

PLANT YNG NGHYMURU
CHILDREN IN WALES

IRM | independent
CYMRU | review
| mechanism
| mecanwaith
| adolygiad
| annibynnol

Independent Review Mechanism (IRM)

Annual Report 2023 – 2024



Claire Sharp, Contract Manager

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Introduction to the IRM

The primary purpose of the IRM is to increase public confidence in the transparency of the process for approving people as suitable to foster or adopt children, and to encourage more people to consider fostering or adopting some of the most vulnerable children in our society.

We are a small team working part time consisting of Claire Sharp – Contract Manager and Rachel Robinson – IRM Administrator.



Claire Sharp
Contract Manager



Rachel Robinson
IRM Administrator

Who is this publication for?

- Service providers
- Foster carers
- Adopters
- Prospective foster carers and adopters
- Those seeking access to adoption records
- Anyone with an interest in fostering and adoption
- Agencies providing support to foster carers

Background to the IRM

An IRM service had been in operation since 2005 (operated by Welsh Government). Initially reviews only related to decisions about suitability to adopt. 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 extending the remit of the IRM to include fostering. The IRM has been hosted by Children in Wales since September 2015 who operate the service on behalf of Welsh Government.



Role of the IRM Panel

Suitability to foster or adopt

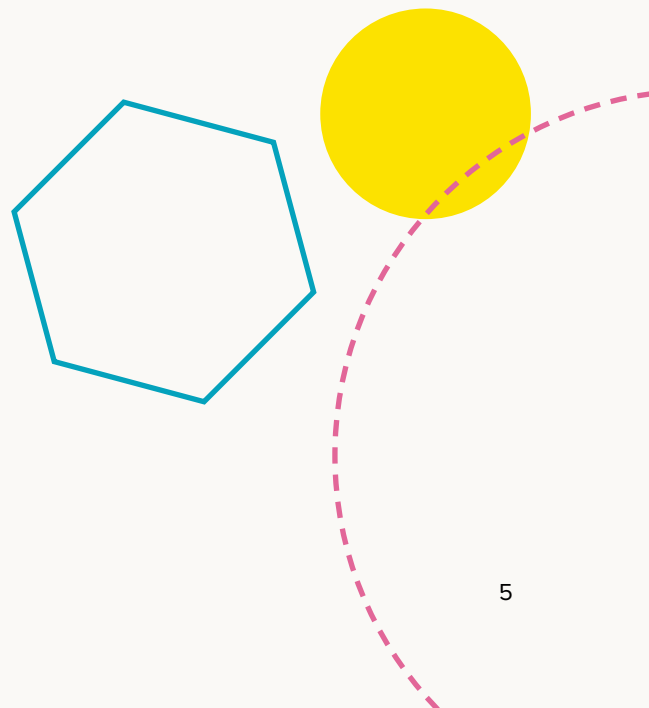
The IRM receives applications from individuals who have received a 'qualifying determination' from an agency about their suitability to act as foster carers or adoptive parents. The IRM offers the opportunity for the information about the applicant(s) to be reviewed by an independent panel before the final decision is made by the agency. This includes local authorities, and independent fostering and adoption services.

The IRM review panel is not an appeal, it is a review, and it cannot overturn the Fostering Service Provider (FSP) Qualifying Determination. It can however make a fresh recommendation to the FSP on the applicant(s) suitability to foster or adopt a child and/or the terms of approval.

The review panel will make its recommendation after it has taken into account the information that was put before the original panel, and any additional information that may have been submitted for consideration by the IRM panel.

It provides applicants with the opportunity to have their case independently reviewed and to ensure that any information that they feel was not properly considered by their agency is looked at by the independent panel. For agencies it supports their responsibility to foster carers and adopters to operate within the framework of fostering and adoption regulations and guidance.

The Review Panel can provide feedback to the agency on its policy, practice and procedure and any learning the panel thinks would be helpful for them to consider from the case. This is an important quality assurance function which benefits both applicant(s) and agencies.



Disclosure of Information

In addition to the reviews above, the IRM Panel can give a recommendation 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.

