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INFORMATION FOR APPLICANTS ABOUT THE IRM CYMRU

ADOPTION SUITABILITY APPLICATION

WHAT IS THE INDEPENDENT REVIEW MECHANISM?

The Independent Review Mechanism (IRM) is a review process 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 or 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 a 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.

WHO CAN APPLY TO HAVE THEIR CASE REVIEWED?

Prospective adopters who have been given a qualifying determination by their agency.

Independent review panels have the legal power to consider only reviews concerning the suitability of prospective adopters to adopt a child. They do not have the power to consider whether adoption should be the plan for a child, whether a child should be placed with a particular prospective adopter, or deal with complaints against the adoption agency. Complaints should be dealt with through the agency’s complaints procedure.

CAN I APPLY TO THE IRM CYMRU FOR A REVIEW AND MAKE REPRESENTATIONS TO MY ADOPTION AGENCY AT THE SAME TIME?

No. You have to make a choice whether you wish to make representations to your adoption agency OR apply to the IRM Cymru for a review of the adoption agency’s qualifying determination.

SO CAN THE REVIEW PANEL MAKE A NEW DECISION ABOUT MY CASE?

No. The review panel is not a higher appeals authority and it cannot overturn the adoption agency’s determination. It can make a fresh recommendation to your agency on your suitability to adopt a child. If the review panel considers you are suitable to adopt, it may consider and give advice to your agency about the number of children you may be suitable to adopt, their age range, sex, likely needs and background. Your agency must take that recommendation into consideration when making its final decision.

The review panel will make its recommendation after it has considered:

- the information that was before the original adoption panel;
- any relevant information received by the adoption agency after the papers had been sent to the adoption panel;
- Your grounds for requesting a review.

If the review panel needs further information, it may request the agency to obtain it, or it may be considered more appropriate to ask you to obtain the information. The panel may also obtain legal and/or medical advice.

WHO WILL DECIDE WHETHER I AM SUITABLE TO ADOPT A CHILD?

The decision rests with your adoption agency, which must take the recommendations of the review panel and the adoption panel into account when making its final decision on your suitability to adopt a child.

HOW DO I MAKE AN APPLICATION?

There is no prescribed form on which to make an application, but your application must be in writing and should include the following:

- your grounds, i.e. why you disagree with your adoption agency's determination;
- the date of the letter you received from your adoption agency and, where possible a copy of the letter;
- the name and address of your adoption agency, so that we can obtain from them the information which the review panel will need.

You must make your application within 40 working days from the date of the adoption agency's letter. You can send your application to us by post, fax or email, however, if you do send us your application by fax or email you will need to follow this with a hard copy in the post. Our contact details are at the end of this information. It is important that you do not send your application to any other address since this will delay the review panel considering your application.

WILL PEOPLE WHO LOOKED AT MY CASE ORIGINALLY BE ON THE REVIEW PANEL?

No. To demonstrate the independence of the review panel, the law lists a number of reasons why a review panel member may be disqualified from considering a review, for example, if the member is or was employed in the past year by the adoption agency which made the qualifying determination, or if he or she knows the applicant in a personal or professional capacity, or if the agency which gave the qualifying determination placed a child for adoption with a panel member. You will receive details of the panel members who will consider your case and you should tell us if you believe a particular review panel member, should not, in fact, be appointed to consider your case.

SO WHO WILL CONSIDER MY CASE?

Your case will be considered by a review panel whose members have professional or personal experience of adoption; some members may be adopters or adopted adults. The review panel will consist of at least five members including a Chair, social workers and a medical practitioner.

The review panel will also have a written report on your case from its Legal Adviser, and there will be someone – a Professional Advisor – 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. A Panel Secretary will be present to take minutes of the meeting. The Panel Secretary, the Professional Advisor and the Legal Adviser will not take part in the panel discussions or in the making of the review panel's recommendation.

WHERE WILL THE REVIEW PANEL BE HELD?

Review panels will be held at whichever venue is most convenient for all parties. We will try to keep your travelling to a reasonable distance.

CAN I ATTEND THE MEETING?

Yes. You and your partner, if you have one, will be invited to attend the review panel meeting. You may also be accompanied by a friend. The role of the friend is to provide you with moral support; he or she cannot speak on your behalf or act as an advocate. If you have a physical, sensory or learning impairment, or English is not your first language, you may bring an interpreter or helper with you, in addition to a friend. Please note that we cannot pay any expenses to you or to any friend or interpreter for attending the meeting.

INFORMATION FOR APPLICANTS ABOUT THE IRM CYMRU Cont

If you are intending to bring an interpreter to the panel, the IRM Cymru will also have an interpreter available to advise the panel.

You will be invited to state your case and give your reasons for disagreeing with the qualifying determination. Members of the review panel will be able to ask you questions. You will then be asked to wait in a waiting room while the panel discusses the case. The review panel may wish to call you back to clarify any point and when they are sure they have all the information, they will advise you that you may go. You may need to be available for up to two hours.

WILL ANYONE ELSE BE THERE?

Your adoption agency will be invited to send two representatives to the review panel meeting. It will, of course, be for them to decide who should attend, but we expect them to send someone who will be able to answer the review panel's questions, usually your assessing or social worker and a manager.

I'VE WAITED LONG ENOUGH TO GET TO THIS STAGE. AM I GOING TO HAVE TO WAIT AGAIN TO HAVE MY CASE HEARD BY THE IRM CYMRU?

We aim to complete each case within three months of receiving the application. Once we have received your application, we will advise you as soon as we can of the date, time and location of the review panel meeting. We will give you at least a month's notice. If the date is not convenient, you can ask for a later date. If you would prefer to travel to another venue, please discuss this with us, but remember that no travel costs or expenses can be met.

WILL I HAVE TO PAY FOR THE IRM CYMRU TO REVIEW THE QUALIFYING DETERMINATION?

No. Your adoption agency will meet the cost of the review.

WHAT HAPPENS AFTER THE HEARING?

We will send you and your adoption agency a copy of the review panel's recommendation. Your adoption agency will then write to you informing you of its 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 decision. If you remain dissatisfied, you should seek your own advice from, for example, a solicitor or the Citizen's Advice Bureau, as to what action you may take.

WHAT IF I WANT TO COMPLAIN ABOUT THE IRM CYMRU?

There is a formal complaints procedure that is available for you to use and sets out the steps you should take. This is available from the IRM Cymru office.

CONTACT DETAILS FOR IRM CYMRU

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