

Julie Morgan MS  
Deputy Minister for Health and Social Services

6 November 2020

Dear Julie

**The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020**

We scrutinised **The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020** (the Regulations) at our meeting on 19 October 2020, reporting on the same day, and considered the Welsh Government's response at our meeting on 2 November.

Our report contained four merits points and, while we are grateful for the response we have received, there are some matters which we wish to pursue further with you.

The first point in our report highlighted that the Children's Rights Impact Assessment (CRIA), which was produced at the time the temporary easement to the Adoption Agencies (Wales) Regulations 2005 was approved at the start of the pandemic, was not publicly available and it was therefore not possible for us to identify whether the CRIA established fully that there is no interference with the rights of children and young people under the Convention.

We are disappointed with the Welsh Government response we received, which states that, "This CRIA is publicly accessible via the Welsh Government's central CRIA list. At the time the CRIA was prepared it was not mandatory to publish all CRIAs. The Welsh Government is however in the process of publishing this CRIA and it will be available on the Welsh Government website in the next few weeks." We note also in relation to the Regulations in question that "the relevant sections of the Integrated Impact Assessment are in the process of being published."

We also suggested that, both to meet the obligations imposed by section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 and because the revised process has been running informally since the temporary easement, it would be appropriate to



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conduct and publish a further assessment specific to these Regulations to establish that the relevant rights remain unaffected. While we note that an Integrated Impact Assessment was undertaken for the Regulations, it is again disappointing that only relevant sections of the Integrated Impact Assessment are just now in the process of being published.

Our second and third merits reporting points commented on the four week consultation on these Regulations that was undertaken by the Welsh Government between 27 July and 24 August 2020. We drew attention to the fact that the consultation responses are also not publicly available and it was therefore not possible to gauge how those responses were taken account of when developing the policy underlying the Regulations. It is not clear to us why the Welsh Government is only now in the process of publishing a summary of the responses to the consultation.

Overall we consider the Welsh Government's approach to represent poor practice.

We would be grateful if you would inform us when the CRIA, relevant sections of the Integrated Impact Assessment, and summary of consultation responses related to the Regulations have been published.

Yours sincerely



**Mick Antoniw AM**

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg  
We welcome correspondence in Welsh or English

