



Independent Reviewing Mechanism In England

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What is the Independent Review Mechanism (IRM)?

The Independent Reviewing Mechanism (IRM) operates the process by which prospective or approved foster carers, can seek a review of a 'qualifying determination' made by a fostering service provider. This includes local authorities and independent fostering services.

Qualifying determinations are made where an agency is proposing not to approve an individual as a foster carer, or to terminate approval or make a change to the foster carer's terms of approval. A qualifying determination is issued after either a brief report or full report has been presented to the fostering service providers fostering panel and has been considered by the Agency Decision Maker.

The IRM is a review process that prospective or approved foster carers can access when they do not agree with the qualifying determination letter sent to them by their Fostering Service Provider Agency Decision Maker (ADM). The review process is conducted by an IRM review panel which is independent of the fostering service provider. The IRM operates digitally with documents being sent and received electronically.

Who can apply to have their case reviewed?

Prospective or approved fostering carers, including kinship foster carers or prospective kinship foster carers (often also known as connected persons or family and friends foster carers), who have received a qualifying determination from their fostering service provider ADM can apply to have their case reviewed. The review process does not have the power to deal with complaints against the fostering service provider. Complaints should be dealt with through the fostering service provider's own complaints procedure.

The option of using the IRM does not apply in a case where the fostering service provider considers in accordance with reg 26(8) that the person is not suitable to act as a foster parent reg 27 (7)- Fostering Services (England) Regulations 2011 (as amended). This is in relation to a conviction or caution for specified offences as detailed in schedule 26(5) of the regulations that applies to anyone over the age of 18 in the household.

Can I apply to the IRM for a review and make representations to my fostering service provider?

No, the carer or prospective carer must make a choice whether they wish to make representations to their fostering service provider OR apply to the IRM for a review of their case. The timescale for requesting a review via either route is within 28 days of the date of the letter received from the ADM.

What if I do not disagree regarding a change in my approval?

A determination to change a foster carer's terms of approval is not a qualifying determination if, following a review of the carer's approval under regulation 28:

- The fostering service provides the foster carer with a written statement setting out whether they consider the foster carer's household, including any children placed there, to have additional support needs as a result of the change, if so what these support needs are and how they will be met, and
- the foster carer provides their written agreement to the change.

Examples of changes to terms of approval may include:

- Change of number of children and young people able to be cared for.
- Change to approval for particular type of fostering only such as respite.
- Changed to include specific named child/ children only.

Foster carers must not feel pressured into accepting changes to their terms of approval. If you are unhappy or disagree with a qualifying determination from an ADM to change the terms of approval then you can request to have your case reviewed. This can be done by making representations to your fostering service provider OR by applying to the IRM for a review of your case.

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In relation to changes to terms of approval it is important that foster carers understand that the IRM panel will make any recommendation based on the information in the papers they receive and the actual IRM panel. This may include a recommendation for deregistration even when the fostering service provider has recommended continued suitability to foster with a change to terms of approval. As with any other situation the IRM recommendation will go back to the fostering service ADM for consideration who will then write to the foster carer with a final decision. If there is disagreement with the IRM recommendation the ADM must record their reasons, but their decision is final.

Role of the IRM Panel

The IRM review panel is not an appeal, it is a review and it cannot overturn the fostering service providers qualifying determination. It can however make a fresh recommendation to your fostering service provider on your suitability to foster a child and/or the terms of your approval.

The review panel will make its recommendation after it has taken into account the information that was put before the original fostering panel, and any additional information that may have been submitted for consideration by the IRM panel such as:

- Any relevant information received by the fostering service provider after the papers had been sent to their original fostering panel.
- Your IRM application and grounds.
- Any further information requested by the IRM from yourselves or the fostering service provider.

The IRM may also obtain its own medical and/or legal advice.

Who will be on the IRM Panel?

The IRM is independent of the fostering service provider and the IRM Panel considering your review will have no members connected with your case. You will receive the names of the IRM panel members who will consider your case prior to the hearing and should notify the IRM if you believe a particular review panel member should not be on the panel for your case.

Who will decide whether I am suitable to foster a child?

The final decision remains with the fostering service provider; however, it must take into account the recommendation of the IRM Panel when making its final decision on your suitability to foster and/or the terms of the approval or, in cases where there has been a brief report, whether there should be a full assessment.

How do I make an application to the IRM for a review?

Fostering service providers should advise you of your rights to make representations to your fostering service provider OR apply to the IRM for a review of their case when you receive your qualifying determination. If you have not been advised of these rights please let your fostering service provider and / or the IRM know.

You need to make an application preferably by email (details are at the end of this factsheet).

