

Explanatory Memorandum to the Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026

This Explanatory Memorandum has been prepared by the Health, Social Care and Early Years Department and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026. I am satisfied that the benefits justify the likely costs.

Dawn Bowden MS

Minister for Children and Social Care

27 January 2026

PART 1

1. Description

- 1.1 The Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026 (“the 2026 Regulations”) amend the Care Planning, Placement and Case Review (Wales) Regulations 2015 (“the 2015 Regulations”) and the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 (“the 2018 Regulations”).
- 1.2 The 2015 Regulations make provision about care planning for looked after children, and other associated matters. The 2018 Regulations impose requirements on fostering services providers in relation to the establishment and functions of fostering panels, and the assessment of prospective foster carers.
- 1.3 The 2026 Regulations make the following changes to the 2018 Regulations:

Definition of household members:

- Now includes any person living in the household, whether placed there by the local authority or under another arrangement.

Assessment of prospective foster carers:

- The process has been updated to reflect new requirements, especially for those who are relatives, friends, or connected persons.

Information sharing:

- A new provision (Regulation 10A) requires fostering services providers to share information with each other to support better decision-making.

Schedule 1 updates:

- A new Part 3 has been added, detailing the specific information required when assessing a prospective foster carer who is a connected person (such as a relative, friend or someone with a pre-existing relationship with the child).

- 1.4 The 2026 Regulations make the following changes to the 2015 Regulations:

Placement with connected persons:

- Visits to children in these placements must now happen at least every 6 months.
- Reviews of these placements must take place at least every 12 months.

- 1.5 These changes relate to placements made under section 81(6)(a) of the Social Services and Well-being (Wales) Act 2014, which prioritises placing children with relatives, friends, or others connected to them.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 None.

3. Legislative background

- 3.1 These Regulations are made by the Welsh Ministers under powers conferred by the Social Services and Well-being (Wales) Act 2014. They are being made under the Senedd annulment procedure.

4. Purpose and intended effect of the legislation

Amendments to the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018

Foster Carer Transitions

- 4.1 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, the 2026 Regulations will improve the efficiency and effectiveness of the process. These changes will bring elements of the good practice guidelines set out within the Foster Carer Transfer Protocol for Wales¹ within a legislative framework. This will:

- Enable timely and consistent sharing of key records when a foster carer moves between fostering service providers.
- Ensure no fees are charged for the transfer of information.
- Protect providers from breaching data protection laws (e.g. GDPR) by including appropriate safeguards in the regulations.

- 4.2 The key improvements introduced by the 2026 Regulations include the following:

- A statutory obligation for the previous provider to share key documents (e.g. assessment reports, review records) within 15 working days of a written request.
- Free access to these records for the receiving provider.
- Removing reliance on voluntary compliance.

¹ [transfer-of-foster-carers-protocol-wales-eng.pdf](#)

- Enhanced safeguarding by ensuring that decision-makers have access to full and timely information.
- 4.4 The individuals or groups that are impacted include:
- Foster carers transferring between providers.
 - Fostering service providers (both local authority and independent).
 - Children and young people in foster care, whose placements may be affected by delays or gaps in information.
 - Panel members and decision-makers, who rely on accurate records to assess suitability and continuity.
- 4.5 Failure to implement the proposed legislative changes may result in the following risks:
- Continued inconsistency and delays in information sharing.
 - Potential safeguarding risks due to incomplete or outdated records.
 - Financial barriers for providers due to fees.
 - Reduced confidence in the system among foster carers and professionals.
- 4.6 The proposed legislative changes are expected to deliver the following efficiency improvements:
- Streamline the transfer process, reducing administrative burden.
 - Ensure prompt access to essential records, enabling quicker decisions.
 - Reduce duplication of assessments and unnecessary delays in placement continuity.
- 4.7 Potential effects of the legislative changes on disadvantaged or marginalised groups include:
- Improved outcomes for children and young people in care, particularly those affected by placement changes.
 - Supports foster carers, including those from underrepresented backgrounds, by removing barriers to transferring providers.
- 4.8 The legislation applies across Wales, affecting all fostering service providers operating under Welsh regulations.

