CHILDREN'S RIGHTS IMPACT ASSESSMENT

1. Policy objectives

The decision being impact assessed is whether to amend the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 to enable continuity of foster carer approvals in prescribed circumstances where an existing for-profit fostering service provider re-establishes itself as a not-for-profit fostering service provider. The proposed amendments are intended to support implementation of the Health and Social Care (Wales) Act 2025 and the transition to not-for-profit children's services in Wales.

The policy objective is to avoid unnecessary reassessment of foster carers where there has been no material change in their suitability, while maintaining appropriate safeguards and regulatory oversight. The proposal aims to promote stability and continuity for children living with foster carers by reducing the risk of disruption to foster placements during organisational transitions.

2. Gathering evidence and engaging with children and young People

The proposal has been informed by evidence on the importance of stability and continuity for children who are looked after, including evidence that placement disruption can have a negative impact on children's wellbeing, relationships and outcomes. This includes evidence summarised in the Association for Fostering, Kinship and Adoption (AFKA) Cymru's *Improving Placement Stability for Children Looked After in Foster Placements* guide, which highlights the importance of stable, nurturing relationships and placement stability in improving outcomes for children and young people.

The policy has also been informed by the wider programme of reform arising from the Health and Social Care (Wales) Act 2025 and consideration of the practical implications of organisational transitions for fostering services, foster carers and children. The proposal is specifically designed to avoid unnecessary reassessment of foster carers and minimise the risk of disruption to existing foster placements where a fostering service provider transitions from a for-profit to a not-for-profit model.

The proposal is expected to have a positive impact on children living with foster carers by supporting continuity and stability in their care arrangements. Care experienced children and young people are the group most directly affected. The policy is not expected to have different impacts on children based on age, disability, ethnicity, Welsh language, sexual orientation, religion or other protected characteristics, as it does not change eligibility for fostering services or the standards of care provided. No negative impacts on particular groups of children and young people have been identified.

No direct engagement with children and young people has been undertaken specifically for these proposed amendments. The proposal is technical and administrative in nature, relating to the continuity of foster carer approvals during organisational changes to fostering service providers. It does not alter children's rights, entitlements, access to services or the way decisions about individual children are made.

However, the evidence base used to inform the proposal includes wider engagement, consultation and participation activity undertaken as part of the programme to remove profit from the care of looked after children in Wales. Through this programme, children and young people highlighted the importance of stable relationships, continuity of care and ensuring that the best interests of children remain central to care arrangements. The proposal seeks to support these priorities by ensuring organisational changes affecting fostering providers do not inadvertently disrupt existing placements or trusted relationships. Notes of stakeholder discussion.pdf

A number of risks were identified and considered during policy development. These included the potential for uncertainty during provider transitions, foster carers deciding not to transfer to successor organisations, and differing interpretations of organisational continuity requirements.

These risks are mitigated through clear eligibility criteria and guidance to support consistent decision-making; continued regulatory oversight by Care Inspectorate Wales; early engagement and communication with foster carers throughout the transition process to support confidence and retention; maintenance of existing safeguarding and support arrangements; and a requirement to review transferred approvals within 12 months.

A 12-week public consultation was undertaken on the proposal. Consultation documents were made publicly available, and stakeholders representing children and young people, including advocacy organisations and representative bodies, were invited to respond. Stakeholders were encouraged to reflect the views and experiences of children and young people within their responses. Consultation responses have informed the development of the final policy proposals and accompanying legislation. Consultation on moving children's social care to a not-for-profit model [HTML] | GOV.WALES

3. Analysing the evidence and assessing the impact

The evidence indicates that the proposal is likely to have a positive impact on children and young people who are living with foster carers. By enabling continuity of foster carer approvals where a fostering service provider transitions from a for-profit to a not-for-profit model, the proposal seeks to reduce the risk of disruption to foster placements and maintain stability in children's care arrangements. Stability and

continuity of relationships are important factors in supporting children's wellbeing, development and outcomes.

No negative impacts on children and young people have been identified. The proposal does not alter children's eligibility for services, access to support, or the standards that fostering services and foster carers must meet. Existing safeguarding requirements, supervision arrangements, regulatory oversight and review processes will continue to apply.

In assessing the impact of the proposal, consideration has been given to UN Committee on the Rights of the Child General Comment No. 14 (best interests of the child) and General Comment No. 12 (the right of the child to be heard). The proposal seeks to maintain placement stability and continuity for children whilst preserving existing mechanisms through which children are able to participate in decisions about their care.

The following UNCRC Articles have been identified as relevant to the proposal. The assessment below outlines how the proposal enhances the rights provided under each relevant Article. No UNCRC rights are considered to be negatively affected by the proposal. Any potential risks are mitigated through the continued application of safeguarding requirements, foster carer supervision and reviews, and regulation and inspection by Care Inspectorate Wales (CIW).

