

Appendix 2

Children's Statutory Complaints Procedure

**The Children Act 1989 The Adoption &
Children Act 2002 and
The Children Act 1989 Representations
Procedure (England) Regulations 2006**

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1 Children's Statutory Complaints Procedure

1.1 Introduction

1.1.1 Some complaints relating to services provided to children, young people and their families will be investigated under the children's statutory complaints procedure:

- stage one – local resolution.
- stage two – an investigation with an independent person overseeing it.
- stage three – a review panel with an independent chair.

1.1.2 It is our aim to ensure that concerns are resolved swiftly to improve outcomes for every child. It is important to us that vulnerable children and young people get the help they need, when they need it, however large or small their complaint.

1.1.3 This policy aims to meet the principles set out in the statutory guidance [Getting the Best from Complaints](#). Namely, that:

- The complaints procedure should be clear and easy to use.
- It should ensure that the people who use the service are treated with dignity and respect, are not afraid to make a complaint, and have their concerns taken seriously.
- It should ensure, as far as is possible, even-handedness in the handling of complaints.
- It should ensure that any concerns about the protection of children are referred immediately to the relevant social services team or to the Police.
- It should make sure that as many complaints as possible are resolved swiftly and satisfactorily at the local level.
- It should ensure a fair process and adequate support for everyone involved in the complaint.
- It should ensure that the child or young person receives a full response without delay.
- It should enable any local authority purchasing services in the independent sector, to exercise its continuing duty of care.
- It should secure sensible and effective links with other procedures in local government.
- It should safeguard the child or young person's rights of access to other means of redress, such as the Local Government and Social Care Ombudsman (LGSCO).
- It should ensure that local authorities monitor their performance in handling complaints, deliver what they have promised, learn from

complaints and use this learning to improve services for everyone who uses them.

1.2 What is covered by this procedure?

1.2.1 This procedure applies only to some specific local authority social care functions for children and families which are set out in the Children Act 1989 and the Adoption and Children Act 2002, as specified under The Children Act 1989 Representations Procedures (England) Regulations 2006.

1.2.2 Assessments and services in the following areas would be considered under the statutory procedure:

- Children in need
- Looked after children
- Special Guardianship support
- Post adoption support

and the following would not be considered under the statutory procedure:

- Early Help
- Child protection including S47 enquiries and conferences
- Assessments of potential foster carers and adopters
- Foster carer registration
- Section 7 and Section 37 court reports

1.2.3 The precise details of which complaints must be considered under the statutory process is complex (more detail is provided in Section 2). Where a complaint is not a statutory complaint, it may be dealt with under the council's Customer Complaints Policy.

1.2.4 In some cases, where a complaint is complex, some aspects will be covered and some will not, and in those cases, we will usually decide to treat the whole complaint under the statutory process. The decision as to whether or not the complaint should be dealt with under the statutory process will be made by the Customer Relations Manager, who will take advice from Warwickshire Legal Services where necessary. If you believe that your complaint should be dealt with under the statutory process you can ask us why we believe it shouldn't. If we cannot agree, a referral to the LGSCO to determine the matter can be made.

1.2.5 In some cases, where a complaint relating to children's services is particularly complex, we may choose to put the complaint through the statutory process notwithstanding that it does not meet the criteria.

1.3 What is not covered?

1.3.1 Complaints of a general nature which are not concerned with an individual case are likely to fall outside the statutory definition, as are anonymous complaints.

1.3.2 This procedure will not apply when:

- you do not meet the requirements of “who may complain” (see paragraph 1.4 and Section 2 below) or are not acting on behalf of someone who meets those requirements.
- the complaint is about actions and decisions of another local authority, agency or body (e.g. Police or Court decisions) and is not in respect of the actions or decisions of the council, or a body acting on its behalf.
- the same complaint has already been dealt with at all stages of the procedure.
- the complaint relates to something that happened more than 12 months ago.
- the complaint relates to matters subject to existing or previous court proceedings and the issues are within the jurisdiction of the appointed judge.
- the complaint relates to services for which an alternative statutory process already exists.

1.3.3 Concurrent Investigations:

As with other complaints, the council must be careful not to compromise or prejudice concurrent investigations such as

- court proceedings,
- disciplinary proceedings,
- criminal investigations or
- tribunals

1.3.4 Decisions on how to proceed where there are concurrent or related procedures taking place will be taken on a case-by-case basis by the Customer Relations Manager. The Customer Relations Manager has the discretion not to commence or to suspend a complaints investigation if to proceed would compromise another procedure. However, the complaints investigation will start or resume once the concurrent investigation is discontinued or completed.