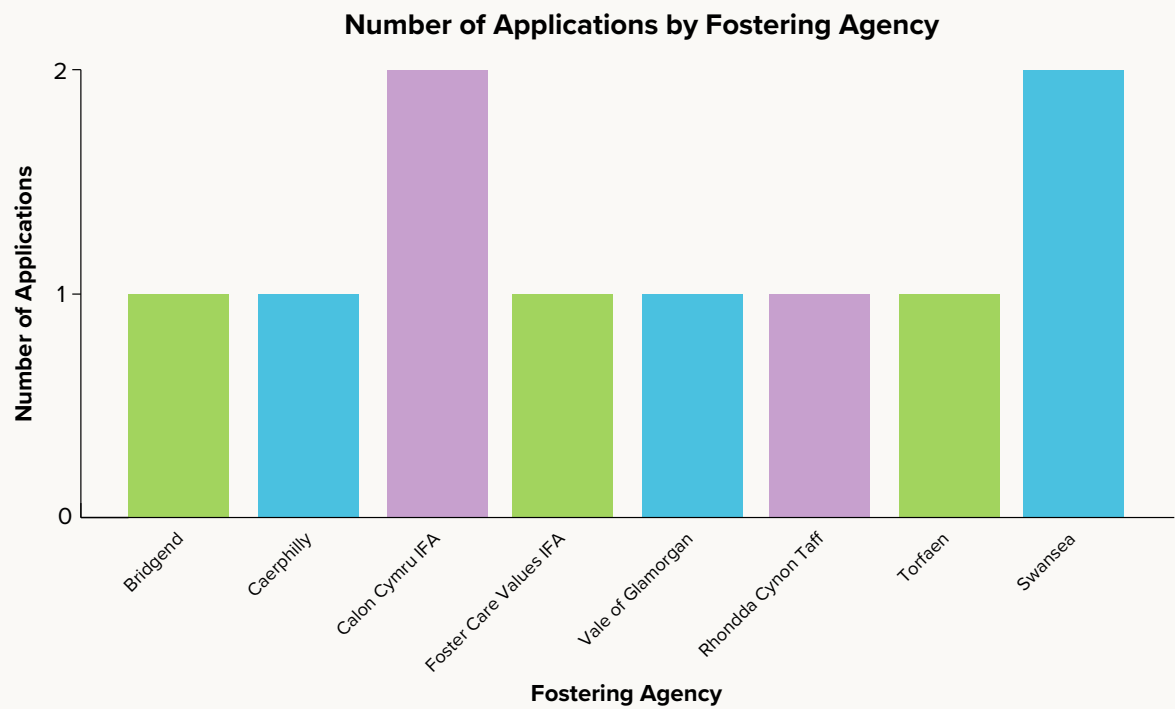
The IRM has not received any such applications to date, however it is anticipated that due to the age of people affected by the Adoption and Children Act 2002 reaching adulthood this may be a growing area for recommendations requiring an independent review.



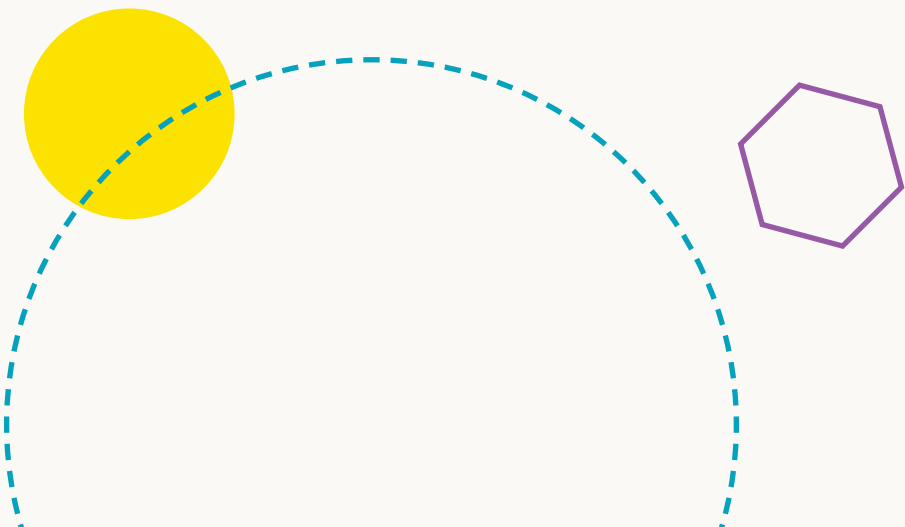
Overview of the service

The IRM service received 10 applications in the reporting year 1st August 2023 up to the end of July 2024. This was an increase from 6 the year before. One case was withdrawn. There are a number of cases every year which are accepted but have review panels in the next reporting year.

