WELSH STATUTORY INSTRUMENTS

2004 No. 1448 (W.148)

SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES

The Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2004

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

The National Assembly for Wales in exercise of the powers conferred upon it by sections 24D(2), 26(5) and (6), 26A(3) and (4) and 104(4) of the Children Act 1989(**1**) hereby makes the following Regulations:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2004 and come into force on 1 June 2004.

(2) These Regulations apply to Wales only.

Interpretation

2.—(1) In these Regulations —

"the Act" ("*y Ddeddf*") means the Children Act 1989;

"advocacy services" ("*gwasanaethau eirioli*") means assistance provided under arrangements made by a local authority under section 26A(1) of the Act;

"advocate" ("*eiriolwr*") means a person who provides assistance under arrangements made by a local authority under section 26A(1) of the Act;

"complainant" ("*achwynydd*") means a person making representations under section 24D of the Act or a child making representations under section 26 of the Act;

(**1**) 1989 c. 41. These powers are exercisable by the Secretary of State in relation to England. Their exercise in relation to Wales has been transferred to the National Assembly for Wales by virtue of article 2 of, and the entry for the Children Act 1989 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). Section 24D was inserted by section 5 of the Children (Leaving Care) Act 2000 (c. 35), and section 26A was inserted by section 119 of the Adoption and Children Act 2002 (c. 38). By virtue of section 8(7) of the Children (Leaving Care) Act 2000 and section 145(1) of the Adoption and Children Act 2002, the reference to the Act in Schedule 1 to S.I. 1999/672 are to be treated as a reference to the Act as amended by those Acts.

"the Representations Regulations" ("*y Rheoliadau Sylwadau*") means the Representations Procedure (Children) Regulations 1991(**2**).

Persons who may not provide assistance

3. A person may not provide assistance under section 26A(1) of the Act to persons who make or intend to make representations under section 24D of the Act or to a child who makes or intends to make representations under section 26 of the Act if that person—

(a) is or may be the subject of the representations;

(b) is responsible for the management of a person who is or may be the subject of the representations;

(c) manages the service which is or may be the subject of the representations;

(d) has control over the resources allocated to the service which is or may be the subject of the representations;

(e) is or may become involved in the consideration of the representations on behalf of the local authority.

Information to be provided to a complainant etc.

4.—(1) Where a local authority becomes aware that a person or child intends to make representations under section 24D of the Act or, as the case may be, section 26 of the Act it must—

(a) provide that person or that child with information about advocacy services; and

(b) offer that person or that child help in obtaining an advocate.

(2) Where a local authority receives representations from a complainant it must—

(a) provide the complainant with information about advocacy services; and

(b) offer the complainant help in obtaining an advocate.

Monitoring of compliance with the Regulations

5.—(1) Every local authority must monitor the arrangements that it has made with a view to ensuring that it complies with these Regulations by keeping a record of the following—

(a) each case considered by the local authority in which the complainant used an advocate; and

(b) what organisation (if any) the advocate came from; and

(c) the complainant's views (if any) of the assistance provided by the advocate.

(2) For the purposes of such monitoring, each local authority must, at least once in every period of twelve months, compile a report on the operation in that period of the procedure set out in these Regulations.

(3) The first report referred to in paragraph (2) must be compiled within twelve months of the date of coming into force of these Regulations.

Amendment of the Representations Regulations

6.—(1) The Representations Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of "representations" insert—

(**2**) S.I. 1991/894; relevant amending instruments are S.I. 1991/2033 and S.I. 2001/2189 (W.151).