Kinship Foster Carer Assessment Reform

- 4.9 The Welsh Government aims to create a more flexible, person-centred framework for assessing and approving kinship foster carers, recognising the unique nature of kinship care. The 2026 Regulations will:
- Establish a distinct category of kinship foster carer within the fostering regulations.
 - Introduce a new Part 3 in Schedule 1 of the Regulations, tailored to the specific circumstances of kinship care.

- Enable fostering panels and decision makers to apply discretion and contextual judgment when assessing suitability.

4.10 Under the current framework, kinship carers are assessed to the same standard as mainstream foster carers, despite:

- Often stepping into the role during a family crisis.
- Having pre-existing relationships with the child.
- Facing unrealistic expectations compared to mainstream carers who plan and prepare for fostering. This has led to stress, delays, and inappropriate assessments that do not reflect the realities of kinship care.

4.11 The 2026 Regulations will:

- Introduce a bespoke assessment pathway for kinship carers (Parts 1 and 3 of Schedule 1).
- Allow panels to consider family dynamics, prior involvement with local authorities, and child-specific needs.
- Maintain the status and support of kinship foster carers while reducing unnecessary bureaucracy.
- Align with the Social Services and Well-being (Wales) Act 2014, promoting a person-led approach.

4.12 The legislative changes will affect the following stakeholders and areas:

- Kinship foster carers who will benefit from a more appropriate and supportive assessment process.
- Children and young people, who will experience more stable placements with familiar carers.
- Fostering panels and decision makers, who will gain clarity and flexibility in applying suitability criteria.
- Local authorities and fostering services, who will operate under a clearer and more efficient framework.

4.13 Potential consequences of not implementing the proposed legislation include:

- Continued misalignment between policy and practice.
- Delays or breakdowns in kinship placements due to unsuitable assessment criteria.
- Disengagement of potential kinship carers due to burdensome processes.
- Missed opportunities to provide stable, family-based care for looked after children.

4.14 Efficiency benefits anticipated through the proposed legislative reforms include:

- Reduced duplication and irrelevant assessment criteria.
- Enables targeted support and intervention, based on actual family needs.

- Improves decision-making by focusing on the child-carer relationship rather than generic standards.
- 4.15 The legislative changes may have the following effects on disadvantaged or excluded groups:
- Enhanced outcomes for children in care, particularly those placed with extended family.
 - Support for kinship carers, who may face socio-economic challenges and lack formal training.
 - Promote equity by recognising the distinct nature of kinship care and reducing systemic barriers.
- 4.16 The legislation applies across Wales, affecting all fostering service providers and local authorities operating under Welsh law.

Amendments to The Care Planning, Placement and Case Review (Wales) Regulations 2015

Flexible Reviews and Visits for Kinship Foster Carers

- 4.17 The Welsh Government is seeking to introduce greater flexibility in the statutory requirements for case reviews and social work visits for children placed with approved kinship foster carers. The 2026 Regulations will:
- Allow tailored review and visit schedules based on the individual needs of the child and family.
 - Ensure independent oversight remains in place through the role of the Independent Reviewing Officer (IRO).
 - Promote a person-centred approach in line with the Social Services and Well-being (Wales) Act 2014.
- 4.18 The current regulations impose uniform review and visit intervals for all foster placements, regardless of context. This:
- Fails to reflect the stability and familiarity often present in kinship care.
 - Can feel intrusive or disproportionate for families with low levels of need.
 - Places unnecessary strain on carers and professionals, especially in long-term kinship arrangements.
- 4.19 Key enhancements anticipated as a result of the legislative changes include the following:
- Allows subsequent reviews to occur at intervals of up to 12 months (instead of 6), with timing determined during the review itself.
 - Enables visit intervals of up to 6 months, decided collaboratively by the responsible authority, IRO, carers, parents, and the child.
 - Maintains flexibility to increase frequency where needed, ensuring responsiveness to complex cases.

- Reduces administrative burden while preserving safeguarding oversight.