1.4 Who is eligible to complain under this procedure?

1.4.1 Legislation sets out who may bring a claim under this procedure. More detail is given in Section 2, but children, care leavers and their parents, foster carers, adopters, prospective adopters and special guardians may use this procedure for eligible complaints.

1.4.2 The council has discretion in cases where eligibility is not automatic under the law to decide whether or not you have sufficient interest in a relevant child's welfare to justify your complaint being considered. In reaching a decision, we will check with the child or young person (subject to their age and understanding) that they are happy for you to make the complaint, and that the complaint submitted reflects their views.

1.4.3 We will apply the principles of 'Gillick competency' to determine whether a person under 16 has sufficient understanding to comprehend fully their choices and the consequences of their decisions.

1.4.4 Anonymous complaints

Anonymous complaints will be recorded and referred to the Customer Relations Team in the same way as other complaints. However, anonymous complaints fall outside of the scope of the statutory procedure and the council will consider what action it should take and what procedures will apply.

1.4.5 Complaints relating to more than one local authority.

The council investigates complaints in respect of or on behalf of people who are ordinarily resident within our local authority area. In most instances the complaint will be considered by the authority, which is looking after the young person, or within whose area the young person normally lives.

The fact that a complainant or their representative may be living in the area of a different local authority at the time the complaint is made does not prevent us investigating. However, it may be agreed to delegate the investigation task to the local authority where the young person was temporarily residing at the time of the complaint.

We will always seek to cooperate and ensure good communication with other authorities in these situations in the interests of resolving a complaint fairly, transparently and efficiently.

1.5 How will we deal with your complaint?

1.5.1 Once a complaint has been identified as an eligible complaint under the Children's Statutory Complaints Procedure it will proceed through up to three stages. These are:

- Stage 1 Local resolution: This will normally be conducted by the local team manager.
- Stage 2 Independent Investigation: The council will appoint an independent investigator who may be an employee who is independent of the decision making in the matter. The investigation will be co-ordinated and performance-managed through the Customer Relations Team. For all complaints under Stage 2 of this process, an independent person will also be appointed (see 1.5.8 below).
- Stage 3 Review Panel: The Panel will consist of three Independent People. The Customer Relations Team will commission the Panel, in consultation with the chairperson.

Receiving a complaint

- 1.5.2** A complaint can be made to the relevant team manager, to the **Customer Relations Team, Warwickshire County Council, Shire Hall, Warwick, CV34 4RL** or online via our customer feedback system at <https://www.warwickshire.gov.uk/customer-service/complaints-appeals-feedback>
- 1.5.3** You should make it clear that you want the matter to be investigated as a complaint. You will need to be clear what you are complaining about and what outcome you are hoping for. The investigator may seek more clarification. You should cooperate with any requests for further information or clarification. You should try to be succinct.
- 1.5.4** If your complaint is not eligible for the statutory procedure you will be notified within two working days and your complaint will then proceed in line with the [Warwickshire County Council Complaints Policy](#).
- 1.5.5** If your complaint is eligible to be considered under the statutory process, a Stage 1 investigation will be commenced. Once the Stage 1 investigation has been completed you will receive an outcome letter explaining the next steps for you to take if you are still unhappy. We will endeavour to provide this outcome letter within 10 working days of receiving your complaint, or clarifying any issues with you if clarification is needed. Complex complaints may take longer to investigate, and we will let you know if this is the case.
- 1.5.6** If you are unhappy with the outcome of the Stage 1 response, the second stage will be an independent investigation. You will be given 20 working days to request this. You will be asked to agree a statement of your outstanding complaint(s) so that the independent investigator is clear what they are investigating.
- 1.5.7** The Stage 2 investigation will not proceed until a statement of complaint has been agreed. If you do not agree a statement of complaint the investigator may proceed by using their best endeavours to extract this from correspondence and any discussions.
- 1.5.8** For all complaints under this procedure an independent person will also be involved. The role of the independent person is to ensure that the process of investigation is open, transparent and fair. The independent person works alongside the independent investigator and produces their own report commenting on each of the complaints and whether or not they agree with the investigator.
- 1.5.9** Once the investigation is complete you will be provided with a copy of the outcome report. This will usually be within 25 working days of the statement of complaint being agreed. If the review is complex, it may take longer to investigate, and we will let you know if this is the case.
- 1.5.10** If you remain unhappy following the Stage 2 outcome report, you may request a Stage 3 Panel Review of your complaint. You will be given 20 working days to request a Stage 3 Panel Review. This Panel will consider the fairness of the process and will not conduct its own investigation into

the circumstances of your complaint. Subject to your availability and that of panel members we will endeavour to arrange the Panel review within 30 working days of your request.