Applications must be made within 28 calendar days from the date of your fostering service provider's letter (the qualifying determination).

IRM Panels

The IRM holds its panels virtually though a face to face panel could be arranged in exceptional circumstances to meet a specific need. Virtual panels mean that the IRM is more accessible to all applicants without the need for travel to venues and pay travel costs. Once the IRM accept your application, they will let you know the date and time of the panel that will consider your case. Your case will be considered by a review panel whose members have professional or personal experience of child placements. The panel will consist of at least five voting members and non-voting members including a panel advisor and a secretary; legal and medical advice is available to the panel if needed.

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How long does the IRM process take?

The IRM aims to complete each case within four to five months of receiving the application. Once they have received the application and a copy of the qualifying determination letter, they will email you a letter to confirm the case has been accepted.

Can I attend?

Yes, the foster carer or prospective foster carer will be invited to attend the review panel meeting. They may bring a supporter; he or she cannot speak on your behalf or act as an advocate; they are there for moral support.

Independent Support for IRM

Fostering National Minimum Standards 22.12 state that –

During an investigation the fostering service makes support, which is independent of the fostering service, available to the person subject to the allegation and, where this is a foster carer, to their household, in order to provide:

- Information and advice about the process
- Emotional support, and
- If needed, mediation between the foster carer and the fostering service and/or advocacy (including attendance at meetings and panel hearings)

If you have had access to independent support during the reapproval process please talk to your support worker about providing support to you through the IRM process. If you have not had access to independent support during the reapproval process please talk to your fostering service provider about referring you for independent support through the IRM process.

If your situation does not involve an allegation but has led to the fostering service recommending deregistration or a change in approval and issuing a qualifying determination (such as a standards of care concern or as a result of a complaint) please contact Fosterline for further advice on any support that may be available.

Will anyone else be there?

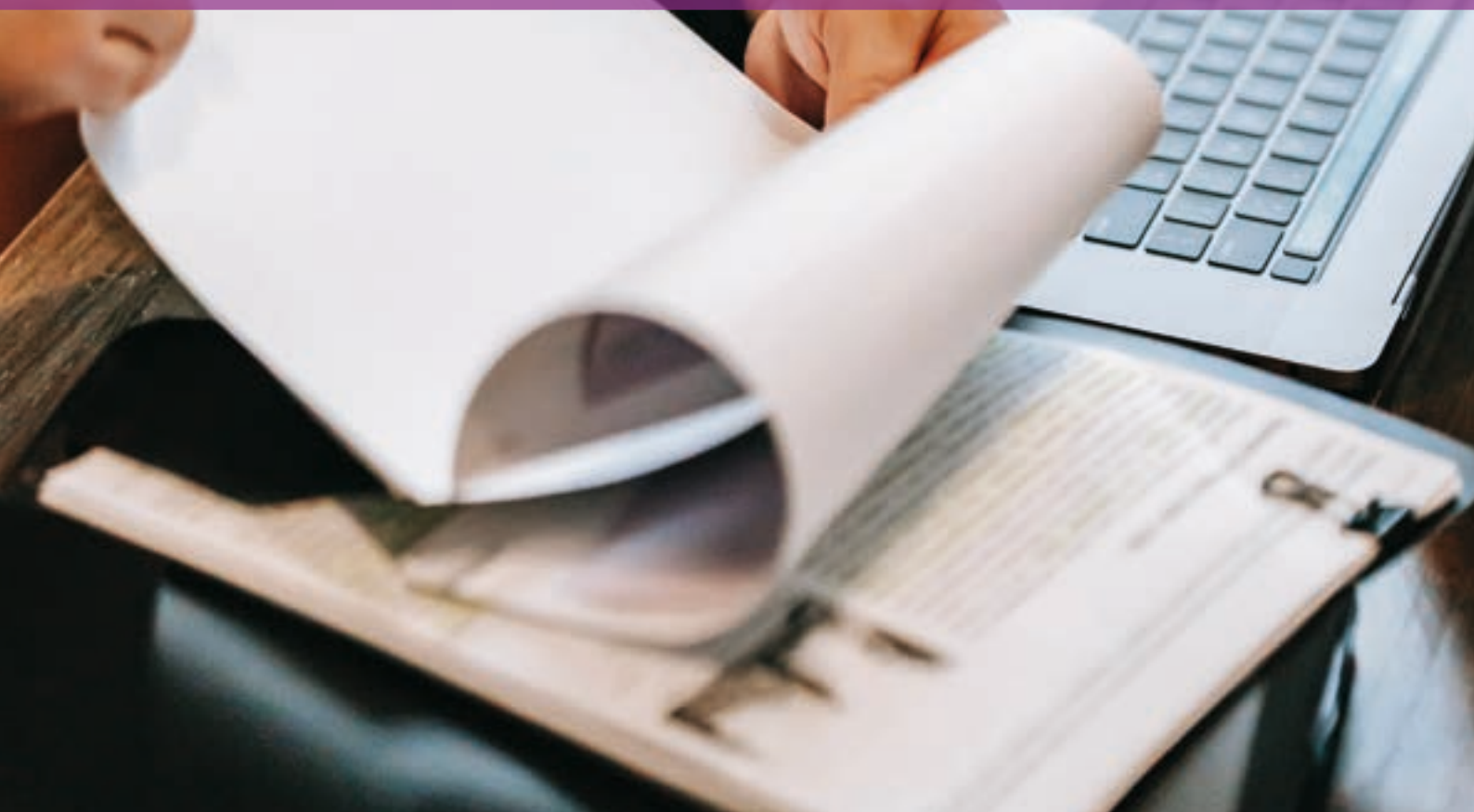
The fostering service provider will be invited to send up to two representatives to the panel meeting. They will decide who should attend, but the IRM suggest they send someone who will be able to answer the panel's questions such as an assessing or supervising social worker or their manager.

