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WELSH STATUTORY INSTRUMENTS

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**2010 No. 746**

**The Independent Review of Determinations  
(Adoption and Fostering) (Wales) Regulations 2010**

**PART 3**

**PROCEDURE**

**Application for review of qualifying determination**

**19.**—(1) An application to the Welsh Ministers for a review of a qualifying determination must be made by the applicant in writing and include the grounds of the application.

(2) In the case of an adoption suitability determination only, a prospective adopter may within 40 working days beginning with the date on which a notification was sent by the adoption agency of the qualifying determination in relation to him or her, make a request to the Welsh Ministers for a panel to be constituted to review that determination.

**Appointment of panel and conduct of review**

**20.**—(1) Upon receipt of an application which has been made in accordance with regulation 19, the Welsh Ministers must —

- (a) within 5 working days notify the adoption agency which made the qualifying determination that the application has been made by sending to the agency a copy of the application;
- (b) within 5 working days send a written acknowledgment of the application to the applicant and notify the applicant of the steps taken under sub-paragraph (a);
- (c) within 25 working days appoint a panel in accordance with regulation 5 and fix a date, time and venue for the panel to meet for the purposes of reviewing the qualifying determination (“review meeting”);
- (d) after taking the steps prescribed in sub-paragraph (c), and no less than 5 working days before the date fixed for review, inform in writing the applicant and the adoption agency which made the qualifying determination of —
  - (i) the appointment of the panel; and
  - (ii) the date, time and venue of the review meeting.

(2) The date fixed for the review will be no later than 3 months of the receipt of the application by the Welsh Ministers.

(3) The Welsh Ministers must ensure that the panel receives all relevant papers relating to the review as soon as possible but no less than 5 working days before the date fixed for the review.

### **Duty to provide information and assistance**

**21.** The organisation which made the qualifying determination must provide, as far as is reasonably practicable, any information or assistance requested by the panel under regulation 12, 13, 14 or 15, as the case may be.

### **Recommendation of panel**

**22.**—(1) Where the panel's recommendation is not unanimous the recommendation must be that of the majority.

(2) The recommendation may be made and announced at the end of the review or reserved.

(3) The recommendation and the reasons for it, and whether it was unanimous or that of a majority, must be recorded without delay in a document signed and dated by the chair.

(4) The Welsh Ministers must without delay, and in any event no later than 10 working days after the date on which the recommendation is made, send a copy of the recommendation and the reasons for it to the applicant and to the adoption agency which made the qualifying determination.

### **Duty to pay costs in connection with a review**

**23.** The organisation which made the qualifying determination must pay to the Welsh Ministers such costs in connection with the review of that qualifying determination as the Welsh Ministers consider reasonable.