



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART V

#### THE CHILDREN'S COMMISSIONER FOR WALES

#### 76 Further functions.

(1) Regulations may confer power on the Commissioner to assist a child to whom this Part applies—

(a) in making a complaint or representation to or in respect of a provider of regulated children's services in Wales; or

[<sup>F1</sup>(aa) in making a complaint or representation to or in respect of a person mentioned in Schedule 2B or section 73(2B);]

(b) in any prescribed proceedings,

and in this subsection "proceedings" includes a procedure of any kind and any prospective proceedings.

[<sup>F2</sup>(1A) The proceedings which may be prescribed by virtue of subsection (1)(b) are proceedings relating to—

(a) the exercise or proposed exercise of a function as mentioned in section 72B(1);

(b) the provision of services as mentioned in section 78(1)(b) or (c).]

(2) For the purposes of subsection (1), assistance includes—

(a) financial assistance; and

(b) arranging for representation, or the giving of advice or assistance, by any person,

and the regulations may provide for assistance to be given on conditions, including (in the case of financial assistance) conditions requiring repayment in circumstances specified in the regulations.

(3) The Commissioner may, in connection with his functions under this Part, give advice and information to any person.

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*Changes to legislation: Care Standards Act 2000, Section 76 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) Regulations may, in connection with the Commissioner’s functions under this Part, confer further functions on him.
- (5) The regulations may, in particular,
- [<sup>F3</sup>(a)] include provision about the making of reports on any matter connected with any of his functions;
  - [<sup>F4</sup>(b)] provide that the Commissioner may make a joint report with the Commissioner for Older People in Wales where they have discharged their respective functions under this Act and the Commissioner for Older People (Wales) Act 2006 in relation to the same matters.]
  - [<sup>F5</sup>(c)] provide that the Commissioner may make a joint report with the Welsh Language Commissioner where they have exercised their respective functions under this Act and the Welsh Language (Wales) Measure 2011 in relation to the same matters.]
- [<sup>F6</sup>(5A)] The references in subsections (4) and (5) to functions of the Commissioner do not include a reference to his power to consider and make representations by virtue of section 75A(1).]
- (6) Apart from identifying any person investigated, a report by the Commissioner shall not—
- (a) mention the name of any person; or
  - (b) include any particulars which, in the opinion of the Commissioner, are likely to identify any person and can be omitted without impairing the effectiveness of the report,
- unless, after taking account of the public interest (as well as the interests of any person who made a complaint and other persons), the Commissioner considers it necessary for the report to mention his name or include such particulars.
- (7) For the purposes of the law of defamation, the publication of any matter by the Commissioner in a report is absolutely privileged.
- [<sup>F7</sup>(8)] The Commissioner or a person authorised by him may for the purposes of any function of the Commissioner under section 72B or 73 or subsection (4) of this section at any reasonable time—
- (a) enter any premises, other than a private dwelling, for the purposes of interviewing any child accommodated or cared for there; and
  - (b) if the child consents, interview the child in private.]

#### Textual Amendments

- F1** S. 76(1)(aa) inserted (26.8.2001 for W.) by 2001 c. 18, s. 6(a); S.I. 2001/2783, art. 2(2)(g)
- F2** S. 76(1A) inserted (26.8.2001 for W.) by 2001 c. 18, s. 6(b); S.I. 2001/2783, art. 2(2)(g)
- F3** Words in s. 76(5) renumbered as s. 76(5)(a) (14.10.2006 for W.) by virtue of Commissioner for Older People (Wales) Act 2006 (c. 30), ss. 22, 23, Sch. 4 para. 1(3); S.I. 2006/2699, art. 2
- F4** S. 75(5)(b) inserted (14.10.2006 for W.) by Commissioner for Older People (Wales) Act 2006 (c. 30), ss. 22, 23, Sch. 4 para. 1(3); S.I. 2006/2699, art. 2
- F5** S. 76(5)(c) inserted (7.7.2015) by Welsh Language (Wales) Measure 2011 (nawm 1), s. 156(2), Sch. 3 para. 3; S.I. 2015/1413, art. 3(g)
- F6** S. 76(5A) inserted (26.8.2001 for W.) by 2001 c. 18, s. 6(c); S.I. 2001/2783, art. 2(2)(g)
- F7** S. 76(8) inserted (1.4.2006 for W.) by Children Act 2004 (c. 31), ss. 61, 67; S.I. 2006/885, art. 2(2)

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**Commencement Information**

**II** S. 76 in force for W. at 26.8.2001 by [S.I. 2001/2782](#), [art. 2\(1\)\(2\)\(g\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(1)(a)(iii) words substituted by [2008 c. 23 s. 4\(2\)\(a\)](#)
- Sch. 2A para. 8A inserted by [2022 asc 1 Sch. 4 para. 13\(2\)\(b\)](#)
- Sch. 2B para. 11 inserted by [2022 asc 1 Sch. 4 para. 13\(3\)](#)