
STATUTORY INSTRUMENTS

2006 No. 1738

The Children Act 1989 Representations
Procedure (England) Regulations 2006

PART 4

Representations - consideration

Investigation of representations

17.—(1) Where—

- (a) the complainant and the local authority have agreed that the representations should not be considered in accordance with regulation 14; or
- (b) the complainant has made a request under regulation 15(2),

then the local authority must consider the representations in accordance with this regulation.

(2) The procedure followed by the local authority in considering representations under paragraph (1) must include the appointment of an independent person.

(3) The local authority must consider the representations under this regulation with the independent person and send notice of their response to the complainant and, where one has been appointed, to his advocate within 25 working days of the start date as defined in paragraphs (4) and (5).

(4) For the purposes of this regulation the “start date” means the date on which—

- (a) the local authority and the complainant agreed in accordance with regulation 14(1) that the representations should not be considered under that regulation; or
- (b) the local authority received the complainant’s request under regulation 15(2).

(5) But where the complainant made his representations orally then the “start date” means the date on which the local authority produce the final written record of the representations in accordance with regulation 16.

(6) If the local authority are not able to comply with the time limit provided for in paragraph (3) then they must, before that time limit has passed, tell the complainant in writing—

- (a) the reason for their failure to comply with the time limit; and
- (b) the date, being no later than 65 working days from the start date, by which they will have concluded their consideration and sent notice of their response.

(7) The independent person appointed in accordance with paragraph (2) must take part in any discussions which are held by the local authority about—

- (a) the action that the local authority will take in light of the matters which have been found in the consideration of the representations; and
- (b) the conclusions that the local authority draw from them.

(8) The notice of the local authority’s response sent in accordance with paragraph (3) must include information about—

- (a) the complainant's right under regulation 18 to request that the representations be further considered by a panel in accordance with regulation 19; and
- (b) the procedure for making such a request.