

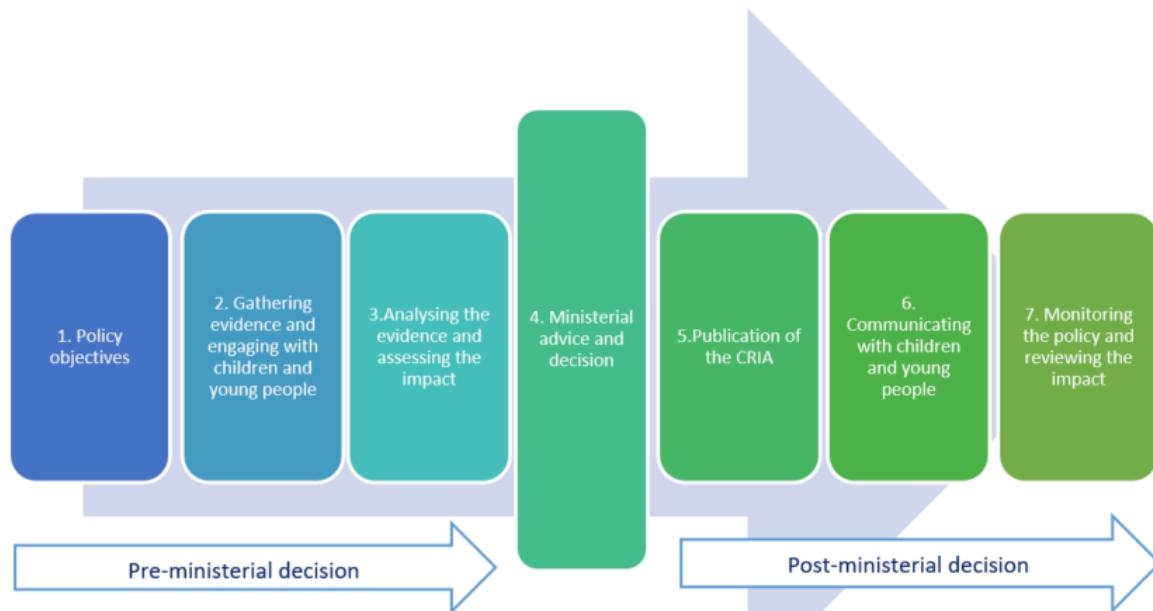
A. Children's Rights Impact Assessment

All completed Children's Rights Impact Assessments must be sent to the CRIA@gov.wales mailbox

The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on the Welsh Ministers to pay due regard to the [United Nations Convention on the Rights of the Child \(UNCRC\) and its Optional Protocols](#) when exercising any of their functions.

The CRIA process is the agreed mechanism officials should use to support Ministers to meet this duty and ensure they give balanced consideration to children's rights in their decision making. A CRIA should be used to inform ministerial advice and must be completed prior to a ministerial decision being made. Once a decision has been reached, your CRIA must also be published.

Please note we have an established Children's Rights Advisory Group (CRAG), comprising the Children's Commissioner for Wales's office, UNICEF, the Wales Observatory on Human Rights of Children and Young People, and Children in Wales, who can be used to discuss or test your draft CRIA. Please contact the Children's Branch CRIA@gov.wales for further information.



For further advice and guidance on the CRIA process, please consult the [Children's Rights Manual for Staff](#) or contact the Children's Branch CRIA@gov.wales

1. Policy objectives

- What decision are you impact assessing?

The Welsh Government's proposed legislative and policy changes to improve adoption, fostering, kinship care, and special guardianship services in Wales, as part of a wider transformation of children's social care.

These proposals aim to strengthen support for vulnerable children and their families and include the following key changes:

