
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART IV

SUPPORT FOR CHILDREN AND THEIR FAMILIES

Miscellaneous

Reviews and representations

45.—(1) The Department may make regulations requiring the case of each child who is being looked after by an authority to be reviewed in accordance with the provisions of the regulations.

(2) The regulations may, in particular, make provision—

- (a) as to the manner in which each case is to be reviewed;
- (b) as to the considerations to which the authority is to have regard in reviewing each case;
- (c) as to the time when each case is first to be reviewed and the frequency of subsequent reviews;
- (d) requiring the authority, before conducting any review, to seek the views of—
 - (i) the child;
 - (ii) his parents;
 - (iii) any person who is not a parent of his but who has parental responsibility for him; and
 - (iv) any other person whose views the authority considers to be relevant,including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review;
- (e) requiring the authority to consider, in the case of a child who is in the care of the authority, whether an application should be made to discharge the care order;
- (f) requiring the authority to consider, in the case of a child in accommodation provided by the authority, whether the accommodation accords with the requirements of this Part;
- (g) requiring the authority to inform the child, so far as is reasonably practicable, of any steps he may take under this Order;
- (h) requiring the authority to make arrangements, including arrangements with such other bodies providing services as it considers appropriate, to implement any decision which it proposes to make in the course, or as a result, of the review;
- (i) requiring the authority to notify details of the result of the review and of any decision taken by the authority in consequence of the review to—
 - (i) the child;
 - (ii) his parents;
 - (iii) any person who is not a parent of his but who has parental responsibility for him; and

- (iv) any other person who the authority considers ought to be notified;
 - (j) requiring the authority to monitor the arrangements which it has made with a view to ensuring that they comply with the regulations.
- (3) Every authority shall establish a procedure for considering any representations (including any complaint) made to it by—
- (a) any child who is being looked after by the authority or who is not being looked after by the authority but is in need;
 - (b) a parent of his;
 - (c) any person who is not a parent of his but who has parental responsibility for him;
 - (d) any authority foster parent;
 - (e) such other person as the authority considers has a sufficient interest in the child's welfare to warrant his representations being considered by the authority,
- about the discharge of any of the authority's functions under this Part in relation to the child.
- (4) The procedure shall ensure that at least one person who is not a member or officer of the authority takes part in—
- (a) the consideration of representations under this Article; and
 - (b) any discussions which are held by the authority about the action (if any) to be taken in relation to the child in the light of those representations;
- and the authority may pay him such fee and reasonable expenses as the Department considers appropriate.
- (5) In carrying out any consideration of representations under this Article an authority shall comply with any regulations made by the Department for the purpose of regulating the procedure to be followed.
- (6) The Department may make regulations requiring an authority to monitor the arrangements that it has made with a view to ensuring that they comply with any regulations made for the purposes of paragraph (5).
- (7) Where any representation has been considered under the procedure established by an authority under this Article, the authority shall—
- (a) have due regard to the findings of those considering the representation; and
 - (b) take such steps as are reasonably practicable to notify (in writing)—
 - (i) the person making the representation;
 - (ii) the child (if the authority considers that he has sufficient understanding); and
 - (iii) such other persons (if any) as appear to the authority to be likely to be affected, of the authority's decision in the matter and the authority's reasons for taking that decision and of any action which the authority has taken, or proposes to take.
- (8) Every authority shall give such publicity to its procedure for considering representations under this Article as the authority considers appropriate.