



22 February 2020

Dear Stakeholder,

**Consultation: Adoption and Fostering (Specified Complaints) (Miscellaneous Amendments and Revocations) (Wales) Regulations 2020**

As you will be aware, we undertook a consultation between 7<sup>th</sup> September and 2<sup>nd</sup> November 2020 which sought views on the Adoption and Fostering (Specified Complaints) (Miscellaneous Amendments and Revocations) (Wales) Regulations 2020. These Regulations would revoke the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010. This would mean that the entitlement to an independent review would be removed and prospective or existing foster parents or adopters who wish to challenge a qualifying determination (including adoption disclosure applications) would need to rely on the fostering provider's or adoption agency's complaints procedures to do this.

Welsh Government has considered the responses received from this consultation which have provided us with a valuable insight on how both the adoption and fostering sectors value the function of the Independent Review Mechanism (IRM) in Wales.

Through these responses it was clear that sectors have clear apprehensions towards the proposal of bringing the function of reviewing qualifying determinations within agencies' complaints procedures. It is evident that the sectors have welcomed the transparency, independence and expertise offered through the IRM function which is directed through the 2010 Regulations.

The Welsh Government's aim is to increase the number of foster carers and adopters in Wales to support our looked after children population. We encourage people from a variety of backgrounds to consider fostering or adoption, and also to encourage more Welsh-speaking placements. It is therefore imperative that there is integrity and transparency in the system to encourage prospective foster carers and adopters to come forward and that they feel confident that no-one is excluded without full consideration and review.

The consultation has raised several areas of concern with regard to introducing the 2020 Regulations. Key issues included lack of independency, transparency, and consistency. It was also highlighted that the anticipated cost savings may not be



attained and it may be difficult to acquire the specialist knowledge needed to support a review.

It is essential that we reflect on the success of the IRM and the value that it brings to the integrity of both the adoption and fostering sectors. Most importantly, that we introduce a system which builds on the success of the IRM, which aims to reduce complexity, strengthens integration and improves consistency within the sectors, whilst maintaining the respected functions that have proved to be valuable over the years.

A summary of responses will be published in the near future however I would like to provide you with advance notice that in response to the consultation responses, Welsh Government will:

- **Retain** the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010, with a view that the IRM function will continue to operate as a standalone service managed by a separate entity.
- **Not bring into force from 1<sup>st</sup> April, the draft** Adoption and Fostering (Specified Complaints) (Miscellaneous Amendments and Revocations) (Wales) Regulations 2020
- **Re-procure** the contract for the Independent Review Mechanism, building in future proofing to enable it to effectively *respond to challenges and changing environments*. This in turn will ensure that Wales continues to have a viable, consistent and independent review mechanism for qualifying determinations.

In maintaining this service as a standalone function, we will work towards ensuring it is future-proofed so we can minimise the effects of any future challenges.

I would like to thank you all for taking the time to provide the Welsh Government with such valuable feedback which has enabled us to determine the future direction of the IRM function.

Yours sincerely,



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Directorate of Social Services and Integration