- **Adoption Support Services:** Amendments to regulations to simplify Care Inspectorate Wales (CIW) registration requirements for providers delivering adoption support services under contract with local authorities. This is intended to increase the number of available providers and improve access to support for adoptive families.
- **Counselling and Therapeutic Services for Adults:** Exempting counsellors and therapists from CIW registration when providing adoption-related services to adults, to remove barriers and improve access to emotional and psychological support for adopted adults and birth relatives.
- **Care Planning and Review for Adoption:** Updates to the Part 6 Code of Practice to clarify the relationship between different care plans (Part 6, adoption support, and Part 4) and ensure practitioners are supported with clearer guidance when planning for adoption.
- **Kinship Foster Care:** Introduction of a distinct category for kinship foster carers, with a tailored assessment framework and more flexible review and visit requirements. This recognises the unique nature of family-based placements and aims to reduce unnecessary bureaucracy while maintaining safeguarding.
- **Enhanced Fostering Allowance:** Clarification in the Code of Practice on how mainstream and kinship foster carers can access enhanced allowances, and expectations for temporarily approved carers.
- **Independent Review Mechanism (IRM):** Proposed changes to the IRM regulations to ensure applicants who receive a 'brief report' during foster carer assessment can still access a meaningful review process. This includes enabling the panel to request a full assessment report if needed.
- **Special Guardianship Support Plans:** A statutory requirement for local authorities to use nationally developed support plan templates to ensure consistency and quality of support for special guardians and the children in their care.

These changes are designed to improve outcomes for children by enhancing the quality, accessibility, and consistency of care and support services, while also strengthening children's rights to voice, family connection, and appropriate support

throughout their care journey, in line with UNCRC principles such as the best interests of the child (Article 3), the right to life, survival and development (Article 6), freedom of expression (Article 13), support services (Article 18) and protections for children without families (Article 20), review of a child's placement (Article 25). These articles collectively underpin the importance of stability and continuity in a child's life, ensuring that care arrangements promote security, wellbeing and development.

2. Gathering evidence and engaging with children and young people

Existing Research and Data

The Welsh Government's changes are informed by a range of existing research, sector feedback, and commissioned studies. Key sources include:

- Feedback from children's social services professionals across Wales, highlighting challenges in adoption, fostering, and kinship care through various forums and special interest groups.
- The Joint Committee on Human Rights (JCHR) inquiry into historical adoption practices, which identified barriers to accessing counselling for adopted adults: [The Violation of Family Life: Adoption of Children of Unmarried Women 1949–1976](#)
- Research commissioned by Welsh Government on Special Guardianship disruption (2020), which highlighted the importance of consistent support planning: [Special Guardianship Disruption in Wales: An Exploratory Study](#)
- Practice insights from AFKA Cymru including the development of support plan templates ([Resource Hub - AFKA Cymru](#)) and engagement with local authority practitioners in regular special interest groups.

These sources provide a strong evidence base for the proposed changes, particularly in identifying gaps in service provision, inconsistencies in practice, and the need for more flexible, child-centred approaches.

Engagement included organisations representing children and young people across adoption and fostering such as the National Adoption Service, Regional Adoption Collaboratives in Wales, Voluntary Adoption Agencies, Foster Wales, Kinship Cymru, and AFKA Cymru's Special Interest Group for Special Guardians and Kinship Carers. The 'Connected' youth council was able to obtain information relating to required adoption regulation changes. Members of the kinship special interest group were able to seek views from the children and young people they looked after to gain feedback. Listening to the voices of children, young people and service users enabled policy officials to develop the proposals outlined in the consultation.

It also became clear that young people in kinship care felt that being treated as "looked after" under the current system was disproportionate and stigmatising. They wanted recognition of family-based care as distinct from mainstream fostering processes. This feedback directly informed proposals to introduce a tailored assessment framework for kinship foster carers and more flexible review arrangements.

Anticipated Impact on Children and Young People

The proposals are expected to have a positive impact on most groups of children and young people, particularly those who are:

- **Looked after or adopted:** Improved access to support services, clearer care planning, and better continuity of care.
- **Living in kinship care arrangements:** More appropriate assessment and support frameworks that reflect family dynamics and reduce unnecessary bureaucracy.
- **Receiving therapeutic support:** Increased availability of counselling services for adopted adults may indirectly benefit children through improved family wellbeing.
- **In foster care:** A streamlined transfer processes may improve placement stability and safeguarding.

However, there may be some risks if changes to registration requirements reduce oversight or quality assurance. These risks are mitigated by existing commissioning checks and statutory duties on local authorities.

Engagement with Children and Young People

While the proposed changes have undergone extensive engagement with professionals and stakeholders who represent children and young people, the Welsh Government has not undertaken direct participatory work with them due to the technical nature of the legislative proposals, which involve regulatory frameworks and statutory guidance. These are complex and not easily accessible to children without specialist knowledge. Instead, we relied on organisations representing children's voices to ensure their perspectives informed policy development. The proposals do respond to feedback from young people in kinship care, who have expressed concerns about the disproportionate impact of the looked after system on their placements.

