



# Children Act 1989

## 1989 CHAPTER 41

### PART III

#### [<sup>F1</sup>SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

##### *[<sup>F1</sup>Independent reviewing officers*

#### [<sup>F1</sup> 26 Review of cases and inquiries into representations.

- (1) The [<sup>F2</sup>Secretary of State] may make regulations requiring the case of each child who is being looked after by a local authority to be reviewed in accordance with the provisions of the regulations.
- (2) The regulations may, in particular, make provision—
  - (a) as to the manner in which each case is to be reviewed;
  - (b) as to the considerations to which the local authority are to have regard in reviewing each case;
  - (c) as to the time when each case is first to be reviewed and the frequency of subsequent reviews;
  - (d) requiring the authority, before conducting any review, to seek the views of—
    - (i) the child;
    - (ii) his parents;
    - (iii) any person who is not a parent of his but who has parental responsibility for him; and
    - (iv) any other person whose views the authority consider to be relevant, including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review;
  - (e) requiring the authority <sup>F3</sup> . . . , in the case of a child who is in their care  
[ to keep the section 31A plan for the child under review and, if they  
<sup>F4</sup>(i) are of the opinion that some change is required, to revise the plan, or make a new plan, accordingly,

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- (ii) to consider], whether an application should be made to discharge the care order;
- (f) requiring the authority<sup>F5</sup> . . . , in the case of a child in accommodation provided by the authority
  - <sup>F6</sup>(i) [ if there is no plan for the future care of the child, to prepare one,
  - (ii) if there is such a plan for the child, to keep it under review and, if they are of the opinion that some change is required, to revise the plan or make a new plan, accordingly,
  - (iii) to consider], whether the accommodation accords with the requirements of this Part;
- (g) requiring the authority to inform the child, so far as is reasonably practicable, of any steps he may take under this Act;
- (h) requiring the authority to make arrangements, including arrangements with such other bodies providing services as it considers appropriate, to implement any decision which they propose to make in the course, or as a result, of the review;
- (i) requiring the authority to notify details of the result of the review and of any decision taken by them in consequence of the review to—
  - (i) the child;
  - (ii) his parents;
  - (iii) any person who is not a parent of his but who has parental responsibility for him; and
  - (iv) any other person whom they consider ought to be notified;
- (j) requiring the authority to monitor the arrangements which they have made with a view to ensuring that they comply with the regulations.
- <sup>F7</sup>(k) . . . . .

- <sup>F8</sup>( 2A ) . . . . .
- <sup>F8</sup>(2B) . . . . .
- <sup>F8</sup>( 2C ) . . . . .
- <sup>F8</sup>( 2D ) . . . . .

- (3) Every local authority shall establish a procedure for considering any representations (including any complaint) made to them by—
  - (a) any child who is being looked after by them or who is not being looked after by them but is in need;
  - (b) a parent of his;
  - (c) any person who is not a parent of his but who has parental responsibility for him;
  - (d) any local authority foster parent;
  - (e) such other person as the authority consider has a sufficient interest in the child’s welfare to warrant his representations being considered by them,
 about the discharge by the authority of any of their [<sup>F9</sup>qualifying functions ]in relation to the child.

- [ The following are qualifying functions for the purposes of subsection (3)—
- <sup>F10</sup>(3A) (a) functions under this Part,

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- (b) such functions under Part 4 or 5 as are specified by the <sup>F11</sup>Secretary of State] in regulations.

(3B) The duty under subsection (3) extends to representations (including complaints) made to the authority by—

- (a) any person mentioned in section 3(1) of the Adoption and Children Act 2002 (persons for whose needs provision is made by the Adoption Service) and any other person to whom arrangements for the provision of adoption support services (within the meaning of that Act) extend,
- (b) such other person as the authority consider has sufficient interest in a child who is or may be adopted to warrant his representations being considered by them,

about the discharge by the authority of such functions under the Adoption and Children Act 2002 as are specified by the <sup>F12</sup>Secretary of State] in regulations.]

<sup>F13</sup>[ The duty under subsection (3) extends to any representations (including complaints) (3C) which are made to the authority by—

- (a) a child with respect to whom a special guardianship order is in force,
- (b) a special guardian or a parent of such a child,
- (c) any other person the authority consider has a sufficient interest in the welfare of such a child to warrant his representations being considered by them, or
- (d) any person who has applied for an assessment under section 14F(3) or (4),

about the discharge by the authority of such functions under section 14F as may be specified by the <sup>F14</sup>Secretary of State] in regulations.]

(4) The procedure shall ensure that at least one person who is not a member or officer of the authority takes part in—

- (a) the consideration; and
- (b) any discussions which are held by the authority about the action (if any) to be taken in relation to the child in the light of the consideration

<sup>F15</sup>]but this subsection is subject to subsection (5A).]

<sup>F16</sup>[ Regulations may be made by the <sup>F17</sup>Secretary of State] imposing time limits on the (4A) making of representations under this section.]

(5) In carrying out any consideration of representations under this section a local authority shall comply with any regulations made by the <sup>F18</sup>Secretary of State] for the purpose of regulating the procedure to be followed.

