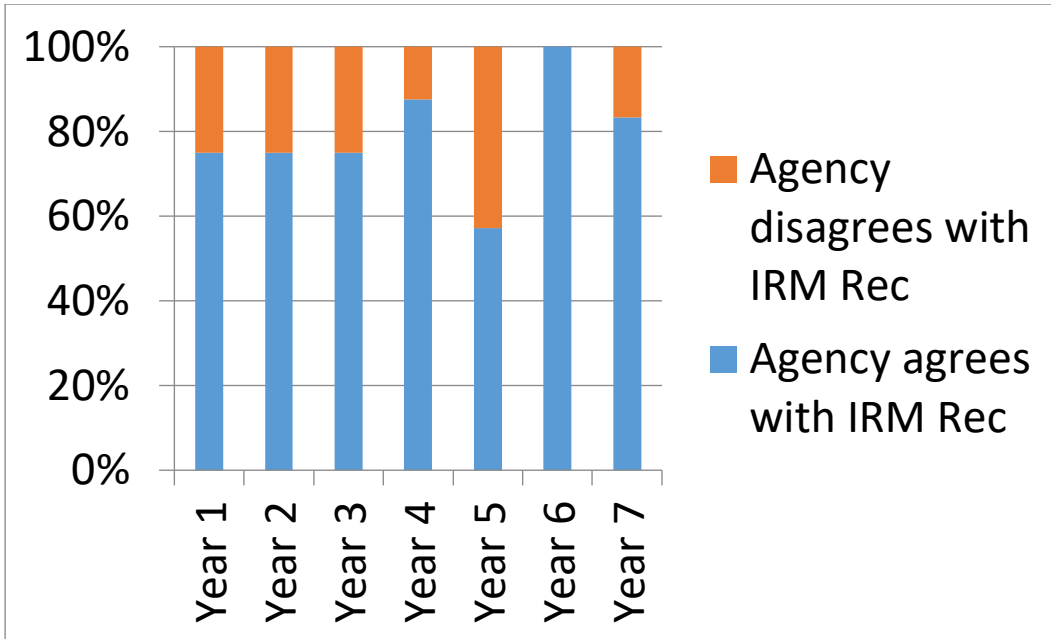
For the known ethnicity of applicants they have all been White Welsh / White British with the exception of 2.

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

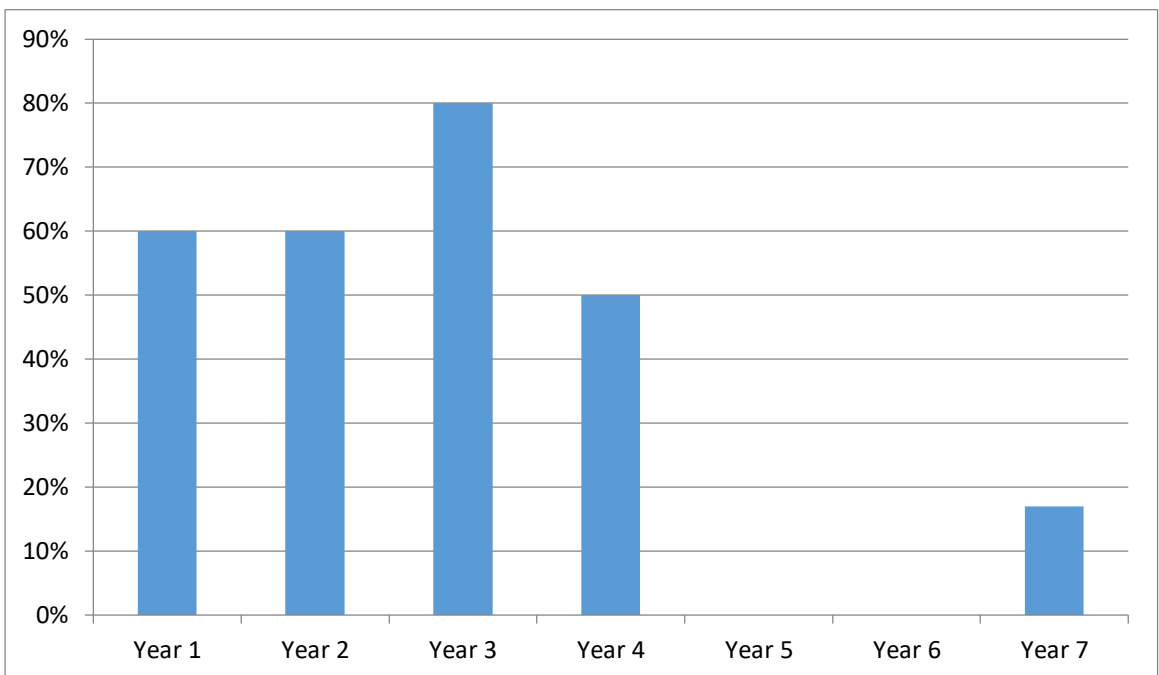


The chart below shows as a percentage, where the Agency disagrees or agrees with the IRM recommendation.





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 7 the IRM concurred with the agency in 4 out of the 6 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, in one case the agency proceeded with its proposal to de-register and in the other it changed its proposed decision and approved the applicant.

### **Applications from connected persons (kinship)**

This year saw 2 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 care proceedings concluded shortly after the application was made. As the care plan that was agreed at court was not one that included fostering as an option the applicant did not see the value of pursuing the application and withdrew that

Year 1 – 64%

Year 2 – 45%

Year 3 – 25%

Year 4 – 17%

Year 5 – 15%

Year 6 – 0%

Year 7- 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.

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. There remains a mixed response in terms of the support that is provide to foster carers during what is inevitably a stressful process. Foster Carers should receive appropriate support during such a period and it would be helpful if all agencies adopted a common approach to this.

AFA has a conference on the 18<sup>th</sup> May looking at the impact of allegations on carers and it is hoped that will assist in the development of good practice

### **Feedback to the IRM**

The IRM received no complaints during 2016-17.

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 very positive in relation to the service.**

**The following quotes are representative of the feedback**

*I was very grateful to express my views. (Applicant)*

*We have found the staff to be very efficient in their communication with us throughout this process. They have helped guide us through this process to ensure the panel was able to consider all matters appropriately. (Agency representative)*

**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 will ensure that when the consultation document from Welsh Government is released that panel members will have the opportunity to consider and comment on that.

**Conclusions**

- The 1<sup>st</sup> 5 years of the IRM saw a consistent number of applications to the IRM. Year 6 saw a significant decline to 5 applications and year 7 has seen a slight increase on the previous year to 8 applications, but this still remains below the level of the applications in the 1<sup>st</sup> 4 years.
- 5 of the 8 applications were in relation to proposed fostering de-registrations.
- 1 of the applications was in relation to the proposed non approval of a prospective adopter.
- 5 of the applications were from South Wales, 1 from Mid Wales and 2 from North Wales. This is a greater geographical variation than there has been in recent years
- In the previous year it had been the first time that the IRM panels had agreed with the proposed recommendations of the fostering/adoption agencies in all cases. This year saw 2 of the recommendations differ with one of those being changed from the proposed decision following consideration of the information from the IRM panel.
- There were 2 kinship applications this year but one of those could not be heard before the court proceedings concluded which is likely to be an issue with the 26 week rule.
- While the number of applications/review panels remains low, panel members are committed to the process and they plus the legal and medical advisor provide a professional service.

