

Information about the IRM for Adopters

This leaflet is for people who have been through a brief or full assessment and have been found unsuitable to adopt by their adoption agency or for adopters whose adoption agency is proposing to terminate their approval.

What is the Independent Review Mechanism (IRM)?

The IRM is a review process which prospective or existing adopters can use when they do not agree with the qualifying determination sent to them by their adoption agency. The review process is conducted by a review panel, independent of your adoption agency.

A “Qualifying Determination” is a proposed decision made by an adoption agency that it does not consider a person suitable to adopt. A qualifying determination is issued after either a brief or full report has been presented to the adoption agency’s panel. A qualifying determination can also be issued if the adoption agency proposes to terminate the approval of an existing adopter. This may be in respect of adopting a child within the UK or for an inter-country adoption.

Who can apply to have their case reviewed?

Prospective or existing adopters who have received a qualifying determination from their adoption agency; this includes cases involving a specific child.

The review panel does not have the power to consider whether adoption should be the plan for a child, whether a child should be placed/matched with a particular prospective adopter or deal with complaints against the adoption agency. Complaints should be dealt with through the adoption agencies own complaints procedure.

Can I apply to the IRM and appeal to my adoption agency?

No, you have to make a choice whether you wish to make representations to your adoption agency OR apply to the IRM.

Can the IRM make a new decision about my case?

No. The review panel is not an appeal authority and it cannot overturn the adoption agency’s qualifying determination. It can however make a fresh recommendation to your adoption agency on your suitability to adopt a child. They can also make a recommendation on the age range, gender, needs and background.

The review panel will make its recommendation after it has taken into account:

- The information that was put before the original adoption panel, including any additional information you may have submitted for consideration by the panel;
- Any relevant information received by the adoption agency after the papers had been sent to the adoption panel;
- Your IRM application and grounds;
- Any further information requested by the IRM from the adoption agency or yourselves.
- The IRM may also obtain its own medical advice

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

No. The IRM is independent of the adoption agency and the IRM panel considering your review will have no members connected to your case. You will receive details of the panel members who will consider your case prior to the hearing and you should tell us if you believe a particular review panel member should not be on the panel for your case.

Who will decide whether I am suitable to adopt a child?

The final decision rests with your adoption agency; however, it must take the recommendation of the IRM Panel into account when making its final decision on your suitability to adopt or, in cases where there has been a brief report, whether you should continue to a full assessment.

How do I make an application?

There is no standard application form. You can make an application by post or email, our contact details can be found on the back of this leaflet.

You must make your application within 40 working days from the date of your adoption agencies qualifying determination letter and should include the following information:

- Your name/s, address, contact telephone number and email address
- The name of your adoption agency
- A copy of your qualifying determination letter
- Your grounds i.e. why you disagree with the reasons the agency decision maker (ADM) has given in your qualifying determination letter.

You will have an opportunity to submit further information at a later date.

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 at least five voting members. A medical practitioner may prepare written advice for the panel; they will attend the panel if required.

The review panel will have written advice from a legal adviser. There is also a panel adviser who will be able to provide advice on legislation, guidance and research to ensure that all relevant issues are considered, and 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 does 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. You may bring a supporter; he or she cannot speak on your behalf or act as an advocate but is there for moral support.

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

Will I have to pay for the IRM to review my case?

No, the IRM service is free to all applicants. The adoption agency does make a contribution to the cost of an IRM Review.

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; usually an assessing or supervising social worker or a manager.

Will I have a chance to speak to the Panel?

You will also have the opportunity to make brief comments at the end of the panel's questions to yourselves and the adoption agency representatives if there is anything you wish to add. The same opportunity will be given to the adoption agency representatives.

The panel may have further questions and may call you all back to clarify any points raised. When the panel feel confident that they have all the information, they will advise you that you may go. The panel will last up to two hours.

A copy of the panel papers will be sent to you and the adoption agency 2 weeks prior to the panel hearing, it will exclude third party information which you are not entitled to see.

What happens after the hearing?

Minutes from your panel hearing will be prepared and will be emailed to you (or posted if you do not use email) with the recommendation 12 working days after the panel hearing, a copy will also be sent to your adoption agency; the minutes are **not** a verbatim record of the meeting.

The ADM will then make a Final Decision, taking into account the IRM recommendation. The adoption agency will write to you formally to let you know the 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 final decision. If you remain dissatisfied, you should seek your own advice from, for example, a solicitor as to what action you may take.

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 for other issues 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