Applications to the IRM - August 2023 – July 2024

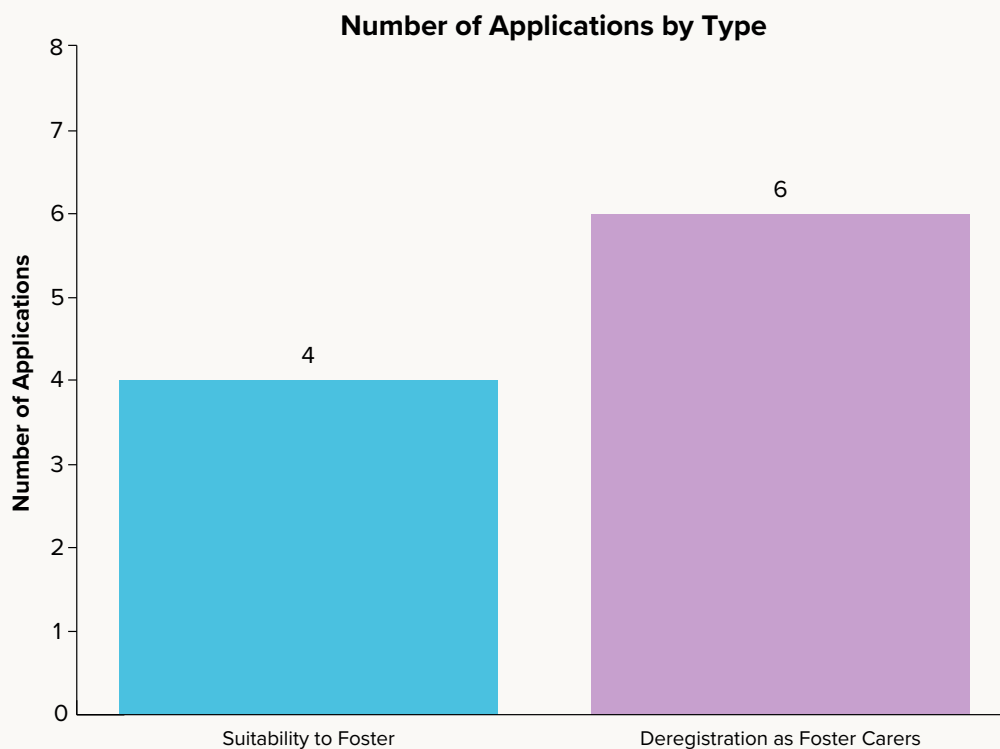


Due to the small numbers of applications, some details have been edited to maintain anonymity.



Number of applications received in this period - 10		
Types of application by category	10 0 0	Fostering Adoption Disclosure of Information
Types of application by applicant(s) status	4 6	Mainstream Foster Carers Connected Persons
Types of application	6 4	Deregistration Suitability to Foster
Number of Review Panels that took place in this period	8 2 1 7 1	Panels completed Panels withdrawn Application not proceeding by choice of applicant(s) Panels related to applications that were submitted in this contract year (Aug 23 - July 24) Panel was held on an application received in the previous contract year (Aug 22 - July 23)
Type of support at panel by applicant(s)	5 2 1	Formal support from Fostering Network Support by family member No support requested
Number of cases where IRM Recommendation concurred with QD from agency	6 2	Cases where the IRM concurred with the QD Cases the IRM did not concur with the QD. Both were cases of kinship carers and the final decision by the ADM concurred with the IRM recommendation
Outcome of process	5 2 1	Deregistered Approved as suitable Not approved
Cases involving applicant(s) who identified as belonging to a minority ethnic group	2	
Relationship Status of applicant(s)	3 1 3 3	Single female Single male Female and male married Female and male unmarried partners

