



Independent Review Mechanism

Annual Report 2023-2024

April 2024

Contents

<u>Summary</u>	4
<u>Who is this publication for?</u>	6
<u>Overview of service</u>	7
<u>The IRM service now</u>	8
<u>Fostering</u>	9
<u>Activity 2023-2024</u>	9
<u>IRM panels and outcomes</u>	12
<u>Demographics</u>	14
<u>Geographical Locations</u>	14
<u>Relationships (applications)</u>	15
<u>Sexuality (as defined by applicants)</u>	15
<u>Ages</u>	16
<u>Ethnicity</u>	16
<u>Religion</u>	18
<u>Additional Vulnerabilities</u>	18
<u>Adoption</u>	19
<u>Activity in 2023-2024</u>	19

<u>IRM panels and outcomes in adoption</u>	19
<u>Applications for each month in the last 3 years</u>	20
<u>Common Themes</u>	21
<u>Sharing the learning</u>	24
<u>Complaints, Concerns and Compliments</u>	25

Summary

The Independent Review Mechanism (IRM) was established under the Adoption and Children Act 2002 and subsequent regulation coming into existence in 2004 and is now in its 20th year of operation. The IRM has been holding independent reviews for applications for adoption since 2004 and for fostering since 2009. The purpose of the IRM is to assist fostering or adoption agency decision makers in reaching a final decision about suitability to foster or adopt.

The IRM is responsible to the Secretary of State for Education for reviewing Qualifying Determinations (QDs).¹ The QDs made by a fostering service provider (FSP) or an adoption agency (AA) cover a number of different areas:

- a person's suitability to foster or adopt
- Terms of Approval for foster carers where the fostering service wish to change them and the foster carer does not agree
- applications to receive information from adoption records.

The IRM does this by holding independent review panels that thoroughly review the proposed decision, using information provided by all parties and providing a recommendation with reasons to the agency decision maker to assist them in making their final decision.

It provides applicants with the opportunity to have their case independently reviewed and to ensure that any information that they feel was not properly considered by their agency is looked at by the independent panel. For agencies it supports their responsibility to foster carers and adopters to operate within the framework of fostering and adoption regulations and guidance.

¹ A Qualifying Determination (QD) is a letter from an Agency Decision Maker (ADM) indicating that the ADM is minded to make a final decision, giving reasons and listing the options available, one of which is to apply to the IRM.

The Review Panel can provide feedback to the agency on its policy, practice and procedure and any learning the panel thinks would be helpful for them to consider from the case. This is an important quality assurance function which benefits both applicants and agencies.

As the IRM operates throughout England, it has a window into fostering and adoption practice across the country. This provides an opportunity to identify and share information with all those interested in fostering and adoption services in England about issues and challenges that have been identified through the IRM's work.

The IRM is delivered under contract to the Department of Education by Coram Children's Legal Centre (CCLC). The IRM is partially funded by the Department for Education, this funding is supplemented by a £2,591 contribution to each case from providers whose decisions are reviewed by the IRM panels. This contribution is a regulatory requirement² with payments based on a sliding scale should an application be withdrawn before the papers are sent out to the IRM panel members. Withdrawal is not possible after this point.

In this document, we use the term 'agencies' to refer to Local Authorities, Independent Fostering Agencies and Adoption Agencies.

² [The Independent Review of Determinations \(Adoption and Fostering\) Regulations 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2009/1261/contents/make)

Who is this publication for?

- Service providers
- Foster carers
- Adopters
- Prospective foster carers and adopters
- Those seeking access to adoption records
- Anyone with an interest in fostering and adoption

Overview of service

The IRM received 113 applications in the year to the end of March 2024.

- 108 fostering, of these 36 were from connected persons
- 5 adoptions

The IRM accepted 107 applications in this period, 102 fostering and 5 adoptions. 19 cases, all fostering, were withdrawn at some point in the process after they had been formally accepted, this is a much higher number than the 9 of the preceding year. 104 cases were reviewed with IRM review panels. The total number of cases reviewed is less than the 113 of the preceding year and reflects the number of cases withdrawn and the level of applications. There are a number of cases every year which are accepted but have review panels in the next reporting year.

