



Llywodraeth Cymru
Welsh Government

Number: WG51178

Welsh Government Consultation Document

Improving support for vulnerable children and their families across Wales

We want your views on proposed changes to improve adoption, fostering and kinship services in Wales, supporting our work to transform children's social care.

Date of issue: 04 August 2025

Action required: Responses by 27 October 2025

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This consultation seeks views on proposals to introduce changes to social care secondary legislation alongside amendments to:

- the Code of Practice on the exercise of social services functions in relation to Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014 and,
- the Code of Practice on the exercise of social services functions in relation to special guardianship orders issued under section 145 of the Social Services and Well-being (Wales) Act 2014

These changes aim to improve adoption, fostering and kinship services in Wales, supporting our work to transform children's social care.

This consultation also aims to collaborate with the sector to gain valuable insight into how the introduction of a national register of foster carers could work in practice, alongside its potential benefits and drawbacks.

How to respond

You can submit your response by midnight on 27 October, in any of the following ways:

- complete our online response form
- download, complete our consultation response form and email it to: plantsynderbyngofal@llyw.cymru (please include the reference number **WG51178** in the subject of your email)
- download, complete our consultation response form and post to the address below:

Consultation: WG51178
Improving Outcomes for Children Team
Social Services and Integration Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Improving Outcomes for Children Team
Social Services and Integration Directorate
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Cathays Park
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CF10 3NQ

Email: plantsynderbyngofal@llyw.cymru

This document is also available in Welsh: [hyperlink](#)

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:

Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
e-mail: dataprotectionofficer@gov.wales

Information Commissioner's Office:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113
Website: <https://ico.org.uk/>

Introduction

The Welsh Government's vision for services for children who are looked after, and care leavers is an important part of the Government's wider plan for Children and Young People. The Plan clearly sets out what the Government will do to help make Wales a nurturing place for children and young people to grow up.

The framework for this is provided through our eight Programme for Government commitments which focus on a new vision for Children's Services in Wales. They are about making radical whole system change and putting in place the right type of care for each child: reforming and joining up services for looked after children, adoptive children, and care leavers.

The Welsh Government wants more children to be supported to remain with their families with fewer children and young people entering care. We want the time that young people stay in care to be as short as possible, consistent with meeting the needs of the young person. While children are in care, we want them to remain close to home so they can continue to be part of their community - the child's network.

The proposed regulatory changes being considered are a key component of the radical whole system change we are seeking to make and are in direct response to feedback from members of the children's social services sector about how to improve support for vulnerable children and their families across Wales.

This consultation document sets out proposed changes to:

- the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 and the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 to simplify arrangements for providers of these services and increase accessibility of support services for adopted children, young people and adults.
- the Code of Practice on the exercise of social services functions in relation to Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014 to bring together existing regulation and good practice guidance and combine the principles of the 2014 Act with the Adoption and Children Act 2002 and its associated regulations.
- the Fostering Panels (Establishment and Function) (Wales) Regulations 2018, the Care Planning, Placement and Case Review (Wales) Regulations 2015 and the Part 6 Code of Practice to provide a more flexible approach to assessing suitability for kinship care placements alongside a more flexible approach to the Children Looked After (CLA) framework in supporting the placement.
- the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 to support a more effective and efficient process to transfer foster carers between providers of fostering services.

- the Code of Practice on the exercise of social services functions in relation to Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014 to better explain how different types of foster carers can obtain the enhanced fostering allowance.
- the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 to reflect the introduction of the brief report outlined within the Fostering Service Panels (Establishment and Functions) (Wales) Regulations 2018.

A separate consultation is also being undertaken on wider changes to the Code of Practice on the exercise of social services functions in relation to Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014) including:

- a dedicated corporate parenting chapter which will set out a range of requirements for local authorities in their role as corporate parents.
- strengthening the importance of the voice of the child specifically within the care and support planning and placements chapters of the Code.
- strengthened guidance on the undertaking of moves and review meetings.
- an update on terminology and legislation since the last update of the Code which took place in April 2018.

The consultation on these aspects is also available on our website. Any changes resulting from both consultations will be incorporated into a single updated Code of Practice which will be laid before the Senedd at the same time.

ADOPTION

Adoption Support Agencies - Proposed Regulatory Changes

This section relates to questions 1 to 5 of the consultation.

Adoption support services are defined in the [Adoption and Children Act 2002](#) as “counselling, advice and information, and any other services prescribed by regulations, in relation to adoption”. Most adoption support service providers are required to register with Care Inspectorate Wales (CIW) as Adoption Support Agencies, a requirement intended to ensure robust safeguarding and high service quality. However, the Welsh Government recognised that aspects of this requirement are not functioning effectively in practice. We therefore propose to amend certain regulations to simplify requirements for providers and increase access to these support services for service users. These changes will bring requirements in Wales into alignment with those in England, following similar amendments introduced by the UK Government under [The Adoption Support Agencies \(England\) \(Amendment\) Regulations 2023](#). This consistency will help facilitate the placement of children with families in England.

Who must register with CIW?