- **Article 3 – Best interests of the child:** The proposal supports the best interests of children by reducing the risk of unnecessary disruption to foster placements when a fostering service provider transitions to a not-for-profit model. Maintaining stability, continuity of care and established relationships has been a key consideration throughout policy development, consistent with the principle that the best interests of the child should be a primary consideration.
- **Article 19 – Protection from Violence, Abuse and Neglect:** The proposal maintains existing safeguarding arrangements, supervision requirements, foster carer reviews and regulatory oversight by Care Inspectorate Wales. This helps ensure children remain protected during provider transitions and that safeguarding standards continue to be maintained.
- **Article 20 – Children deprived of their family environment:** The proposal helps maintain continuity of care for looked after children living with foster carers by allowing foster carer approvals to continue in prescribed circumstances. By supporting placement stability and reducing the risk of disruption during organisational transitions, the proposal supports children deprived of their family environment to continue receiving stable alternative care.
- **Article 25 – Review of Treatment in Care:** The proposal does not remove existing review requirements for children or foster carers. Foster care arrangements remain subject to statutory review and oversight, including a review of transferred foster carer approvals within 12 months.

- **Article 39 – Recovery and reintegration:** By supporting stable and secure foster placements, the proposal may contribute to children's recovery, wellbeing and development, particularly where they have experienced trauma or family breakdown.
- **Article 6 – Life, survival and development:** The proposal supports children's development by helping to maintain stable care arrangements and relationships, which are important for their wellbeing and development.
- **Article 12 – Respect for the views of the child:** Although the proposal does not directly change how children's views are sought, the policy has drawn on wider engagement and participation activity undertaken through the programme to remove profit from the care of looked after children in Wales. Children's participation rights within care planning, reviews and decisions about their care arrangements remain unaffected and continue to be protected through existing legislation and practice.

The relevant recommendations within the UN Committee on the Rights of the Child's 2023 Concluding Observations have been considered in relation to the proposal, as follows:

- **Best interests of the child - paragraph 21(a):** The proposal supports this recommendation by promoting stability and continuity in foster placements and reducing the risk of unnecessary disruption during provider transitions.
- **Respect for the views of the child - paragraph 23(a):** Existing arrangements for children to express their views and participate in decisions about their care will remain unchanged, while wider engagement with organisations representing care-experienced children and young people has informed this proposal.
- **Children deprived of a family environment - paragraphs 37 and 38:** The proposal supports these recommendations by promoting placement stability and continuity during provider transitions, while maintaining existing safeguarding, care planning and review arrangements.

No impacts on the rights of EU citizens under the Citizens' Rights Agreements have been identified.

The proposal relates to the continuity of foster carer approvals where a fostering service provider transitions from a for-profit to a not-for-profit model. It applies equally regardless of nationality or immigration status and does not alter eligibility for fostering services, access to support, or the rights and entitlements of children and young people.

The proposal is not expected to have any specific positive or negative impacts on children and young people who are EU citizens or who benefit from rights protected under the EU Withdrawal Agreement, EEA EFTA Separation Agreement or Swiss Citizens' Rights Agreement. Accordingly, no differential impacts have been identified.

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

5. Communicating with Children and Young People

The proposal is technical and administrative in nature and does not require children and young people to take any action, nor does it alter their rights, entitlements or the way decisions are made about their individual care arrangements. As such, direct engagement with children and young people has not been undertaken specifically in relation to these amendments.

However, the policy has been informed by wider engagement, consultation and participation activity undertaken through the programme to remove profit from the care of looked after children in Wales. In addition, the views and interests of children and young people have been reflected through the involvement of organisations representing care-experienced children and young people, including those with experience of foster care and the wider care system.

The proposal has also been informed by evidence highlighting the importance children and young people place on stability, continuity of care and trusted relationships. These considerations have been central to the development of the policy and its objective of minimising disruption to existing foster placements during provider transitions.

During implementation, any information required by children and young people will be communicated through existing care planning, review and advocacy arrangements, supported by local authorities, fostering services and independent advocacy providers where appropriate. Children's rights to express their views and participate in decisions about their care will continue to be supported through existing statutory processes.

6. Monitoring and Review

The CRIA will be kept under review as the policy develops and alongside consideration of consultation responses and stakeholder feedback. The final regulations, accompanying Explanatory Memorandum and implementation arrangements will provide a further opportunity to review the assessment and confirm whether any additional impacts on children and young people have been identified.

Following implementation, any issues arising through the operation of the regulations, feedback from fostering services, local authorities, foster carers, CIW, or evidence of unintended impacts on children and young people will be considered as

part of ongoing policy monitoring. The proposed sunset provision will also provide an opportunity to consider whether the policy remains necessary and proportionate.

Based on the current evidence, no revisions to the policy or its implementation are required. The assessment indicates that the proposal is expected to have a positive impact on children by supporting continuity and stability in foster placements, and no negative impacts on children's rights have been identified. Any future revisions would be informed by consultation findings, stakeholder feedback or implementation evidence.