3. Analysing the evidence and assessing the impact

Using the evidence gathered from research, stakeholder feedback, and sector engagement, the policy changes are likely to have a broadly positive impact on children and young people across Wales, particularly those who are looked after, adopted, or living in kinship care arrangements.

Positive Impacts

- **Improved access to support services:** By removing barriers to registration for adoption support providers and adult counselling services, children and young people will benefit from increased availability of therapeutic and emotional support, both directly and through improved wellbeing of their families.

- **More child-centred care planning:** Updates to the Part 6 Code of Practice will ensure that care plans for adoption are clearer and better aligned with children's individual needs, promoting stability and continuity.
- **Greater flexibility in kinship care:** The creation of distinct assessment requirements for kinship foster carers and tailored assessment and review processes will reduce unnecessary bureaucracy and better reflect the realities of family-based placements, improving the experience for children in kinship care.
- **Clarity around financial support:** Clearer guidance on accessing enhanced fostering allowances will help ensure that children's needs are met through appropriate financial support to their carers.
- **Fairer review processes:** Changes to the Independent Review Mechanism (IRM) will ensure that prospective foster carers have access to a meaningful review, even when a brief report is issued, supporting fairness and safeguarding in decision-making.

Potential Negative Effects and Mitigation

- **Reduced regulatory oversight:** Removing CIW registration requirements for some providers may raise concerns about service quality. To mitigate this, the Welsh Government is relying on robust commissioning checks and statutory duties on local authorities to ensure safeguarding and quality assurance.
- **Increased demand on services:** As access improves, third sector and local authority services may face increased demand. This could strain capacity unless accompanied by appropriate funding and workforce planning. Ongoing monitoring and engagement with providers will be essential.
- **Variation in implementation:** Differences in how local authorities apply new frameworks (e.g. support plan templates or enhanced allowance criteria) could lead to inconsistency. The introduction of statutory requirements and clearer guidance aims to reduce this risk.

In conclusion, the policy is designed to strengthen children's rights to support, stability, and voice within the care system. While some risks exist, they are recognised and addressed through safeguards, statutory duties, and ongoing sector collaboration.

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
Article 3 – Best interests of the child	Clearer care planning and support services.	Reduced oversight from deregulation may compromise decisions in child's best interests and	The proposals aim to improve care planning, placement stability, and access to support services, ensuring decisions are made in the child's best interests.

		on the quality of services provided.	Statutory duties will ensure high quality services.
Article 12 – Right to be heard	Improved participation in care planning and review.	Technical nature of proposals may limit direct engagement.	<p>Strengthening the voice of the child in care planning and review processes, particularly through updates to the Part 6 Code of Practice.</p> <p>Proposals for more flexible review arrangements for kinship care include consultation with the child and family before determining visit frequency.</p> <p>Children will be invited to contribute to the design and content of child-friendly publications explaining the changes.</p>
Article 13 – Right to receive information	Commitment to child-friendly communication formats.	Risk of inadequate communication for children with different needs.	The policy will ensure local authorities and agencies are required to provide updates in child-friendly formats and through multiple channels which includes linking in with adoption youth councils, the Connect Group and looked after children's Thrive magazine, which takes into account children's diverse communication needs such as language, disability, and cultural and well-being contexts.

Article 19 – Protection from violence, abuse, neglect	Safeguarding duties remain statutory.	<p>Increasing flexibility in care review arrangements could result in inconsistent practices across local authorities, creating gaps in identifying and addressing risks of violence, abuse, or neglect.</p> <p>Furthermore, reducing regulatory oversight may weaken accountability, increasing the likelihood that children's protection needs are overlooked during reviews.</p>	The policy maintains statutory safeguarding duties and commissioning checks to protect children from harm. Mitigation is considered sufficient as statutory safeguarding duties remain.
Article 20 – Protection of children without families	Enhancements to adoption, fostering, and kinship care frameworks strengthen stability for children who are looked after by introducing a distinct category for kinship foster carers with tailored assessment and review processes, reducing stigma and unnecessary	<p>Introducing a distinct kinship foster carer category and flexible review arrangements could lead to inconsistencies in implementation across local authorities, risking uneven standards of care. Statutory use of Special Guardianship Support Plan templates and Early Permanence practices may strain resources and workforce capacity,</p>	<p>Enhancements to adoption, fostering, and kinship care frameworks support children who are looked after, ensuring appropriate and stable placements.</p> <p>Introduction of a distinct category for kinship foster carers with tailored assessment and review frameworks to reduce stigma and bureaucracy.</p> <p>Special Guardianship Support Plan templates become statutory to ensure consistent, high-quality support for</p>

