

These notes refer to the Health and Social Care (Community Health and Standards) Act 2003 (c.43) which received Royal Assent on 20 November 2003

HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 –Standards

Chapter 9 - Complaints

Section 117: Representations relating to special guardianship support services

265. *Section 117* makes provision for certain complaints about special guardianship support services to be considered under the Children Act complaints procedure. The new *section 26(3C)* of the Children Act 1989 extends the duty placed on local authorities by *section 26(3)* to establish a complaints procedure to include complaints made to the authority about the discharge by the authority of such functions under *section 14F* (special guardianship support services) as may be specified in regulations. The section specifies who may make such a complaint under the procedure.
266. Special guardianship orders, made under *section 14A* of the Children Act 1989, are intended to meet the needs of children who cannot live with their birth parents, for whom adoption is not appropriate, but who could still benefit from a legally secure placement. It is intended that regulations under *section 14F* of the Act (special guardianship support services) will ensure that local authorities offer a range of support services to be available where appropriate for special guardians and children subject to special guardianship order, their parents and others such as members of the birth family.
267. The intention is that the regulations made under *section 26(3C)* will require the Children Act complaints procedure to apply where a complaint is about a support service that is provided for the direct benefit of a child subject to a special guardianship order. In all other cases complaints will be made under the social services complaints procedure under *section 114*.
268. This replaces the power to make regulations about handling complaints about special guardianship support services contained in *section 14G* of the Children Act 1989, which is repealed by this amendment.