



Children Act 1989

1989 CHAPTER 41

PART III

LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

Supplemental

26 Review of cases and enquiries into representations

- (1) The Secretary of State may make regulations requiring the case of each child who is being looked after by a local 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 local authority are 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 consider 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 their care, 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;

Status: This is the original version (as it was originally enacted).

- (g) requiring the authority to inform the child, so far as is reasonably practicable, of any steps he may take under this Act;
 - (h) requiring the authority to make arrangements, including arrangements with such other bodies providing services as it considers appropriate, to implement any decision which they propose 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 them 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 whom they consider ought to be notified;
 - (j) requiring the authority to monitor the arrangements which they have made with a view to ensuring that they comply with the regulations.
- (3) Every local authority shall establish a procedure for considering any representations (including any complaint) made to them by—
- (a) any child who is being looked after by them or who is not being looked after by them 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 local authority foster parent;
 - (e) such other person as the authority consider has a sufficient interest in the child's welfare to warrant his representations being considered by them,
- about the discharge by the authority of any of their 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; 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 the consideration.
- (5) In carrying out any consideration of representations under this section a local authority shall comply with any regulations made by the Secretary of State for the purpose of regulating the procedure to be followed.
- (6) The Secretary of State may make regulations requiring local authorities to monitor the arrangements that they have made with a view to ensuring that they comply with any regulations made for the purposes of subsection (5).
- (7) Where any representation has been considered under the procedure established by a local authority under this section, 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 consider 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 their reasons for taking that decision and of any action which they have taken, or propose to take.
- (8) Every local authority shall give such publicity to their procedure for considering representations under this section as they consider appropriate.