

INFORMATION FOR SOCIAL WORKERS ATTENDING AN IRM REVIEW PANEL.



What is the IRM?

The IRM is a review process, set up by the Department for Education and Skills from April 30th 2004 which prospective adopters can use when 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 adoption agencies.

A “qualifying determination” 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 panels but the original adoption agency will make the final decision.

The review panels cannot consider recommendations about a child being placed with particular adopters, although in those cases where adopters had applied to adopt a particular child the IRM panel can consider the recommendation about their suitability as adopters. The recommendation about their suitability in relation to whether the child should be placed with them would remain with the agency.

There is no cost to the prospective adopters although they have to meet their own travel costs but there is a fixed charge to cover costs of the review panel meeting (£2227 until 31.4.06) which is met by the adoption agency.

See Annex D of the Statutory Guidance for further information.

How will the process work?

Once an application has been received by the IRM all the information, which was provided to the original adoption panel, will be requested by the IRM office from the agency’s Liaison Officer. Adopters are asked to give their consent to disclosure of all papers including medical information. The minutes of that panel 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.

Applicants can provide extra information for the review panel and the IRM Contract Manager may also request additional information from either the agency or the applicants. All the paperwork is reviewed by a legal and medical adviser who will also be available to the panel at the panel meeting. The medical adviser may also seek additional information to assist them with their report. All the information will then be considered by the review panel.

Applicants will receive a copy of the papers presented to the original panel and copies of any additional information provided by 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 adoption work. Most panel members will not be child care social workers. Two panel members will be social workers with experience of working in adoption. Some of the other members will have personal experience of adoption through being adopted or an adopter, and others will have specific knowledge or experience relevant to adoption, for example, a child psychologist, a children's guardian, a teacher or a retired social worker. A list of the panel members is sent to the agency and the applicants before the panel meeting.

Where will the panels be held?

The panel will be held in one of 7 locations in England – Newcastle, Manchester, Leeds, Bristol, Birmingham, Cambridge & London. Once we receive the application we will identify the nearest panel which can hear the case. This may depend on other cases needing to be heard but we will try to keep travel time to a reasonable distance. No travelling or subsistence costs will be paid by the IRM.

Who should attend from the Agency?

It is up to the 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 their questioning will be on information obtained during the assessment. A 2nd representative can also attend and this could be the team manager or the panel adviser. Some agencies have wanted their decision maker, a senior manager or the panel chair to attend. This can blur the role of the IRM panel and 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 agency.

Will applicants attend the review panel?

The applicants will be able 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.

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 to prevent too much delay in them being invited into the panel 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 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 whilst applicants are in with the review panel or there are panel discussions 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 or the social workers/managers attending they will then be invited in separately. The applicants are invited in first and given the opportunity to make their representations and answer questions.

The panel will then ask the applicants to wait back in the waiting room whilst they put questions to the social workers. The agency representatives would also have an opportunity to make representations or comment on any information submitted by the applicants as part of their application.

The Panel will then consider whether they have any additional questions for either party and in that event will invite them 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?

The minutes of the review panel meeting are prepared and sent to the agency liaison officer within 12 working days of the panel meeting. IRM panel minutes are not exempted from Data Protection so agencies will be asked for any amendments or feedback on the minutes.

A recommendation sheet with the panels' reasons is sent to both the agency and the applicants. There will be a separate feedback form commenting on the agency's policy or procedures where these have featured in the panel discussion sent to the agency.

The agency decision maker should make their final decision taking into account all the information and the recommendations of both the original panel and the IRM panel within 7 working days of receiving the review panel's recommendation]

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 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 agency and have complaints about the process, they can use the 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.

If you have any questions about the IRM process you can contact the IRM office on 0121 766 8086.

Regulations and Guidance relating to the IRM

- ❖ 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>
- ❖ The Independent Review of Determinations (Adoption) Regulations 2005 - <http://www.opsi.gov.uk/si/si2005/20053332.htm>
- ❖ Statutory guidance - Annex D - <http://www.dfes.gov.uk/adoption/docs/AnnexD.pdf>