The IRM service now

The IRM is a digital service which reflects the need for it to be accessible, cost efficient and being mindful of its environmental impact. Panels are held virtually, and the application process is electronic, though adjustments can be made for additional needs and a face-to-face panel could be offered in exceptional circumstances to meet a specific need.

The digital service provides communication that is fast and cost effective. It recognises the world in which children and young people live and the need for those caring for them to be able to use technology in order to keep them safe in the digital world.

Virtual panels give improved accessibility for applicants and agency representatives and considerably reduces the costs for applicants and agencies as well as removing the stress of travel and potential delays. The IRM has held virtual panels for applicants where English is not their first language including those where British Sign Language (BSL) is their first language. These panels have worked well and were able to overcome any additional challenges presented. Panels involving interpreters do take longer and extra breaks can be given if necessary, and where BSL is used, 2 interpreters are used to prevent fatigue.

Virtual panels have the additional benefit of increasing the flexibility of panel dates and use of panel members. The IRM has a target of 120 cases being heard annually with dates arranged for 60 panels in advance. Unforeseen circumstances can result in last minute postponements which impact on the target figure as it is not possible to slot in another case at short notice.

Panel members are paid on a case basis, so it is possible to have single case panels if a case is withdrawn or there are extenuating circumstances causing a postponement.

Fostering

Activity 2023-2024

Activity in fostering has slightly decreased again in the last year from 109 applications in 2022-2023 to 108 applications in 2023-2024. Of these 108 applications, 72 were from mainstream carers and 36 were from connected persons (66% and 34% respectively). This compares to last year, when there was a slightly higher proportion, (60% and 40% respectively) of connected person applications. The connected persons applications come in 2 categories: one category is assessment, and the other category is ongoing suitability. There were 22 assessment applications and 14 ongoing suitability applications from connected persons.

The IRM responded to a further 46 enquiries from potential applicants and FSPs. Some of these later turned into applications but others were “standalone” enquiries or requests for advice. The enquiries covered a range of different topics including:

- what potential adopters or foster carers could do when they were told that they would not receive a positive recommendation from the approvals panel, but they did not wish to withdraw their application
- what options were available to foster carers when they were put on hold by their FSP and did not have children placed with them
- what options were available if foster carers had resigned but were still being taken through a formal deregistration process
- discussions with Agency Decision Makers (ADMs) about a number of individual cases
- options available when an assessment was stopped at stage 1
- concerns about processes not being followed by FSPs.

5 applications were not accepted for the following reasons:

- Three of the applications were submitted outside the regulatory time frame of 28 days. In a connected person application, the children were no longer Looked After or subject to any court order

- The applicant had only reached stage 1 and therefore there was no Qualifying Determination

19 applications were withdrawn for a variety of reasons as set out below. This number is an increase from the preceding year in which 9 applications were withdrawn though still less than 2021/22 when 31 were withdrawn.

- Applicants obtained court orders for the children they wished to care for in 3 applications. (Connected Person (CP))
- The applicants' circumstances changed due to ill health (CP)
- The applicants did not provide requested information / sign the IRM agreement form so the application could not progress as the IRM had no agreement to access documents (2)
- The FSP withdrew the QD as they were undertaking further work (3 CP, 1 mainstream)
- One applicant gave no reason for withdrawing (CP)
- The applicants resigned (2)
- The applicant decided to pursue complaints / the Ombudsman
- The applicants decided to make representations to the FSP (3)

Types of application:

- 3 were following a full assessment of suitability to foster
- 1 was following a brief assessment to foster
- 65 were consideration of ongoing suitability to foster
- 36 were from connected persons in relation to specific children
- 2 were in response to changes in terms of approval

Some of the newer applications require additional information before the application type can be confirmed. Of the 102 applications that were accepted, 71 (70%) were from Local Authorities and 31 (30%) were from independent fostering providers (IFPs) (figure does

not include those accepted in the next year or those not accepted). Children's Trusts come within the Local authority designation for these purposes. This is a slight decrease in the percentage of applications involving IFPs from 31% of the preceding year but it is marginal.

