

Challenges from potential Foster Carers and Adopters

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09 August 2022

Independent Review Mechanism

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Nevertheless, not all foster carers will be approved, and applicants do have the right to challenge decisions made about them by fostering agencies. Challenges are likely to occur where agencies elect to 'de-register' foster carers. A decision which would then have to be disclosed to all future fostering and adoption agencies - if and when the original team is approached for a reference.

Any decision not to pursue a foster carer approval, or to de-register or change the terms of approval, will have a significant impact on the applicants. It may limit their ability to pursue their chosen vocation.

The Independent Review Mechanism (IRM) is run by Coram Children's Legal Centre on behalf of the Department for Education. It provides independent review panels for anyone who wants to challenge a decision made by an adoption agency or a fostering service with regards to:

- Suitability to adopt or foster.
- Foster carers terms of approval.

Foster carers have the option to request an IRM if they disagree with a decision made about their approval or assessment. Sometimes the IRM will support the decision of the original fostering agency. Nevertheless, it is not unusual for the IRM to recommend foster carers continue to be approved by an agency.

Many foster carers believe this means they may continue to be approved, as the IRM's review and recommendation must be followed by an agency but this is not the case.

For example, in the IRM's 2020-2021 [annual report](#), it noted that the mechanism received 151 applications in 2020-2021, of which 95 outcomes were recorded. In nine cases where the IRM recommended applicants were suitable to foster or adopt, the decision-making authority unsurprisingly continued to disagree with the recommendations.

Most agencies will only decide to de-register, terminate or vary their relationship with foster carers after a great deal of careful consideration and investigation. As long as fostering and adoption agencies take into account the recommendations of the IRM review panel, they do not have to explicitly follow those recommendations in any individual case. They are not legally binding.

A helpful summary of the IRM's latest statistics can be found [here](#). Incidentally, the data also provides a snapshot as to the impact of the pandemic, which has accelerated a move to a fully electronic service. The IRM recognises that while the shift in service was initially challenging, it has led to the delivery of more efficient and cost-effective communications.

In the context of the placement of vulnerable children, the roles of the various stakeholders remain clear. The IRM cannot make a final decision about the suitability of a foster carer. It is essential that agencies have ultimate control over who (or not) they register as foster parents.

For more information about how to respond to challenges from those hoping to be approved for fostering and adoption please contact one of our team.

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