The Panel will usually provide their outcome within 5 working days of the Panel sitting. Following this the Director of Children's Services will write to you.

- 1.5.11** If you still remain unhappy with the outcome you may complain to the Local Government and Social Care Ombudsman. You will be provided with information about how to do this.

1.6 Withdrawal of a complaint

- 1.6.1** You may withdraw your complaint either orally or in writing at any time. We will write to you (and/or your representative where relevant) confirming the withdrawal of the complaint.

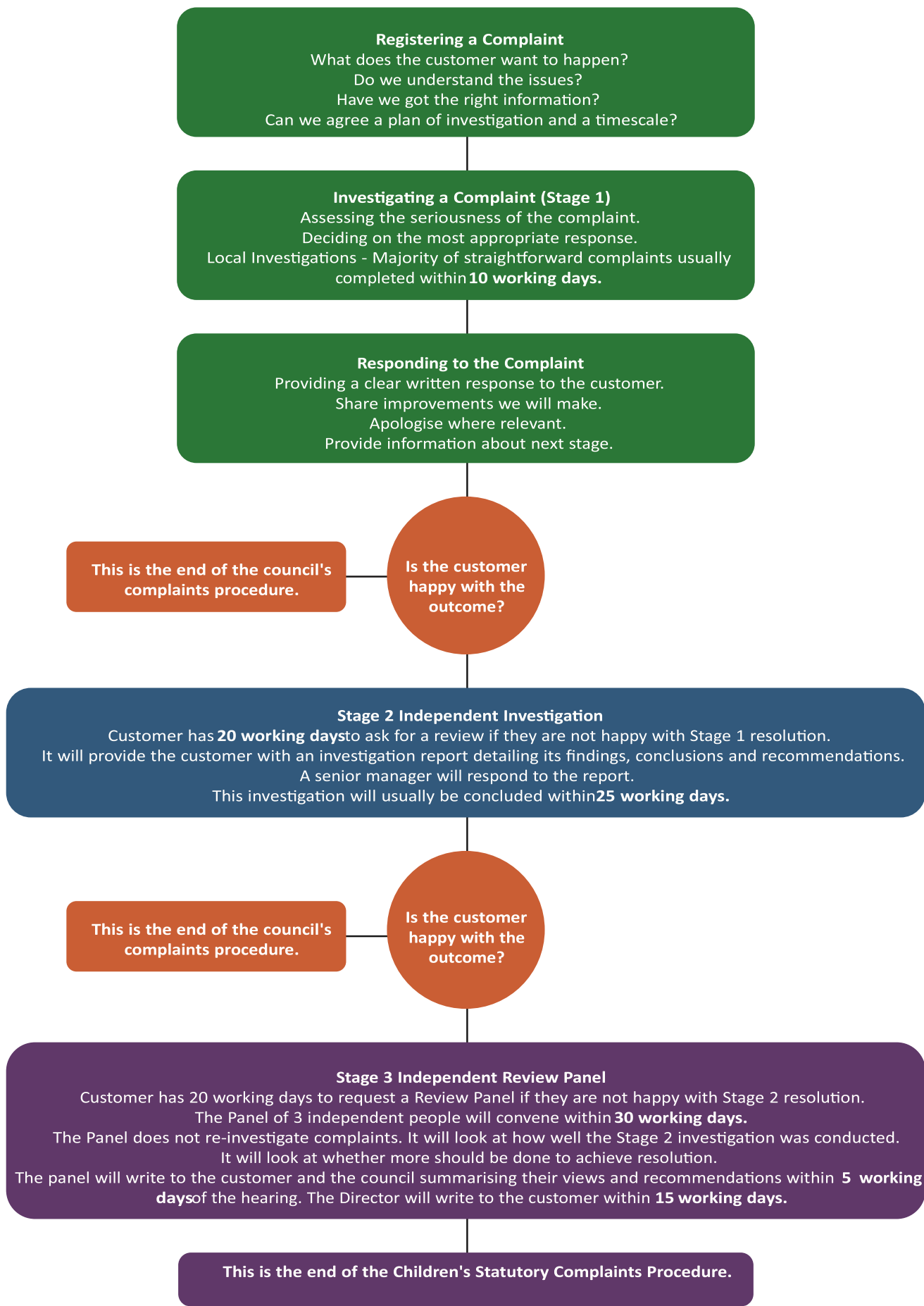
- 1.6.2** In certain cases where complaints are withdrawn, it may still be necessary to continue the investigation to ensure that the council has followed practice, policy or procedural guidance and/or that we have fulfilled our statutory obligations. The decision to terminate or continue any investigation will be made by the Customer Relations Team.