IRM panels and outcomes

The constitution of panels is set out in the IRM 2009 regulations (as amended), which specifies that panels must be made up of social workers, people with experience of fostering and adoption, for example care experienced people, foster carers, education and health professionals and registered medical practitioners for panels where there are medical issues. Preparation work for the panels is undertaken by the IRM team with each application having a caseworker (who is a registered social worker) who ensures that the IRM panels have the information that they need to look at situations as fully as possible. They work with a designated legal adviser to prepare the cases; the legal adviser is available by phone for advice when the IRM panel is sitting.

The caseworker may seek advice from one of the medical advisers if relevant. The medical adviser will provide written advice for the panel and sit on the panel when it is felt to be appropriate.

The number of panel members varies according to the type of application being considered. Where suitability to foster or adopt is being considered, the minimum number of panel members is 5 (plus a panel adviser and panel secretary).

On average, each panel consisted of 7 members in 2023/24 with one panel member acting as “host” for virtual panels to manage the technical and admission aspects of those panels.

IRM panels heard 97 fostering cases in the year to March 31, 2024, the majority of these concerning the on-going suitability of mainstream foster carers.

Of the 97 fostering cases reviewed, the majority of applicants were from Local Authorities (65%) with the remaining 35% of cases coming from IFPs.

The IRM has recorded 85 full outcomes for fostering applications within the reporting period (23/24). IRM panels upheld the QD in 60 cases.

The cases with outcomes were:

- 2 full assessments of suitability to foster
- 1 change in terms of approval
- 60 ongoing suitability to foster

- 22 were from connected persons in relation to specific children

There were 20 cases where the IRM panel disagreed with the QD and recommended that the foster carer(s) were suitable to foster.

In 12 cases the ADM agreed with the IRM panel recommendation and overturned their QD.

In one other case the ADM requested a further assessment.

The proportion of positive recommendations from IRM panels (that is where they disagreed with the QD) has again increased slightly from the last reporting year when IRM panels upheld the QD in 71 cases and disagreed in 14 when they recommended suitable. These ratios will continue to be monitored for further changes in future years.

Demographics

The IRM identifies applicant and agency geographical locations for reporting purposes, all other information is given voluntarily by applicants who chose whether or not to provide it.

Geographical Locations

These provide insight into those that access the service. The applications were from a spread of geographical areas:

East	6
South West	10
North West	14
North East	16
Central	36
South East	19
London	7
Wales	0
Other	0

The majority of applicants are located within the same area as the agency with a small number of connected persons located in different areas to their agencies.

Relationships (applications)

From the information received for accepted applications:

Single Male	4
Single Female	22
Married	39
Partnership/Civil Partnership	12
Widow	1
Widower	1
Separated	1

Sexuality (as defined by applicants)

Not Provided	1
Heterosexual	72
Lesbian	1
Gay	2

Ages

Ages ranged from 18 to 80 + with the majority being in the 55-59 age bracket, the analysis is as follows:

18 - 24	1
25 - 29	1
30 - 34	5
35 - 39	5
40 - 44	11
45 - 49	14
50 - 54	14
55 - 59	23
60 - 64	19
65 - 69	9
70 - 74	6
75 - 79	1
80+	1

Ethnicity

In this reporting year, the majority of applicants were White British with the next highest groups identifying as Black British and Asian British – Pakistani. The Ofsted Report for Fostering in England April 2022 – March 2023 indicates that 19% of foster carers are from non-White ethnicities. The number of applications to the IRM from non-White foster carers who have provided this information is almost 23%.

