

IAAME



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THE REVISED SUBSTANTIAL COMPLIANCE SYSTEM

Question & Answer Session

Office of Children's Issues

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U.S. Department of State • Bureau of Consular Affairs

QUESTION

What is IAAME's process for ensuring interrater reliability?

ANSWER

- IAAME conducts ongoing staff training and meetings regarding updated technical guidance, regular review of the Standards and existing technical guidance, sessions to peer review and discuss findings and compare utilizing the SCS definitions as a guide.
- Regular review of process and revisions as needed to streamline, increase understanding and consistency in application of the Standards across all analysts.
 - This includes regular peer review of activities and findings, opportunities for observation by analysts at committee meetings, and additional quality assurance review conducted at the management level.
 - Regular communication and coordination with the Department for guidance on interpretation of various Standards.
- IAAME has multiple levels of review including analyst, manager then committee review of findings.

QUESTION

IAAME received questions related to the impact of individual elements or factors within a Standard when determining the level of compliance.

ANSWER

- IAAME assigns a rating to a Standard based on the rating indicator definitions approved by the Department that can be found in Policy 003 on our website.
- As you know, many Standards include multiple elements or factors. IAAME assesses all of these elements and utilizes this individual assessment to determine overall compliance level with the Standard.
- For example within 96.46 (b) there are 12 sub elements. IAAME assesses all 12 of these elements and utilizes each individual assessment to determine to assess overall compliance with 96.46 (b) as a whole.
- Generally speaking, IAAME is looking at each sub-element of Standard to assess the level of compliance with each, while also taking into account factors within the rating indicator definitions such as “jeopardizing persons’ service” (within substantial compliance definition); “compromising the care of persons served” (within partial compliance definition); and “consistency with the aims of the Convention, the IAA, the UAA or the regulations”. Some of the sub-elements with a standard may impact child safety and/or the care of other persons served. IAAME must take that into account when assessing compliance with a particular standard.

QUESTION

IAAME also received several questions asking for more information on the data provided related to the findings for 33 ASPs for which IAAME had completed renewal reviews.

One such question was whether the data shared for the 33 ASPs that had gone through the renewal process included findings of deficiency in compliance in a final report, or whether those were initial findings from a Notice of Deficiencies earlier in the renewal process.

ANSWER

The data provided was based on findings in the Notice of Deficiencies which is earlier in the renewal process, and not the final review report.

QUESTION

What are the top three most common standards that ASPs are found out of compliance within the accreditation and approval renewal process?

ANSWER

The most frequently out of compliance standards under the current SCS in the 33 reviews conducted are:

96.41(a)

96.44(b)

96.40(b)

ANSWER

- **96.41(a)** most often found out of compliance due to complaint policy and procedures provided as evidence not containing the requirements of (b)-(h) and also due to evidence from ASPs demonstrating the policy provided to PAPs is different than the ASP's internal Policy.
- In many cases the policy provided to PAPs has not included many or all of the requirements of the Standard.
- The final frequent compliance issue reviewed by IAAME related to this particular standard would be that the ASP's complaint policy is not provided at the time a client signs the adoption services contract.

ANSWER

- **96.44(b)** most often found out of compliance due to lack of evidence to demonstrate supervision of supervised providers; and most frequently foreign supervised providers.

ANSWER

- **96.40(b)** most often found out of compliance due to ASPs not including each of the required categories with descriptions in written fee information, timing of when provided, and if fees required in (b) are not provided by the ASP, but rather by another provider, the ASP including the category and articulating that the fee(s) will be charged by another provider.

ANSWER - EXAMPLE

- Example: ASPs that do not serve as a primary provider or charge a particular fee in connection with an adoption must structure written fee and expense information required by 96.40(b) so that all required categories are included. If particular fees are not charged by the ASP for any reason, including because the fee(s) are charged by another provider directly, the ASP may indicate that within the written fee information.

QUESTION

Another question asked, of those 33 renewal reviews can IAAME provide statistical information regarding deficiencies in renewals: lowest number of deficiencies, highest and average.

ANSWER

- Of the 33 renewal reviews conducted by IAAME which were referenced in the third SCS training:
- the lowest number of deficiencies for any ASP was: one
- the highest was 56 and
- the average was 19
- 12/33 ASPs had under 10 deficiencies

QUESTION

- Will IAAME retroactively implement adverse action related to a finding under the current SCS in a renewal, that may no longer be in the appropriate level of compliance under the revised SCS?
- An example provided was if an ASP was in compliance with a rating of “3” (partial compliance) on a particular standard during a renewal review, will IAAME return to the final review report after the revised SCS is implemented, and take adverse action related to the Standard the revised weight now required a higher rating of a “1” (full compliance) or a “2” (substantial compliance)?

ANSWER

No. IAAME will not retroactively impose adverse action related to a previous renewal process where the ASP was found to have met the required level of compliance under the current SCS, when the revised SCS weight is implemented.