- 1.6.3** Complaints made by young people which are withdrawn before the completion of an investigation will be considered carefully. Any young person who withdraws a complaint will be contacted to determine why the complaint has been withdrawn and whether it would be in the young person's best interests to pursue the investigation further.

- 1.6.4** The council may suspend or close a complaint investigation if you do not cooperate with the investigation.

1.7 Unreasonable behaviour and vexatious complaints

- 1.7.1** Unreasonable behaviour or vexatious complaints will be treated in accordance with the provisions set out in the Customer Complaints Policy.



2 Legislative Framework

Children Act 1989

Warwickshire County Council has a statutory duty under the Children Act 1989 to 'establish a procedure for the consideration of representations and complaints'. This procedure applies to complaints made in relation to services provided under some, but not all, sections of the Children Act 1989 and of the Adoption and Children Act 2002. The rules about which complaints should be considered under the statutory procedure are quite complicated but are summarised below. The Customer Relations Team will be able to confirm whether your complaint qualifies for consideration under this procedure.

For a representation received from a member of the public to fall under the category of complaints which must be dealt with using the statutory three stage complaints procedure, it must:

- a. Be made by an eligible individual: and
- b. Depending on who the individual is, only relate to certain specified functions of the Local Authority.

Below is a list of all individuals who can make a representation capable of falling under the statutory complaint's procedure, and the corresponding Local Authority functions that their representation must relate to for the statutory complaints procedure to automatically apply.

| Individual | Statutory Provision | What the complaint must relate to |
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| A currently Looked After child | s.26(3) Children Act 1989 (CA) | <p>The discharge of any of the following functions in relation to that child:</p> <ul style="list-style-type: none"> a. Any function under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England); or b. Any of the following functions under Parts IV or V CA 1989: <ul style="list-style-type: none"> i. s. 31(1) – Care and Supervision Orders ii. s. 33(3)-(4) and (6)-(9) – The effect of a Care Order iii. s. 34(6) and (8) – Refusal of parental contact with a child in care iv. s. 35 – Use of Supervision Orders v. s. 43(1) – Child Assessment Orders vi. s. 44(1) and (10)-(11) – Emergency Protection Orders. |

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| <p>A current Child in Need (Where not Looked After)</p> | <p>s.26(3) CA 1989</p> | <p>The discharge of any of the following functions in relation to that child:</p> <ul style="list-style-type: none"> a. Any function under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England); or b. Any of the following functions under Parts IV or V CA 1989: <ul style="list-style-type: none"> i. s. 31(1) – Care and Supervision Orders ii. s. 33(3)-(4) and (6)-(9) –The effect of a Care Order iii. s. 34(6) and (8) – Refusal of parental contact with a child in care iv. s. 35 – Use of Supervision Orders v. s. 43(1) – Child Assessment Orders vi. s. 44(1) and (10)-(11) – Emergency Protection Orders. |
| <p>A parent of any current Looked After Child or a Child in Need</p> | <p>s.26(3) CA 1989</p> | <p>The discharge of any of the following functions in relation to that child:</p> <ul style="list-style-type: none"> a. Any function under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England); or b. Any of the following functions under Parts IV or V CA 1989: <ul style="list-style-type: none"> i. s. 31(1) – Care and Supervision Orders ii. s. 33(3)-(4) and (6)-(9) – The effect of a Care Order iii. s. 34(6) and (8) – Refusal of parental contact with a child in care iv. s. 35 – Use of Supervision Orders v. s. 43(1) – Child Assessment Orders vi. s. 44(1) and (10)-(11) – Emergency Protection Orders. |
| <p>Anyone who holds parental responsibility for any current Looked After Child or a Child in Need</p> | <p>s.26(3) CA 1989</p> | <p>The discharge of any of the following functions in relation to that child:</p> <ul style="list-style-type: none"> a. Any function under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England); or b. Any of the following functions under Parts IV or V CA 1989: <ul style="list-style-type: none"> i. s. 31(1) – Care and Supervision Orders ii. s. 33(3)-(4) and (6)-(9) – The effect of a Care Order |