White - British	61
White - Irish	1
White - Other	3
Asian / Asian British - Indian	1
Asian / Asian British - Pakistani	5
Asian / Asian British - Bangladeshi	0
Asian / Asian British - Other	0
Black / Black British - Caribbean	3
Black / Black British - African	3
Black / Black British - Other	1
Chinese	0
Mixed - White & Black Caribbean	3
Mixed - White & Black African	0
Mixed - White & Asian	0
Mixed - Other	0
Other	1
Black/Black British - African Caribbean	2

Religion

Not Provided	4
--------------	---

No Religion	26
Christianity	42
Islam	6
Judaism	0
Buddhism	0
Hinduism	0
Sikhism	0
Mormon	0
Agnostic	0
Other	2

Additional Vulnerabilities

Applicants identified additional vulnerabilities in 11 cases, where required arrangements were made to support full involvement in the IRM panels and process.

Adoption

Activity in 2023-2024

There were 5 adoption applications this year, a reduction of 3 from the 8 of the previous year, all 5 were accepted in the reporting year. The IRM responded to a further 6 enquiries, mainly from potential applicants.

Of the 5 accepted cases, all were from Local Authorities/RAAs. No applications were refused.

IRM panels and outcomes in adoption

IRM panels heard 7 adoption cases in the year, 4 were full assessments, 1 a brief report, 1 ongoing suitability to adopt and 1 child specific application. The IRM received the outcome from 7 applications during the year. The IRM panel agreed with the QD in 4 cases (2 full assessments, 1 child specific application and 1 ongoing suitability) and made a not suitable recommendation. In 3 of the applications, the IRM panel disagreed with the QD and made positive recommendations. In the 7 outcomes received the decision makers upheld the IRM panel recommendations in all 7 cases, (4 where the IRM panel agreed with the QD and 3 where it did not). In the 3 cases where the IRM panel made positive recommendations, one case was a brief assessment and the other 2 were full assessments.

Further information is not being provided on the adoption applicants due to the low numbers and ensuring confidentiality of applicants and agencies.

Applications for each month in the last 3 years

The figures below demonstrate that applications do not seem to follow any kind of regular pattern and vary from year to year. These numbers represent the numbers of applications and do not represent the numbers of accepted applications as discussed above.

	2023/24		2022/23		2021/2022	
	Fostering	Adoption	Fostering	Adoption	Fostering	Adoption
April	10	2	5	1	15	3
May	11	0	10	2	12	0
June	11	1	12	0	12	1
July	5	0	5	0	13	0
August	10	2	6	3	17	0
September	7	0	9	0	9	1
October	8	0	6	0	10	1
November	10	0	18	2	13	0
December	8	0	10	0	10	1
January	8	0	7	0	11	0
February	6	0	12	0	8	0
March	14	0	10	0	11	0
Totals	108	5	109	8	141	7

Common Themes

Applications to the IRM feature many and varied situations though there are some which recur regularly.

There continue to be challenges caused by the variable quality of Qualifying Determination (QD) and final decision letters and what they should contain. A number of agencies continue to fail to provide copies of final decisions (despite this being a regulatory requirement), which results in ongoing contacts, sometimes over several months, to ensure that process has been followed and the outcome recorded. The IRM sends guidance information about the final decisions with the minutes to support this process, but it is crucial that the agency liaison passes these onto the decision maker. However, many agencies do provide clear reasons for both the QD and the final decision. Some agencies offer an excellent service and give applicants the information they need in a way that they can understand and relate to them as individuals rather than just listing national minimum standards that they have not met but without saying how.

Applications featuring concerns about foster carers' ability to understand their role and maintain standards were higher than any other concerns expressed by agencies, followed by safeguarding concerns. This was different to those concerns expressed in IRM panel recommendations where safeguarding issues were higher.

Responses to allegations vary, with inconsistent timescales and responses, although it is acknowledged that timescales can sometimes be beyond the agency's control. Agency practices often focus on individual incidents rather than identifying emerging patterns over time. This is particularly important when applicants change agencies or when an agency undergoes multiple takeovers, as a thorough review of foster carers' histories is essential to avoid overlooking patterns of concerns or allegations. Agencies could use their panels to review targets set by the agency, leading to appropriate action if targets are not met, rather than involving panels only when deregistration seems the only option.