4.20 Stakeholders likely to be affected by the proposed legislative reforms include:

- Kinship foster carers who will benefit from a more proportionate and supportive framework.
- Children and young people, who may feel more comfortable with reduced formal oversight in stable placements.
- Local authorities and social workers, who will gain flexibility in managing workloads and tailoring support.
- IROs, who will play a key role in determining appropriate review and visit schedules.

4.21 The absence of legislative reform could result in the following potential risks:

- Continued application of a one-size-fits-all approach that may undermine the effectiveness of kinship placements.
- Potential disengagement of kinship carers due to perceived over-regulation.
- Missed opportunities to streamline services and focus resources where they are most needed.

4.22 The proposed legislative changes are expected to deliver the following efficiency gains:

- Reduces unnecessary reviews and visits in low-risk, stable placements.
- Enables targeted intervention in cases with higher complexity.
- Supports better resource allocation across social care teams.

4.23 The proposed legislative change may affect disadvantaged or excluded groups in the following ways:

- Improved outcomes for children in kinship care, many of whom come from disadvantaged backgrounds.
- Support for families stepping in during a crisis, often without prior preparation or formal training.
- Promote equity by recognising the distinct nature of kinship care and reducing systemic barriers.

4.24 The legislation applies across Wales, affecting all local authorities and fostering service providers operating under Welsh law.

5. Consultation

5.1 A 12-week consultation ran from 4 August 2025 to 27 October 2025 on the proposed changes. The consultation was drawn to the attention of a wide audience of key stakeholders including local authorities, third sector

organisations, independent fostering providers, third sector fostering providers and foster carers.

5.2 There was broad agreement to the proposals in the consultation. One minor change was made as a result of the responses - the inclusion of a reference to past employment within the new Part 3 of Schedule 1 to the 2018 Regulations.

5.3 The consultation documents and a summary of the responses are available [here](#)

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Options

Amendments to the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018

Foster Carer Transitions

6.1 Two options have been considered in the analysis of the costs, benefits, and risks of introducing changes to the process for foster carer transitions in Wales:

- Option 1: Do Nothing – continue to rely on the non-statutory Transfer Protocol for Wales
- Option 2: Amend the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018

Option 1: Do Nothing

6.2 This option would continue the existing reliance on the Transfer Protocol for Wales, which is non-statutory and unenforceable. Whilst this Protocol promotes good practice it is not being consistently applied across fostering service providers.

Costs

6.3 Whilst this option does not introduce additional direct costs, fostering service providers may incur avoidable costs linked to administrative duplication, placement delays, and the potential loss of foster carers. These costs are likely to vary significantly between providers, making them difficult to quantify and therefore have not been included in the cost analysis.

Benefits

6.4 The main benefit of this option is that it avoids any disruption to current systems and processes and the need for additional training or awareness raising.

Risks

6.5 One of the main risks associated with this option is inconsistent practice across providers. Voluntary adherence to the protocol leads to variability and undermines fairness and consistency.

- 6.6 Safeguarding concerns remain a significant risk when critical information is delayed or withheld. Incomplete assessments can compromise decision-making and increase the likelihood of harm to children, undermining the core purpose of fostering services.
- 6.7 Operational inefficiencies also arise when information is not shared promptly. Duplicate assessments and delayed approvals create unnecessary administrative burdens, diverting valuable resources away from frontline services and reducing overall system effectiveness.
- 6.8 Financial implications are another consequence of poor information transfer. Emergency placements and carer attrition caused by negative transition experiences lead to higher costs for local authorities, placing additional strain on budgets already under pressure.
- 6.9 Reduced carer mobility and retention further compound these challenges. Without enforceable processes to support smooth transitions, carers may be discouraged from transferring between providers, limiting flexibility and contributing to drop-out rates within the fostering workforce.
- 6.10 Finally, maintaining the status quo risks missing opportunities for system improvement. Failure to modernise and streamline processes could hinder efforts to create a more efficient, transparent, and responsive fostering system in Wales, ultimately impacting outcomes for children and carers alike.

Option 2: Amend the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 (Preferred Option)

- 6.11 This option embeds key elements of the Transfer Protocol into law. By amending the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018, the Welsh Government can make it a legal requirement for fostering providers in Wales to share relevant records when a foster carer transfers, subject to the carer's consent and at no cost to the fostering service provider.