The requirement to register with CIW generally applies to any provider offering adoption support services. The list of adoption services in [The Adoption Support Services \(Wales\) Regulations 2019](#) is prescribed for the purpose of the Adoption and Children Act 2002 which outlines adoption support services as:

- (a) counselling, advice and information, and
- (b) any other services prescribed by regulations,

These services include:

- (a) assistance to adoptive parents, adoptive children, and related persons in relation to arrangements for contact between an adoptive child and a birth parent or a related person of the adoptive child.
- (b) services that may be provided in relation to the therapeutic needs of the child in relation to that adoption.
- (c) assistance for the purpose of ensuring the continuance of the relationship between the child and adoptive parent, including training for adoptive parents for the purpose of meeting any special needs of the child arising from that adoption and subject to paragraph (3) of The Adoption Support Services (Wales) Regulations 2019, respite care.
- (d) assistance where disruption in an adoption arrangement or placement has occurred or is in danger of occurring, including:
 - (i) mediation; and

- (ii) organising and running meetings to discuss disruptions in adoptions or placements.
- (e) assistance to adopted persons who have attained the age of 18 in obtaining information in relation to their adoption or facilitating contact between such persons and their relatives.
- (f) assistance to relatives of adopted persons who have attained the age of 18, in obtaining information in relation to that adoption or facilitating contact between such persons and the adopted person.
- (g) services to enable groups of adoptive children, adoptive parents and birth parents or former guardians of an adoptive child to discuss matters relating to adoption.

Current exceptions

[The Regulated Adoption Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019](#) allow certain exceptions to the requirement for adoption services to register with CIW. For example, an individual who provides an adoption support service exclusively under a contract for services with a regulated adoption service (e.g. a registered adoption society or a registered adoption support agency), or a local authority adoption service, does not need to register as an adoption service. However, if the service is being provided by a partnership or corporate body, it must register with CIW.

A counsellor may also not have to register with CIW if adoption issues are not the primary concern or focus of a counselling session, though it would be good practice for them to seek advice as to whether the service they are providing is indeed adoption-related and thus would require registration under the legislative framework. If exceptions do not apply, it is an offence to operate an adoption service, which includes the provision of adoption support services, without registering.

What changes are we proposing?

Proposal 1

We propose to amend [The Adoption Support Services \(Local Authorities\) \(Wales\) Regulations 2005](#) and the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 to extend the existing exemption from CIW registration. Currently, the exemption applies to individual providers of adoption support services contracted by local authority adoption services. The proposed amendment would expand the exemption to also include partnerships or companies commissioned under similar contractual arrangements. Any provider delivering adoption support services exclusively under a contract of services with one or more local authority adoption services would not be required to register with CIW.

Historically the requirement for providers of adoption support services to register with CIW was perceived as a safeguarding measure for service users, alongside providing assurance to service users as to the quality of service they can expect. However, the Welsh Government is of the view that the removal of this requirement in the way proposed will not reduce the quality of service or pose a risk to service users.

Adoption agencies are legally required to carry out an assessment on their contractors to ensure they are “fit to work for the purposes of an agency”, in accordance with the regulatory framework. Some pre-employment checks of contractors are also required and include criminal record checks, evidence of relevant qualifications, written references, verification of the reason why employment ended if previous roles included duties with children and vulnerable adults, and more. A local authority is also required by law to carry out certain checks on contractors working with an adoption service discharging local authority adoption functions, which adds a further layer of protection. The Welsh Government is satisfied that adoption agencies routinely carry out their own safeguarding and quality assessments of the providers they contract with.

The review and decision-making process for CIW registration may extend up to 14 weeks, although the duration is influenced by the specific circumstances of each application. Implementing this change would eliminate the requirement to register in certain circumstances, thereby promoting a more efficient process.

Adoption support service providers operating outside of a contractual agreement, such as those funded directly by parents, will still be required to register.

Further possible change

Whilst the changes that are being proposed relate to exempting partnerships and corporate body adoption support service providers, who exclusively provide those services under a contract with one or more local authority adoption service, from being treated as an adoption service subject to the requirement to register under Part 1 of the [Regulation and Inspection of Social Care \(Wales\) Act 2016](#) this exemption does not currently apply to partnerships and corporate body adoption support service providers, who exclusively provide those services under a contract with a registered adoption service. There is only an exemption for individual providers of adoption support services contracted by a registered adoption service. The Welsh Government would like to seek views from the sector as to whether this exemption should be extended further to also include partnerships and companies as for those who exclusively provide those services under a contract with a local authority adoption service.

In addition, we have identified an overlap and inconsistency between the two lists of prescribed *adoption support services* set out in the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 and the Adoption Support Services (Wales) Regulations 2019 and the extent of the applicability of these two sets of regulations to local authority adoption services and those services regulated under the Regulation and Inspection of Social Care (Wales) Act 2016.

This is a technical issue that is not reflected in the way that the regulations are being applied in practice and does not impact on the policy ambitions set out above. We will make the necessary changes to these regulations at the same time as the other regulatory changes outlined within this consultation are made in order to ensure they are clearer, more consistent, and easier to apply in practice.

Adoption-related counselling and therapeutic services to adults - proposed regulatory changes

This section relates to questions 6 to 9 of the consultation.

Proposal 2

We propose to exempt counsellors and psychotherapists from the requirement to register with CIW where they are providing adoption-related counselling and therapeutic services to adults aged 18 and over. This proposal would be implemented by amending the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 to insert an exemption to this effect at regulation 3.

Services provided to adults under [The Adoption Information and Intermediary Services \(Pre-Commencement Adoptions\) Regulations 2005](#) will not form part of the exemption.

