
WELSH STATUTORY INSTRUMENTS

2005 No. 3365

**The Representations Procedure
(Children) (Wales) Regulations 2005**

PART III

NATURE AND SCOPE OF THE REPRESENTATIONS PROCEDURE

Scope of the representations procedure

7. The following functions of a local authority are qualifying functions for the purposes of section 26(3) of the Act—

- (a) functions under section 31;
- (b) functions under section 33;
- (c) functions under section 34;
- (d) functions under section 35;
- (e) functions under section 43;
- (f) functions under section 44; and
- (g) functions under section 47.

Representations subject to concurrent consideration

8.—(1) Where representations relate to any matter—

- (a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or
- (b) about which the local authority are taking or are proposing to take disciplinary proceedings, or
- (c) about which the local authority have been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or
- (d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or
- (e) about which the local authority have been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000⁽¹⁾,

the local authority must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the representations should be handled. Such representations shall be referred to for the purposes of this regulation as “representations subject to concurrent consideration”.

(2) The consideration of representations subject to concurrent consideration may be discontinued if at any time it appears to the local authority that to continue would compromise or prejudice the other consideration.

(3) Where the local authority decide to discontinue the consideration of a complaint under paragraph (2) the local authority must give notice of that decision to the complainant.

(4) Where the local authority discontinue the consideration of any representations under paragraph (2), they may at any time resume their consideration.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the local authority must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The local authority must resume consideration of any representations where the concurrent consideration is discontinued or completed and the complainant requests that the representations be considered under these Regulations.

Representations falling to be considered by more than one local authority

9. Where representations would fall to be considered by more than one local authority, they shall be considered by—

- (a) the authority which is or was looking after the child or former child concerned in the representations; or
- (b) where no authority has or had that responsibility, by the authority within whose area the child is or was last ordinarily resident.

Handling of care standards representations

10.—(1) Except where paragraph (2) applies, in any case where representations relate wholly or partly to services provided by an establishment or agency in respect of which a person is registered by the National Assembly under the Care Standards Act 2000 or Children Act 1989, the local authority receiving such representations must, within 2 working days of receipt—

- (a) send details of the whole of the representations or that part of any representation which relates to the registered service to the person registered as provider in respect of that establishment or agency;
- (b) request the person to whom details are sent under sub-paragraph (a) to notify the authority within 10 working days of receipt of the outcome of their consideration of the representations; and
- (c) inform the complainant of the action taken under sub-paragraphs (a) and (b).

(2) This paragraph applies where—

- (a) representations have already been considered by the registered person; or
- (b) the local authority are of the opinion that to proceed under paragraph (1) would be likely to compromise or prejudice the investigation of the representations under Part IV of the Regulations or might compromise or prejudice an investigation by the National Assembly.

(3) In any case where representations relate wholly or partly to services provided by an establishment or agency in respect of which a person is registered by the National Assembly, the local authority must notify the appropriate office (“swyddfa briodol”) of the National Assembly if it has not been possible to resolve the representations under regulation 15.