Type of application



Relationship of kinship carers to children being fostered by application

Relationship to child/children	Number of applications
Single grandparent female	1
Single grandparent male	1
Married couple grandparents	2
Aunt and Uncle	1
Great aunt and uncle	1

Outcome of Panels - recommendations

During the reporting year, the IRM have concurred with 6 of the FSP Qualifying Determinations and disagreed with 2 FSP Qualifying Determinations. In both cases the Agency final decision was in line with the recommendation made by the IRM.



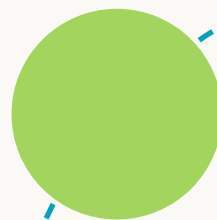
Raising Awareness of the IRM

In order to increase awareness about the purpose and process of the IRM, Claire Sharp Contract Manager, has attended a number of Special Interest Groups arranged through Association for Fostering, Kinship and Adoption Cymru (AFKA), including Panel Chairs, Independent Reviewing Officers, Special Guardianship Orders, Kinship Carers, and Legal Advisors.

These workshops have increased awareness of the service and allowed for interesting discussions on practice. Attending the special interest groups has also helped support the development of useful contacts, and in the recruitment of new panel members. Claire has also given presentations to adoption and foster panels in local authorities encouraging a fuller understanding of what an independent review can offer to both applicant(s) and agencies and ensuring that people eligible for the service are offered this option.

Groups/events attended by the contract manager to raise awareness of IRM

- AFKA Special interest groups; IRO, Legal, Chairs of Panels
- Kinship Care Alliance meetings
- Workshop to Independent Fostering Agencies – delivered by IRM
- Wales Foster Carer Advisory Board
- AFKA Conference – Health of Care Experienced Children
- Ynys Mon – foster care coffee and chat support group
- AFKA Conference – Kinship care



Themes identified in feedback to agencies

The Review Panel can provide feedback to the agency on its policy, practice and procedure and any learning the panel thinks would be helpful for them to consider from the case. This is an important quality assurance function which benefits both applicants and agencies. As the IRM operates throughout Wales, it has an overview of fostering and adoption practice across different service providers. The IRM has a role in identifying and sharing information with all those interested in fostering and adoption services in Wales about issues and challenges that have been identified through the IRM's work.

Learning and development

Although foster carers are offered training to support their development, there have been cases that identified limited evidence of the agency spending time to check with the foster carers, their understanding of what they have learnt and if they were able to apply the learning. Whether foster carers have been supported to implement the training and changing their approach or practice to situations is fundamental to their ability to respond effectively to the care needed by the children living with them.

Case papers

Papers submitted by the FSP have been sent to IRM redacted and in a confused order making it difficult to read or share with panel members without considerable reorganisation. The regulations explicitly state that the FSP needs to send the original report and any supporting documents that were initially provided to the fostering panel. This ensures that the IRM has full access to the same material that informed the original decision.

Issues with status of foster carers facing deregistration

There is a problem with the FSP's viewing foster carers as deregistered when there has been a negative recommendation of continued suitability to foster. At this stage this is only a Qualifying Determination. Foster carers are formally deregistered following the final decision by Agency Decision Maker and retain the same rights to access services such as support from Fostering Network until the final decision is made.

Inconsistency with reports

It has been noted that a number of reports including medicals and home safety checks are found to be out of date or missing information including not being signed.

Safer Caring Plans

Several Panels have raised concerns that FSPs have used generic Safer Caring Plans instead of creating bespoke plans to reflect the specific nature of the placement, this is especially relevant in kinship cases where there may be complex family dynamics.

Foster carers managing different placements in same household

Concerns have been raised about foster carers providing different types of care at the same time e.g., Fostering, My Support, When I'm Ready, Respite, day care. The challenges of caring for different children and young adults, at the same time, under different regulations and management, needs careful planning, risk assessments, and monitoring. Matching processes need to be looked at especially when placing a number of different individuals together in one placement/household.