Providers of adoption support services, including the provision of adoption-related counselling to adults, are currently required to register with CIW. The inquiry by the [Joint Committee on Human Rights \(JCHR\) into issues relating to historical adoption \('The right to family life: adoption of children of unmarried women 1949-1976'\)](#), concluded that the registration requirement acts as a barrier to the availability of counsellors. We are therefore concerned that the requirement to register reduces accessibility to counselling and other support services for adults seeking adoption-related support.

In Wales, counsellors and therapists who provide adoption related counselling and therapeutic services to an adult either as a planned service or because an adoption related issue emerges at a later stage of the counselling/ therapy, currently register with CIW as an adoption support agency. This may include services from a wide range of providers and include services to adoptees, birth parents and adoptive parents.

Counsellors and therapists in Wales currently follow the [English Ofsted guidance](#), which makes clear that counsellors and therapists should not provide a service to an adult if the counselling centres around adoption, or if an adoption related theme emerges at a later stage of the counselling/therapy and is the primary concern or focus, without registering as an adoption support agency/service. There is no such equivalent guidance currently provided by CIW. The lack of clarity for counsellors and therapists practising in Wales is translating into a reduction in professionals offering adoption-relating services thus reducing accessibility to counselling and

therapeutic support for clients. Ofsted guidance has now been revised to reflect the regulatory amendments by the UK Government in 2023.

It is sometimes difficult to identify whether counselling will centre around adoption before the service starts. If adoption-related issues are unearthed during counselling sessions and these are the primary concerns or focus, the counsellor is prevented, under the existing framework, from continuing to work with the client unless they register with CIW, thus potentially causing upheaval at an already difficult time.

Example An adopted adult starts to see a therapist/counsellor to deal with a particular issue (e.g. the breakup of a relationship). If the therapy reveals that the adult's adopted background is an issue, then the therapist may not feel able to continue with the work without registering with CIW.

The Welsh Government is proposing to specifically disapply the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 in respect of counselling and therapeutic services to adults. This will exempt counselling services provided by a range of providers and include services to adoptees, birth parents and adoptive parents. If implemented, providers of adoption-related counselling and therapeutic services for adults would no longer be required to register with CIW.

Numerous adults impacted by adoption in Wales encounter challenges in obtaining counselling and therapeutic services due to the limited number of providers registered with CIW. It is anticipated that removing the registration requirement will lead to a rise in the number of providers delivering these services, thereby creating greater accessibility for adults impacted by adoption to obtain the essential support they require.

This modification will allow adults to select a provider that aligns with their needs without having to decide initially whether adoption will be a topic of discussion. By eliminating the registration prerequisite, we aim to enhance the availability of service providers for adults, thereby facilitating their access to essential adoption-related support.

Individuals would have the option to select from a wider range of available providers, thereby greatly enhancing access to counsellors and other therapeutic professionals for this demographic. Furthermore, this change would alleviate the difficulties faced by therapists and counsellors who are not registered with CIW as adoption support agencies when clients later reveal that their challenges may stem from their adoption experiences. If providers become aware that they are unintentionally delivering regulated services without the necessary registration, they may be discouraged from continuing their support due to the ambiguous legal framework. Implementing this proposal will promote continuity of support in cases where adoption related issues emerge.

The review and decision-making process for CIW registration may extend up to 14 weeks, although the duration is influenced by the specific circumstances of each

application. Implementing this change would eliminate the requirement to register, thereby promoting a more efficient process.

Eliminating the requirement for CIW registration would also allow adopted adults to access counselling services similarly to other adults in the general population. Service providers will adhere to standard professional registration and training protocols, and they will not need to submit a separate application to accommodate service users with an adoption history.

Adoption Care Planning, Placement and Review – proposed regulatory changes

This section relates to questions 10 to 13 of the consultation

Proposal 3

The current [Social Services and Well-being \(Wales\) Act 2014 - Part 6 Code of Practice](#) on the exercise of social services functions in relation to looked after and accommodated children only briefly addresses the care plan for adoption, and stakeholders have highlighted that it does not provide adequate detail to effectively support childcare social workers where a child's care plan is for adoption. We therefore propose to amend the Part 6 Code to make clear that when a child has a care plan for adoption or is being considered for support services post adoption, the principles of the [Social Services and Well-being \(Wales\) Act 2014](#) in relation to care planning, placement and review should be applied alongside the requirements within the Adoption and Children Act 2002 and its associated regulations.

The proposed amendments to the Part 6 Code will clarify the role of the different care plans in adoption planning - the working relationship between the child's Part 6 care and support plan, the evolving adoption support plan and the possible need for a Part 4 care and support plan once the adoption order is granted – by reference to the regulatory framework that applies once a placement order has been granted and once the child is placed for adoption. This will include reference to:

- **[The Care Planning, Placement and Case Review \(Wales\) Regulations 2015 \(the 2015 Regulations\)](#)** set out the requirements on local authorities for planning for children who are looked after and for reviewing their cases when subject to a placement order. However, these Regulations cease to apply once a child has been placed for adoption under the Adoption and Children Act 2002.
- **[The Adoption Agencies \(Wales\) Regulations 2005](#) and the accompanying statutory guidance** apply in place of the 2015 Regulations in respect of visits and reviews. Practitioners often get confused with this change and the amended Part 6 Code of Practice will make this clear.
- **Part 6 of the Social Services and Well-being (Wales) Act 2014** provides the framework for the looked after child's care and support plan. When planning for a child where the care plan is for adoption, the Part 6 care and

support plan needs to be considered when developing the adoption support plan.