Costs

- 6.12 In order to ensure that fostering service providers are able to fully comply with the new requirements there will be a need to issue guidance, including specialist advice on GDPR laws to protect those sharing any information. It is anticipated that the cost to Welsh Government of commissioning a relevant expert to produce this guidance would be up to £10,000. There would also be a need to update existing stakeholder guidance on the 2018 Regulations to reflect the new requirements at a cost to Welsh Government of £3,960. These costs would be incurred in the 2026-27 financial year. There may also be opportunity costs for fostering service providers who will need to review and understand the new guidance. While the financial impact on providers is limited, the trade-off is the diversion of limited staff capacity which could otherwise support service improvements or strategic initiatives.

6.13 Making it a regulatory requirement for fostering providers registered in Wales to share information free of charge and in a timely manner is expected to generate significant cost savings for local authorities. While precise figures are difficult to quantify, the following estimates provide an indicative range:

- **Information Sharing:**

Some IFAs currently charge up to **£1,000** for sharing information. If this requirement removes such charges, the saving per foster carer transfer could be **£500-£1,000**.

Based on an approximate transfer of 15 carers per year, the annual saving could range from **£7,500 to £15,000**. While this represents a cost-saving to Local Authorities or independent fostering agencies, there is a corresponding reduction in revenue for those organisations who would previously have charged for sharing information.

- **Reduced Assessment Costs:**

Where the full foster carer assessment is routinely available, assessors would only need to provide an update rather than complete a full assessment from scratch. Commissioning a full assessment typically costs **£2,000-£3,000**. Access to existing information could reduce this by **£1,000-£1,500** per carer. Total Estimated Saving per Carer: Between **£1,500 and £2,500**.

Based on an approximate transfer of 15 carers per year, the annual saving could range from **£22,500 to £37,500**.

Benefits

- 6.14 This option requires fostering service providers in Wales to share records within 15 working days, at no cost. This will ensure timely access to essential safeguarding and assessment information, reducing delays and administrative burden. It will also remove financial barriers that may discourage transfers or create inequity between providers.
- 6.15 This option will also clarify the lawful basis for data sharing with consent, which can currently be problematic for service providers. The amendments will include wording to assist with compliance with UK GDPR and the Data Protection Act 2018, making clear that information must only be shared with the carer's consent and in accordance with data protection principles.
- 6.16 Ensuring timely and complete information transfer helps children to be placed safely and appropriately while allowing foster carers to move between providers without unnecessary disruption or re-assessment.

- 6.17 Embedding these provisions in legislation ensures that all providers operate under the same expectations, improving trust, collaboration, and accountability across the sector.
- 6.18 This option offers improved safeguarding, reducing the risk of harm and ensuring better placement matching.
- 6.19 Supporting carer mobility can lead to improved retention and a reduction in recruitment costs, helping to stabilise the workforce. In addition, delivering system-wide consistency provides long-term efficiency and trust gains, creating a more reliable and collaborative fostering environment that benefits carers, children, and local authorities alike.

Risks

- 6.20 Implementation Challenges
Legislative change is a complex process that requires significant time, coordination, and engagement with multiple stakeholders. Drafting new provisions, conducting consultations, and securing approvals can be lengthy and subject to delays. Any setbacks in these stages could postpone the intended benefits and create uncertainty for providers preparing for compliance.
- 6.21 Variation in Readiness Across Providers
Providers differ in their capacity to adapt to new requirements. While some fostering services may be well-prepared, others could struggle due to resource constraints, staffing challenges, or existing procedural gaps. This variation may lead to uneven compliance and transitional issues, potentially affecting the consistency of care for children and families.
- 6.22 Data Protection Misinterpretation
Despite clear guidance, there is a risk that providers may misinterpret data protection legislation or adopt overly cautious approaches. Such misapplication can result in unnecessary delays or refusals to share essential records, undermining the objectives of the legislative change. Ensuring clarity and confidence in lawful data sharing will be critical to avoid these barriers.
- 6.23 Resistance to Change
Some providers may resist new statutory obligations, particularly if they perceive these changes as limiting their autonomy or increasing administrative workload. Resistance could manifest in delayed implementation or minimal compliance, requiring proactive engagement and clear communication to address concerns and secure buy-in.
- 6.24 Unintended Consequences
If implementation is not carefully managed, the changes could inadvertently discourage providers from accepting transferring carers. Perceptions of increased complexity, liability, or administrative burden may lead to

reluctance, undermining the policy's intended benefits. Mitigating these risks will require clear guidance, streamlined processes, and ongoing support.

