

# IRM Cymru

## Annual Report 2019-2020





## 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 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.

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, annual 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 1<sup>st</sup> 2020) The IRM process is included in the revised regulations but its longer term future remains under discussion and it is expected that the current arrangements will cease on March 31<sup>st</sup> 2021. Arrangements to replace the provision will be consulted upon in 2020.

## **Developments in 2019-20**

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 operated by Children in Wales on behalf of Welsh Government it is contracted to do so until March 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 about the long term future of the IRM (see above). It is not appropriate to undertake a full recruitment process.

The IRM usually holds a development day for panel members but given the uncertainty re the continuation of the contract one was not held in 2019-20. 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.

## **Applications to the IRM in 2018-19**

There were 12 applications received by the IRM in 2019-20

11 of these were accepted.

1 was withdrawn following court proceedings.

1 was withdrawn when the court made an SGO in favour of the other grandparent.

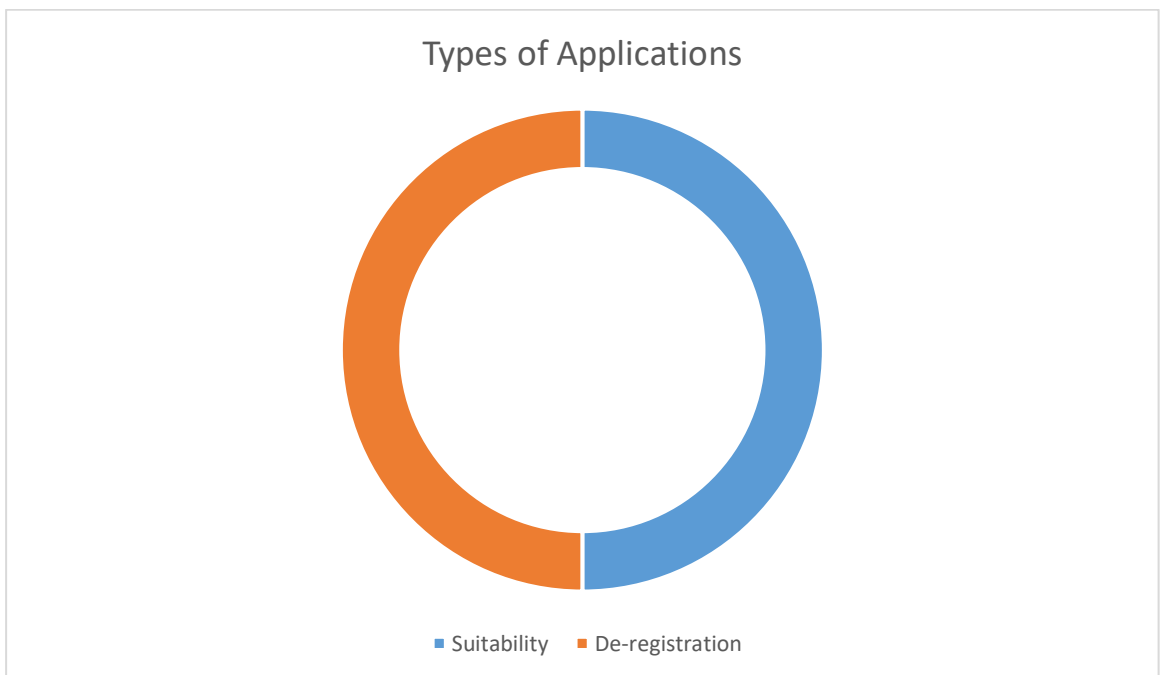
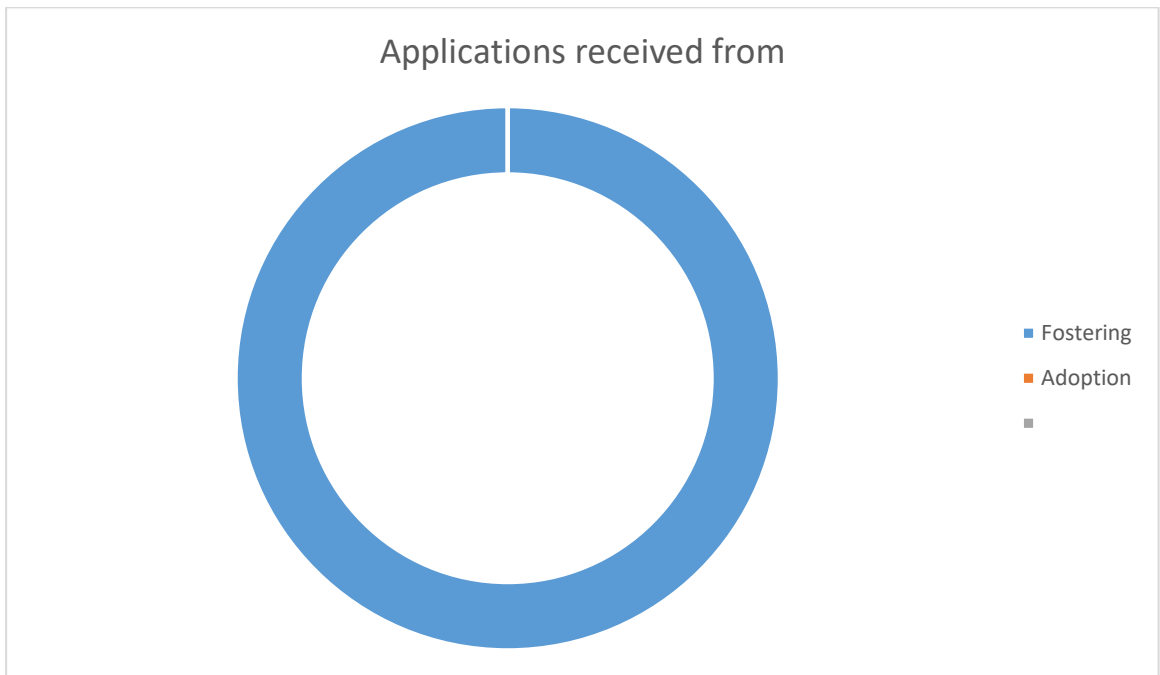
1 was suspended when the agency withdrew the QD and took the case back to panel.

