
STATUTORY INSTRUMENTS

1991 No. 894

Representations Procedure (Children) Regulations 1991

PART II

REPRESENTATIONS AND THEIR CONSIDERATION

Local authority action

3.—(1) The local authority shall appoint one of their officers to assist the authority in the co-ordination of all aspects of their consideration of the representations.

(2) The local authority shall take all reasonable steps to ensure that everyone involved in the handling of the representations, including independent persons, is familiar with the procedure set out in these Regulations.

Preliminaries

4.—(1) Where a local authority receive representations from any complainant, except from a person to whom section 26(3)(e) may apply, they shall send to the complainant an explanation of the procedure set out in these Regulations, and offer assistance and guidance on the use of the procedure, or give advice on where he may obtain it.

(2) Where oral representations are made, the authority shall forthwith cause them to be recorded in writing, and sent to the complainant, who shall be given the opportunity to agree that they are accurately recorded in writing.

(3) For all other purposes of these Regulations the written record to which paragraph (2) refers shall be deemed to be the representations.

(4) Where a local authority receive representations from a person to whom they consider section 26(3)(e) may apply they shall—

- (a) forthwith consider whether the person has a sufficient interest in the child's welfare to warrant his representations being considered by them;
- (b) if they consider that he has a sufficient interest, cause the representations to be dealt with in accordance with the provisions of these Regulations, and send to the complainant an explanation of the procedure set out in the Regulations, and offer assistance and guidance on the use of the procedure, or give advice on where he may obtain it;
- (c) if they consider that he has not got a sufficient interest they shall notify him accordingly in writing, and inform him that no further action will be taken;
- (d) if they consider it appropriate to do so having regard to his understanding, they shall notify the child of the result of their consideration.

(5) Where paragraph (4)(b) applies, the date at which the authority conclude that the person has a sufficient interest shall be treated for the purpose of these Regulations as the date of receipt of the representations.

Appointment of independent person

5. Where the local authority receive representations under regulation 4 they shall appoint an independent person to take part in the consideration of them, unless regulation 4(4)(c) applies.

Consideration by local authority with independent person

6.—(1) The local authority shall consider the representations with the independent person and formulate a response within 28 days of their receipt.

(2) The independent person shall take part in any discussions which are held by the local authority about the action (if any) to be taken in relation to the child in the light of the consideration of the representations.

Withdrawal of representations

7. The representations may be withdrawn at any stage by the person making them.

Notification to complainant and reference to panel

8.—(1) The local authority shall give notice within the period specified in regulation 6 to—

- (a) the complainant;
- (b) if different, the person on whose behalf the representations were made, unless the local authority consider that he is not of sufficient understanding or it would be likely to cause serious harm to his health or emotional condition;
- (c) the independent person;
- (d) any other person whom the local authority consider has sufficient interest in the case

of the proposed result of their consideration of the representations and the complainant's right to have the matter referred to a panel under paragraph (2).

(2) If the complainant informs the authority in writing within 28 days of the date on which notice is given under paragraph (1) that he is dissatisfied with the proposed result and wishes the matter to be referred to a panel for consideration of the representations, a panel shall be appointed by the local authority for that purpose.

(3) The panel shall include at least one independent person.

(4) The panel shall meet within 28 days of the receipt by the local authority of the complainant's request that the matter be referred to a panel.

(5) At that meeting the panel shall consider—

- (a) any oral or written submissions that the complainant or the local authority wish to make; and
- (b) if the independent person appointed under regulation 5 is different from the independent person on the panel, any oral or written submissions which the independent person appointed under regulation 5 wishes to make.

(6) If the complainant wishes to attend the meeting of the panel he may be accompanied throughout the meeting by another person of his choice, and may nominate that other person to speak on his behalf.

Recommendations

9.—(1) When a panel meets under regulation 8, they shall decide on their recommendations and record them with their reasons in writing within 24 hours of the end of the meeting referred to in regulation 8.

- (2) The panel shall give notice of their recommendations to—
- (a) the local authority;
 - (b) the complainant;
 - (c) the independent person appointed under regulation 5 if different from the independent person on the panel;
 - (d) any other person whom the local authority considers has sufficient interest in the case.
- (3) The local authority shall, together with the independent person appointed to the panel under regulation 8(3) consider what action if any should be taken in relation to the child in the light of the representation, and that independent person shall take part in any decisions about any such action.