Preparation for IRM Panel

It is important for you to prepare for the panel, as it may be several months after the fostering approval / reapproval process happened. If you have an independent support worker or advisor, they will be able to help you to prepare for areas the panel might ask questions about. It might be helpful to think about your understanding of key issues (from training and/or experience) in fostering especially those that have been raised as part of your termination or change of approval which might include for example, personal factors, managing challenging behaviour, safeguarding, recording, safer caring, understanding of attachment and equality and diversity.

Will I have a chance to speak to the panel other than answering questions?

You will have the opportunity to make brief comments at the end of panel's questions if there is anything you wish to add. The same opportunity will be given to the fostering service provider representatives. The panel will last for up to 3 hours. A copy of the panel papers will be emailed to you 2 to 3 weeks prior to panel, it will exclude any third-party information which you are not entitled to see. You cannot withdraw your application once the IRM panel papers have been sent out to the IRM panel members.



What happens after the hearing?

You will be emailed the IRM panel's recommendation 7 working days after the panel hearing with the minutes following by email on the 10th working day.

The fostering service provider ADM will then make a final decision, taking into account the IRM recommendation. The fostering service provider will write to you formally to let you know the final decision.

Costs

There is no charge by the IRM to the foster carer or prospective foster carer to have a case reviewed. The fostering service provider does contribute towards the cost of an IRM Review.

Right to appeal the fostering service provider's final decision?

There is no right of appeal against the fostering service provider's final decision. If you remain dissatisfied with this decision, you should seek your own advice from, for example, a solicitor as to what action you may take.

What if I want to complain about the IRM?

Complaints cannot be made about the IRM panel's recommendation however there is a formal complaints procedure that is available to use for other issues, which sets out the steps you should take to complain.

Some Foster carers advice and experiences at IRM Panel

- "It is vital to have independent support for this part of the process, even if you haven't accessed this before. They can help you to prepare and let you know what to expect".
- "Everyone on the panel is friendly and happy to repeat questions if you need them too".
- "It's good to hear the fostering service provider being asked similar questions to those you have been asked so it feels like a fair process".

- “You have to remember the IRM remit is to consider suitability to foster not any other part of an investigation that you may be unhappy with”.
- “It’s good to tell my side of things to an impartial panel so I feel heard even if it doesn’t change anything for me re my suitability to foster”.
- “It might not help my circumstances, but recommendations made may improve agency practice and help other foster carers in the future”.
- “It feels a bit like an interview or test – you get an email when the panel starts with the areas the panel’s questions will cover and then are given some time to prepare with your independent support worker if you have one. Make use of this time”.

IRM Contact Details

Please contact the IRM by email to irm@irm.org.uk

Website: www.gov.uk/government/organisations/independent-review-mechanism

Phone lines are open Monday to Friday inclusive (except for public holidays) from 9.30 to 12.30
Tel: 0845 450 3956 / 0113 202 2080
(0845 numbers charged at local rate)

If you would like to discuss any information in this factsheet or get further advice please contact Fosterline; all calls are free and confidential.

Call Fosterline on **0800 040 7675** Monday – Friday 9am to 5pm. You may also wish to speak with an advisor in a live chat via the website or book a call back at a convenient time or email your query to us via the web form option. Details on options available to contact us are here <https://www.fosterline.info/about-us/contact-us/>

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