



Care Standards Act 2000

2000 CHAPTER 14

PART V

THE CHILDREN'S COMMISSIONER FOR WALES

73 Review and monitoring of arrangements.

- (1) The Commissioner may review, and monitor the operation of, arrangements falling within subsection (2), [^{F1}(2A), (2B), (2C),] (3) or (4) for the purpose of ascertaining whether, and to what extent, the arrangements are effective in safeguarding and promoting the rights and welfare of children [^{F2}—
- (a) to or in respect of whom services are provided in Wales by, or on behalf of or under arrangements with, a person mentioned in Schedule 2B; or
 - (b) to or in respect of whom regulated children's services in Wales are provided.]

[^{F3}(1A) The Commissioner may also assess the effect on such children of the failure of any person to make such arrangements.]

- (2) The arrangements falling within this subsection are the arrangements made by the providers of regulated children's services in Wales, or by the [^{F4}Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government], for dealing with complaints or representations [^{F5}about such services made by or on behalf of children to whom such services are provided].

[^{F6}(2A) The arrangements falling within this subsection are the arrangements made by a person mentioned in Schedule 2B for dealing with complaints or representations made to the person by or on behalf of a child about services provided in Wales by the person to or in respect of the child.

- (2B) The arrangements falling within this subsection are the arrangements made by a person providing services in Wales on behalf of, or under arrangements with, a person mentioned in Schedule 2B for dealing with complaints or representations made to the person by or on behalf of a child about a service which is so provided to or in respect of the child.

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(2C) The arrangements falling within this subsection are the arrangements made by the [^{F4}Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government] for dealing with complaints or representations made by or on behalf of a child about a service which is provided in Wales to or in respect of the child by, or on behalf of or under arrangements with, a person mentioned in Schedule 2B (other than the [^{F4}Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government]).]

(3) The arrangements falling within this subsection are arrangements made by the providers of regulated children’s services in Wales, [^{F7}by the [^{F4}Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government], or by another person mentioned in Schedule 2B or subsection (2B)], for ensuring that proper action is taken in response to any disclosure of information which may tend to show—

- (a) that a criminal offence has been committed;
- (b) that a person has failed to comply with any legal obligation to which he is subject;
- (c) that the health and safety of any person has been endangered; or
- (d) that information tending to show that any matter falling within one of the preceding paragraphs has been deliberately concealed,

in the course of or in connection with the provision of [^{F8}the services mentioned in subsection (3A)].

[^{F9}(3A) The services are—

- (a) in the case of a person mentioned in Schedule 2B, services provided in Wales by the person to or in respect of a child;
- (b) in the case of a person mentioned in subsection (2B), services provided in Wales by the person to or in respect of a child on behalf of, or under arrangements with, a person mentioned in Schedule 2B;
- (c) in the case of a provider of regulated children’s services in Wales, those services.]

(4) The arrangements falling within this subsection are arrangements made (whether by providers of regulated children’s services in Wales, by the [^{F4}Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government] or by any other person) for making persons available—

- (a) to represent the views and wishes of children [^{F10}—
 - (i) to or in respect of whom services are provided in Wales by, or on behalf of or under arrangements with, a person mentioned in Schedule 2B; or
 - (ii) to or in respect of whom regulated children’s services in Wales are provided]; or
- (b) to provide such children with advice and support of any prescribed kind.

(5) Regulations may confer power on the Commissioner to require prescribed persons to provide any information which the Commissioner considers it necessary or expedient to have for the purposes of his functions under this section.

