



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 10 E+W

COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

CHAPTER 1 E+W

COMPLAINTS AND REPRESENTATIONS ABOUT SOCIAL SERVICES

174 Representations relating to certain children etc E+W

- (1) A local authority must establish a procedure for considering—
 - (a) representations (including complaints) made to the authority by a person to whom subsection (3) applies about its discharge of a qualifying function in relation to a child who is being looked after by it, or who is not being looked after by it but may have needs for care and support;
 - (b) representations (including complaints) made to the authority by a person to whom subsection (4) applies about its discharge of functions under section 14F of the Children Act 1989 (special guardianship support services) which have been specified in regulations;
 - (c) representations (including complaints) made to the authority by a person to whom subsection (5) applies about its discharge of functions under the Adoption and Children Act 2002 which have been specified in regulations.
- (2) The following are qualifying functions for the purposes of subsection (1)(a)—
 - (a) functions exercisable in relation to a child under Parts 3 to 6 (other than functions which are exercisable in relation to the child as a carer);
 - (b) functions exercisable in relation to a child under Part 7;
 - (c) functions under Part 4 or Part 5 of the Children Act 1989 which have been specified in regulations.

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 174 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) This subsection (relating to representations about the discharge of qualifying functions) applies to—
- (a) the child who is being looked after by the local authority, or who is not being looked after by it but may have needs for care and support;
 - (b) a parent of the child;
 - (c) a person who is not a parent of the child but who has parental responsibility for the child;
 - (d) a local authority foster parent with whom the child is placed under section 81(5);
 - (e) a prospective adopter with whom the child is placed under section 81(11);
 - (f) any other person whom the local authority considers has a sufficient interest in the child's welfare to warrant his or her representations being considered by the authority.
- (4) This subsection (relating to representations about the discharge of specified functions under section 14F of the Children Act 1989) applies to—
- (a) a child in relation to whom a special guardianship order is in force;
 - (b) a special guardian or a parent of the child;
 - (c) a person who has applied for an assessment under section 14F(3) or (4) of the Children Act 1989;
 - (d) any other person whom the local authority considers has a sufficient interest in the welfare of the child to warrant his or her representations being considered by the authority.
- (5) This subsection (relating to representations about the discharge of specified functions under the Adoption and Children Act 2002) applies to—
- (a) a 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 services (within the meaning of that Act) extend;
 - (b) any other person whom the authority considers has sufficient interest in a child who is or may be adopted to warrant his or her representations being considered by it.
- (6) A local authority must ensure (subject to subsection (8)) that the procedure which it establishes for the purposes of this section secures that at least one person who is not a member or officer of the local authority takes part in—
- (a) the consideration of any representation to which this section applies, and
 - (b) any discussions which are held by the authority about the action to be taken, as a result of that consideration, in relation to the person to whom the representation relates.
- (7) Regulations may make further provision about the procedure which must be established for the purposes of this section.
- (8) The regulations may provide (among other things) that subsection (6) does not apply in relation to a consideration or discussion which takes place for the purpose of resolving informally the matters raised in a representation.
- (9) A local authority must give publicity to the procedure which it establishes for the purposes of this section.

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Commencement Information

II S. 174 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

Changes to legislation:

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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. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))