For M&O, the updated SCS will be applied to any adoption-related actions outlined in subpart F of 22 CFR 96 that occur on or after April 1, 2021. For M&O activities such as self-reports or complaint reviews that involve multiple adoption-related actions, the earliest date of adoption-related action covered in the M&O activity will determine whether the original or updated SCS will be applied.

ANSWER

- As a courtesy, IAAME has informed ASPs during renewal reviews for ASPs that fell under the current SCS, that compliance demonstrated for various standards may not meet the requirement under the revised SCS when it goes into effect.
- As such, IAAME has informed ASPs they may wish to revisit current performance and ensure it would be sufficient to demonstrate the required level of compliance under the revised SCS.

ANSWER : EXAMPLE

An example where this may be reflected is 96.46 (a) and (b) related to the use of foreign supervised providers. While an ASP may have received a finding of partial compliance with a rating of “3” under the current SCS in a renewal review, under the revised SCS, the required rating would be a “2” or substantial compliance. Given that various M&O activities during an accreditation or approval cycle require ASPs to submit evidence to demonstrate the appropriate level of compliance, and after April 1, 2021, the required compliance level for 96.46(a) and (b) is a “2”. ASPs may wish to visit current performance as it relates to the use of foreign supervised providers to ensure their current level of compliance would satisfy a “2” for evidence submitted during maintenance and oversight moving forward after April 1, 2021.

QUESTION

Clarification question from training session #2, in reference to slide 21 - the second bullet point says: "Capacity to meet this Standard could ONLY be assessed if a first time applicant". Can you clarify what this means? I read this as agencies going through renewal of accreditation would not be assessed since they are not a first time applicant.

ANSWER: EXAMPLE 96.38(C)

- Weight changing from Foundational to Critical
- Capacity to meet this Standard could **ONLY** be assessed if a first-time applicant
- **96.38(c)** *The agency or person ensures that employees who provide adoption-related social services that involve the application of clinical skills and judgment (home studies, child background studies, counseling services, parent preparation, post-placement and other similar services) also receive, in addition to the orientation and initial training described in paragraphs (a) and (b) of this section, no less than thirty hours of training every two years, or more if required by state law, on current and emerging adoption practice issues through participation in seminars, conferences, documented distance learning courses, and other similar programs. Continuing education hours required under State law may count toward the thirty hours of training as long as the training is related to current and emerging adoption practice issues.*

ANSWER

The example provided was 96.38(c) which is the requirement for 30 hours of training every two years for staff. An initial applicant may not have evidence of actual performance yet. An ASP that is currently accredited or approved would always be required to demonstrate performance in this area, even if they are not acting as a primary provider.

QUESTION

Various questions were asked about counting the IAAME SCS trainings as “training hours” as required in 96.38(c)

ANSWER

1. **Amount:** 30 hours every two years, or more if required by state law - "in addition to" orientation and initial training as described in (a) and (b). This means that the 30 hours every two years must be counted in addition to whatever training was provided for the employee's orientation and initial training.
2. **Format:** "Seminars, conferences, documented distance learning courses, and other similar programs".
3. **Topics:** "On current and emerging adoption practice issues". IAAME has seen evidence submitted that includes very general topics listed such as "staff training", or "staff meetings", or "read The Hague Regulations" with assigned hours. These would not be sufficient to demonstrate compliance. If staff training or staff meeting hours are being included in the totals for staff as evidence provided, IAAME would expect to see what information was shared in that meeting or training to demonstrate it is related to a "current or emerging adoption practice issue". IAAME does not specify topics that may be included as "current or emerging adoption practice issues", but rather it is up to each ASP to assess which training should be counted toward these 30-hours.

If an ASP wishes to include the hours from the IAAME SCS trainings for staff training hours under this standard, the ASP needs to include these training hours in the evidence provided to IAAME to satisfy 96.38(c) like it would document any other training staff attend.

QUESTION

Is there an informal network where agencies can review each other's evidence related to a standard as a peer review to make sure that we all continue to strive towards best practice?

ANSWER

We are not aware of a group like this. IAAME encourages ASPs to share information on best practice with one another, however IAAME is not able to provide a formal mechanism for this type of information sharing. IAAME could utilize examples of evidence provided from ASPs without identifying the agency for various review activities in training sessions if an ASP is open to allowing IAAME to anonymously share such information as an example.

RESOURCES

- **IAAME Accreditation and Approval Policy 003 and Maintenance and Oversight Policy 004 – www.IAAME.net** – About IAAME – Policy and Procedure Manual
- **IAAME Tables of Evidence: www.IAAME.net** – Accreditation and Approval
- **Revised Substantial Compliance System Information: www.IAAME.net** – Accreditation and Approval
- **Three Revised Substantial Compliance System trainings – www.IAAME.net** – Resources
- **Hague Technical Guidance: www.travel.state.gov** – Intercountry Adoption – Adoption Professionals – For Adoption Agencies – Accreditation Technical Guidance
- **Code of Federal Regulations – [22 CFR 96](http://www.ecfr.gov)**

ADDITIONAL QUESTION & ANSWER