

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 132: Independent advocacy services

Section 132 inserts new Article 45A (Independent advocacy services) in the Children Order to place a duty on authorities to make arrangements for assistance to persons who make, or intend to make, representations under Article 35D and to children who make, or intend to make, representations under Article 45 of the Children Order (new *paragraph (1)*). New *paragraph (2)* provides that the assistance to be provided shall include assistance by way of representation.

New *paragraph (3)(a)* provides that the advocacy service must not be provided by a person who is prevented from doing so by regulations made by the Department. This provision will be used to ensure the independence of the service for example, by providing that no person involved in the management of the case in question or in considering the complaint may act as an advocate.

New *paragraph (3)(b)* provides that the arrangements must also comply with any other provision made by the regulations. New *paragraph (4)* provides for authorities to monitor the provision of assistance under this section to ensure that they comply with regulations made for the purposes of paragraph (3) (i.e. ensuring independence). This reflects Article 45(6) of the Children Order. New *paragraph (5)* provides that every authority shall give such publicity to their arrangements for the provision of assistance as they consider appropriate. This reflects Article 45(8) of the Children Order.