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| | | <ul style="list-style-type: none"> iii. s. 34(6) and (8) – Refusal of parental contact with a child in care iv. s. 35 – Use of Supervision Orders v. s. 43(1) – Child Assessment Orders vi. s. 44(1) and (10)-(11) – Emergency Protection Orders. |
| A Local Authority foster parent (LA) | s.26(3) CA 1989 | <p>The discharge of any of the following functions in relation to that child:</p> <ul style="list-style-type: none"> a. Any function under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England); or b. Any of the following functions under Parts IV or V CA 1989: <ul style="list-style-type: none"> i. s. 31(1) – Care and Supervision Orders ii. s. 33(3)-(4) and (6)-(9) – The effect of a Care Order iii. s. 34(6) and (8) – Refusal of parental contact with a child in care iv. s. 35 – Use of Supervision Orders v. s. 43(1) – Child Assessment Orders vi. s. 44(1) and (10)-(11) – Emergency Protection Orders. |
| Any other individual which the LA considers has a sufficient interest in the child’s welfare to warrant their representations being considered by the LA (a discretionary category) | s.26(3) CA 1989 | <p>The discharge of any of the following functions in relation to that child:</p> <ul style="list-style-type: none"> a. Any function under Part III CA 1989 - sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England. b. Any of the following functions under Parts IV or V CA 1989: <ul style="list-style-type: none"> i. s. 31(1) – Care and Supervision Orders ii. s. 33(3)-(4) and (6)-(9) – The effect of a Care Order iii. s. 34(6) and (8) – Refusal of parental contact with a child in care iv. s. 35 – Use of Supervision Orders v. s. 43(1) – Child Assessment Orders vi. s. 44(1) and (10)-(11) – Emergency Protection Orders. |

| Adoption Services | | |
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| Individual | Statutory Provision | What the complaint must relate to |
| Any child who may be adopted AND their parents and guardians | s.26(3B) CA 1989 | <p>The discharge of:</p> <p>a. Any of the following functions under the Adoption Support Services Regulations 2005:</p> <p>i. Regulation 3 (provision of adoption support services)</p> <p><i>Note that the support service under Regulation 3(1)(b) is only applicable for this purpose where it relates to enabling groups of adoptive children to discuss matters relating to adoption.</i></p> <p>ii. Parts 4 and 5 (relating to assessments, plans and reviews) insofar as they relate to adoption support services.</p> <p>b. Any of the following functions under the Adoption and Children Act 2002:</p> <p>i. s. 18-29 (placement of children by adoption agency for adoption)</p> <p>ii. s. 30-35 (removal of children who are or may be placed by adoption agencies)</p> <p>iii. s. 36-40 (removal of children in non-agency cases)</p> <p>c. Any of the following functions under the Adoption Agencies Regulations 2005:</p> <p>i. Part 3 (relating to the duties of an adoption agency when adoption is being considered for a child)</p> <p>ii. Part 4 (relating to the duties of an adoption agency in respect of a prospective adopter) insofar as they relate to a pre-assessment decision under Regulation 27 that a prospective adopter is not suitable to adopt a child</p> <p>iii. Part 5 (relating to the duties of an adoption agency in respect of a prospective placement of a child with an adopter)</p> <p>iv. Part 6 (relating to placements and reviews)</p> <p>v. Part 7 (relating to case records) as far as they relate to a child's case record set up under the requirement in Regulation 12</p> <p>vi. Regulations 46 and 47 (relating to contact arrangements)</p> |

The term 'adoptive children' is defined as children who have been adopted or in respect of whom a notice has been given of a person's intention to adopt, or a child matched with a prospective adopter or placed for adoption by an agency.

