

# *IRM Newsletter for Agencies*

November 2005

Number 3

## IRM Newsletter



*Adoption  
& Children Act  
2002 –  
Impact on IRM  
of Regulations  
& Guidance*

main subject areas.

These related to the prospective adopter's health, their parenting capacity or as a result of information supplied by referees.

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As you will be aware a 'qualifying determination' is a determination that has been made by an adoption agency in accordance with regulation 27(4) of the Agencies Regulations that the adoption agency considers that a prospective adopter is not suitable to adopt a child and does not propose to approve him as suitable to adopt a child." This continues to apply in both domestic and intercountry applications.

The changes that relate to the IRM in the Adoption Agencies Regulations 2005 are set out below:

- Prospective adopters will have 40 working days rather than 28 calendar days in which to make an application following receipt of the 'qualifying determination' from the decision maker (AAR 27(4)) (Guidance - Ch 3, p 17 para 71) N.B This also applies to prospective adopters wishing to make representations to their adoption agency.
- Agencies will have 10 working days rather than 7 calendar days to send paperwork to the IRM office following notification of the application (AAR 28(1)) (Guidance - Ch 3, p 20 para 79))
- Where an assessment of the prospective adopter obtains any information – including from health reports or from referee interviews that leads the agency to consider that the prospective adopter may not be suitable to adopt, the agency may prepare a brief prospective adopter's report (AAR 25(5)). The

brief prospective adopter's report (AAR 25.5). The agency should counsel the prospective adopter, involving other professionals as appropriate. As a result of the counselling and advice, the prospective adopter may decide to withdraw their application. If the prospective adopter decides not to withdraw their application, the agency should prepare the brief prospective adopter's report and give a copy of the report to the prospective adopter and invite their written views within 10 working days before referring the report to the adoption panel. The panel may request a full prospective adopter's report be prepared or it may be satisfied that the shorter report provides sufficient information to enable it to make a recommendation that the prospective adopter/s are not suitable to adopt. If the decision maker then makes a 'qualifying determination' the prospective adopter/s will be able to apply to the IRM or make representations to the agency (AAR 25(7)) (Guidance - Ch 3, p 14/15 paras 52-57)

- Any prospective adopter/s who have been approved and have not had a child placed with them will need to have their suitability to adopt reviewed. Where the review concludes they are no longer suitable to adopt the agency must prepare a prospective adopter's report and present it to the adoption panel. If the decision maker makes a qualifying determination, ie, he considers the prospective adopter/s are no longer suitable to adopt a child, they will be able to apply to the IRM or make representations to the agency. (regulation 29(8)) (Guidance - Ch 3, p 22 paras 90-91)

# Transitional Arrangements

# Independent Review of Determinations (Adoption) Regulations 2005

## Transitional Arrangements

- The time limit for making representations or applying for an independent review will be extended from 28 calendar days to 40 working days in those cases where:
  - A decision maker notifies the prospective adopter of the qualifying determination prior to 30 December 2005 but the 28 day limit would have expired on or after 30 December
- OR
- A decision maker notifies the prospective adopter of the qualifying determination on or after 30 December 2005 under the AAR 1983 or the 2003 Hague Convention Regulations and the case was considered by the adoption panel prior to 30 December. (Article 3(5) Transitional Order) (Guidance – Annex I, page 8 para 24)
- Cases considered by the adoption panel and the decision maker under the AAR 1983 or the Hague Convention Regulations 2003 will continue to be considered by either the adoption panel or the independent review panel under the 1976 Act until a decision is made by the adoption agency under the AAR 1983 or the Hague Convention Regulations 2003. (Articles 3(4) and 6(4) Transitional Order) (Guidance – Annex I, page 9 para 25)

## The Independent Review of Determinations (Adoption) Regulations 2005

These will be published in December and will cover the two types of qualifying determinations, namely:

- that a prospective adopter is not suitable to adopt a child; and
- in relation to an application under section 61 of the Act (disclosing protected information about adults) (a) not to proceed with an application from any person for the disclosure of protected information; (b) to disclose

## What cases will be eligible for the IRM after Dec. 30th?

information against the express views of the person the information is about; and (c) not to disclose information about a person to the applicant where that person has expressed the view that the information should be disclosed (regulation 15(7) of the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005).

The IRM currently operated by BAAF does not cover qualifying determinations of applications under section 61 of the Act). These will be dealt with by the Secretary of State.

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Cases which will be eligible to be reviewed would include ;

- Any prospective adopter or intercountry prospective adopter whose agency issues a qualifying determination that they are not suitable to adopt following a full or brief assessment of the prospective adopter's suitability to adopt a child being submitted to the agency's adoption panel for consideration and recommendation.
- Any prospective adopter who was previously approved but is then having their approval withdrawn following a review being presented to adoption panel for a recommendation
- Prospective adopter/s who have been assessed as adopters for a family member or a child known to them. In these cases the IRM panel will only look at the adopter/s suitability to adopt. Any decision about whether the child should be placed with those adopters remains a decision for the agency once a decision has been made about their suitability.