Kinship Foster Carer Assessment Reform

6.25 Two options have been considered in the analysis of the costs, benefits, and risks of introducing changes to the kinship foster carer assessment process in Wales:

- Option 1: Do Nothing – maintain the current legal framework
- Option 2: Amend the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018

Option 1: Do Nothing (Maintain the Current Framework)

6.26 Under this option, no amendments will be made to the existing regulations. Kinship foster carers will continue to be assessed using the same criteria as mainstream foster carers under Parts 1 and 2 of Schedule 1 of the 2018 Regulations.

Costs

6.27 There are no additional costs associated with this option. The current approach to assessment of kinship foster carers will continue within existing resources and without the need for new funding, infrastructure, or staffing.

Benefits

6.28 This approach ensures there is no disruption to current systems or training, while maintaining consistency with the existing regulatory framework. By preserving established processes and aligning with current regulations, it supports smooth implementation and minimizes the need for additional resources or retraining.

Risks

6.29 The current framework is inconsistent with the Social Services and Well-being (Wales) Act 2014, which promotes person-centred and proportionate care. This misalignment undermines broader policy objectives and limits progress toward a more responsive and modern system.

6.30 Kinship carers are currently subject to full mainstream fostering assessments, which can be overly intrusive and stressful, particularly during crisis situations. This approach may discourage family members from stepping into the role, reducing placement options for children.

6.31 Delays or unsuitable approvals can lead to placement breakdowns, increasing the risk of children entering more costly and less stable residential care settings. This not only impacts children's wellbeing but also places additional strain on local authority budgets.

- 6.32 Fostering panels and assessors spend considerable time applying criteria that may not be relevant to kinship care. This reduces overall system efficiency and delays decision-making, diverting resources from cases that require more intensive oversight.
- 6.33 Disadvantaged families may be deterred from becoming kinship carers due to the complexity and intrusiveness of the current process. This limits placement options and increases reliance on mainstream foster care, which may not always be the best solution for the child.
- 6.34 Placement breakdowns and the need to recruit and train new carers result in significant costs to local authorities. These expenses could be avoided through a more proportionate and tailored assessment framework that supports stability and retention.

Option 2: Amend the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 (Preferred Option)

- 6.35 Under this option, the Fostering Services (Wales) Regulations 2018 will be amended to formally recognise kinship foster carers as a distinct category. The proposed changes include:
- Creating a new category specifically for kinship foster carers.
 - Introducing a new Part 3 in Schedule 1 with tailored assessment criteria that reflect the unique nature of kinship arrangements.
 - Allowing fostering panels and decision-makers to apply discretion based on the existing relationship between the child and the carer.
- 6.36 These changes aim to improve the suitability, stability, and efficiency of kinship care placements, while ensuring legal clarity and promoting equity.

Costs

- 6.37 Information sharing and awareness activities will need to be undertaken to support the implementation of this option. This will include updating existing guidance materials, stakeholder communications, and targeted training to ensure that local authorities, fostering agencies, and carers understand the new category and its implications. The estimated cost to Welsh Government for these activities in the 2026-27 financial year is £9,900 and includes 6 online stakeholder awareness raising sessions during 2026-27. There will also be opportunity costs for stakeholders associated with staff attendance at the training sessions. While there is no direct financial impact, the trade-off is the diversion of limited staff capacity which could otherwise support service improvements or strategic initiatives.

Benefits

- 6.38 Introducing proportionate and relevant assessments for kinship carers ensures that the process reflects the unique circumstances of family-based

care. This approach reduces unnecessary complexity and stress, particularly during urgent or crisis situations.