1 was ineligible because the application was out of timescale.

All of the applications related to foster carers.

6 were in relation to initial suitability and 6 in relation to a proposed de-registration.

## Applications to the IRM in 2019-20



11 of the 12 applications received were eligible (although as stated above three were subsequently withdrawn). The timeframe of one application was extended at the request of the applicant and with the approval of the agency. All other applications were heard within the required timeframe.

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

Eleven of the twelve applications were from the south of 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**

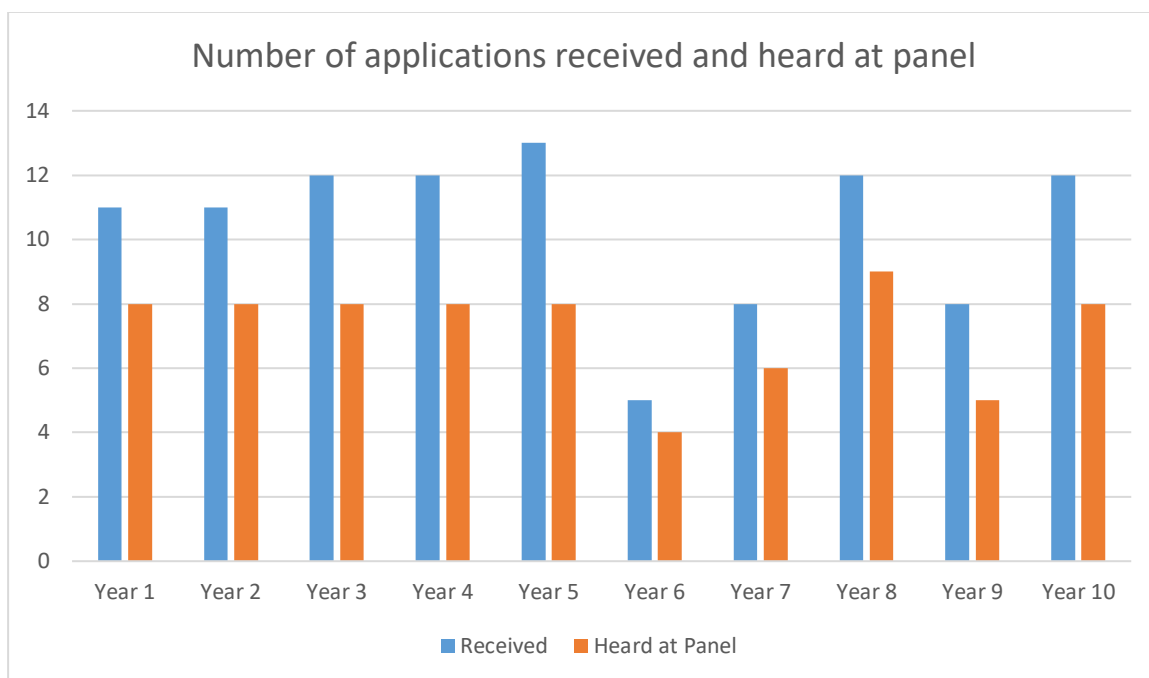
NPT	2
Conwy	1
VOG	3
Newport	3
Swansea	2
Powys	1

### **Specific Needs**

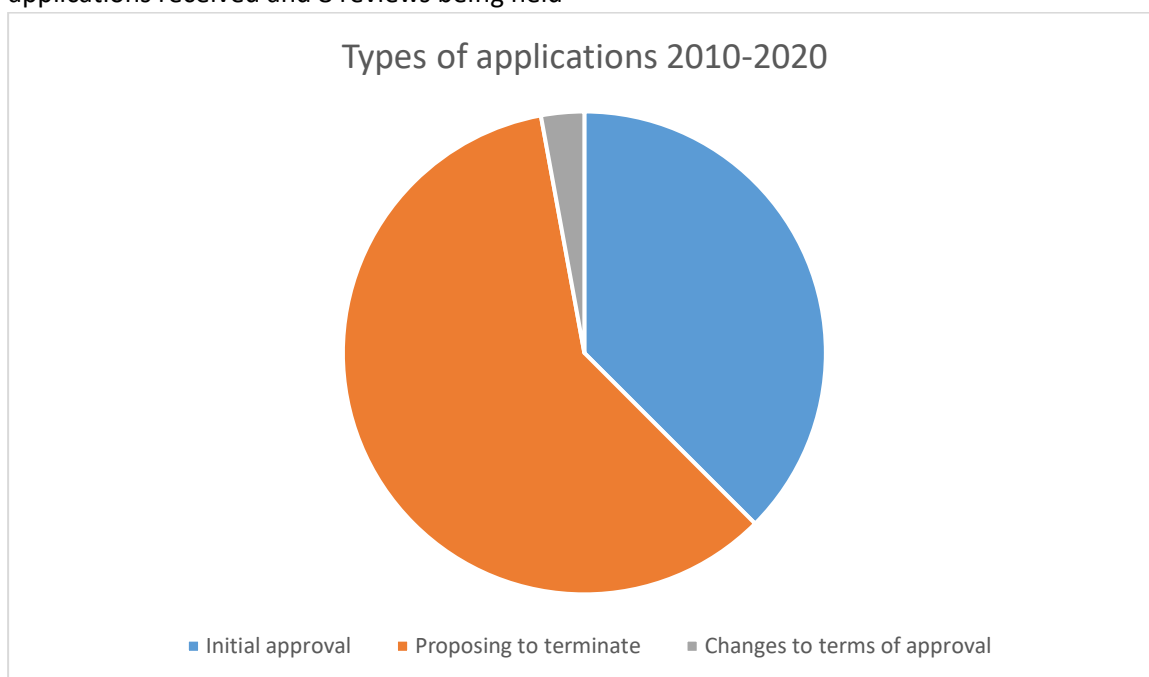
The IRM Cymru ensures at an early stage in the review process that it is aware of any disability or impairment that the applicants or agency representatives might have that would need to be taken into account in arranging a panel. There were no requests in year for such consideration.

