



# Independent Review Mechanism Policy

Policy and Procedure



**‘Communication is important, so information should be accessible to everyone. People with sensory communication disabilities may need documents in easy read, large print, audio or Braille formats for example. Others may need face to face communication support through a British Sign Language Interpreter, deafblind interpreter, lip speaker or note taker (as recommended by the NHS Accessible Information Standard). If someone speaks (or reads) a language that is not English, they will need to have the appropriate language-spoken language interpreter and / or text translator’.**



## **1 Purpose**

1.1 This policy outlines Together4Children's position in relation to the Independent Review Mechanism and the procedures for prospective adopters who wish to seek an Independent Review for the following reasons;

- Wish to seek an Independent Review following presentation of the Prospective Adoptive Report to the Adoption Panel and the qualifying determination.
- Wish to seek an Independent Review following initial agreement by the Agency that they may be suitable to adopt and can proceed to stage 2 of the assessment process, followed by a further decision by the Agency during stage 2 that it intends to cease the assessment as it no longer considers the prospective adopter/s to be suitable to adopt.

## **2 Underpinning Legislation and Guidance.**

2.1 The following underpin this policy:

- Adoption and Children Act 2002, Sections 12 & 61.
- Guidance Annex D, Chapters 3 & 11.
- Adoption Agencies Regulations 2005.
- Independent Review of Determinations (Adoption) Regs 2005.
- Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005.
- Equality Act 2010
- Adoption Agencies (Miscellaneous Amendment) Regulations (2013)

## **3 What is the Independent Review Mechanism (IRM)?**

3.1 The IRM started operation in April 2004, providing adoption applicants in England with the option of applying to an independent body to review the adoption agency's determination not to approve them as adopters or to withdraw their approval. It is operated by Coram Children's Legal Centre on behalf of the Department for Education.

3.2 It will also consider applications from people applying to receive information from adoption records (where the adoption agency has made a determination not to accept their application or to disclose or withhold information against the wishes of the person to whom the information relates).

3.3 The IRM review the qualifying determinations made by an adoption agency or a fostering service provider and make their recommendation having considered all the relevant information afresh.

### **What is Together4Children's position in relation to the IRM?**

3.4 Together4Children Permanency Partnership will cooperate fully with the IRM to achieve the best outcomes for children, be transparent in our work with prospective adopters and to inform future practice.



## 4 Procedures

- 4.1 Each Locality Permanency Hub will provide details, at an early stage, when counselling and informing an inquirer, and later in the process, about a prospective adopter's right to access the Independent Review Panel, both at stage 2 of the assessment process and following a recommendation by the Adoption panel that the prospective adopter is not suitable to adopt. This will take into account any identified communication needs.
- 4.2 In both of the above situations the Agency must write to the prospective adopter providing reasons for its recommendation and advising the prospective adopter of the relevant courses of action available including an internal review by the Agency Decision Maker OR by pursuing through the Independent Review Mechanism
- 4.3 The Regional Adoption Panel Adviser or Regional Adoption Panel Lead will act as the Liaison Officer to serve as its main contact with the IRM and to be responsible for providing all appropriate documentation and any further information which may be requested, when a Review Panel is planned.
- 4.4 The Agency notes that it will be charged a fee for any case taken to the Review Panel.
- 4.5 When the Liaison Officer receives from the Review Panel Administrator a copy of the prospective adopter's application for review and details of the date, time and venue when the Review Panel will meet to consider this, the Liaison Officer will:
- Mark the case record to ensure that no final Agency Decision is made prior to receiving the Review Panel's recommendation.
  - Ensure that the prospective adopter's consent to the release of all papers, including medical information, has been received.
  - Send to the Administrator, **within 10 working days**, the necessary documents, which will **NOT** include the Agency Panel minutes.
  - Ensure assessing Social Worker and Team Manager are made aware of prospective adopters' approach to IRM.
  - Inform the Principle Manager, Central Permanency Hub of the prospective adopters' approach to IRM
- 4.6 The Agency understands that the Review Panel Administrator has the responsibility to provide the Agency and the prospective adopter with all the necessary information concerning documentation and process for the Panel meeting.
- 4.7 The Agency will send up to two representatives to the Panel meeting. These will generally be the assessing Social Worker and his/her Team Manager, although, on occasion, a senior manager or the Agency Decision Maker may attend.
- 4.8 The Agency notes that the Independent Review Panel will make a recommendation, in writing, about the prospective adopter's suitability to adopt a child, having considered:

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- The Agency's determination and reasons (and the Agency Panel recommendation, if different).
- Information submitted to the Agency panel by both prospective adopter and agency reps/Social Workers
- Any subsequent information provided.
- The adopter's grounds for Review.
- Any other information submitted by the adopter.

4.9 The Liaison Officer will be sent a copy of the IRM recommendation, the reasons behind it, and the minutes of the meeting, along with the return of all papers submitted by the Agency for the meeting. Which they will disseminate on receipt.

4.10 On receipt of the IRM recommendation the Agency Decision Maker has 7 working days to review this and reach a final decision. Once the Agency Decision Maker has made a decision, concerning the prospective adopter's suitability to adopt, the Liaison Officer will inform the Review Panel Administrator of the outcome.

4.11 The Agency notes that an Independent Review Panel may also consider representations in respect of qualifying determinations issued concerning disclosure of protected information about an adult.

## **5 Further information**

5.1 If you would like more information about the policy, please contact the Regional Adoption Panel Advisers.

