STATUTORY RULES OF NORTHERN IRELAND

1996 No. 451

CHILDREN

The Representations Procedure (Children) Regulations (Northern Ireland) 1996

Made - - - -	*25th September 1996*
Coming into operation	*4th November 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 37(2), 45(5) and (6), 75(4) and (5), 105(1) and (2)(*l*) of, and paragraph 6(2) of Schedule 5 to, the Children (Northern Ireland) Order 1995(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Part I

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Representations Procedure (Children) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations—

"the Order" means the Children (Northern Ireland) Order 1995;

"complainant" means a person qualifying for advice and assistance about the discharge of an authority's functions under Part IV of the Order in relation to him, or a person specified in Article 45(3)(*a*) to (*e*) of the Order making any representations;

"independent person" means in relation to representations made to, or treated as being made to, an authority, a person who is neither a member nor a director nor an officer of that authority, nor the spouse of any such person;

"panel" means a panel of 3 persons;

"representations" means representations referred to in Article 37(1) or 45(3) of the Order.

(3) Any notice required under these Regulations is to be given in writing and may be sent by ordinary post.

(**1**) S.I.1995/755 (N.I. 2)

Part II

Representations and their Consideration

Authority action

2.—(1) An authority shall appoint one of its officers to assist it in the co-ordination of all aspects of its consideration of representations.

(2) An authority shall take all reasonable steps to ensure that everyone involved in the handling of representations, including independent persons, is familiar with the procedure set out in these Regulations.

Preliminaries

3.—(1) Where an authority receives representations from any complainant, except from a person to whom Article 45(3)(*e*) of the Order may apply, the authority shall send to the complainant an explanation of the procedure set out in these Regulations, and offer assistance and guidance on the use of the procedure, or give advice on where he may obtain it.

(2) Where oral representations are made, an authority shall forthwith cause them to be recorded in writing, and sent to the complainant, who shall be given the opportunity to comment on the accuracy of the record.

(3) An authority shall consider any comments made by the complainant under paragraph (2) and shall make any amendments to the record which it considers to be necessary.

(4) For the purposes of the following provisions of these Regulations, the written record referred to in paragraph (2), as amended where appropriate in accordance with paragraph (3), shall be deemed to be the representations.

(5) Where an authority receives representations from a person to whom it considers Article 45(3)(*e*) of the Order may apply, the authority shall—

(a) forthwith consider whether the person has a sufficient interest in the child's welfare to warrant his representations being considered by the authority;

(b) if the authority considers that he has a sufficient interest, cause the representations to be dealt with in accordance with the provisions of these Regulations, and send to the complainant an explanation of the procedure set out in the Regulations, and offer assistance and guidance on the use of the procedure, or give advice on where he may obtain it;

(c) if the authority considers that he has not got a sufficient interest it shall notify him accordingly, and inform him that no further action will be taken;

(d) if the authority considers it appropriate to do so having regard to his understanding, it shall notify the child of the result of its consideration.

(6) Where paragraph (5)(*b*) applies, the date at which the authority concludes that the person has a sufficient interest shall be treated for the purposes of these Regulations as the date of receipt of the representations.

Appointment of independent person

4. Where an authority receives representations under regulation 3, it shall appoint an independent person to take part in the consideration of them, unless regulation 3(5)(*c*) applies.

Consideration by authority with independent person

5.—(1) An authority shall consider the representations with the independent person and formulate a response within 28 days of their receipt.

(2) The independent person shall take part in 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 the consideration of the representations.

Withdrawal of representations

6. The representations may be withdrawn at any stage by the person making them.

Notification to complainant and reference to panel

7.—(1) An authority shall give notice within the period specified in regulation 5 to—

(a) the complainant;

(b) if different, the person on whose behalf the representations were made, unless the authority considers that he is not of sufficient understanding or it would be likely to cause serious harm to his health or emotional condition;

(c) the independent person;

(d) any other person whom the authority considers has sufficient interest in the case,

of the proposed result of the authority's consideration of the representations and the complainant's right to have the matter referred to a panel under paragraph (2).

(2) If the complainant informs the authority in writing within 28 days of the date on which notice is given under paragraph (1) that he is dissatisfied with the proposed result and wishes the matter to be referred to a panel for consideration of the representations, a panel shall be appointed by the authority for that purpose.

(3) The panel shall include at least one independent person.

(4) The panel shall meet within 28 days of the receipt by the authority of the complainant's request that the matter be referred to a panel.

(5) At that meeting the panel shall consider—

(a) any oral or written submissions that the complainant or the authority wish to make; and

(b) if the independent person appointed under regulation 4 is different from the independent person on the panel, any oral or written submissions which the independent person appointed under regulation 4 wishes to make.

(6) If the complainant wishes to attend the meeting of the panel he may be accompanied throughout the meeting by another person of his choice, and may nominate that other person to speak on his behalf.

Recommendations

8.—(1) When a panel meets in accordance with regulation 7, it shall decide on its recommendations and record these with its reasons in writing within 24 hours of the end of the meeting.

(2) The panel shall give notice of its recommendations to—

(a) the authority;

(b) the complainant;