
STATUTORY INSTRUMENTS

2006 No. 1738

The Children Act 1989 Representations
Procedure (England) Regulations 2006

PART 3

Representations – general

Form of representations

6. Representations may be made in writing or orally.

Withdrawal of representations

7.—(1) Representations may be withdrawn orally or in writing at any time by the complainant or, where one has been appointed, by his advocate.

(2) The local authority must write to the complainant and, where one has been appointed, to his advocate to confirm the withdrawal of the representations.

Representations not to be considered

8.—(1) A local authority shall not consider, or further consider, representations under these Regulations to the extent that the representations concern any matter in relation to which—

- (a) the complainant has stated in writing to the local authority that he is taking, or intends to take, proceedings in any court or tribunal;
- (b) the local authority are taking or proposing to take disciplinary proceedings against any person;
- (c) the local authority have been notified that any person is conducting an investigation in contemplation of criminal proceedings; or
- (d) the local authority have been notified that criminal proceedings are pending,

and the local authority decide that consideration, or further consideration, of the representations under these Regulations would prejudice the conduct of any proceedings or investigation falling under this paragraph.

(2) Any proceedings or investigation falling under paragraph (1) shall be referred to for the purposes of this regulation as a “concurrent consideration”.

(3) Where a local authority decide that they should not consider, or further consider, representations in accordance with paragraph (1) the local authority shall as soon as possible give notice in writing to the complainant explaining the reasons for their decision and specifying the relevant concurrent consideration.

(4) Where the concurrent consideration specified in a notice under paragraph (3) has been discontinued or completed the complainant to whom the notice was given may resubmit to the local

authority the representations to which the notice relates and, subject to paragraph (5), the local authority shall consider them in accordance with regulations 9 to 20.

(5) Where a complainant resubmits representations in accordance with paragraph (4) he must do so no later than one year after the concurrent consideration is discontinued or completed and accordingly regulation 9(1) shall not apply.

Time limit on making representations

9.—(1) A complainant must make his representations about a matter no later than one year after the grounds to make the representations arose.

(2) But a local authority may consider any representations which have been made outside the time limit specified in paragraph (1) if, having regard to all the circumstances, they conclude that—

- (a) it would not be reasonable to expect the complainant to have made the representations within the time limit; and
- (b) notwithstanding the time that has passed it is still possible to consider the representations effectively and fairly.

Local authority action – general

10. Every local authority must—

- (a) appoint one of their officers as a complaints manager to assist the authority in the co-ordination of all aspects of their consideration of representations;
- (b) take all reasonable steps to see that everyone involved in the handling and consideration of representations is familiar with the procedure set out in these Regulations; and
- (c) deal expeditiously in the handling and consideration of representations under these Regulations.

Local authority action – on receipt of representations

11.—(1) As soon as possible after having received representations a local authority must—

- (a) provide the complainant with—
 - (i) details of its procedure for considering representations; and
 - (ii) where relevant, information about advocacy services; and
- (b) offer to the complainant—
 - (i) assistance and guidance on following the representations procedure or advice on where he may obtain such assistance and guidance; and
 - (ii) where relevant, help in obtaining an advocate.

Local authority action – where representations made under section 26(3)(e), (3B)(b) or (3C) (c) of the Act

12.—(1) Where a local authority have received representations from a person falling within section 26(3)(e), (3B)(b) or (3C)(c) of the Act, they must as soon as possible decide whether that person has a sufficient interest in the welfare of the child concerned to warrant his representations being considered by them.

(2) In reaching their decision under paragraph (1) the local authority must take into account the views of the child if they consider it appropriate to do so.

(3) If the local authority decide that the person does have sufficient interest then they shall consider the representations.

(4) If they decide that the person does not have sufficient interest then they must notify him of their decision and tell him that no further action will be taken in respect of his representations.

(5) The local authority must tell the child concerned of their decision if they consider it appropriate to do so.

Monitoring of operation of procedure under section 26

13.—(1) Every local authority must monitor the arrangements that they have made with a view to ensuring that they comply with these Regulations in so far as they regulate the procedure for the consideration of representations under section 26 of the Act.

(2) Local authorities must monitor those arrangements by keeping a record of—

- (a) each representation under section 26 received;
- (b) the outcome of each such representation; and
- (c) whether there was compliance with the time limits specified in these Regulations.

(3) For the purposes of such monitoring every local authority must as soon as possible after the end of each financial year compile a report on the operation in that year of the procedure set out in these Regulations.

(4) In this paragraph “financial year” means—

- (a) the period beginning with the 1st September 2006 and ending with 31st March 2007; and
- (b) each successive period of 12 months ending with 31st March.