[^{F11}(5A) The [^{F12}Welsh Ministers] may by order amend this section or Schedule 2B by—

- (a) adding any person to that Schedule;
- (b) omitting any person from that Schedule;

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- (c) altering the description of any person mentioned in that Schedule; or
 - (d) making provision specifying, in respect of a person mentioned in that Schedule and specified in the order, services which although provided by the person in Wales are not to be treated as such for the purposes of the exercise of the Commissioner’s functions.
- (5B) An order under subsection (5A) may add a person to Schedule 2B only if—
- (a) the person provides services in Wales to or in respect of children;
 - (b) some or all of the person’s functions are in a field in which ^{F13}functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government];
 - (c) the person is established under an enactment or by virtue of Her Majesty’s prerogative or is established in any other way by a Minister of the Crown or government department or by the ^{F14}Welsh Ministers, the First Minister for Wales, or the Counsel General to the Welsh Assembly Government]; and
 - (d) (unless consent is given by the Secretary of State under subsection (5C)), at least half of the person’s expenditure on the exercise of functions in relation to Wales (or, where the person’s functions relate only to a part of Wales, in relation to the part of Wales to which they relate) is met directly from payments made by the ^{F15}Welsh Ministers].
- (5C) An order may add to Schedule 2B a person who does not satisfy the condition in subsection (5B)(d) if the Secretary of State gives consent.
- (5D) An order under subsection (5A) must not add to Schedule 2B a person whose sole or main activity is—
- (a) the investigation of complaints by members of the public about the actions of any person; or
 - (b) the supervision or review of, or of steps taken following, such an investigation.
- (5E) The ^{F16}Welsh Ministers] may not make an order under subsection (5A) if the result would be that the Commissioner could exercise functions in relation to a person’s functions in a field in which ^{F17}no functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government].]

Textual Amendments

- F1** Words in s. 73(1) inserted (26.8.2001 for W.) by 2001 c. 18, s. 4(2)(a); S.I. 2001/2783, art. 2(2)(d)
- F2** Words in s. 73(1) substituted (26.8.2001 for W.) by 2001 c. 18, s. 4(2)(b); S.I. 2001/2783, art. 2(2)(d)
- F3** S. 73(1A) inserted (26.8.2001 for W.) by 2001 c. 18, s. 4(3); S.I. 2001/2783, art. 2(2)(d)
- F4** Words in s. 73(2)(2C)(3)(4) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, Sch. 1 para. 71(2), the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)
- F5** Words in s. 73(2) substituted (26.8.2001 for W.) by 2001 c. 18, s. 4(4); S.I. 2001/2783, art. 2(2)(d)
- F6** S. 73(2A)-(2C) inserted (26.8.2001 for W.) by 2001 c. 18, s. 4(5); S.I. 2001/2783, art. 2(2)(d)
- F7** Words in s. 73(3) substituted (26.8.2001 for W.) by 2001 c. 18, s. 4(6)(a); S.I. 2001/2783, art. 2(2)(d)
- F8** Words in s. 73(3) substituted (26.8.2001 for W.) by 2001 c. 18, s. 4(6)(b); S.I. 2001/2783, art. 2(2)(d)
- F9** S. 73(3A) inserted (26.8.2001 for W.) by 2001 c. 18, s. 4(7); S.I. 2001/2783, art. 2(2)(d)
- F10** Words in s. 73(4) substituted (26.8.2001 for W.) by 2001 c. 18, s. 4(8); S.I. 2001/2783, art. 2(2)(d)
- F11** S. 73(5A)-(5E) inserted (26.8.2001 for W.) by 2001 c. 18, s. 4(9); S.I. 2001/2783, art. 2(2)(d)

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- F12** Words in s. 73(5A) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 71(3)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F13** Words in s. 73(5B)(b) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 71(4)(a)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F14** Words in s. 73(5B)(c) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 71(4)(b)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F15** Words in s. 73(5B)(d) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 71(4)(c)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F16** Words in s. 73(5E) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 71(5)(a)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F17** Words in s. 73(5E) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 71(5)(b)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

Commencement Information

- I1** S. 73 in force for W. at 26.8.2001 by [S.I. 2001/2782](#), **art. 2(1)(2)(c)**

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. 5(1)(a)(iii) words substituted by [2008 c. 23 s. 4\(2\)\(a\)](#)
- Sch. 2A para. 8A inserted by [2022 asc 1 Sch. 4 para. 13\(2\)\(b\)](#)
- Sch. 2B para. 11 inserted by [2022 asc 1 Sch. 4 para. 13\(3\)](#)