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STATUTORY INSTRUMENTS

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**2003 No. 439**

**The Commissioner for Children and Young  
People (Northern Ireland) Order 2003**

*Functions of the Commissioner*

**General review of advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities**

- 9.—(1) This Article and Article 10 apply to the following arrangements of a relevant authority—
- (a) advocacy arrangements, that is to say arrangements for making persons available—
    - (i) to represent the views, wishes, needs and interests of children or young persons in relation to whom any functions of the authority are exercisable; and
    - (ii) to provide such children and young persons—
      - (A) with information, advice and support to enable or assist them to express their views and wishes to the authority; and
      - (B) with advice about their rights and best interests;
  - (b) complaint arrangements, that is to say arrangements for dealing with complaints made to the authority by children and young persons about actions taken in relation to them by that or another relevant authority;
  - (c) inspection arrangements, that is to say arrangements for examining the state and management of, and the treatment of children or young persons on, any premises managed by that or another relevant authority in which—
    - (i) a child or young person is living or being looked after;
    - (ii) a child or young person is being detained under any statutory provision; or
    - (iii) education, health, welfare or other services are provided for children or young persons; and
  - (d) whistle-blowing arrangements, that is to say arrangements for ensuring that proper action is taken in response to any disclosure of information which may tend to show—
    - (i) that a criminal offence has been committed;
    - (ii) that a person has failed to comply with any legal obligation to which he is subject;
    - (iii) that the health and safety of any child or young person has been endangered;
    - (iv) that the rights of any child or young person have been infringed; or
    - (v) that any matter falling within one of the preceding sub-paragraphs has been deliberately concealed,
- in the course of, or in connection with, the exercise by the relevant authority of any of its functions in relation to children or young persons.

(2) Subject to paragraphs (3) and (4), the Commissioner may review the operation of any arrangements to which this Article applies for the purpose of ascertaining whether, and to what

extent, the arrangements are effective in safeguarding and promoting the rights and best interests of children and young persons.

(3) The Commissioner shall not exercise his power under paragraph (2) in relation to any arrangements made by a relevant authority unless he has reasonable grounds to believe that—

- (a) the arrangements in question are ineffective in safeguarding and promoting the rights and best interests of children and young persons; or
- (b) those arrangements have not been operated, or have been operated incorrectly.

(4) The Commissioner shall not review the operation of the inspection arrangements made by a relevant authority unless he is satisfied that no other body or person has power under any statutory provision to review those arrangements.

(5) Where a relevant authority has failed to make any arrangements of a kind mentioned in paragraph (1), the Commissioner may assess the effect of that failure on children and young persons.

(6) The power conferred by this Article to review the operation of any arrangements includes power to review the failure of any such arrangements to operate.

(7) If the Commissioner so determines, Schedule 3 shall apply in relation to an investigation conducted by the Commissioner for the purposes of his functions under this Article in relation to a relevant authority listed in Part II of Schedule 1.