



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 10

COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

CHAPTER 1

COMPLAINTS AND REPRESENTATIONS ABOUT SOCIAL SERVICES

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- (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.

Status: This is the original version (as it was originally enacted).

- (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.