

National Assembly for Wales / Cynulliad Cenedlaethol Cymru
[Health and Social Care Committee](#) / [Y Pwyllgor Iechyd a Gofal Cymdeithasol](#)

[Regulation and Inspection of Social Care \(Wales\) Bill](#) / [Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol \(Cymru\)](#)

Evidence from British Association for Adoption & Fostering – RISC AI 06
/ Tystiolaeth gan Gymdeithas Brydeinig Mabwysiadu a Maethu – RISC AI 06

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BAAF Cymru Caerdydd

7 Ty Cleeve
Cilgant Lambourne
Llanisien
Caerdydd CF14 5GP

Ffôn [REDACTED]

Ffacs [REDACTED]

E-bost [REDACTED]

BAAF Cymru Cardiff

7 Cleeve House
Lambourne Crescent
Llanishen
Cardiff CF14 5GP

Tel [REDACTED]

Fax [REDACTED]

Email [REDACTED]

BAAF Cymru Y Rhyl

W2
Canolfan Busnes Morfa Clwyd
84 Ffordd Marsh
Y Rhyl
Sir Ddinbych LL18 2AF

Ffôn [REDACTED]

E-bost [REDACTED]

BAAF Cymru Rhyl

W2
Morfa Clwyd Business Centre
84 Marsh Road
Rhyl
Denbighshire LL18 2AF

Tel [REDACTED]

Email [REDACTED]

David Rees AM
Chair, Health and Social Care Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Dear Mr Rees

Thank you for your request to BAAF Cymru for a view about whether it would be appropriate for foster carers to be registered with, and regulated by, Social Care Wales.

BAAF is a national charity with a membership base that includes all 22 Local Authorities in Wales, as well as many Independent Fostering Providers. We are aware that the issue of registering foster carers has been muted in the past and have therefore had previous discussions within our wider organisation and informally with Fostering Service providers.

We understand that some benefits may come from registration of foster carers e.g. if a carer approaches another fostering service provider a central register would quickly clarify that a previous termination has occurred. However our belief is that the situation is a complex one because of the existing regulatory framework, and the overlap of roles, responsibilities and processes that a second tier of registration needs to be carefully considered and understood.

Existing regulations (The Fostering Services (Wales) Regulations 2003) impose a clear duty on fostering services to maintain an up to date register of foster carers approved by them, their terms of approval and the details of children who are placed.

They also prescribe a clear approval, review and termination process involving the Fostering Service Provider and the Independent Review Mechanism (Independent

Croesewir gohebiaeth yn y Gymraeg neu'r Saesneg – Correspondence in either Welsh or English is welcomed



Review of Determinations Adoption and Fostering (Wales) Regulations 2010). At present there is oversight and scrutiny of these processes by the agency's Fostering Panel and via annual inspection by CSSIW. In addition, notifications about foster carers may be made to the Disclosure and Barring Service in the relevant circumstances.

The regulatory framework for Fostering Services is backed up by National Minimum Standards, and guidance about processes in the event of allegations from Welsh Government and within the All Wales Child Protection Procedures.

If Social Care Wales was to take a role in the registration and regulation of foster carers there would be a considerable overlap between the regulatory requirements and processes as outline above and any new responsibilities assumed by Social Care Wales in this arena.

We therefore believe it would be critical to fully explore and understand how any proposed registration process would dovetail with the existing processes and the duties, roles and responsibilities that are currently allocated to the Fostering Service Provider, their foster panel and agency decision maker, as well as the IRM and CSSIW.

Current arrangements for dealing with poor practice are well embedded and contain measures for external scrutiny if good practice is in place. Foster carers registration is annually reviewed, foster panels have the capacity to quality assure the work of the fostering service provider, and CSSIW inspects on an annual basis.

Our concern would be that if the inter- relationship between any new regulations and the existing structures are not well thought through, there could be unintended consequences, loopholes or delays that could be created by this overlapping of roles.

For example, at what point would a central register be notified of de registration – when foster panel makes its recommendation? When the Agency decision maker makes their decision, or at the end of the 28 day appeal period that follows etc. How would the panel deregistration procedure, the IRM process and the Social Care Wales regulatory process work together in cases where issues were being looked at by all three bodies; which process would take precedence ; how would timescales work; what if multiple appeals were made to different parties in the process.

It's unclear to BAAF what the benefits from these changes would be, who they would be for and whether they would outweigh the additional work that could be created.

BAAF is also anxious that at this time of cuts to services there are no additional unnecessary administrative burdens placed on Local Authorities. Since the requirements for Fostering Services to keep a register of foster carer extends further than simply who is approved, they would by necessity need to keep their own up to date list, as well as administering a central register. As processes currently stand we believe that there would be unnecessary duplication of time and effort.

If this proposal were to be considered, the issue of foster carers living in Wales who are registered with non-Welsh fostering services would also have to be thought through.

In summary, our concerns stem from

- Creating unnecessary duplication of effort and cost when the benefits for young people seem uncertain. The case for change needs to be developed to provide evidence from across the multi -agency network that interfaces with foster care that this change is required, and should be prioritised, in the face of other competing demands for time and resources. There may well be other more urgent priorities to consider improving services for looked after children and young people.
- The current process for registration, reviews and termination of approval is well embedded, well understood and has levels of internal and external scrutiny within the current framework. There may well be improvements that could be made about improving practice within the current arrangements and BAAF would be happy to be a part of any work that looks at this.
- In order to dovetail these changes with existing process there would have to be a detailed analysis of current and proposed processes, and their inter relationship. It is our view that introducing registration and regulation by Social Care Wales would require:
 - a reframing of legislation and regulations
 - training in new processes for Fostering Services and foster carers
 - a revision of the current inspection framework
 - additional expenditure to undertake the administration and implementation of this structure (within Social Care Wales and Fostering Service Providers).
- The additional administrative burden that we believe could be placed on Fostering Services, specifically within Local Authorities and they have no mechanism to raise revenue to cover these additional costs.

We are aware that there are some tentative discussions about the benefits of creating of a National Framework for Fostering. If there is an appetite in Wales for the central registration of foster carers, which we believe still has to be established, then this proposal might better sit within a more holistic analysis of how Fostering Services can be better delivered at a national, regional and local level.

Yours sincerely

Wendy R Keidan

Wendy Keidan
Director, BAAF Cymru
British Association for Adoption and Fostering