Use of Interpreters

When considering whether to use an interpreter for foster carers whose first language is not English, the FSP needs to consider that although the foster carer may understand general spoken English, they may find it harder to understand the formal/legal language of fostering and social care expectations. Foster carers may turn down the offer of an interpreter, as they do not want to be seen as having limited language skills, in case this viewed unfavourably by fostering panels. If there is any identification of a language barrier, then everything discussed should be explicit, not implied. Information should be written down, checked that all parties have the same understanding, and clarified if there is any doubt.



Who sits on an IRM Panel?

The IRM is independent of the agency providing the fostering or adoption service and the panel considering the review will have no members connected with the case. Applicant(s) receive the names of the IRM panel members who will consider the case and can notify the IRM if they believe a particular review panel member should not be on the panel for their case.

The IRM holds its panels virtually, however a face-to-face panel could be arranged in exceptional circumstances to meet a specific need. There is also the option of technical support for applicant(s) less confident with online meetings. The arrangements for panels are constantly under review and amendments continue to be made to enable the process to run as smoothly as possible for all concerned.

Virtual panels mean that the IRM is more accessible to all applicant(s) without the need for travel to venues. Once the IRM accepts an application, they will let applicant(s) know the date and time of the panel that will consider their case and aim for all panels to be held within 3 months.

It is important that the IRM constantly reviews processes and keeps up to date with current research and evolving practices in the field of social care. When assessing suitability to foster children, the panel considers the information that they have heard against a set of competencies. For mainstream foster carers the IRM use the BAAF Competencies for Fostering. A significant change in the current reporting year was the adoption of the Kinship/Connected Persons Competencies, developed by Association of Fostering, Kinship and Adoption Cymru (AFKA) on behalf of the Welsh Government, to reflect the specific nature and challenges of caring for children when they and key family members are known to the foster carers.



Panel Members

The IRM recruits and maintains a Central List of individuals who can be called on to take part in a review. The fostering regulations refer to a list of people 'suitable by virtue of their skills, qualifications or experience'. Each case is considered by a panel whose members have personal or professional experience of child placements, but no connection with the case under review. Panels also have non-voting members to support the process, including a panel adviser and a secretary; legal and medical advice is sought to provide additional information and context to the panel, and they remain available by phone if there is an unresolved matter that arises during the panel discussion.

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.

An IRM Panel usually has between 5-7 people sitting, including the Chair, and must include at least 2 Social Workers who have at least 3 years post qualification experience of adoption and fostering services. The remaining places are made up of Lay Members who have relevant skills and experience, including lived experience of the care system as a child or as a foster carer. It is good practice to have some members who have direct experience that relate to the nature of each specific 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 taking account of characteristics such as age, gender and ethnicity, as well as lived experience.

In addition to managing the casework relating to applications during the past year, the IRM Cymru have remained focussed on the development of the Central Panel List. It is important that the members of the IRM have skills and experience relevant to a wide range of applicant(s). We are committed to broadening the representation on the panels of people who have lived experience of fostering and adoption, who are care experienced, current foster carers, or adoptive parents. A sound understanding of the impact of early trauma is very important when considering suitability to provide a caring home for a child who is unable to live with their birth parents.

Ensuring independence and diversity of the Central Panel members

The IRM has developed and implemented an electronic EDI monitoring form for panel members and applicant(s), including a system for ensuring that the information is returned securely and anonymously. The aim is to use this information to benchmark where the panel membership is now, in order to monitor changes in diversity over time.

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 that is diverse and truly independent. It is positive to have a mix of panel members with long standing experience of the IRM, and some who come fresh to the process.

During this period five new panel members have been recruited. Two are male, which is an underrepresented group on the central list. Two of the new members are from minority ethnic communities who are also underrepresented on the central list. Two have lived experience of kinship care. One longstanding panel member resigned due to retirement.

The new members include:

Social Workers

1 is an IRO

1 is a Quality Assurance manager of an IFA

1 is an independent SW and chairs foster panels

Lay Members

1 is a researcher carrying out peer research with care experienced young people

1 is a Justice of the Peace, and chairs foster panels

Most of the new central panel members have successfully contributed as full panel members alongside established members with positive contribution to panel discussions.

