



# Children's Commissioner for Wales Act 2001

## 2001 CHAPTER 18

### 4 Review and monitoring of arrangements

- (1) Section 73 of the Care Standards Act 2000 (review and monitoring of arrangements) is amended as follows.
- (2) In subsection (1)—
  - (a) after “subsection (2),” insert “ (2A), (2B), (2C), ”; and
  - (b) for “to whom this Part applies.” substitute “—
    - (a) to or in respect of whom services are provided in Wales by, or on behalf of or under arrangements with, a person mentioned in Schedule 2B; or
    - (b) to or in respect of whom regulated children's services in Wales are provided.”.
- (3) After that subsection insert—

“(1A) The Commissioner may also assess the effect on such children of the failure of any person to make such arrangements.”.
- (4) In subsection (2), for “in respect of such services made by or on behalf of children to whom this Part applies” substitute “about such services made by or on behalf of children to whom such services are provided”.
- (5) After that subsection insert—

“(2A) The arrangements falling within this subsection are the arrangements made by a person mentioned in Schedule 2B for dealing with complaints or representations made to the person by or on behalf of a child about services provided in Wales by the person to or in respect of the child.

(2B) The arrangements falling within this subsection are the arrangements made by a person providing services in Wales on behalf of, or under arrangements with, a person mentioned in Schedule 2B for dealing with complaints or

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representations made to the person by or on behalf of a child about a service which is so provided to or in respect of the child.

(2C) The arrangements falling within this subsection are the arrangements made by the Assembly for dealing with complaints or representations made by or on behalf of a child about a service which is provided in Wales to or in respect of the child by, or on behalf of or under arrangements with, a person mentioned in Schedule 2B (other than the Assembly)."

(6) In subsection (3)—

- (a) for "or by the Assembly" substitute "by the Assembly, or by another person mentioned in Schedule 2B or subsection (2B)";
- (b) for "such services" substitute "the services mentioned in subsection (3A).".

(7) After that subsection insert—

"(3A) The services are—

- (a) in the case of a person mentioned in Schedule 2B, services provided in Wales by the person to or in respect of a child;
- (b) in the case of a person mentioned in subsection (2B), services provided in Wales by the person to or in respect of a child on behalf of, or under arrangements with, a person mentioned in Schedule 2B;
- (c) in the case of a provider of regulated children's services in Wales, those services."

(8) In subsection (4), for "to whom this Part applies" substitute "—

- (i) to or in respect of whom services are provided in Wales by, or on behalf of or under arrangements with, a person mentioned in Schedule 2B; or
- (ii) to or in respect of whom regulated children's services in Wales are provided"

(9) After subsection (5) insert—

"(5A) The Assembly may by order amend this section or Schedule 2B by—

- (a) adding any person to that Schedule;
- (b) omitting any person from that Schedule;
- (c) altering the description of any person mentioned in that Schedule; or
- (d) making provision specifying, in respect of a person mentioned in that Schedule and specified in the order, services which although provided by the person in Wales are not to be treated as such for the purposes of the exercise of the Commissioner's functions.

(5B) An order under subsection (5A) may add a person to Schedule 2B only if—

- (a) the person provides services in Wales to or in respect of children;
- (b) some or all of the person's functions are in a field in which the Assembly has functions;
- (c) the person is established under an enactment or by virtue of Her Majesty's prerogative or is established in any other way by a Minister of the Crown or government department or by the Assembly; and
- (d) (unless consent is given by the Secretary of State under subsection (5C)), at least half of the person's expenditure on the exercise of functions in relation to Wales (or, where the person's

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functions relate only to a part of Wales, in relation to the part of Wales to which they relate) is met directly from payments made by the Assembly.

- (5C) An order may add to Schedule 2B a person who does not satisfy the condition in subsection (5B)(d) if the Secretary of State gives consent.
- (5D) An order under subsection (5A) must not add to Schedule 2B a person whose sole or main activity is—
- (a) the investigation of complaints by members of the public about the actions of any person; or
  - (b) the supervision or review of, or of steps taken following, such an investigation.
- (5E) The Assembly may not make an order under subsection (5A) if the result would be that the Commissioner could exercise functions in relation to a person's functions in a field in which the Assembly does not have functions.”.
- (10) After Schedule 2A to the Care Standards Act 2000 (c. 14) (which is inserted by section 3(2) above), insert the Schedule 2B contained in Part II of the Schedule to this Act.

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**Commencement Information**

- II** S. 4 partly in force; s. 4 not in force at Royal Assent see s. 9; s. 4 in force in relation to Wales at 26.8.2001 by S.I. 2001/2783, art. 2(2)(d)

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