
WELSH STATUTORY INSTRUMENTS

2019 No. 165

**The Regulated Advocacy Services (Service Providers
and Responsible Individuals) (Wales) Regulations 2019**

PART 1

General

Definition and exceptions

- 2.—(1) For the purpose of paragraph 7(1) of Schedule 1 to the Act, an advocacy service is—
- (a) a service carried on to provide advocacy for children who make or intend to make representations which fall within section 174 of the 2014 Act⁽¹⁾; or
 - (b) a service carried on to provide advocacy for persons who make or intend to make representations which fall within section 176 of the 2014 Act⁽²⁾,

where the purpose of the advocacy is to represent the views of the children or persons or to assist them to represent their views in relation to their needs for care and support⁽³⁾.

- (2) But a service referred to in paragraph (1) is not an advocacy service—
- (a) if it is provided by a person in the course of a legal activity within the meaning of the Legal Services Act 2007⁽⁴⁾ by a person who is—
 - (i) an authorised person for the purposes of that Act, or
 - (ii) a European lawyer (within the meaning of the European Communities (Services of Lawyers) Order 1978⁽⁵⁾);
 - (b) if the assistance is provided by a Welsh family proceedings officer in the course of discharging functions in relation to family proceedings;
 - (c) if the assistance is provided by the Children’s Commissioner for Wales or by a member of staff of the Children’s Commissioner for Wales;
 - (d) if it is provided by a person who has not provided and does not intend to provide advocacy to more than 4 persons within any 12 month period;
 - (e) to the extent that it is provided by a relative or friend of the person on whose behalf representations are made or are intended to be made.

(1) Section 174 of the 2014 Act requires a local authority to establish a procedure for considering representations (including complaints) made to the authority in relation to a range of its social services functions in so far as they are exercisable in relation to a child.

(2) Section 176 of the 2014 Act requires a local authority to establish a procedure for considering representations (including complaints) about the discharge of its functions under Parts 3 to 7 of the 2014 Act in relation to children or young persons who have previously been looked after and related other young persons.

(3) Paragraph 7(3) of Schedule 1 to the 2016 Act requires that a service can only be specified as an advocacy service for the purposes of the 2016 Act if it is a service which is carried on (whether or not for profit) for the purpose of representing the views of individuals or assisting individuals to represent those views, in respect of matters relating to those individuals needs for care and support (including matters relating to assessing whether those needs exist).

(4) 2007 c. 29.

(5) S.I. 1978/1910.

- (3) In this regulation—
- (a) the following words and phrases have the meanings ascribed to them—
 - (i) “relative” means a parent or other person with parental responsibility, brother, sister, uncle or aunt (whether by marriage or civil partnership), grandparent, step-parent, foster parent or prospective adopter with whom the child is placed;
 - (ii) “family proceedings” has the meaning given by section 12 of the Criminal Justice and Court Services Act 2000⁽⁶⁾;
 - (iii) “Welsh family proceedings officer” has the same meaning as in section 35(4) of the Children Act 2004⁽⁷⁾;
 - (iv) “sibling group” includes both brothers and sisters and half-brothers and half-sisters; and
 - (b) in determining whether a person has provided or intends to provide an advocacy service to more than 4 persons for the purpose of paragraph (2)(d), provision of advocacy to a sibling group is counted as provision of advocacy to a single person.

⁽⁶⁾ 2000 c. 43.

⁽⁷⁾ 2004 c. 31.