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| | | <p>d. Any of the following functions under the Adoptions with a Foreign Element Regulations 2005:</p> <ul style="list-style-type: none">i. Regulation 10 (relating to the requirements to be met before parental responsibility is granted to prospective adopters prior to an adoption abroad)ii. Regulations 52-59 (miscellaneous provisions relating to adoptions under the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption) |
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| <p>Any individual wishing to adopt a child</p> | <p>s.26(3B) CA 1989</p> | <p>The discharge of:</p> <ul style="list-style-type: none"> a. Any of the following functions under the Adoption Support Services Regulations 2005: <ul style="list-style-type: none"> i. Regulation 3 (provision of adoption support services) <i>Note that the support service under Regulation 3(1)(b) is only applicable for this purpose where it relates to enabling groups of adoptive children to discuss matters relating to adoption.</i> ii. Parts 4 and 5 (relating to assessments, plans and reviews) insofar as they relate to adoption support services. b. Any of the following functions under the Adoption and Children Act 2002: <ul style="list-style-type: none"> i. s. 18-29 (placement of children by adoption agency for adoption) ii. s. 30-35 (removal of children who are or may be placed by adoption agencies) iii. s. 36-40 (removal of children in non-agency cases) c. Any of the following functions under the Adoption Agencies Regulations 2005: <ul style="list-style-type: none"> i. Part 3 (relating to the duties of an adoption agency when adoption is being considered for a child) ii. Part 4 (relating to the duties of an adoption agency in respect of a prospective adopter) insofar as they relate to a pre-assessment decision under Regulation 27 that a prospective adopter is not suitable to adopt a child iii. Part 5 (relating to the duties of an adoption agency in respect of a prospective placement of a child with an adopter) iv. Part 6 (relating to placements and reviews) v. Part 7 (relating to case records) insofar as they relate to a child's case record set up under the requirement in Regulation 12 vi. Regulations 46 and 47 (relating to contact arrangements) d. Any of the following functions under the Adoptions with a Foreign Element Regulations 2005: <ul style="list-style-type: none"> i. Regulation 10 (relating to the requirements to be met before parental responsibility is granted to prospective adopters prior to an adoption abroad) |
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| | | <p>ii. Regulations 52-59 (miscellaneous provisions relating to adoptions under the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption)</p> |
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| <p>Any adopted persons AND their parents, natural parents and former guardians</p> | <p>s.26(3B) CA 1989</p> | <p>The discharge of:</p> <ul style="list-style-type: none"> a. Any of the following functions under the Adoption Support Services Regulations 2005: <ul style="list-style-type: none"> i. Regulation 3 (provision of adoption support services) <i>Note that the support service under Regulation 3(1)(b) is only applicable for this purpose where it relates to enabling groups of adoptive children to discuss matters relating to adoption.</i> ii. Parts 4 and 5 (relating to assessments, plans and reviews) insofar as they relate to adoption support services b. Any of the following functions under the Adoption and Children Act 2002: <ul style="list-style-type: none"> i. s. 18-29 (placement of children by adoption agency for adoption) ii. s. 30-35 (removal of children who are or may be placed by adoption agencies) iii. s. 36-40 (removal of children in non-agency cases) c. Any of the following functions under the Adoption Agencies Regulations 2005: <ul style="list-style-type: none"> i. Part 3 (relating to the duties of an adoption agency when adoption is being considered for a child) ii. Part 4 (relating to the duties of an adoption agency in respect of a prospective adopter) insofar as they relate to a pre-assessment decision under Regulation 27 that a prospective adopter is not suitable to adopt a child iii. Part 5 (relating to the duties of an adoption agency in respect of a prospective placement of a child with an adopter) iv. Part 6 (relating to placements and reviews) v. Part 7 (relating to case records) insofar as they relate to a child's case record set up under the requirement in Regulation 12 vi. Regulations 46 and 47 (relating to contact arrangements) d. Any of the following functions under the Adoptions with a Foreign Element Regulations 2005: <ul style="list-style-type: none"> i. Regulation 10 (relating to the requirements to be met before parental responsibility is granted to prospective adopters prior to an adoption abroad) |
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| | | <ul style="list-style-type: none"> ii. Regulations 52-59 (miscellaneous provisions relating to adoptions under the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption) |
| Any other individual to whom arrangements for the provision of adoption support services extend | s.26(3B) CA 1989 | <p>The discharge of:</p> <ul style="list-style-type: none"> a. Any of the following functions under the Adoption Support Services Regulations 2005: <ul style="list-style-type: none"> i. Regulation 3 (provision of adoption support services) <i>Note that the support service under Regulation 3(1)(b) is only applicable for this purpose where it relates to enabling groups of adoptive children to discuss matters relating to adoption.</i> ii. Parts 4 and 5 (relating to assessments, plans and reviews) insofar as they relate to adoption support services. b. Any of the following functions under the Adoption and Children Act 2002: <ul style="list-style-type: none"> i. s. 18-29 (placement of children by adoption agency for adoption) ii. s. 30-35 (removal of children who are or may be placed by adoption agencies) iii. s. 36-40 (removal of children in non-agency cases) c. Any of the following functions under the Adoption Agencies Regulations 2005: <ul style="list-style-type: none"> i. Part 3 (relating to the duties of an adoption agency when adoption is being considered for a child) ii. Part 4 (relating to the duties of an adoption agency in respect of a prospective adopter) insofar as they relate to a pre-assessment decision under Regulation 27 that a prospective adopter is not suitable to adopt a child iii. Part 5 (relating to the duties of an adoption agency in respect of a prospective placement of a child with an adopter) iv. Part 6 (relating to placements and reviews) v. Part 7 (relating to case records) insofar as they relate to a child's case record set up under the requirement in Regulation 12 vi. Regulations 46 and 47 (relating to contact arrangements) |

