

INDEPENDENT REVIEW MECHANISM (ENGLAND) (SUITABILITY TO ADOPT A CHILD) – END OF YEAR FIVE STATEMENT – 2008-09

1. The Independent Review Mechanism¹ (IRM) in England has been in operation since 30 April 2004 and has been operated by BAAF on behalf of the Secretary of State.

Function of the independent review panel

2. The function of the review panel is to consider the case anew and to make a recommendation to the adoption agency. It is then for the agency's decision-maker to consider both the original adoption panel's recommendation and the review panel's recommendation before coming to a decision on the prospective adopter's suitability to adopt a child. In 2008-09, adoption agencies agreed with the review panel's recommendations in 92% of cases and a small number of prospective adopters were subsequently considered suitable to adopt to looked after child.

Statistics

3. Due to the small numbers involved we are unable to publish a break down of the figures by type of agency or whether the qualifying determination was given after the completion of a full or brief² prospective adopter's report or a review of approval³. This is because to do so could compromise the identity of those applicants who applied to the IRM.
4. Eleven applications were received from all over England, with the exception of the South West of England. This represents a 21% decrease on the number of applications received in Year 4. All 11 applications, plus one brought forward from 2007-08, were heard by May 2009 and all applicants and adoption agencies attended the review meetings.
5. The majority of the applicants were married and had received their qualifying determinations from their local authority. No applications were received relating to intercountry adoption.
6. The review panel recommended in six cases that the applicants were either suitable to adopt or that the agency complete a full assessment of the applicants' suitability, and in the remaining six cases that the applicants were not suitable to adopt.

Themes

7. Although we are unable to give a full analysis of the reasons given by agencies and the review panels for not recommending a prospective adopter as suitable to adopt, we are able to say there were six common areas, three of which were also highlighted in Year 4:
 - understand the needs of children placed for adoption;
 - motivation to adopt;
 - stability and permanence of relationship;
 - the capacity to parent a looked after child;
 - the applicants; background and history; and
 - withholding information from the agency.

Agencies' practice issues identified by review panel

8. It had been anticipated that the review panels would be able to identify common areas of good practices or areas where improvements were needed. Unfortunately there have been too few cases which would allow us to do this. However, practice issues are set out in the [Overview report 2004-2008](#).

Overview report of the operation of the IRM 2004-2009

9. The overview report of the first 4 years of the operation of the IRM is being updated to include the first 5 years and will be published in the summer of 2009. It will update the analysis of the reasons why prospective adopters were not considered suitable to adopt, and the common areas of good practices or areas where improvements were needed.
10. The IRM Contract Manager (Debra Pearlman) will be giving presentations based on this report to interested groups. If you would like Debra to give a presentation to your group, please contact her on 0870 034 6420.

Subject access requests under the Data Protection Act 1998

11. A small number of applicants made subject access requests to the Secretary of State⁴ for a copy of the review panel minutes relating to their review. In all cases the Secretary of State released to the applicants the full or redacted review panel minutes. Data was extracted from the minutes so that only personal data as defined in the Data Protection Act 1998 (the Act) was included. This is information about the applicant from which he could be identified, and includes any expression of opinion about the applicant or any indication of intentions towards the applicant. As provided by the Act, consent was sought and obtained from third parties for their information to be included. .

Changes to the IRM

12. 2008/09 saw Parliament approve the creation of an IRM for fostering, and the DCSF undertook a competitive tender exercise for the operation of the IRM. With the introduction of an IRM fostering, DCSF took the opportunity to change the remit of the contract so that all three types of qualifying determination are processed by one organisation. These are:
 - a. The **suitability** of a prospective adopter to adopt a looked after child or a child from outside the British Islands;
 - b. The **suitability** of a prospective or existing foster carer to foster a looked after child, including proposed changes to terms of approval ; and
 - c. the **disclosure** or **non-disclosure** of protected adoption information contrary to the views expressed by the person is the information is about.

The contract was awarded to BAAF with effect from 1 April 2009.

13. The Independent Review of Determinations (Adoption) Regulations 2005 were replaced by the independent Review of Determinations (Adoption and Fostering) Regulations 2009 from 1 April 2009. The new regulations give the review panels a new power.
14. Where the panel makes a recommendation to the adoption agency on or after 1 April 2009 that the prospective adopter is suitable to adopt a child, the panel may consider and give advice to the adoption agency about the number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background. This change brings the review panels in line with adoption panels.
15. The contribution to be paid by adoption agencies and fostering providers towards the cost of a review remains at £2,227. The amount of this contribution will be reviewed annually.
16. There have been a number of changes to how the IRM is operated and to the [IRM personnel](#). In addition, the IRM's office has moved from Birmingham to Leeds. These changes can be obtained from the IRM's new and extended [website](#). The website includes valuable information specifically for those people who wish their qualifying determination be reviewed, and for [social workers](#) working in adoption agencies or for fostering providers.

12 August 2009

Useful links

[Overview Report 2004-2008](#)

[End of Year Four Statement](#)

[End of Year Three Statement](#)

[End of Year Two Statement](#)

[End of Year One Statement](#)

[The Review of the IRM and Adoption Register - a report by PricewaterhouseCoopers](#)

[The Government's response to recommendations on the Adoption Register and the Independent Review Mechanism \(IRM\)](#)

[Adoption Agencies Regulations 2005](#)

[The Disclosure of Adoption Information \(Post-Commencement Adoptions\) Regulations 2005](#)

[The Independent Review of Determinations \(Adoption\) Regulations 2005](#)

[The Independent Review of Determinations \(Adoption and Fostering\) Regulations 2009](#)

[Statutory Guidance for adoption agencies - Annex D](#)

[The IRM's website](#) – information for prospective adopters and adoption agencies

¹ The IRM was set up to help build public confidence in the adoption service, particularly the adopter assessment process, and to allow prospective adopters (who wish to adopt a child from the United Kingdom or from outside the British Islands) to either make representations to their adoption agency or apply to the IRM for a review of their adoption agency's qualifying determination that they are unsuitable to adopt a child.

² Where the adoption agency obtains information that leads it to consider that the prospective adopter may be unsuitable to adopt a child, the agency should counsel the prospective adopter about the information obtained. If the prospective adopter decides not to withdraw their application, the agency prepares a brief prospective adopter's report and refers that report to the adoption panel for a recommendation on the prospective adopter's suitability to adopt a child. Once the adoption panel has made its recommendation the agency's decision-maker must consider the case and decide whether the assessment should continue or that the prospective adopter is not suitable to adopt. The adoption panel, agency or review panel may not consider the prospective adopter as suitable to adopt unless a full prospective adopter's report has been prepared.

³ Where the agency completes its review under regulation 29 of the Adoption Agencies Regulations 2005 and considers that the prospective adopter may no longer be suitable to adopt, it must prepare the prospective adopter's review report and refer that report to the adoption panel. The adoption panel must consider the case and make a recommendation whether or not the prospective adopter continues to be suitable to adopt a child. The agency is then required to take the recommendation of the adoption panel into account before making a decision as to whether or not the prospective adopter continues to be suitable to adopt a child. Where the agency considers the prospective adopter unsuitable to adopt, that prospective adopter has the right to either make representations to the agency or apply to the IRM.

⁴ The Secretary of State, rather than BAAF, is the Data Controller and processes subject access requests.