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STATUTORY INSTRUMENTS

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**2010 No. 959**

The Care Planning, Placement and Case  
Review (England) Regulations 2010

**PART 8**

Independent reviewing officers and independent visitors

**Additional functions of independent reviewing officers**

**45.**—(1) The IRO must ensure that, having regard to C's age and understanding, C has been informed by the responsible authority of the steps C may take under the 1989 Act and in particular, where appropriate, of—

- (a) C's rights to apply, with leave, for a section 8 order (*residence, contact and other orders with respect to children*) and, where C is in the care of the responsible authority, to apply for the discharge of the care order, and
- (b) the availability of the procedure established by them under section 26(3)<sup>M1</sup> for considering any representations (including complaints) C may wish to make about the discharge by the responsible authority of their functions, including the availability of assistance to make such representations under section 26A<sup>M2</sup> (*advocacy services*).

(2) If C wishes to take legal proceedings under the 1989 Act, the IRO must—

- (a) establish whether an appropriate adult is able and willing to assist C to obtain legal advice or bring proceedings on C's behalf, and
- (b) if there is no such person, assist C to obtain such advice.

(3) In the following circumstances the IRO must consider whether it would be appropriate to refer C's case to an officer of the Children and Family Court Advisory and Support Service—

- (a) in the opinion of the IRO, the responsible authority have failed in any significant respect to—
  - (i) prepare C's care plan in accordance with these Regulations,
  - (ii) review C's case in accordance with these Regulations, or effectively implement any decision taken in consequence of a review,

or are otherwise in breach of their duties to C in any material respect, and

- (b) having drawn the failure or breach to the attention of persons at an appropriate level of seniority within the responsible authority, it has not been addressed to the satisfaction of the IRO within a reasonable period of time.

(4) When consulted by the responsible authority about any matter concerning C, or when informed of any matter relating to C in accordance with these Regulations, the IRO must—

- (a) ensure that the responsible authority have ascertained and, subject to C's age and understanding, given due consideration to, C's wishes and feelings concerning the matter in question, and

(b) consider whether to request a review of C's case.

**Marginal Citations**

- M1** Amended by section 117(2) and (3) of the 2002 Act.
- M2** Inserted by section 119 of the 2002 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Care Planning, Placement and Case Review (England) Regulations 2010, Section 45.