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

## Comparative Data 2010-19

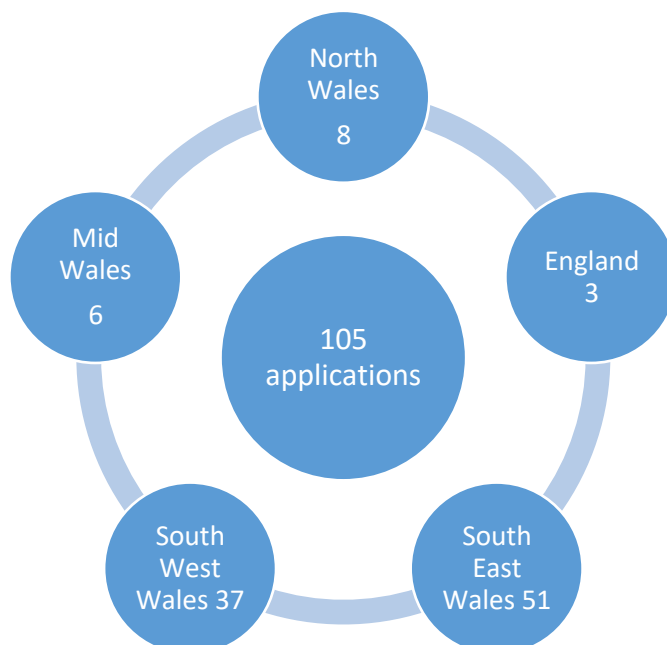


Year 10 saw an increase in the number of applications on the previous year. With 12 applications received and 8 reviews being held



All the applications received in 2019-20 were from proposed or current foster carers. Half were in relation to suitability and the other half were in relation to proposed de-registration. Nine applications were from kinship foster carers (two were withdrawn because court proceedings concluded before a review could be heard)

## Location of applicants



## Location of agencies in the 105 applications received

Anglesey	1
Blaenau Gwent	3
Bridgend	1
Caerphilly	2
Cardiff	23
Carmarthenshire	3
Ceredigion	1
Conwy	1
Flintshire	1
Gwynedd	1
Merthyr Tydfil	3
Neath Port Talbot	9
Newport	5
Pembrokeshire	1
Powys	3
Rhondda Cynon Taff	13
SEWAS	1
Swansea	20
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.