- 6.39 A more supportive and less burdensome process encourages families to step forward as kinship carers. This improves continuity for children and reduces recruitment costs by retaining experienced carers within the system.
- 6.40 Simplifying kinship assessments frees up fostering panel time and social worker capacity, allowing resources to be redirected to higher-priority cases and improving overall operational efficiency.
- 6.41 A proportionate assessment framework enhances support for disadvantaged families by removing barriers that currently deter them from becoming kinship carers. This approach aligns with the principles of the Social Services and Well-being (Wales) Act 2014, promoting fairness and accessibility for all families.
- 6.42 Quicker, more appropriate placements with known carers improve emotional security and developmental outcomes for children, ensuring stability and continuity in their care arrangements.
- 6.43 Providing a statutory basis for kinship assessments reduces ambiguity and inconsistency across local authorities, ensuring compliance and building confidence in the process.

Risks

- 6.44 Not all fostering services may be able to adapt promptly to the new requirements, which could lead to uneven application and transitional inconsistencies across the sector in the short-term.
- 6.45 Panels and assessors will need clear guidance and support to apply the new criteria consistently. Without adequate training, there is a risk of confusion and variability in assessments during the transition period.
- 6.46 Ensuring consistent compliance and evaluating the impact of the new category will require ongoing oversight, which may place additional strain on regulatory bodies and resources.
- 6.47 If not carefully designed, tailored criteria could inadvertently exclude certain carers or create confusion about eligibility, undermining the intended benefits of the reform.

The Care Planning, Placement and Case Review (Wales) Regulations 2015

Flexible Reviews and Visits for Kinship Foster Carers

6.48 Two options have been considered in the analysis of the costs, benefits, and risks of introducing changes to reviews and visits for kinship foster carers in Wales:

- Option 1: Do Nothing – maintain the current legal framework
- Option 2: Amend the Care Planning, Placement and Case Review (Wales) Regulations 2015

Option 1: Do Nothing (Maintain Current Framework)

6.49 This option retains the existing provisions under the Care Planning, Placement and Case Review (Wales) Regulations 2015, meaning kinship foster carers continue to be subject to the same statutory review and visit schedule as mainstream foster carers. No legislative or procedural changes would be introduced.

Costs

6.50 There are no additional costs associated with this option. The existing schedule of reviews and visits will continue to be implemented within existing resources and will not require new funding, infrastructure, or staffing

Benefits

6.51 This option involves no changes to legislation or practice, meaning there is no additional financial or administrative burden for providers or local authorities.

6.52 Maintaining the current framework ensures that existing levels of statutory oversight remain in place, providing consistent monitoring and safeguarding for all foster placements.

6.53 The uniform application of statutory requirements across all types of foster care, including kinship arrangements, promotes clarity and stability within the system.

Risks

6.54 The current framework applies a uniform approach that does not reflect the familial and often more stable nature of kinship placements. This lack of flexibility can result in unnecessary oversight for arrangements that pose minimal risk.

- 6.55 Kinship carers may feel over-scrutinised by frequent statutory reviews and visits, particularly in low-risk, long-term arrangements. This can create stress and dissatisfaction, potentially undermining placement stability.
- 6.56 Social workers and Independent Reviewing Officers (IROs) are required to conduct oversight that may not be necessary for stable kinship placements. This diverts resources from higher-need cases and contributes to workforce strain.
- 6.57 Over-monitoring can leave kinship carers feeling overwhelmed or undervalued, increasing the likelihood of placement disruption and costly transitions to residential care.
- 6.58 Older children may feel stigmatised or unsettled by frequent formal oversight, which can affect their emotional wellbeing and sense of normality within the family setting.
- 6.59 Continued pressure to conduct statutory visits for low-risk cases may contribute to burnout among social workers. Recruitment costs for replacing staff add further financial strain to the system.
- 6.60 Maintaining the status quo delays the chance to modernise the regulatory framework in line with person-centred care principles and the evolving understanding of kinship care dynamics.