<sup>F19</sup>(5A) [ Regulations under subsection (5) may provide that subsection (4) does not apply in relation to any consideration or discussion which takes place as part of a procedure for which provision is made by the regulations for the purpose of resolving informally the matters raised in the representations.]

(6) The <sup>F20</sup>Secretary of State] may make regulations requiring local authorities to monitor the arrangements that they have made with a view to ensuring that they comply with any regulations made for the purposes of subsection (5).

(7) Where any representation has been considered under the procedure established by a local authority under this section, the authority shall—

- (a) have due regard to the findings of those considering the representation; and
- (b) take such steps as are reasonably practicable to notify (in writing)—

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- (i) the person making the representation;
  - (ii) the child (if the authority consider that he has sufficient understanding); and
  - (iii) such other persons (if any) as appear to the authority to be likely to be affected,
- of the authority's decision in the matter and their reasons for taking that decision and of any action which they have taken, or propose to take.
- (8) Every local authority shall give such publicity to their procedure for considering representations under this section as they consider appropriate.]

### Textual Amendments

- F1** Ss. 25A, 25B and cross-heading inserted (1.9.2009 for certain purposes for E., 26.4.2010 for certain purposes for W., and and 1.4.2011 otherwise for E.) by Children and Young Persons Act 2008 (c. 23), **ss. 10(1)**, 44; S.I. 2009/2273, **art. 2(2)(c)**; S.I. 2010/1329, **art. 2(c)**; S.I. 2010/2981, **art. 4(c)** (with art. 5)
- F2** Words in s. 26(1) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **90(a)**
- F3** Words in s. 26(2)(e) omitted (21.5.2004) and repealed (30.12.2005) by virtue of 2002 c. 38, ss. 118(1)(a), 139, 148, Sch. 5 (with Sch. 4 paras. 6-8); S.I. 2004/1403, **art. 2**; S.I. 2005/2897, **art. 2(b)**
- F4** Words in s. 26(2)(e) inserted (21.5.2004) by 2002 c. 38, ss. 118(1)(a), 148 (with Sch. 4 paras. 6-8); S.I. 2004/1403, **art. 2**
- F5** Words in s. 26(2)(f) omitted (21.5.2004) and repealed (30.12.2005) by virtue of 2002 c. 38, ss. 118(1)(a), 139, 148, Sch. 5 (with Sch. 4 paras. 6-8); S.I. 2004/1403, **art. 2**; S.I. 2005/2897, **art. 2(b)**
- F6** Words in s. 26(2)(f) inserted (21.5.2004) by 2002 c. 38, ss. 118(1)(b), 148 (with Sch. 4 paras. 6-8); S.I. 2004/1403, **art. 2**
- F7** S. 26(2)(k) repealed (1.4.2011 for E., 6.4.2016 for W.) by Children and Young Persons Act 2008 (c. 23), ss. 10(3)(a), 44(4), **Sch. 4**; S.I. 2010/2981, art. 4(c)(l) (with art. 5); S.I. 2016/452, art. 2(c) (with art. 3)
- F8** S. 26(2A)-(2D) repealed (1.4.2011 for E., 6.4.2016 for W.) by Children and Young Persons Act 2008 (c. 23), ss. 10(3)(b), 44(4), **Sch. 4**; S.I. 2010/2981, art. 4(c)(l) (with art. 5); S.I. 2016/452, art. 2(c) (with art. 3)
- F9** Words in s. 26(3) substituted (30.12.2005) by 2002 c. 38, ss. 117(5), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(k)**
- F10** S. 26(3A)(3B) inserted (7.12.2004 for specified purposes and otherwise 30.12.2005) by 2002 c. 38, ss. 117(4), 148 (with Sch. 4 paras. 6-8); S.I. 2004/3203, **art. 2(1)(m)(xi)**; S.I. 2005/2213, **art. 2(k)**
- F11** Words in s. 26(3A) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **90(b)**
- F12** Words in s. 26(3B) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **90(c)**
- F13** S. 26(3C) inserted (17.1.2005 for E. and 30.12.2005 for W.) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), **s. 117(1)**; S.I. 2005/38, **art. 2(a)**; S.I. 2005/2925, **art. 8**; S.I. 2005/3285, **art. 2(1)**
- F14** Words in s. 26(3C) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **90(d)**
- F15** Words in s. 26(4) inserted (30.12.2005) by 2002 c. 38, ss. 117(5), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(k)**
- F16** S. 26(4A) inserted (7.12.2004) by 2002 c. 38, ss. 117(6), 148 (with Sch. 4 paras. 6-8); S.I. 2004/3203, **art. 2(1)(m)(xi)**
- F17** Words in s. 26(4A) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **90(e)**

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- F18** Words in s. 26(5) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **90(f)**
- F19** S. 26(5A) inserted (30.12.2005) by 2002 c. 38, ss. 117(7), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(k)**
- F20** Words in s. 26(6) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **90(g)**

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**Commencement Information**

- I1** S. 26 wholly in force at 14.10.1991, see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)