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| | | <p>d. Any of the following functions under the Adoptions with a Foreign Element Regulations 2005:</p> <ul style="list-style-type: none">i. Regulation 10 (relating to the requirements to be met before parental responsibility is granted to prospective adopters prior to an adoption abroad)ii. Regulations 52-59 (miscellaneous provisions relating to adoptions under the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption) |
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| <p>Any other individual which the LA considers has a sufficient interest in a child who is or may be adopted to warrant their representations being considered by the LA (a discretionary category)</p> | <p>s.26(3B) CA 1989</p> | <p>The discharge of:</p> <ul style="list-style-type: none"> a. Any of the following functions under the Adoption Support Services Regulations 2005: <ul style="list-style-type: none"> i. Regulation 3 (provision of adoption support services) <i>Note that the support service under Regulation 3(1)(b) is only applicable for this purpose where it relates to enabling groups of adoptive children to discuss matters relating to adoption.</i> ii. Parts 4 and 5 (relating to assessments, plans and reviews) insofar as they relate to adoption support services b. Any of the following functions under the Adoption and Children Act 2002: <ul style="list-style-type: none"> i. s. 18-29 (placement of children by adoption agency for adoption) ii. s. 30-35 (removal of children who are or may be placed by adoption agencies) iii. s. 36-40 (removal of children in non-agency cases) c. Any of the following functions under the Adoption Agencies Regulations 2005: <ul style="list-style-type: none"> i. Part 3 (relating to the duties of an adoption agency when adoption is being considered for a child) ii. Part 4 (relating to the duties of an adoption agency in respect of a prospective adopter) insofar as they relate to a pre-assessment decision under Regulation 27 that a prospective adopter is not suitable to adopt a child iii. Part 5 (relating to the duties of an adoption agency in respect of a prospective placement of a child with an adopter) iv. Part 6 (relating to placements and reviews) v. Part 7 (relating to case records) insofar as they relate to a child's case record set up under the requirement in Regulation 12 vi. Regulations 46 and 47 (relating to contact arrangements) d. Any of the following functions under the Adoptions with a Foreign Element Regulations 2005: <ul style="list-style-type: none"> i. Regulation 10 (relating to the requirements to be met before parental responsibility is granted to prospective adopters prior to an adoption abroad) ii. Regulations 52-59 (miscellaneous provisions relating to adoptions under the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption). |
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Special Guardianship Orders

| Individual | Statutory Provision | What the complaint must relate to |
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| A child with respect to whom a special guardianship order is in force | s.26(3C) CA 1989 | <p>The discharge of any of the following functions relating to the provision of special guardianship support services under the Special Guardianship Regulations 2005:</p> <ul style="list-style-type: none"> a. Regulation 3(1)(a) – Financial support b. Regulation 3(b)(i) – Services to enable groups of relevant children¹ to discuss matters relating to special guardianship. c. Regulation 3(c) – Assistance relating to contact arrangements between a relevant child and an applicable individual. d. Regulation 3(d) – Services relating to the therapeutic needs of a relevant child. e. Regulation 3(e) - Assistance for the purpose of ensuring the continuance of the relationship between a relevant child and a special guardian/prospective special guardian. f. Regulations 6-10 (provisions relating to financial support) in so far as they relate to the provision of the special guardianship support services listed at a-e above. |

¹ The term 'relevant children' is defined as children for whom a Special Guardianship Order is in force, for whom an individual has given notice of intention to apply for a Special Guardianship Order or for whom a court has requested the Local Authority prepare a report relating to any proposed special guardian for the child.

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| A parent of such a child | s.26(3C) CA 1989 | <p>The discharge of any of the following functions relating to the provision of special guardianship support services under the Special Guardianship Regulations 2005:</p> <ul style="list-style-type: none"> a. Regulation 3(1)(a) – Financial support b. Regulation 3(b)(i) – Services to enable groups of relevant children to discuss matters relating to special guardianship. c. Regulation 3(c) – Assistance relating to contact arrangements between a relevant child and an applicable individual. d. Regulation 3(d) – Services relating to the therapeutic needs of a relevant child. e. Regulation 3(e) - Assistance for the purpose of ensuring the continuance of the relationship between a relevant child and a special guardian/prospective special guardian. f. Regulations 6-10 (provisions relating to financial support) insofar as they relate to the provision of the special guardianship support services listed at a-e above. |
| A special guardian of such a child | s.26(3C) CA 1989 | <p>The discharge of any of the following functions relating to the provision of special guardianship support services under the Special Guardianship Regulations 2005:</p> <ul style="list-style-type: none"> a. Regulation 3(1)(a) – Financial support b. Regulation 3(b)(i) – Services to enable groups of relevant children to discuss matters relating to special guardianship. c. Regulation 3(c) – Assistance relating to contact arrangements between a relevant child and an applicable individual. d. Regulation 3(d) – Services relating to the therapeutic needs of a relevant child. e. Regulation 3(e) - Assistance for the purpose of ensuring the continuance of the relationship between a relevant child and a special guardian/prospective special guardian. f. Regulations 6-10 (provisions relating to financial support) insofar as they relate to the provision of the special guardianship support services listed at a-e above. |