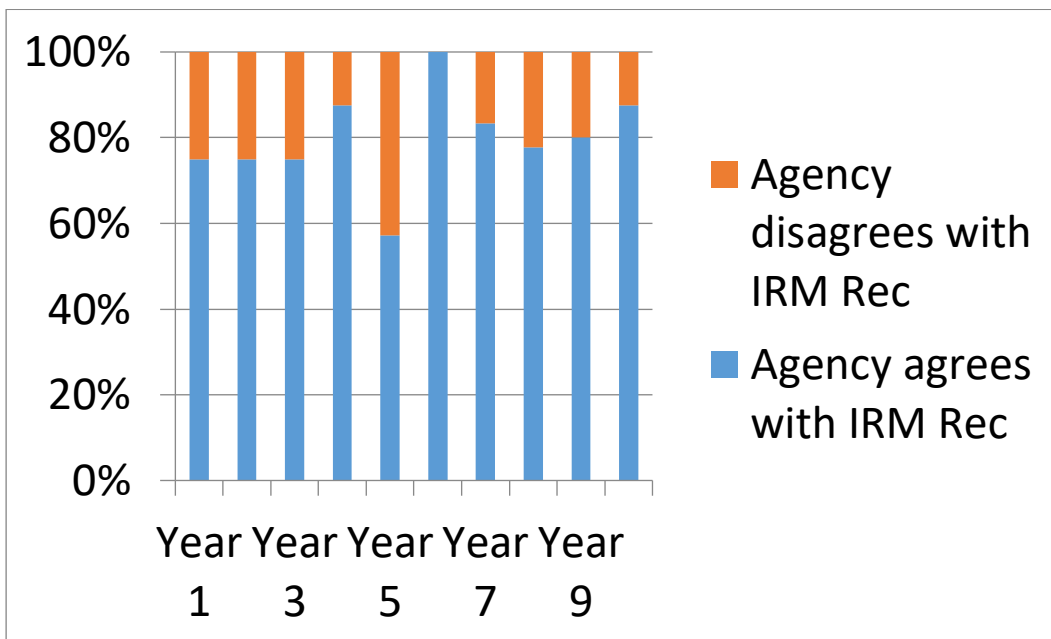
### **Status of applicants**

For the known ethnicity of applicants they have all been White Welsh / White British with the exception of 2. In 2019/20 all known applications were from White Welsh / White British.

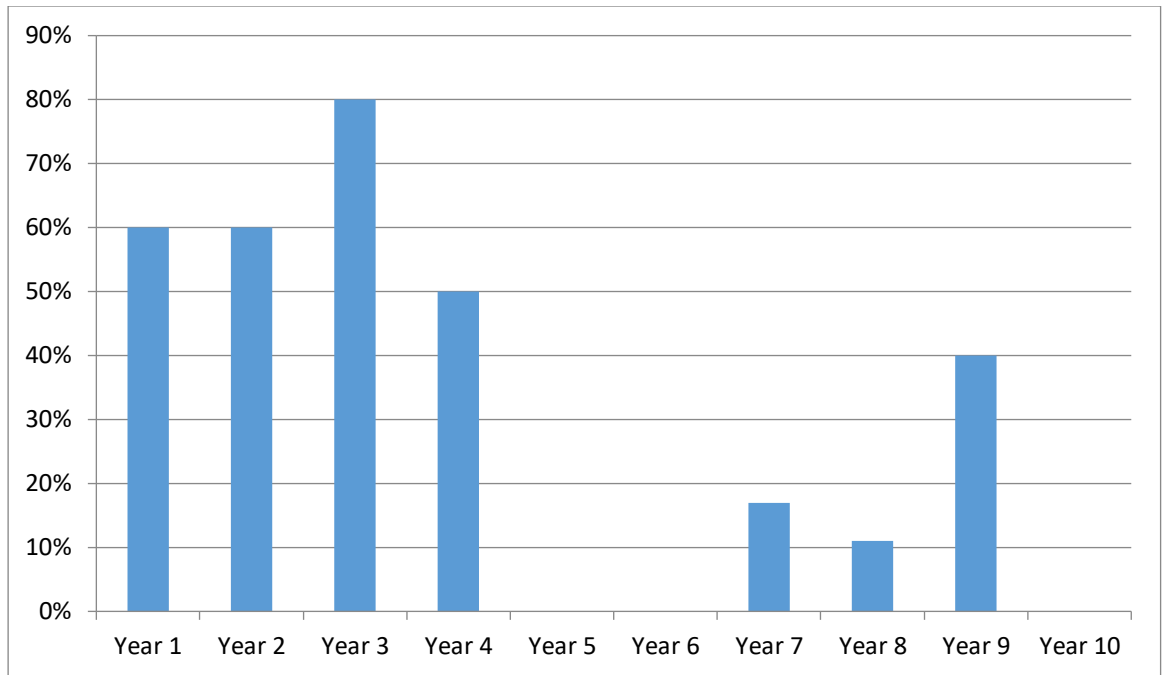
The chart below shows as a percentage, where the IRM disagrees or agrees with the Agency recommendation.