Option 2: Amend the Care Planning, Placement and Case Review (Wales) Regulations 2015 (Preferred Option)

- 6.61 This option proposes amending **Regulations 31 and 39** of the Care Planning, Placement and Case Review (Wales) Regulations 2015 to introduce greater flexibility in oversight of kinship foster care. Specifically, it would:
- Allow subsequent reviews to occur at intervals of up to 12 months, with timing agreed during the review itself.
 - Permit visit intervals of up to 6 months, based on collaborative decision-making involving the Independent Reviewing Officer (IRO), carers, parents, and the child.
- 6.62 These changes aim to tailor oversight to the actual needs of the child and family, while maintaining safeguarding standards.

Costs

- 6.63 Information sharing and awareness raising activities will need to be undertaken to support implementation of this option. This will include developing guidance materials, stakeholder communications, and targeted engagement to ensure that local authorities, fostering agencies, and carers understand the new category and its implications. The estimated cost to

Welsh Government for these activities is £9,900 in 2026-27 which covers production and dissemination of a practice note and six online awareness raising sessions. There would also be opportunity costs for stakeholder organisations associated with staff attendance at the training sessions. While financial impact is contained, the trade-off is the diversion of limited staff capacity which could otherwise support service improvements or strategic initiatives.

Benefits

- 6.64 Less intrusive oversight helps support children's emotional wellbeing and fosters a sense of normalcy within kinship care arrangements. This approach reduces unnecessary stress and promotes stability in family settings.
- 6.65 By reducing bureaucratic burden, this option encourages long-term kinship arrangements. Streamlined processes make it easier for carers to maintain placements without feeling overwhelmed by administrative requirements.
- 6.66 Independent Reviewing Officers (IROs) will retain discretion to recommend more frequent reviews or visits where necessary, ensuring that safeguarding standards remain robust and responsive to individual needs.
- 6.67 Providing a statutory basis for flexible, needs-led oversight tailored to kinship care contexts will reduce ambiguity and promote consistency across local authorities.

Risks

- 6.68 Definitions of what constitutes a "stable" placement and appropriate review intervals may differ across local authorities, creating a risk of inconsistent application and uneven practice.
- 6.69 Practitioners will need clear guidance and comprehensive training to apply the new framework effectively. Without adequate support, there is a risk of confusion and variability during the transition period.
- 6.70 Reducing the frequency of visits and reviews could lead to missed early warning signs if not carefully monitored, particularly in placements that appear stable but have underlying issues. However IROs will retain oversight of individual placements and responsibility for recommending the local authority undertake more frequent reviews and visits where necessary.
- 6.71 Local authorities may face challenges in updating systems and workflows to accommodate the new requirements, especially where digital infrastructure or staffing capacity is limited.
- 6.72 Ensuring consistent application of any changes and accurately measuring their impact will require robust monitoring and evaluation mechanisms. These additional demands could place significant pressure on regulatory bodies,

particularly if they need to collaborate more closely to maintain standards and share responsibility for oversight.

7. Competition Assessment

- 7.1 A competition assessment of the proposed amendments to the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 and the Care Planning, Placement and Case Review (Wales) Regulations 2015 indicates that the changes are unlikely to have any adverse impact on market competition. The fostering and care planning services in Wales are primarily delivered by local authorities and charitable organisations, with no single provider holding a significant market share. The amendments apply uniformly across all providers and do not introduce disproportionate costs or barriers for new entrants. The sector is not characterised by rapid technological change, and the regulations do not restrict providers' ability to determine the price, quality, range, or location of their services. Overall, the changes are expected to enhance consistency and quality without affecting the structure or competitiveness of the market.

8. Post Implementation Review

- 8.1 A Post Implementation Review (PIR) will be conducted within three years of the Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026 coming into force. The review will assess whether the policy objectives have been met, identify any unintended consequences, and inform future policy development. It will cover three key areas: foster carer transitions, kinship foster carer assessment reform, and flexible reviews and visits for kinship carers. The Welsh Government will collect both quantitative and qualitative data from stakeholders, including carers, children, IROs, and local authorities. Key performance indicators will measure compliance, efficiency, satisfaction, and safeguarding outcomes. Oversight will be provided by the Social Services & Integration Directorate, with findings used to guide future amendments, update guidance, and share best practice across the sector.