- **The Adoption Support Services (Local Authorities) (Wales) Regulations 2005 and the accompanying statutory guidance** set out the provision for adoption support, and information in the Part 6 care and support plan will inform the beginnings of the adoption support plan for the child. A link will be made between the two frameworks.
- In certain circumstances, the child's needs will go beyond what can be provided by an adoption support service, and there may therefore be a need for a **Part 4 care and support plan** to sit alongside the adoption support plan. In these cases, **Parts 3 and 4 of the Social Services and Well-being (Wales) Act 2014** apply. This will also be made clear in the Part 6 Code of Practice.

The proposed changes to the Part 6 Code of Practice will also assist the local authority social worker, when working on a care plan for adoption, by bringing together the relevant legislation and statutory guidance, alongside current good practice guidance.

The changes will also remind the independent reviewing officer of the regulatory framework which applies:

- upon the making of a placement order and
- upon adoptive placement.

More specifically these further proposed changes to the Part 6 Code of Practice will cover the following areas:

- The importance of family group conferences / meeting early on in the Public Law Outline pre proceedings process.
- Include a reference within the Part 6 Code of Practice to the Welsh Early Permanence (WEP) Framework which was launched in May 2022. This framework provides a child with a secure base as early as possible following their entry into care, placing children with foster carers who are also approved as prospective adoptive parents. The WEP carer will support the child in the same way as other mainstream foster carers, undertaking all fostering tasks, including facilitating contact. If the child's care plan becomes that of adoption, WEP carers have the capacity to go on to offer that child a permanent home. This framework offers the means to minimise the number of changes of placement that can cause further trauma for a vulnerable child.
- Reference the four good practice guides to be found on the National Adoption Service website, relating to:
 - Working with birth parents
 - Transitions and early support
 - Contact/keeping in touch
 - Adoption support

FOSTERING

Assessment of kinship carers and support for kinship placements – proposed regulatory changes

This section relates to questions 14 to 17 of the consultation.

Proposal 4

It has been acknowledged that the current legal framework, which necessitates kinship foster carers reaching the same standard of suitability to foster as mainstream carers, is not working effectively. The Welsh Government is aware that those assessing proposed kinship carers, the carers themselves, as well as fostering panels and decision makers, struggle with the expectation of the same standard of suitability for a person, often catapulted into the role of carer during a family crisis, with a mainstream carer who has carefully thought through the plan for taking on the fostering role.

We are therefore proposing to make changes to [The Fostering Panels \(Establishment and Functions\) \(Wales\) Regulations 2018](#) to introduce more flexibility into the assessment/approval process so that whilst acknowledging the child is looked after and the carer an approved carer, it also reflects that this is a placement within a family, often based on a pre-existing family relationship.

These proposed changes will keep kinship carers within the regulatory framework for fostering (i.e. they will be assessed, approved and supported as foster carers), but the regulations will be amended to create a separate 'kinship foster carer' category separate from a mainstream foster carer. This will allow for more discretion; for example, the concept of 'suitability' will include additional considerations and relate directly to the particular child or children for whom the kinship foster carer is being assessed.

The proposed changes respond to the criticisms articulated by young people and kinship carers that the 'full force' of the looked after system is disproportionate for long term, stable kinship foster placements. It also accords with a number of principles enshrined in the Social Services and Well-being (Wales) Act 2014 associated with being person rather than service led.

It is envisaged that the amendments will create a much more effective and fit for purpose framework for kinship foster carers, whilst still providing the safety and security for the child and carer in being a foster carer. Panels and decision makers will be able to take a more flexible approach to 'suitability' and will be able to consider areas which are relevant only to a kinship care arrangement.

The kinship carer will remain a foster carer with all the financial and practical support associated with the status, and although the child remains looked after, there will be flexibility in terms of social work visits and reviews. This will in turn create flexibility for the child, especially as she/he gets older and may feel unease about having Child Looked After (CLA) status. This flexibility will be tailored to meet the unique requirements of both the child and the family. For instance, assessments and visits may occur more regularly when considered essential for families with more complex

needs, while they may be less frequent in situations where minimal intervention is required.

The specific amendments that are being considered relate to the way in which an assessment is conducted, and the panel and decision maker consider the application.

There are a number of issues that a panel and decision maker need to consider, either differently or additionally, when considering a kinship carer application.

Within [The Fostering Panels \(Establishment and Functions\) \(Wales\) Regulations 2018](#), Regulation 7 sets out the requirements in respect of the assessment of prospective foster parents. These regulations introduce a two-stage process for assessment of foster carers in Wales.

Schedule 1 (Parts 1 and 2) contains the information that needs to be obtained in respect of prospective foster parents and other members of their household and family.

Regulation 7(5)(a) requires, under stage 2, for the responsible authority to obtain the information specified in Part Two of Schedule 1.... *'and any other information considered relevant'*.

It is proposed that a Part 3 is added to Schedule 1 for kinship foster carers only. Part 2 will no longer apply to these carers. However, the new Part 3 will encompass those requirements in Part 2 deemed necessary for both mainstream and kinship foster carers. This consultation exercise seeks feedback on what requirements, if any, outlined within Part 2, should be replicated in the new Part 3.