	<p>bureaucracy. Statutory Special Guardianship Support Plan templates and the inclusion of the Early Permanence Framework in the Code ensure consistent, high-quality support and minimise placement disruption and trauma.</p>	<p>requiring robust monitoring to avoid gaps in support.</p>	<p>children in permanent family arrangements.</p> <p>Early Permanence Framework referenced in the Code to minimise placement disruption and trauma.</p>
Article 21 – Adoption	Better adoption support and planning.	Lower oversight of providers could affect service quality.	Changes to adoption support services and care planning improve the quality and accessibility of support for adopted children and families. Access to adoption support services will be improved through more efficient commissioning arrangements and clearer statutory guidance for professionals on post-adoption support planning.
Article 23 – Disabled children's right to special care	Templates include tailored support for disabled children.	Risk of tailored specialist provision not being readily available for families that need it.	The policy supports this right by requiring nationally developed support plan templates that include tailored provisions for disabled children and their carers. These tailored templates will include an assessment of disabled children's care and support needs. This ensures consistency and quality in meeting

			additional needs within care arrangements.
Article 25 – Review of treatment in care	The policy enhances this right by introducing clearer and more flexible review arrangements for kinship care and maintaining oversight through statutory duties. This ensures that children's care plans are regularly assessed and adapted to meet their individual needs. The introduction of the SGO template will provide a coherent framework for the provision of tailored support for the family.	<p>Greater flexibility in review arrangements could lead to inconsistencies in how care reviews are conducted across different local authorities. Additionally, reduced regulatory oversight may weaken accountability for ensuring that children's needs are fully addressed during these reviews.</p> <p>Risk of inconsistent interpretation of the SGO template across local authorities.</p>	<p>Proposals for more flexible review arrangements for kinship care still maintain oversight, tailored to the child's needs and as they grow older becoming more reactive to evolving or changing circumstances.</p> <p>By adding a statutory requirement for a SGO template for all local authorities to use the templates will ensure a consistent approach across Wales. This will promote equity and clarity. Their portability between local authorities will improve continuity of care and reduce duplication.</p>
Article 26 – Right to benefit from social security	Clearer guidance on enhanced fostering allowances which aims to strengthen financial support available to families. The	Variation in implementation by local authorities could affect access to allowances.	The policy strengthens financial support for children by clarifying access to enhanced fostering allowances and ensuring consistency through statutory guidance. This helps families in need to maintain stability and

	policy clearly outlines how temporarily approved carers can be assessed against local authorities' eligibility criteria for an enhanced allowance.		meet children's essential needs, reducing the risk of financial hardship.
Article 27 – Adequate standard of living	Clarifies access to enhanced fostering allowances and introduces statutory templates for support plans, ensuring financial and practical stability for children in care. These measures help carers meet children's essential needs and maintain a consistent standard of living across care arrangements.	While the policy clarifies access to enhanced fostering allowances, there is a risk of inconsistent implementation across local authorities, which could lead to unequal financial support for families. Additionally, increased demand on services without adequate funding may strain resources, potentially impacting children's standard of living.	Clarification of access to enhanced fostering allowances supports financial stability for carers, which benefits children's wellbeing.
Article 30 – Right to learn and use family language	Recognition of cultural and linguistic needs of children within placements.	Insufficient guidance could overlook language needs.	The policy supports this right by promoting culturally sensitive placements and encouraging recognition of family language needs within adoption, fostering, and kinship care arrangements. Guidance and support planning templates will help ensure

			that children maintain their linguistic and cultural identity wherever possible.
Article 39 – Recovery from trauma and reintegration	Improved access to therapeutic services for adopted adults and families supports recovery and emotional wellbeing, while removing barriers to adoption-related counselling for adults indirectly benefits children by strengthening family stability and wellbeing.	While removing barriers to adoption-related counselling for adults improves access, it may reduce regulatory oversight and raise concerns about service quality and safeguarding. Increased demand for therapeutic services could strain provider capacity, risking delays and inconsistent support for families.	Improved access to therapeutic services for adopted adults and families supports recovery and emotional wellbeing. Removal of barriers to adoption-related counselling for adults indirectly benefits children by improving family wellbeing.

