
STATUTORY INSTRUMENTS

2009 No. 395

**The Independent Review of Determinations
(Adoption and Fostering) Regulations 2009**

PART 3

PROCEDURE

Application for review of qualifying determination

17. An application to the Secretary of State for a review of a qualifying determination must be made by the applicant in writing and include the grounds of the application.

Appointment of panel and conduct of review

18. Upon receipt of an application which has been made in accordance with regulation 17, the Secretary of State shall—

- (a) notify the organisation which made the qualifying determination that the application has been made by sending to the organisation a copy of the application;
- (b) send a written acknowledgment of the application to the applicant and notify him of the steps taken under sub-paragraph (a);
- (c) fix a date, time and venue for the panel constituted in accordance with regulation 6, 7 or 8 to meet for the purposes of reviewing the qualifying determination (“review meeting”);
- (d) after taking the steps set out in sub-paragraph (c), inform in writing the applicant and the organisation which made the qualifying determination of—
 - (i) the appointment of the panel; and
 - (ii) the date, time and venue of the review meeting; and
- (e) inform the applicant in writing that the applicant may, if the applicant wishes, provide to the panel further details of the grounds of the application in writing in the period up to three weeks before the review meeting and orally at the review meeting.

Duty to provide information and assistance

19. The organisation which made the qualifying determination shall provide, as far as is reasonably practicable, any information or assistance requested by the panel under regulation 11(5)(b), 12(3)(b) or 13(3)(b), as the case may be.

Recommendation of panel

20.—(1) The panel’s recommendation may be that of the majority.

(2) 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) The panel must without delay send a copy of the recommendation and the reasons for it to the applicant and to the organisation which made the qualifying determination.

Duty to pay costs in connection with a review

21. The organisation which made the qualifying determination must pay to the Secretary of State such costs in connection with the review of that qualifying determination as the Secretary of State considers reasonable.