

These notes refer to the Adoption and Children Act (Northern Ireland) 2022 (c.18) which received Royal Assent on 27 April 2022

Adoption and Children Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Children Order Amendments

Section 130: Inquiries into representations

Section 130 amends Article 35D (Representations: Articles 34B to 35B) and Article 45 (Reviews and representations) of the Children Order by making further provision for inquiries carried out by authorities into representations about services provided under that Order. This section enables regulations to be made to impose time limits for the making of representations, to provide for an informal resolution stage and to extend the complaints procedure to specified services provided under Parts 5 and 6 of the Children Order.

Subsection (1) amends Article 35D to insert a new paragraph (1A) that enables the Department to make regulations imposing time limits on the making of representations under Article 35D(1) (Representations: Article 34B to 35B) of the Children Order.

Subsections (2) to (7) amend Article 45 (Reviews and Representations) which requires the authority to establish a procedure for considering any representations about services provided by them under Part 4 of the Children Order. New paragraph (4A), inserted by *subsection (6)*, provides that the Department may make regulations imposing time limits on the making of representations under Article 45.

Subsection (3) amends paragraph (3) to provide that every authority must establish a procedure for considering representations, including complaints, in respect of "qualifying functions". Qualifying functions are referred to in *subsection (4)* which amends Article 45 to insert new paragraphs (3A), (3B) and (3C). New paragraph (3A) provides that qualifying functions include functions under Part 4 (Support for Children and their Families) and functions under Part 5 (Care and Supervision) or Part 6 (Protection of Children) of the Children Order as specified by the Department in regulations. Under new paragraph (3B), the duty under Article 45(3) also extends to representations (including complaints) made to an authority by any person mentioned in section 4(1) of the Adoption

and Children Act or to any other person the authority considers has sufficient interest in a child who is or may be adopted. New paragraph (3C) provides that it also extends to representations (including complaints) made to an authority by a child with respect to whom a special guardianship order is in force, a special guardian or a parent of such child, or any person the authority considers has sufficient interest in the welfare of such a child to warrant that person's representations to be considered.

Subsection (5) amends Article 45(4) to provide that the requirement to involve an independent person in the complaints procedure is subject to the provisions in new Article 45(5A) that is inserted by *subsection (7)*. New Article 45(5A) enables regulations to be made providing that the requirement for an independent person does not apply in relation to the procedure for any informal resolution stage established in regulations. *Subsection (8)* amends Article 183 (regulations and orders) of the Children Order, by inserting a new paragraph (2A) to provide that regulations under Article 35D(1A) or Article 45(4A) must not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.