The requirements in Part 2 include:

- Details of personality.
- Religious persuasion, and capacity to care for a child from any particular religious persuasion.
- Racial origin, cultural and linguistic background and capacity to care for a child from any particular racial origin or cultural or linguistic background.
- Capacity to provide support to a child in relation to their sexual orientation and gender identity.
- Past and present employment or occupation, standard of living, leisure activities and interests.
- Previous experience (if any) of caring for their own and other children.
- Skill, competence and potential relevant to their capacity to care effectively for a child placed with them.

It is proposed that the following areas will be included in a new Part 3. These are requirements that practitioners in Wales consider to be relevant for kinship foster carers:

- Details of personality, religious persuasion, racial origin, cultural and linguistic background.
- Details of their current or previous involvement with the local authority.
- Details of family dynamics, including relationships within the household, with extended family and other connected persons.
- Skill, competence and potential relevant to their capacity to care effectively for the named child and meet their identified current and or likely future needs.
- Capacity to protect and promote the safety and well-being of the named child in the context of family dynamics and current or previous local authority involvement.
- Current lifestyle and commitments, including employment, accommodation, leisure activities, interests and caring responsibilities relevant to their capacity to care effectively for the child.
- Details of any support or intervention necessary to effectively care for the named child and or mitigate any identified risk.
- Ability to co-operate with any support or intervention identified as necessary.

In practice this change will mean that mainstream fosters carers are assessed against Parts 1 and 2 of Schedule 1, and kinship foster carers will be assessed against Parts 1 and 3.

A 'more flexible approach to Care Planning, Placement and Case Review for kinship arrangements

This section relates to questions 18 to 19 of the consultation

Proposal 5

We propose to change the existing requirements for reviews and visits in [The Care Planning, Placement and Case Review \(Wales\) Regulations 2015](#) in order to be able to respond in a more flexible way to meet the needs of the child and kinship foster carer.

The two proposed changes below which relate to reviewing and visiting arrangements, would only apply upon full approval as kinship foster carers. They do not affect any of the provisions set out in regulation 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 which relate to the approval of a person as a local authority foster parent for a temporary period (temporary approval) not exceeding 24 weeks.

Reviews

Regulation 39 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 currently states that:

- (1) The responsible authority must first review the child's case within 20 working days of the date on which the child becomes looked after.
- (2) The second review must be carried out after an interval of not more than three months after the first, and subsequent reviews must be carried out at intervals of no more than 6 months

It is proposed that an amendment is made to provide that for kinship foster carers, the second review must be carried out at intervals of not more than three months after the first, and subsequent reviews must be carried out at intervals of no more than 12 months, rather than six months.

The timing for the subsequent review will be determined during the review itself, eliminating the need for any further meetings. The Independent Reviewing Officer will play a crucial role in determining the appropriate timing for the next review in each specific case, thereby ensuring independent oversight, which is an integral aspect of their responsibilities. This decision will reflect the individual needs of the child and family involved.

Visits

Regulation 31 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 outlines that the local authority must ensure a child under its care is visited:

- (a) within one week of the start of any placement,
- (b) at intervals of not more than 6 weeks for the first year of any placement, and
- (c) thereafter—
 - (i) where the placement is intended to last until the child is 18, at intervals of not more than 3 months, and
 - (ii) in any other case, at intervals of not more than 6 weeks.

It is intended that an additional sub clause will be included for kinship carers, which will enable the responsible authority, in consultation with the Independent Reviewing Officer, foster carers, parents and the child, to determine the frequency of visits, at intervals of not more than 6 months. This decision will reflect the individual needs of the child and family involved and could result in more frequent visits should that be deemed appropriate.

A more effective and efficient process for the transfer of foster carers between fostering service providers – proposed regulatory changes

This section relates to questions 20 to 22 of the consultation

Proposal 6

The Welsh Government acknowledges that when a foster carer transitions from one provider to another, challenges can arise concerning the volume of information disclosed by the previous fostering provider, the promptness of this information transfer, and the practice in some cases of imposing fees on the new fostering service for accessing this information. To enhance the safeguarding of children and young people in foster care, we are considering legislative reforms to improve the efficiency and effectiveness of the process.

These changes will bring elements of the good practice guidelines set out within the Transfer Protocol for Wales within a legislative framework.

It is intended that [The Fostering Panels \(Establishment and Functions\) \(Wales\) Regulations 2018](#) will be amended to specifically state that a fostering service provider may, with the consent of the individual who was approved as a foster parent by a different fostering services provider, formally request in writing access to pertinent records, including but not limited to the assessment report, the report of the most recent review of approval and any other relevant information prepared by the other fostering services provider regarding that individual.

Upon receiving a request, in accordance with the provisions specified in regulation 7(2), the other fostering service provider will be required to provide the requested information within 15 working days, at no cost to the fostering service provider.

Wording will be included as part of the changes to ensure that the Fostering Service Providers are not placed under an obligation in the regulations to share information contrary to their duties under other legislation such as GDPR.

Guidance will be published to support the sector with the proposed changes.

Accessing the enhanced fostering allowance (fee)

This section relates to questions 23 to 25 of the consultation

Proposal 7

The Welsh Government is proposing changes to the Code of Practice on the exercise of social services functions in relation to Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014 to better explain how different types of foster carers can obtain the enhanced fostering allowance.