The total number of current panel members in July 2024 is 27, including the legal and medical advisors. The higher number of members on the central list has been very helpful in managing to remain quorate with a high number of panels in short succession.

New members are provided with an opportunity to observe IRM panels before taking an active role. The Contract Manager provides post observation interviews with all new members to gain views of the process from a fresh 'pair of eyes'.

Testimonials from panel members

The following comments provide some insight into the experience of taking part in an IRM panel following annual appraisals of panel members that took place in autumn 2023.

What are you most proud of about working as an IRM panel member?

Anonymised responses

I am proud of how I have settled into the role, come out of my comfort zone and challenged myself professionally. I feel my feedback is always fair having listened to both sides and relate my own experiences as a foster carer to some of the situations discussed. I feel I am professional and although I feel nervous before each panel I try my best to remain calm and professional.

Being able to provide structure and clarity to panel discussions.

I am social work practitioner with over 35 years of experience in fostering and child protection, I have held a number of roles including practitioner, specialist posts and senior management posts within LA. I believe I have a good understanding of the legislation and have the ability to chair the panels effectively. I believe strongly in ensuring individuals are not marginalised nor discriminated against, and have been outspoken in raising issues where they have occurred.

I have sat on, and chaired, panels for 20 years so I bring lots of experience of mainstream and connected persons cases. I have recently been appointed chair of a large city fostering panel which is very busy with a vast array of different cases, so I am expanding my knowledge and experience – also being care experienced myself helps me see things through the eyes of the child

To listen, be curious, critically evaluate information, to give an informed opinion

Professional and lived experience of fostering and adoption.

My experience and wealth of knowledge in fostering. Identifying practice issues. Promoting regulatory and statutory requirements.

I am incredibly proud of the IRM because I feel it gives a voice to foster carers, and indeed agencies, to voice their points of view over the issues involved whereas they may have previously felt unheard or misrepresented. It also ensures extra accountability to the child or young person concerned. I feel children and young people are at the heart of the IRM and that all Panel members hold dearly this principle.

Feedback from Applicant

"The panel was very well organised and efficient, everyone was treated respectfully."

Training & Development Opportunities for Central Panel List Members

The training and development of our Central Panel List Members remains a focus. During the last year, the following training and development activities have taken place with both events well attended and positive feedback received:

- IRM workshop on legal issues including Disclosure of Information – November 2023
- E- learning on Gypsy Roma Traveller communities – June 2024

The central panel members are also provided with quarterly legal bulletins from AFKA Cymru, updates on changes in legislation, guidance and opportunities to attend webinars and training delivered by other relevant organisations.



IRM Service Developments in 2023 - 2024

The IRM has continued to develop the full transformation to a digital service with all documents being sent and received electronically wherever possible. During the current reporting year, the IRM Contract Manager and Contract Administrator have continued to develop the administration structure of the IRM as follows:

Monitoring – an online form for all applicant(s) and panel members to ensure the take-up/diversity of both Applicant(s) and Panels is representative and balanced.

Access and security of information shared - the continued development of a secure Share Point site for our Central Panel List Members, this provides a single point for everything IRM, improving the way we share information, and enhancing security around the way panel members access confidential documents.

Public Information – we have continued to review and develop the website with workshops held to coproduce information with interested parties.

Increased accessibility and ease of use – all information that needs to be submitted by applicant(s) and panel members can now be returned via online forms instead of downloading and scanning documents.

Compliance with data protection – more robust method to ensure all non IRM generated documents are deleted and the issue of an online form to Panel Members confirming as such.

Increased awareness of the IRM with Independent Fostering Agencies (IFAs) - All IFAs operating in Wales have been identified with contact information maintained in a database, this supports regular communication and invitations to workshops to ensure compliance with Fostering Regulations.

Maintain and increase partnership with AFKA Cymru - to ensure that all relevant parties understand the role of IRM and ensure access to the service to those who are eligible.

Recruitment to Central Panel – improvement of processes including role descriptions and application forms to ensure that the central list contains members from diverse backgrounds.