Both agencies and IRM panels had the next highest level of concern about the ability of foster carers to meet and understand the needs of children in their care. Many agencies have training programmes that address the need for foster carers to care for traumatised

children, in ways that are appropriate for their needs, but these concerns would indicate there is more work required.

One common reason mentioned in QDs for fosters carers deemed unsuitable is a breakdown in professional relationships. This often stems from issues related to understanding the role of foster carers and maintaining professional boundaries. This is best described as a breakdown of communication and trust which in effect means that the applicants and agency can no longer communicate and work together. These are complex and difficult situations that may have grown out of incidents that have occurred and not been appropriately resolved, which then impact on the safety and well-being of any children who are placed in them. Such situations can go on for many years and eventually reach a point where trust has been lost and working relationships are no longer viable.

These situations highlight the importance of communication, good working relationships and having processes in place when things go wrong. Agencies might involve independent mediation or support for foster carers to resolve issues or provide contact points for foster carers who cannot express concerns to their supervising social worker. Agencies may make use of reviews, particularly if conducted by independent reviewing officers, and their own panels that could be used to assess situations and recommend solutions before relationships deteriorate to the point where deregistration seems the only option.

There still can be misunderstanding in some agencies about the status of applicants who are informed that they are no longer foster carers once a QD is issued. This is not correct, as foster carers remain registered until the agency final decision is made. This is confusing and stressful for applicants at an already stressful time.

Formal complaints from applicants to agencies can also lead to some misunderstanding when these are running alongside applications to the IRM. The IRM does not deal with complaints about agencies, they only deal with suitability of applicants or terms of approval, and it is therefore inappropriate for complaints to be put on hold whilst an application goes through the IRM process. It is also inappropriate for applicants to be informed they cannot apply to the IRM if they are making a complaint. The IRM is clear with applicants that it neither deals with complaints nor re-investigates allegations but offers a fresh look at their situation and suitability by an independent panel.

There were a number of applications with medical concerns. Challenges can arise in accessing medical services and obtaining information. Additionally, inconsistent practices in updating medical information through formal reviews by medical professionals can cause issues. The lack of regulatory requirements for the frequency of medical reviews leads to significant variations between agencies.

Responses to allegations remain inconsistent, with significant variations in the time taken to complete investigations and the quality of those investigations. Agency practices can differ, often treating allegations or concerns as isolated incidents rather than identifying emerging patterns over time. This issue is particularly important when applicants change agencies or when an agency undergoes multiple takeovers, as a thorough review of foster carers' histories is essential to avoid overlooking patterns of concerns or allegations. Agencies could improve their use of panels by setting targets and review dates, and taking appropriate action if these targets are not met, rather than only involving panels when deregistration seems the only option.

In this reporting year there have again been applications that have involved domestic abuse, and substance and alcohol misuse which were not specifically identified before the annual report in 2023.

A further ongoing theme relates to papers that are considered by the agency's panel. When an application is accepted for an IRM review panel, the agency has to provide all the documents that the panel considered together with any additional documents considered by the decision maker in reaching the QD. These have to be the full documents with no alteration or redaction and if, for whatever reason, the agency is unable to provide these documents to the IRM in this condition they would be in breach of regulation. This situation arose because the agency was unable to comply, forcing them to withdraw the QD and restart the process with a new panel, causing considerable distress for the applicants. Agencies must ensure that any documents in such situations are sent to the IRM if an application is made. This is particularly relevant for documents containing confidential information, such as those from the Local Authority Designated Officer (LADO), to prevent similar issues from occurring.

The number of connected persons' applications has fallen again in the last year, the time restrictions for connected persons' assessment can impact on their quality if there are

delays with checks or references or if the applicants are dealing with trauma in children and themselves, they are unable to prioritise assessments.

There continues to be some concerns about IT skills in foster carers. It remains vital for anyone caring for children to have sufficient knowledge to be able to safeguard them in the digital world. It is essential that all foster carers undertake the training that is available to support them in providing the necessary safeguards for children.

