WELSH STATUTORY INSTRUMENTS

2004 No. 1449 (W.149)

CHILDREN AND YOUNG PERSONS, WALES

The Review of Children's Cases (Amendment) (Wales) Regulations 2004

Made - - - -	*26 May 2004*
Coming into force - -	*1 September 2004*

The National Assembly for Wales in exercise of the powers conferred by section 26(1) to (2B), 59(4)(a) and (5) and 104(4) of the Children Act 1989(**1**) hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Review of Children's Cases (Amendment) (Wales) Regulations 2004 and shall come into force on 1 September 2004.

(2) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the Review of Children's Cases Regulations 1991(**2**).

(3) These Regulations apply to Wales.

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) After regulation 2 insert—

"**Independent reviewing officers**

2A.—(1) Each responsible authority must appoint a person ("the independent reviewing officer") in respect of each case to carry out the following functions—

(a) participate in the review of the case in question;

(b) monitor the performance of that authority's functions in respect of the review;

(c) refer the case to an officer of the Children and Family Court Advisory and Support Service, if the independent reviewing officer considers it appropriate to do so.

(**1**) 1989 c. 41. The powers are exercisable by the Secretary of State. In relation to Wales the functions are transferred to the National Assembly for Wales by Article 2 of, and the entry for the 1989 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and section 145(1) of the Adoption and Children Act 2002. Section 26 was amended by section 118 of the Adoption and Children Act 2002 (c. 38).

(**2**) S.I.1991/895 amended by S.I. 1991/2033, S.I. 1993/3069, S.I. 1995/2015, S.I. 1997/649, S.I. 2002/2935 and S.I. 2002/3013.

(2) The independent reviewing officer must have significant experience in social work and hold a Diploma in Social Work or a Social Work Degree or an equivalent qualification recognised by the Care Council for Wales.

(3) Where the independent reviewing officer is an employee of the responsible authority the independent reviewing officer's post within that authority must not be under the direct management of—

(a) a person involved in the management of the case;

(b) a person with management responsibilities in relation to a person mentioned in paragraph (a); or

(c) a person with control over the resources allocated to the case.

(4) The independent reviewing officer must as far as reasonably practicable chair any meeting held to consider the child's case in connection with the review of that case.

(5) The independent reviewing officer must, as far as reasonably practicable, take steps to ensure that the review is conducted in accordance with these Regulations and in particular to ensure—

(a) that the child's views are understood and taken into account;

(b) that the persons responsible for implementing any decision taken in consequence of the review are identified; and

(c) that any failure to review the case in accordance with these Regulations or to take proper steps to make or carry out arrangements in accordance with regulation 8 is brought to the attention of persons at an appropriate level of seniority within the responsible authority.

(6) In the case of a child who wishes to take proceedings under the Act, for example to apply to the court for contact or for discharge of a care order, it is the function of the independent reviewing officer—

(a) to assist the child to obtain legal advice; or

(b) to establish whether an appropriate adult is able and willing to provide such assistance or bring the proceedings on the child's behalf.".

(3) For regulation 3 substitute—

"**Time when each case is to be reviewed**

3.—(1) Each case must first be reviewed within four weeks of the date on which the child begins to be looked after or provided with accommodation by the responsible authority.

(2) The second review must be carried out no more than three months after the first and thereafter subsequent reviews must be carried out no more than six months after the date of the previous review.

(3) Nothing in this regulation prevents the responsible authority from reviewing the case before the time specified in paragraph (1) or (2) and, in particular, they must do so if the independent reviewing officer so directs.

(4) This regulation is subject to regulation 11 (application of regulations to short periods).".

(4) After regulation 8 insert—

"**Independent reviewing officer to be notified of failure to implement etc.**

8A. The responsible authority must inform the independent reviewing officer of —