Additional paragraphs will be added to the chapters on both mainstream and kinship foster carers setting out the following:

Mainstream foster carers:

- Fully approved foster carers will be paid the basic child allowance in accordance with the National Minimum Fostering Allowance specified for Wales
- Fully approved foster carers will be able to be assessed against the local authority's eligibility criteria for an enhanced allowance
- The rate of the enhanced fostering allowance may differ between one local authority and another
- Each local authority's eligibility criteria must be related to the fostering task for the range of children the local authority may need to place with the foster carer, within their terms of approval
- Each local authority's eligibility criteria should be made clear to the foster carer and discussed upon approval

Fully approved kinship foster carers

- Fully approved kinship foster carers will be paid the basic allowance in accordance with the National Minimum Fostering Allowance specified for Wales
- Fully approved kinship foster carers will be able to be assessed against the local authority's eligibility criteria for an enhanced fostering allowance
- The rate of the enhanced allowance may differ between one local authority and another
- Each local authority's eligibility criteria must be related to the fostering task in relation to the child/ren for whom the kinship foster carer is approved
- Each local authority's eligibility criteria should be made clear to the kinship foster carer and discussed upon approval

Temporarily approved foster carers under regulation 26 Care Planning, Placement and Case Review (Wales) Regulations 2015

For temporarily approved foster carers, it is proposed that an additional paragraph will be added to the Part 6 Code of Practice which will set out the following:

- Temporarily approved kinship foster carers will be paid the basic allowance in accordance with the National Minimum Fostering Allowance specified for Wales
- In individual circumstances, temporarily approved kinship foster carers may be able to be assessed against the local authority's eligibility criteria for an enhanced allowance
- The rate of the enhanced allowance may differ between one local authority and another
- Each local authority's eligibility criteria must be related to the fostering task in relation to the child/ren for whom the temporarily approved kinship foster carer is temporarily approved
- Each local authority's eligibility criteria should be made clear to the temporarily approved kinship foster carer and discussed upon temporary approval under regulation 26

Further amendments may be made to the Code of Practice where necessary to reflect the changes proposed above, including for example to paragraph 164.

The Independent Review Mechanism - proposed regulatory changes

This section relates to questions 26 to 27 of the consultation

Proposal 8

The Independent Review Mechanism (IRM) is the process by which a prospective or approved foster carer or a prospective adopter, can seek a review of a decision or 'qualifying determination' made by a fostering or adoption service. This might be a decision not to approve a prospective foster carer or adopter, terminate approval as a foster care, or change the terms of approval.

The IRM process is set out in [The Independent Review of Determinations \(Adoption and Fostering\) \(Wales\) Regulations 2010](#) which require the Welsh Ministers, on receipt of an application for review of a decision, to set up a panel; and set out the review panel's membership and functions, and the timetable to be followed. The IRM was set up in 2010 to fulfil this function on behalf of the Welsh Ministers and ensure operational independence.

The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 introduced the two-stage assessment process for approval as a foster carer and the concept of the 'brief report'. This allows a fostering service provider to prepare a report if information is received during the assessment which makes it unlikely that the applicant will be considered suitable to become a foster carer, even if the assessment has not been completed – this is known as a 'brief report'. If the recommendation is that the applicant is not suitable to be a foster parent, the fostering service provider may issue a determination to the applicant which is notice that the fostering service proposes not to approve them as a foster carer, and therefore advises the applicant that they may make further representations or apply to the Welsh Ministers for review by the independent panel.

The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 pre-date the introduction of the brief report to fostering panels and the Welsh Government is aware there could be potential issues if an applicant makes an application through the IRM after receiving a brief report. This is because there is currently no provision within the 2010 Regulations to enable the independent panel to request that a full assessment should still be completed following a brief report. The panel will not therefore be able to recommend approval as a foster parent because the full assessment will not have been completed and as a result will only be able to recommend that the applicant is not suitable to be a foster parent. The right of an applicant to request a review of the fostering service provider's qualifying determination therefore has no practical effect where the service proposes refusal of approval after a brief report.

We therefore intend to make the necessary changes to The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 so as to enable the independent panel to make a recommendation for a full report to be prepared if required, following the issue of a brief report.

To implement this change, we are proposing to revoke and remake the 2010 Regulations. This action is appropriate because the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 (“the 2010 Regulations”) were made under powers in:

- The Adoption and Children Act 2002, for adoption-related decisions, and
- [The Children Act 1989](#), for provisions relating to reviews of fostering-related decisions.

The fostering provisions previously outlined in the Children Act 1989 have been disapplied and remade for Wales through sections 87 and 93 of the Social Services and Well-being (Wales) Act 2014. Nevertheless, the 2010 Regulations are still applicable. This is because section 17 of the Interpretation Act 1978 provides that if a law is repealed and then replaced, any regulations made under the old law will still apply as if they are made under the new law —so long as the main powers are still there and the regulations do not conflict with the new law.

The remaking of the Regulations will improve legal clarity and accessibility resulting in the reader being able to see all the relevant enabling powers in one place, within the preamble of the new Regulations, without needing to:

- trace the legislative history of repeals and re-enactments in relation to Wales,
- understand the implications of section 17 of the Interpretation Act 1978, or
- consult multiple documents to identify the current legal basis.

As part of remaking the Regulations we are taking the opportunity to correct outdated references and improve legal clarity and to make a number of minor but important changes to ensure the Regulations are clearer, more consistent, and easier to apply in practice.