Sharing learning

The IRM has continued to undertake work in the last year to raise the profile of the IRM and to share what we do and how we work, as well as themes that are emerging in applications. The Service Manager has had webinars to give information about the IRM and hold Q and A sessions with agencies decision makers, panel members, agency managers, and with the head of service (adoption) from the Isle of Man.

The IRM has joined the Ofsted Social Care National Consultative Forum and the fostering and adoption sub-groups of the forum all of which bring together key representatives of the sector and enable discussion of practice and development.

The IRM continues to hold a list of stakeholder / agency contacts and uses this to circulate information, including the IRM updated information sheets and those about Qualifying Determinations and Final Decision letters.

We are seeking to engage more with stakeholders and will be using different avenues and organisations to do this as well as making increased use of technology to communicate as part of our digital service.

Complaints, Concerns and Compliments

Two applicants raised concerns within the reporting year in relation to the panel reasoning and final recommendation. However, given these concerns were not in relation to the IRM's level of service, the review panel's behaviour, or a caseworker's behaviour, the complaints therefore fell outside the scope of the IRM's complaint procedure. To avoid future confusion, the IRM's complaints procedure was revised to make its parameters clearer. It has been highlighted that the IRM's role is to review the recommendation made by the fostering service provider or adoption agency, but that the final decision rests with that body and it is not obliged to accept the IRM's recommendation.

The IRM received 1 formal complaint during the period which was in relation to a misunderstanding of the IRM's remit. The complaint reached the final stage of the IRM complaints procedure but was not upheld, though the learning from this complaint led to some document revisions to ensure clarity for the future.

One ADM raised an issue following an IRM panel. This was responded to by the service manager.

In addition to the concerns raised above, the IRM has been asked for information for a Social Work England investigation from an application where the record detail had been deleted in compliance with regulation. In order to answer the questions raised, panel members were individually interviewed internally and asked the questions that had been provided. In another application the service manager was interviewed to assist in the investigation of a complaint about an agency.

The IRM offers the opportunity for applicants, representatives and supporters who attend panel to feedback on their experience of the IRM through a questionnaire. These are used to inform practice and to update processes so that the IRM can ensure that the service meets the needs of all users.

The IRM has updated the way feedback about the service is collected and now uses an online link which is provided to applicants, agency representatives and supporters.

Much of the feedback that the IRM receives continues to be applicants expressing thanks for the opportunity of having been listened to and having their situation thoroughly looked

at by an independent panel. These comments are not only from those who receive a positive recommendation but also from those who do not.

There are comments that are less positive which are reviewed to see whether changes should be made to improve the experience for those involved in the process.

Positive feedback has been received from applicants and representatives which, as the examples below show, illustrate how positively virtual panels are regarded:

- *The meeting was very structured with a clear outline given at the start, the panel members were welcoming but focused and professional.*
- *Had a call initially the person I spoke to seem to listen to me while taking notes the questions were factual no personal details were exchanged.*
- *They were efficient, professional and friendly.*
- *Seemed very proficient.*
- *I thought the panel members were very understanding and friendly.*
- *Very satisfied with how panel approached the process as they were suitably curious.*
- *The questions asked at the independent panel by panel members were insightful and initiated reflections.*
- *A very positive experience, fair and well organized.*
- *Keeping the IRM virtual has worked well.*
- *The meeting was very structured with clear outline given at the start, the panel members were welcoming but focused and professional.*
- *I have found everyone to be very professional and feel I have been heard and given a fair review.*
- *They were all very polite and put us at ease straight away.*
- *All communication was clear and concise. Everything was explained properly and clearly.*
- *Very happy with everyone that we have interacted with, they use a calm, unbiased and professional approach to what is a very emotive subject.*
- *Everyone was very welcoming.*
- *We thought the questions were relevant and we felt they listened to our answers without preforming our abilities as foster carers. We thought that the Chair of the panel was very welcoming and explained the panel process very well.*

- *I am pleased I went through this process regardless of the final outcome and decision from my fostering agency. At panel I felt listened to and was glad to be given this platform to voice my concerns and to be treated fairly. Thank you for the time I was given at Panel. It is good that foster carers are given this mechanism.*