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## **INFORMATION FOR APPLICANTS ABOUT THE IRM CYMRU FOSTERING SUITABILITY APPLICATION**

### **WHAT IS THE INDEPENDENT REVIEW MECHANISM?**

The Independent Review Mechanism (IRM) is a review process which prospective or existing foster carers can use when they do not agree with the qualifying determination given to them by their fostering service provider. The review process is conducted by a review panel independent of the fostering service provider.

A “qualifying determination” is a determination made by a fostering service provider that it does not propose to approve a person as suitable to foster a child or proposes to terminate or change the terms of the approval of an existing foster carer.

### **WHO CAN APPLY TO HAVE THEIR CASE REVIEWED?**

Prospective or existing foster carers who have been given a qualifying determination by their fostering service provider. This includes people who are seeking to, or who are already approved to, foster a specific child.

The review panel does not have the power to deal with complaints against the fostering service provider. Complaints should be dealt with through the provider’s complaints procedure.

### **CAN I APPLY TO THE IRM CYMRU FOR A REVIEW AND MAKE REPRESENTATIONS TO MY FOSTERING SERVICE PROVIDER AT THE SAME TIME?**

No. You have to make a choice whether you wish to make representations to your fostering service provider OR apply to the IRM Cymru for a review of the provider’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 fostering service provider’s determination. It can make a fresh recommendation to your provider on your suitability to foster a child and/or the terms of your approval.

Your provider must take that recommendation into consideration when making its final decision. The review panel will make its recommendation after it has taken into account:

- the information that was before the original fostering panel (if it considered the case); including any additional information you may have submitted for consideration by the panel;
- any relevant information received by the fostering service provider after the papers had been sent to the fostering panel;
- Your grounds for requesting a review.

If the review panel needs further information, it may request the fostering service provider 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 FOSTER A CHILD?**

The decision rests with your fostering service provider, who must take the recommendations of the review panel and the fostering panel (if it considered the case) into account when making its final decision on your suitability to be an approved foster carer and/or the terms of the approval.

### **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 fostering service provider's determination;
- the date of the letter you received from your fostering service provider; and
- the name and address of your fostering service provider, so that we can obtain from them the information which the review panel will need.

You must make your application within 28 days from the date of the fostering service provider's letter. You can send your application to us by post, fax or email. 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 fostering service provider which made the qualifying determination, or if he or she knows the applicant in a personal or professional capacity, or if the member was approved as a foster carer by the fostering service provider which gave the qualifying determination. 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 fostering; wherever possible, at least one member will be or have recently been foster carers. The review panel will consist of at least five members including a Chair and social workers.

A medical practitioner will often prepare a written report on you to advise the panel, looking at any medical information about you. They may attend the panel to offer advice on medical issues if required.

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, Medical 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 will be invited to attend the review panel meeting. You may 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 fostering service provider 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 supervising 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 fostering service provider will contribute to the cost of the review.

#### **WHAT HAPPENS AFTER THE HEARING?**

We will send you and your fostering service provider a copy of the review panel's recommendation. Your fostering service provider will then write to you informing you of its final decision.

#### **WHAT IF I'M STILL NOT HAPPY WITH MY FOSTERING SERVICE PROVIDER'S DECISION?**

There is no right of appeal against your fostering service provider'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. A copy is also included.

#### **CONTACT DETAILS FOR IRM CYMRU**

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