

## Welcome to the Independent Review Mechanism

# Adoption Disclosure Applications

### What is the Independent Review Mechanism?

The Independent Review Mechanism (IRM) is a review process which adopted people or birth relatives can use when they do not agree with the qualifying determination given to them by their adoption agency. The review process is conducted by a review panel independent of adoption agencies.

A “qualifying determination” is a determination made by an adoption agency that it will not proceed with an application or that it is proposing to disclose or withhold protected information from adoption records

contrary to the views expressed by the person the information is about.

### Who can apply to have their case reviewed?

Adopted people or birth relatives who have been given a qualifying determination by their agency. Independent review panels have the legal power only to consider reviews concerning the disclosure of protected information. They do not have the power to deal with complaints against the adoption agency. Complaints should be dealt with through the agency's complaints procedure.

to send a representative to the review panel meeting. It will, of course, be for them to decide who should attend, but we expect them to send someone who will be able to answer the review panel's questions, usually the social worker or manager involved in your case.

### I've waited long enough to get to this stage. Am I going to have to wait again to have my case heard by the IRM?

We aim to complete each case within three months of receiving the application. Once we have received your application, we will advise you of the date, time and location of the review panel meeting. We will give you at least a month's notice. If the date is not convenient, you can ask for a later date. If you would prefer to travel to another venue, please discuss this with us, but remember that no travel costs or expenses can be met.

### Will I have to pay for the IRM to review the qualifying determination?

No. Your adoption agency will meet the cost of the review.

### What happens after the hearing?

We will send you and your adoption agency a copy of the review panel's recommendation. Your adoption agency will then write to you informing you of its final decision.

### What if I'm still not happy with my adoption agency's decision?

There is no right of appeal against your adoption agency's decision. If you remain dissatisfied, you should seek your own advice from, for example, a solicitor or the Citizen's Advice Bureau, as to what action you may take.

### What if I want to complain about the IRM?

There is a formal complaints procedure that is available for you to use and sets out the steps you should take. This is available from the IRM Head Office or at [www.independentreviewmechanism.org.uk](http://www.independentreviewmechanism.org.uk).

### Contact details for IRM:

Contract Manager  
Independent Review  
Mechanism (IRM)  
Unit 4, Pavilion Business Park  
Royds Hall Road  
Wortley  
LEEDS LS12 6AJ

Tel: 0845 450 3956  
Fax: 0845 450 3957  
(charged at local rates)  
E-Mail: [irm@baaf.org.uk](mailto:irm@baaf.org.uk)  
[www.independentreviewmechanism.org.uk](http://www.independentreviewmechanism.org.uk)

## So can the review panel make a new decision about my case?

No. The review panel is not a higher appeals authority and it cannot overturn the adoption agency's determination. It can make a fresh recommendation to your agency whether or not the agency should proceed with its original determination.

Your agency must take that recommendation into consideration when making its final decision. The review panel will make its recommendation after it has considered:

- a copy of your application for disclosure of information;
- a record of any views obtained by the agency from the person that the information relates to;
- a copy of the agency's qualifying determination notification;
- your grounds for requesting a review. If the review panel needs further information, it may request the agency to obtain it, unless it would be more appropriate to ask you to do so. The panel may also obtain legal or medical advice.

## Who will decide whether the protected information from adoption records should be disclosed or withheld?

The decision rests with your adoption agency which must take the recommendation of the review panel into account when making its final decision.

## How do I make an application?

There is no prescribed form on which to make an application but your application must be in writing and include the following:

- your grounds, i.e. why you disagree with your adoption agency's determination;
- the date of the letter you received from your adoption agency; and
- the name and address of your adoption agency so that we can obtain from them the information which the review panel will need.

You must make your application within 40 working days from the date of the adoption agency's letter. You can send your application to us by post, fax or email.

Our contact details are on the last page. It is important that you do not send your application to any other address since this will delay the review panel considering your application.

## Will people who looked at my case originally be on the review panel?

No. To demonstrate the independence of the review panel, the law lists a number of reasons why a review panel member may be disqualified from considering a review, for example, if the member is or was employed in the past year by the adoption agency which made the qualifying determination, or if he or she knows the applicant in a personal or professional capacity, or if the member was approved as a

prospective adopter by the agency which gave the qualifying determination. You will receive details of the panel members who will consider your case and you should tell us if you believe a particular review panel member should not, in fact, be appointed to consider your case.

## So who will consider my case?

The case will be considered by a review panel of three members consisting of two social workers and either a person with professional or personal experience of adoption or a medical practitioner, if there is a health aspect to the qualifying determination.

The review panel will have a written report on your case from its Legal Adviser, and there will be someone – a Professional Adviser – who will be able to provide advice on legislation, guidance and research to ensure that all relevant issues are considered and the correct proceedings followed. A Panel Secretary will be present to take minutes of the meeting. The Panel Secretary, the Professional Adviser and the Legal Adviser will not take part in the panel discussions or in the making of the review panel's recommendation.

## Where will the review panel be held?

Review panels will be held in London, Leeds and Birmingham.

Once we receive your application, we will identify the panel most suitable to

consider your case. We will try to keep your travelling to a reasonable distance.

## Can I attend the meeting?

Yes. You will be invited to attend the review panel meeting, which will be quite informal. You may also be accompanied by a friend. The role of the friend is to provide you with moral support; he or she cannot speak on your behalf or act as an advocate. If you have a physical, sensory or learning impairment, or English is not your first language, you may bring an interpreter or helper with you in addition to a friend. Please note that we cannot pay any expenses to you or to any friend or interpreter for attending the meeting.

If you are intending to bring an interpreter to the panel, the IRM will also have an interpreter available to advise the panel.

You will be invited to state your case and give your reasons for disagreeing with the qualifying determination. Members of the review panel will be able to ask you questions. You will then be asked to wait in a waiting room while the panel discusses the case. The review panel may wish to call you back to clarify any point and when they are sure they have all the information, they will advise you that you may go. You may need to be available for up to two hours.

## Will anyone else be there?

Your adoption agency will be invited