

Information about IRM applications in relation to Adoption Records Disclosure

This leaflet is for adopted people or birth relatives in applications relating to the withholding or disclosing of adoption records in cases where adoption orders were made on or after 30th December 2005.

What is the Independent Review Mechanism (IRM)?

The Independent Review Mechanism (IRM) is a review process that adopted people or birth relatives can access in cases relating to adoptions made on or after 30th December 2005 where 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 the adoption agency.

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 can only 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.

Can the IRM review panel make a new decision about my case?

No. The review panel is not an appeal; it cannot overturn the adoption agency’s determination. It can make a fresh recommendation to your agency whether or not the adoption agency should proceed with its original determination.

Your adoption agency must take the IRM review panel’s 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 adoption agency from the person that the information relates to;
- A copy of the adoption agency’s qualifying determination notification;

- Your grounds for requesting a review. If the review panel needs further information, it may request the adoption agency to obtain it, unless it would be more appropriate for 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 by letter or email** and include the following:

- your grounds, i.e. why you disagree with your adoption agency's determination;
- a copy 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.

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

Once we have received your application we will write to you to confirm its acceptance.

Where will the review panel be held?

Review panels are held in Birmingham, Leeds and London; once we accept your application, we will let you know the date and time of the panel that will consider your case.

Who will hear my case?

Your case will be considered by a review panel whose members have professional or personal experience of child placements. The panel will consist of three voting members two of whom will be registered social workers and either an independent member with relevant experience or a medical adviser. All panel members will be independent of the adoption agency that made the qualifying determination.

The review panel will have written advice from a legal adviser. There will also be a panel adviser who will be able to provide advice on legislation, guidance and research to ensure that all relevant issues are considered and that the correct procedures followed on the day of the panel. A panel secretary will be present to take minutes of the meeting. The panel secretary and panel adviser are non-voting members of the panel.

How long will the IRM process take?

We aim to complete each case within four months of receiving the application. Once we have received your application and a copy of the qualifying determination letter we will write to you to confirm its acceptance.

Can I attend the meeting?

Yes, you will be invited to attend the review panel meeting and you can bring a supporter. Your supporter can be present during panel but cannot speak on your behalf or address the panel.

If you have any additional needs, please let us know and we will work with you to meet them. Please also contact the IRM office if you feel you require an interpreter.

Will anyone else be there?

Your adoption agency will be invited to send up to two representatives to the panel meeting. It will, of course, be for them to decide who should attend, but we suggest they send someone who will be able to answer the panel's questions such as an assessing or supervising social worker and/or a manager.

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 email you and your adoption agency a copy of the review panel's recommendation (if you do not use email this will be posted). Your adoption agency will then write to you informing you of its final decision.

What if I want to complain about the IRM?

You cannot complain about the IRM panel's recommendation, however there is a formal complaints procedure that is available for you to use, which sets out the steps you should take.

Contact Details:

Contract Manager
IRM
Unit 4
Pavilion Business Park
Royds Hall Road
Leeds
West Yorkshire
LS12 6AJ

Tel: 0845 450 3956 / 0113 202 2080

(0845 numbers charged at local rate)

Email: irm@irm.org.uk

Website: www.gov.uk/government/organisations/independent-review-mechanism