Explanatory Memorandum to the Independent Review of Determinations (Adoption and Fostering) (Wales) (Amendment) 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 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Independent Review of Determinations (Adoption and Fostering) (Wales) (Amendment) Regulations 2026**.**

Dawn Bowden MS
Minister for Children and Social Care
3rd March 2026

PART 1

1. Description

1.1 The Independent Review of Determinations (Adoption and Fostering) (Wales) (Amendment) Regulations 2026 amend the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026 ("the 2026 Regulations") to correct two cross-references to the Adoption Agencies (Wales) Regulations 2005 ("the Agencies Regulations").

1.2 Regulation 2(2) corrects the cross-reference within the definition of "adoption panel" in regulation 2 of the 2026 Regulations to refer to the relevant provision in the Agencies Regulations.

1.3 Regulation 2(3) corrects a cross-reference to the Agencies Regulations in regulation 3(a)(ii) of the 2026 Regulations, so that the reference is to the provision under which the determination at the conclusion of the review is made.

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

2.1 These Regulations amend the 2026 Regulations in response to the Legislation, Justice and Constitution Committee's report on the 2026 Regulations, SL(6)759[1].

3. Legislative background

3.1 The Independent Review of Determinations (Adoption and Fostering) (Wales) (Amendment) Regulations 2026 are made by the Welsh Ministers under powers conferred by sections 9(1)(a) and 12(1) of the Adoption and Children Act 2002.

4. Purpose and intended effect of the legislation

4.1 The Independent Review of Determinations (Adoption and Fostering) (Wales) (Amendment) Regulations 2026 make two technical changes to the 2026 Regulations.

- Regulation 2 (interpretation) is amended so that, in the definition of *"adoption panel"*, the cross-reference to "regulation 3" is replaced with a reference to "regulation 4". This ensures the definition correctly

[1] SL(6)759 - The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026

aligns with the provision that sets out the establishment of adoption panels.

- Regulation 3(a)(ii) is amended to update an internal cross-reference. The reference to **“**regulation 30D(2)” is replaced with **“**regulation 30D(6)”, reflecting the correct provision relating to the review process, under which the determination at the conclusion of the review is made.

5. Consultation

5.1 A public consultation was undertaken during the development of the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026. As these amendment Regulations make only minor technical changes and do not alter policy or introduce any new requirements, no further consultation was considered necessary.

6. Regulatory Impact Assessment

6.1 The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments has been considered in relation to these amendment Regulations which are technical in nature and simply update internal cross-references within the 2026 Regulations.

6.2 As these amendments do not alter policy, create new duties, or change existing processes, there are no identifiable costs or benefits arising from their implementation. It was therefore not considered necessary to undertake a full Regulatory Impact Assessment.