As part of the 2025 update to the Regulations, a minor drafting change will be made to clarify how panels should approach the interests of individuals affected by disclosure decisions. The welfare of an adopted child remains the paramount consideration, as before but the new regulations will require panels to consider the impact of disclosure on any other person who may be affected by the disclosure. This change reflects how courts already approach similar issues within child care proceedings and ensures a fair and balanced process.

The previous Regulations included a provision requiring the Welsh Ministers to administer the review panel and arrange clerking support. This will be removed because the Welsh Ministers already have this responsibility under existing legislation. Repeating it in the regulations was unnecessary and it will therefore be omitted.

We are also removing the requirement for records to be kept “in conditions of appropriate security.” This is because data protection laws (such as the Data Protection Act 2018 and UK GDPR) already require organisations to keep personal data secure. Removing this provision avoids duplication.

Previously, only adoption suitability decisions had a clear deadline (40 working days) for requesting a review. There was no equivalent deadline for fostering or disclosure decisions, which created uncertainty. The new Regulations will apply the same 40

working day deadline to all types of qualifying determinations, ensuring consistency and clarity for everyone involved.

Introduction of a Register of Foster Carers in Wales

This section relates to questions 28 to 31 of the consultation

The Children, Young People and Education Committee report entitled [If not now, then when? Radical reform for care experienced children and young people](#) outlined a recommendation for the Welsh Government to fund and deliver a national register of foster carers, to be held centrally by an independent body. It was suggested that the register could set out such details as foster carers' approval status, approval review date, local authority location, number of placements, and whether they are a local authority or independent provider foster carer.

In response to this recommendation the former Deputy Minister for Social Services committed to undertake a scoping exercise to establish what a national register could look like in Wales, any legislative requirements and operational feasibility.

It is considered that the introduction of a register of foster carers in Wales could:

- a) increase the status of foster carers in the team around the child, allowing the role to be more recognised and valued within the sector and by the public. This is especially important as the Welsh Government recognises that foster carers are an important part of the social care team supporting the child or young person.
- b) address the difficulty foster carers experience when moving from one service to another, by enabling a foster carer's 'new' foster service to carry out a simple check of their approval status. This could offer a less bureaucratic method of transfer, reduce duplication and delays.
- c) offer robust safeguarding measures, by enabling foster services to establish whether a prospective carer has had their approval removed previously.
- d) create increased transparency in respect of the number of households, location and availability of placements for children across the sector as a whole; providing national data and supporting the forecasting of demand for and supply of foster carers.

As part of this work the Welsh Government would like to collaborate with the sector to gain valuable insight into how the introduction of a register could work in practice, its benefits alongside any drawbacks.

To note: we are not consulting on any proposed legislative changes to support this proposal at this time.

SPECIAL GUARDIANSHIP

Special Guardianship Support Plan – proposed regulatory changes

This section relates to questions 32 to 34 of the consultation

Proposal 9

The Welsh Government's [Guide for The Offer of Special Guardianship Support in Wales](#) was commissioned by the Welsh Government in 2019, to build upon the refreshed [Special Guardianship \(Wales\) Regulations 2005](#) (as amended by [The Special Guardianship \(Wales\) \(Amendment\) Regulations 2018](#)) and the accompanying [Code of Practice](#). It was drafted following a detailed consultation process across Wales, incorporating up-to-date research from England and Wales, and existing good practice. It was launched in March 2020 and at this point some local authorities were already well established in their support for special guardianship, whilst others were still at development stage and beginning to respond to the duties placed upon them within the Code of Practice.

In 2020 the Welsh Government commissioned Professor Joan Hunt, through the Association for Fostering, Kinship and Adoption (AFKA) Cymru, to undertake an exploratory study of special guardianship disruption in Wales - [Special Guardianship Disruption in Wales in 2020 - An Exploratory Study](#). The findings of this study confirmed the importance of the offer of special guardianship support and identified a number of other areas of support which may have prevented the disruptions from taking place.

At the end of 2021 the Welsh Government commissioned a further review to understand how the 2005 Regulations (as amended in 2018) and the [Guide for the offer of Special Guardianship Support](#) were being embedded across Wales. It was evident that there were still inconsistencies in support offered to Special Guardianship families across Wales.

An [all-Wales Special Guardianship Support Plan Template](#) was subsequently devised by AFKA Cymru alongside a [template for reviewing the support plan](#) incorporating all the elements contained in:

- The 2005 Regulations (as amended in 2018).
- Accompanying Code of Practice.
- A Guide for the offer of Special Guardianship Support in Wales.
- Research commissioned by Welsh Government on SGO Disruption.

These templates were consulted upon widely in Wales via AFKA Cymru's kinship special interest group which comprises practitioners and managers from a large number of Welsh local authorities who specialise in kinship care and special guardianship. Membership also includes academics from a variety of settings.

These templates signpost the professional to the universal special guardianship services required for the child, special guardian and wider family (as set out in the special guardianship Code of Practice and the Welsh guide for the offer of special

guardianship services). These services are available to all special guardians in the local authority, for example support and peer groups, access to workshops and training and general information, advice and assistance. These are not subject to any assessment and are available to all who wish to access them.

The templates also direct the professional to consider any targeted or specialist special guardianship support services needed and consideration of whether elements of the child's existing Part 6 care and support plan require a Part 4 care and support plan.

The overarching purpose of the templates is to provide a coherent framework for the provision of tailored support for a family. The Support Plan templates require the identification of the needs of the special guardian, child, parents and others, alongside the service to be provided to meet those needs. They also set out a timeframe for a review. If utilised it serves as a checklist for practitioners and helps to provide some consistency of approach across Wales by clearly setting out the support that should be made available as a matter of good practice.