These proposals are designed to uphold and enhance children's rights by improving the systems that support their care, protection, and development. While no direct challenges to rights are identified, ongoing monitoring will be important to ensure that deregulation (e.g. removal of CIW registration) does not inadvertently compromise service quality or safeguarding. The proposals have been reviewed against UNCRC concluding observations and general comments to ensure alignment with international best practice.

- Consider whether any EU Citizens Rights (as referenced in the Equality Impact Assessment) relate to young people up to the age of 18.

The proposed changes outlined in the Welsh Government's consultation document do not directly reference EU Citizens' Rights in relation to children and young people. However, it is important to consider how these rights may be relevant, particularly for children and young people up to the age of 18 who are EU nationals or have family members who are EU citizens living in Wales.

Relevant Considerations:

- **Access to social care services:** EU children living in Wales should have equal access to adoption, fostering, kinship care, and special guardianship services. The proposed changes—such as improving care planning, increasing access to support services, and clarifying eligibility for enhanced

fostering allowances—must be implemented in a way that does not disadvantage children based on their nationality or immigration status.

- **Safeguarding and placement stability:** EU children in care may face additional vulnerabilities, such as language barriers, cultural differences, or uncertainty around residency status. The proposals to improve placement stability could help ensure that EU children are placed in safe, culturally appropriate environments.
- **Right to family life and continuity of care:** Under EU Citizens' Rights and the UNCRC, children have the right to maintain contact with family members. Proposals that improve support for kinship care and adoption-related contact arrangements may enhance this right, particularly for children separated from family due to migration or care proceedings.

While the proposals do not explicitly address EU Citizens' Rights, they should be implemented in a way that ensures non-discrimination, equal access, and protection of rights for all children, including those who are EU nationals or have EU family connections. This includes ensuring that immigration status does not become a barrier to receiving care, support, or financial assistance under the revised frameworks.

4. Ministerial advice and decision

The analysis of these impacts will be included in the Ministerial advice to seek agreement to the publication of the analysis of the public consultation responses and the laying of the subordinate legislation and the revised Part 6 and SGO Code of Practices.

5. Publication of the CRIA

- *Following the ministerial decision, the CRIA should be published on the Welsh Government website.*
- *Send sections 1 and 8 of your IIA and the CRIA (Annex A) to your departmental web manager for publishing.*
- *All completed CRIAs must also be sent to the CRIA@gov.wales mailbox.*

6. Communicating with Children and Young People

Due to the technical nature of the proposed changes, many of which relate to regulatory frameworks, statutory guidance, and administrative processes, it was not considered proportionate or appropriate to directly engage children and young people during this consultation. However, the proposals have been informed by extensive engagement with professionals, carers, support services, and

organisations who work closely with children and young people, including those with lived experience of care. Their insights have helped shape the reforms to ensure they reflect the needs and rights of children and young people. Relevant information will be communicated through child-friendly publications and youth forums. Organisations like NAS and Foster Wales will support dissemination.

7. Monitoring and Review

To ensure the Children's Rights Impact Assessment (CRIA) remains relevant and effective, the following monitoring and review mechanisms will be put in place:

- **Integration with implementation oversight:** The CRIA will be reviewed alongside the implementation of the proposed legislative and Code of Practice changes. This will ensure that any unintended impacts on children's rights are identified and addressed early.
- **Feedback from stakeholders:** Ongoing engagement with local authorities, third sector organisations, carers, and practitioners will help monitor how the changes are affecting children and young people in practice.
- **Review following consultation outcomes:** Once the consultation responses have been analysed and final decisions made, the CRIA will be updated to reflect any changes to the proposals and to assess whether additional mitigations or enhancements are needed.
- **Post-implementation evaluation:** A formal review of the CRIA will be scheduled within 12–18 months of implementation, aligned with any broader evaluation of the reforms. This will include consideration of feedback from children and young people where appropriate.
- **Cross-policy coordination:** The CRIA will be revisited if related policy areas (e.g. education, health, housing) introduce changes that may interact with the proposals and affect children's rights