Cases which are not eligible would be :

- Where the agency has obtained information which leads it to believe the prospective adopter is not

## IRM Website

[www.irm-adoption.org.uk](http://www.irm-adoption.org.uk)

## IRM Leaflets

[www.irm-adoption.org.uk/leaflet.pdf](http://www.irm-adoption.org.uk/leaflet.pdf)

<http://www.irm-adoption.org.uk/sw-leaflet.pdf>

suitable to adopt a child and the prospective adopters withdraw their application after receiving counselling

- Prospective adopter/s where the agency has given a qualifying determination and the prospective adopter has either accepted that qualifying determination or makes representations to the agency.
- Prospective adopter/s where the agency has decided they are not suitable prior to accepting their application to adopt. In this instance applicants would be advised to use the agency complaints procedure.

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We have re-designed the IRM website to make it easier for people to use.

Visits to the IRM website have continued to increase with people mainly accessing the website through links from Adoption UK, BAAF, DfES.

We would encourage agencies to include a link to the IRM website from their adoption information pages.

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The IRM leaflet is currently being redrafted to take account of changes in the Adoption and Children Act and will be available at the end of December.

We will be sending out copies of the new leaflet to all agencies to be used for applicants who may want to use the IRM.

However we would continue to ask that agencies print copies of the leaflet from the website to give to prospective adopters in information packs or at information meetings or preparation groups or to circulate to workers and panel members.

The 'Leaflet for Workers' goes into detail about what will happen at the review panel meeting. It is also being updated and is sent to agencies when a case

# IRM Staff

## Contact Details

## Scheduling of IRM Panels

## Panel Dates 2006

heard by the review panel and is available on our website.

As always Elaine Dibben, the Contract Manager and Chris Blythe, the full time Administrator will be happy to answer any queries from agencies about how the IRM works , whether a case is eligible or from prospective adopters wanting information to help them decide whether to make an application.

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### IRM PANEL DATES 2006

- We are making some temporary changes to our scheduling of IRM panels to make effective use of review panels' time, while there are few applications to deal with. The changes are that agencies will be notified of the date and location of the panel about 4-6 weeks after our letter advising of receipt of the application. Panel locations would be selected to offer the best access to those applicants whose cases are being reviewed on that day. The Newcastle & Cambridge panels will not be scheduled to meet until April 2006.

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- The following dates are to be used as a guide only and we reserve the right to change the date and location.

## BIRMINGHAM

Tuesday 10 January

Tuesday 14 February

Tuesday 14 March

Tuesday 11 April

Tuesday 9 May

Tuesday 13 June

Tuesday 11 July

Tuesday 8 August

Tuesday 12 September

Tuesday 10 October

Tuesday 14 November

Tuesday 12 December

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## LONDON 1

Tuesday 7 February

Tuesday 7 March

Tuesday 4 April

Tuesday 2 May

Tuesday 6 June

Tuesday 4 July

Tuesday 1 August

Tuesday 5 September

Tuesday 3 October

Tuesday 7 November

Tuesday 5 December

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## LONDON 2

Wed 25 January

Wed 22 February

Wed 22 March

Wednesday 19 April

Wed 24 May

Wed 21 June

Wed 19 July

Wed 16 August

Wed 20 September

Wed 18 October

Wed 22 November

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## BRISTOL

Thursday 19 January

Thursday 16 February

Thursday 16 March

Thursday 13 April

Thursday 18 May

Thursday 15 June

Thursday 13 July

Thursday 10 August

Thursday 14 September

Thursday 12 October

Thursday 9 November

Thursday 7 December

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## LEEDS

Tuesday 31 January

Tuesday 28 February

Tuesday 28 March

Tuesday 25 April

Tuesday 23 May

Tuesday 27 June

## MANCHESTER

Tuesday 25 July  
Tuesday 26 September  
Tuesday 28 November

Tuesday 22 August  
Tuesday 31 October

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Wed 11 January  
Wed 8 March  
Wed 10 May  
Wed 5 July  
Wed 6 September  
Wed 1 November

Wed 8 February  
Wed 5 April  
Wed 7 June  
Wed 2 August  
Wed 4 October  
Wed 13 December

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## CAMBRIDGE

Tuesday 25 April  
Tuesday 20 June  
Tuesday 15 August  
Tuesday 17 October  
Tuesday 12 December

Tuesday 16 May  
Tuesday 18 July  
Tuesday 19 September  
Tuesday 21 November

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## NEWCASTLE

Wednesday 5 April  
Wednesday 7 June  
Wednesday 2 August  
Wednesday 4 October  
Wednesday 6 December

Wednesday 3 May  
Wednesday 5 July  
Wednesday 6 September  
Wednesday 1 November