

INFORMATION FOR SOCIAL WORKERS ATTENDING AN IRM REVIEW PANEL FOR AN ADOPTION SUITABILITY CASE.

What is the IRM?

The IRM is a review process conducted by a review panel independent of adoption agencies or fostering service providers, which was set up by the Department for Children, Schools and Families in April 2004 and which prospective adopters could use when they did not agree with the qualifying determination given to them by their adoption agency.

From April 1st 2009 the IRM is now part of both the adoption and fostering approval and review process so IRM review panels are able to consider both adoption and fostering cases.

A “qualifying determination” in adoption suitability cases is a determination made by an adoption agency that it considers a prospective adopter is not suitable to adopt a child, and does not propose to approve him/her as suitable to adopt a child. A qualifying determination may be given in respect of an application to adopt a child from the UK or from outside the British Islands.

It may be issued after either a brief or full prospective adopter’s report has been prepared and considered by the adoption panel and agency, or where the agency decides following a review of their approval to change an earlier decision to approve the prospective adopter and that too has been considered by the adoption panel.

The IRM is not an appeal process. The review panels are not courts or tribunals. They will be able to review recommendations made by the adoption agency but the adoption agency’s decision maker will make the final decision.

There is no cost to the prospective adopters although they have to meet their own travel costs but there is a fixed charge to contribute to the review panel meeting (£2227 until 31.4.10), which is met by the adoption agency.

How will the process work?

Once an application has been received by the IRM all the information, which was provided to the adoption agency will be requested by the IRM office from the agency’s Liaison Officer. Prospective adopters are asked to give their consent to disclosure of all papers including medical information. The minutes of the adoption panel which considered the case are not included so that the IRM panel can consider the case without being influenced by the thinking of the original panel but they will know the reasons for the original panel and decision maker’s recommendation not to approve the applicants.

All the paperwork is reviewed by a legal adviser and the IRM contract manager and they may also request additional information from either the adoption agency or the applicants. Applicants can also provide extra information for the review panel. Where there is medical information included in the assessment or review paperwork the IRM medical adviser will review that paperwork and prepare a written report for the IRM panel. The medical adviser may also seek additional information to assist them with their report and will be present at the panel meeting to advise the panel. The review panel will then consider all this information.

Applicants will receive a copy of the papers sent by the adoption agency and copies of any additional information provided by either the applicants or agency will be sent to the other party before the panel meeting, except any confidential 3rd party information which cannot be shared with applicants. We will clarify the status of any information we are not clear about.

Who will be on the panel?

The panel will have a membership of between 5 and 10 people. The Chair and Vice Chair of the panel will be experienced in family placement work. Two panel members will be social workers with experience of adoption. Some of the other members will have personal experience of adoption either as an adoptee or an adopter and others will have specific knowledge or experience relevant to adoption, for example, a child psychologist, a teacher or a retired social worker. A list of the panel members is sent to the adoption agency and the applicants before the panel meeting and a profile booklet is available at the panel meeting..

A professional adviser and a panel secretary will also be present to assist the panel but are not panel members.

Where will the panels be held?

The panel will be held in one of 3 locations in England – Leeds, Birmingham & London. Once we receive the application we will identify the nearest panel that can hear the case. This may depend on other cases needing to be heard - these may be either fostering or adoption cases, but we will try to keep travel time to a reasonable distance. No travel or subsistence costs can be paid by the IRM.

Who should attend from the Adoption agency?

It is up to the adoption agency who they send but we have found it is important that wherever possible the original assessing social worker attends the IRM panel as the main focus of the panel's questioning will be on information obtained during the assessment. A 2nd representative can also attend and this should ideally be the team manager or senior practitioner who supervised the worker during the assessment. Some agencies have wanted their decision maker, a senior manager or their panel chair to attend. This can blur the role of the IRM panel and we would advise against it as it is important that in these situations

that the independence of the IRM panel is not affected by any discussion of the decision making of the original panel or decision maker.

Will applicants attend the review panel?

The applicants are invited to attend the review panel to support their application and to answer any questions the review panel has.

Applicants can be accompanied by a friend or "supporter". The role of this person is to help the applicant make their contribution as fully as possible. They cannot address the panel directly.

Where applicants require an interpreter, the IRM will have an interpreter available.

How does the review panel work?

It is anticipated that applicants and agency representatives will need to be available for up to 2 hours. They are invited to attend the panel after the panel has had time to discuss the case but each case is individual and all times are estimated.

Applicants and workers have separate waiting rooms but this does not prevent a worker going to talk to the applicants during waiting times with their agreement. The Panel Chair or Professional Adviser will meet with both the applicant/s and workers to explain the process on the day.

Workers may find there are periods when they are waiting while panel discussions are taking place so they may wish to bring work with them. All venues will have access to photocopiers, fax machines or telephones.

Once the panel members have decided on the questions they want to ask, the applicants and the social workers/managers attending will then be invited into the panel meeting to answer these questions together. The applicants will be given the opportunity to make their representations and workers to comment on any information submitted by the applicants as part of their application or share any information they want the panel to consider. If the panel has questions about 3rd party confidential information they will invite the workers into panel without the applicants being present whilst these are being discussed.

The panel will then ask both parties to wait back in the waiting room whilst they consider whether they have any additional questions for either party and in that event will invite them both back into the panel. Once the panel has decided there are no further questions both parties are asked to leave.

The panel will conclude their deliberations and reach a recommendation.

What happens after the panel?

A recommendation sheet with the panels' reasons is sent to both the adoption agency and the applicants. The minutes of the review panel meeting are prepared and sent for information to the agency's liaison officer within 12 working days of the panel meeting to assist in the decision making process. The applicants will receive a copy of the minutes with any discussion on 3rd party information being removed.

There will be a separate feedback form sent to the adoption agency from the IRM panel commenting on policy, practice or procedures where these have featured in the panel discussion.

The agency's decision maker should make their final decision having taken into account all the information made available during the IRM process and the recommendations of both the original panel and the IRM panel and write to the applicants within 7 days of receiving the IRM recommendation with their decision and the reasons for that decision.

Is there any further "appeal" if the applicant is not satisfied with the review panel's recommendation?

There is no right of appeal. Applicants can use the IRM complaints procedure if they are unhappy about any of the IRM process. If they are unhappy about the IRM panel's recommendation the applicants can seek their own legal advice to see if there are grounds to seek a judicial review.

If the applicants are unhappy about the final decision of the adoption agency and have complaints about the process, they can use the adoption agency's complaints procedure. The applicants would also have the right to seek their own legal advice to see if there are grounds to seek a judicial review.

Regulations and Guidance relating to the IRM Fostering

- ❖ Adoption & Children Act 2002 -
<http://www.opsi.gov.uk/acts/acts2002/20020038.htm>
- ❖ Adoption Agency Regulations 2005 -
<http://www.opsi.gov.uk/si/si2005/20050389.htm>
- ❖ Adoptions with a Foreign Element Regulations 2005 -
<http://www.opsi.gov.uk/si/si2005/20050392.htm>
- ❖ Independent Review of Determinations (Adoption and Fostering) Regulations 2009.doc

If you have any questions about the IRM process you can contact the IRM office on 0845 450 3956.