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| <p>Any other person the Local Authority consider has a sufficient interest in the welfare of such a child to warrant his representations being considered by them</p> | <p>s.26(3C) CA 1989</p> | <p>The discharge of any of the following functions relating to the provision of special guardianship support services under the Special Guardianship Regulations 2005:</p> <ul style="list-style-type: none"> a. Regulation 3(1)(a) – Financial support b. Regulation 3(b)(i) – Services to enable groups of relevant children to discuss matters relating to special guardianship. c. Regulation 3(c) – Assistance relating to contact arrangements between a relevant child and an applicable individual. d. Regulation 3(d) – Services relating to the therapeutic needs of a relevant child. e. Regulation 3(e) - Assistance for the purpose of ensuring the continuance of the relationship between a relevant child and a special guardian/prospective special guardian. f. Regulations 6-10 (provisions relating to financial support) insofar as they relate to the provision of the special guardianship support services listed at a-e above. |
| <p>Any person who has applied for an assessment of the person’s needs for special guardianship support services</p> | <p>s.26(3C) CA 1989</p> | <p>The discharge of any of the following functions relating to the provision of special guardianship support services under the Special Guardianship Regulations 2005:</p> <ul style="list-style-type: none"> a. Regulation 3(1)(a) – Financial support b. Regulation 3(b)(i) – Services to enable groups of relevant children to discuss matters relating to special guardianship. c. Regulation 3(c) – Assistance relating to contact arrangements between a relevant child and an applicable individual. d. Regulation 3(d) – Services relating to the therapeutic needs of a relevant child. e. Regulation 3(e) - Assistance for the purpose of ensuring the continuance of the relationship between a relevant child and a special guardian/prospective special guardian. f. Regulations 6-10 (provisions relating to financial support) insofar as they relate to the provision of the special guardianship support services listed at a-e above. |
| <p>Care Leavers</p> | | |
| <p>Individual</p> | <p>Statutory Provision</p> | <p>What the complaint must relate to</p> |

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| <p>Any child aged 16 or 17 who is not a Looked After Child (LAC) but was previously looked after for a period of at least 13 weeks in total which began after the child reached the age of 14 and ended after they reached the age of 16</p> | <p>s.24D(1) CA 1989</p> | <p>The discharge of any of the functions under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England) in relation to the child.</p> |
| <p>A person who did not meet the criteria above before turning 18 and for whom the Local Authority was the last responsible authority</p> | <p>s.24D(1) CA 1989</p> | <p>The discharge of any of the functions under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England) in relation to the child.</p> |
| <p>A person who was LAC when they turned 18, and immediately before ceasing to be LAC had been looked after for a period of at least 13 weeks in total which began after the child reached the age of 14 and ended after they reached the age of 16</p> | <p>s.24D(1) CA 1989</p> | <p>The discharge of any of the functions under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England) in relation to the child.</p> |

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| <p>A person qualifying for advice and assistance by virtue of having reached the age of 16 (but not 21), who has a SGO in force (or did so before turning 18) and who was immediately before the SGO a LAC OR a person qualifying for advice and assistance by being under 21 and having been either a LAC, accommodated or fostered at any time between aged 16-18.</p> | <p>s.24D(1) CA 1989</p> | <p>The discharge of any of the functions under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England) in relation to the child.</p> |
| <p>A person under the age of 25 who would have qualified for advice and assistance if under the age of 21 as a person who has reached 16, who has a SGO in force (or did so before turning 18) and who was immediately before the SGO a LAC OR because they were looked after by a local authority.</p> | <p>s.24D(1) CA 1989</p> | <p>The discharge of any of the functions under Part III CA 1989 (sections 16B to 30A inclusive – relating to the provision of support for children and families provided by Local Authorities in England) in relation to the child.</p> |