However, feedback from stakeholders has highlighted that whilst the Support Plan templates are being used by some local authorities across Wales and feedback has been positive, this is not on a consistent basis.

The Welsh Government is therefore proposing to add a statutory requirement to the Code of Practice on the exercise of social services functions in relation to Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014 to ensure the Support Plan templates are used consistently by all local authorities across Wales.

Consultation Questions

Adoption Support Agencies - Proposed Regulatory Changes

Question 1: Do you agree that the CIW registration requirement for providers of adoption support services, where those providers are delivering adoption support services exclusively under a contract with one or more local authority adoption services, should be removed?

Question 2: Do you think the checks provided through commissioning arrangements are sufficient to avoid a drop in standards?

Question 3: Do you think this change will increase the number of providers willing to provide adoption support services to children and families and therefore improve access to them?

Question 4: What impact (including any costs and/or benefits) do you think the proposed changes to the regulations might have on different organisations or sectors within social care?

Question 5: What are your views on extending the exemption to register under Part 1 of RISCA to partnerships and corporate body adoption support service providers, who exclusively provide those services under a contract with a registered adoption service?

Adoption-related counselling and therapeutic services to adults - proposed regulatory changes

Question 6: Do you agree that the CIW registration requirement for providers of adoption related counselling and therapeutic services for adults should be removed?

Question 7: Do you think these changes will improve access to necessary counselling and therapeutic services for adopted adults?

Question 8: What impact on quality do you think these changes will have on adoption-related counselling and therapeutic services for adults?

Question 9: What impact (including any costs and/or benefits) do you think the proposed changes to the regulations might have on different organisations or sectors within social care?

Adoption Care Planning, Placement and Review – proposed regulatory changes

Question 10: Do you agree there is a need to provide more detail within the Part 6 Code of Practice to effectively support local authority social workers where a child has a care plan for adoption or is being considered for support services post adoption?

Question 11: Do you agree that the additional areas that Welsh Government is proposing to include within the Code of Practice, will provide additional clarity for practitioners, where a child has a care plan or is being considered for support services post adoption?

Question 12: Do you agree that adding references to the Wales Early Permanence Framework, will remove any confusion amongst practitioners?

Question 13: What impact do you think the proposed changes outlined within this proposal might have on different organisations or sectors within social care?

Assessment of kinship carers and support for kinship placements – proposed regulatory changes

Question 14: Do you agree that Part 2 of Schedule 1 to the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 should be replaced with a new Part 3 specifically for kinship foster carers?

Question 15: Do you agree with the information to be included in the new proposed Part 3?

Question 16: Are there any elements of Part 2 that would also need to be added to Part 3? If so, which ones?

Question 17: Do you have suggestions for any additional requirements that should be included in Part 3?

A 'more flexible approach to Care Planning, Placement and Case Review for kinship arrangements

Question 18: Do you think a more flexible approach to visits and reviews will be effective in meeting the needs of children and kinship foster carers?

Question 19: What impact (including any costs and/or benefits) do you think the proposed changes to the regulations might have on different organisations or sectors within social care?

A more effective and efficient process for the transfer of foster carers between fostering service providers – proposed regulatory changes

Question 20: Do you agree that bringing the elements of the good practice guidelines set out within the Fostering Network's Transfer Protocol for Wales within a legislative framework, will support a more efficient process for transferring foster carers?

Question 21: Do you foresee any issues with the suggestions being made?

Question 22: What impact (including any costs and/or benefits) do you think the proposed changes might have on different organisations or sectors within social care?

Accessing the enhanced fostering allowance (fee)

Question 23: Do the suggested additional paragraphs provide clarity on how the different types of foster carers can obtain the enhanced fostering allowance?

Question 24: Does the amendment provide a clear framework for the provision of support to temporarily approved kinship foster carers?

Question 25: What impact (including any costs and/or benefits) do you think the proposed changes to the Code of Practice might have on different organisations or sectors within social care?

The Independent Review Mechanism - proposed regulatory changes

Question 26: Do you think there will be any unforeseen consequences of making the proposed changes to The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010?

Question 27: What impact (including any costs and/or benefits) do you think the proposed changes to the regulations might have on different organisations or sectors within social care?

Introduction of a Register of Foster Carers in Wales

Question 28: What are your views on a national register for foster carers in Wales?

Question 29: Do you think a fostering register could deliver the objectives of:

- Increased status
- Improved portability for foster carers
- Robust safeguarding measures
- National data and an aid to forecasting the demand for and supply of foster carers.

Question 30: What do you see as the disadvantages of introducing a fostering register in Wales?

Question 31: If a register is introduced, who do you think could hold the register as a central body?

Special Guardianship Support Plan – proposed regulatory changes

Question 32: Do you think introducing a statutory requirement for local authorities/services to use the support plan templates will be beneficial and support a consistent approach for families across Wales?

Question 33: Are there any disadvantages to imposing a statutory duty for local authorities to use the templates when undertaking a special guardianship support plan?

Question 34: What impact (including any costs and/or benefits) do you think the proposed changes to the Code of Practice might have on different organisations or sectors within social care?

Other Questions

Question 35: What, in your opinion, would be the likely effects of the proposals on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 36: In your opinion, could the proposals be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Question 37: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.