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 10 the IRM concurred with the agency in 7 out of the 8 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 agency went on to uphold their proposed decision.

### **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%

This year has seen a rise to nine in applications from potential or actual kinship foster carers. Of the four that did not proceed to a review three were potential kinship carers.

The application that was ineligible was a potential kinship carer who was encouraged to make an application by the court. This required statements to be submitted to the court by the agency and the IRM regarding eligibility and evidence that information regarding the IRM process had been shared as

required with the potential applicant which it had. In the other two kinship applications court proceedings concluded before an IRM review could occur.

One other kinship application was heard in a short timeframe at the request of the court.

### **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 the IRM review 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 practice, such as reports that clearly highlighted areas of vulnerability and contained a good standard of analysis

### **Areas for development identified by the IRM**

Given the small number of applications to the IRM it is difficult to identify particular trends or areas for development. As in previous years where de-registrations are proposed relationships have sometimes broken down between the agency and the applicants. Changing expectations of foster carers with carers not engaging fully in learning and development can lead to carers no longer meeting the required competencies.

A chronology is helpful in identifying patterns of concerns in relation to carers

In applications where there are ongoing care proceedings. The timeframes do not always allow an IRM panel to occur. Such assessments are often concluded close to the final care proceedings and do not allow time to convene a review panel if requested, where the court requested it the IRM panel was convened in a short timeframe

Where relationships between the agency and applicant have become problematical or broken down the IRM process does not always assist people to repair those relationships.

### **Feedback to the IRM**

The IRM received no complaints during 2019-20. However one applicant subsequently made a complaint in relation to a review that took place in 19-20. That complaint has been investigated. The complainant was not happy with the complaint outcome and is now able to apply to the ombudsman

As a result of feedback from one agency who attended the IRM. The questions that have been collated for the applicants and agency are given to both on arrival, or in advance of the panel if possible, so

they have an opportunity to view them and if helpful make notes before coming into the panel. The feedback following that change has been that both applicants and agencies have found that helpful.

A further feedback suggested that alongside the information for applicants to the IRM there should be written guidance for agencies on the process. This has been undertaken in conjunction with the revisions to the documentation resulting from the regulatory changes.

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 generally positive in relation to the service.**

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

Quotes from applicants below

We were given plenty of time, allowed breaks when it became too much and felt we explained ourselves in full with no pressure.

We felt able to speak for the first time and felt reassured about the process with clear direction of what was happening.

Quotes from agency below

Whilst not the easiest of situations the IRM enabled this applicant to feel they had the opportunity to have their case and our work scrutinised, which I believe was important for them and hopefully enabled them to have an increased understanding of the Local Authority's position.

### **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 review all adoption information to ensure it is compliant with The Adoption Agencies (Wales) (Amendment) Regulations 2020 ( which became operational on April 1<sup>st</sup> 2020)
- The IRM will develop a plan to conclude the work of the IRM by March 2021

### **Conclusions**

- The IRM Cymru has received 104 applications in the 10 years it has operated on behalf of Welsh Government. In the year 19-20 it received 12 applications.

- 6 of the 12 applications were in relation to proposed fostering de-registrations and 6 were in relation to initial suitability
- Geographically all but one of the applications was from the South of Wales.
- In the year, 2019-20 of the applications heard by panels, the IRM panels concurred with the proposed de-registration in 7 of the cases. In 1 it differed, xxxxxxxxx
- There were 9 kinship applications this year but 3 of those were withdrawn as they were in the court arena and the proceedings concluded before a panel could be convened. In another a panel was convened in weeks at the request of the court
- 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 and skill base of panels.