
WELSH STATUTORY INSTRUMENTS

2015 No. 1818

**The Care Planning, Placement and
Case Review (Wales) Regulations 2015**

PART 8

Independent reviewing officers and independent advisers

Additional functions of independent reviewing officers

53.—(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 the 2014 Act and in particular, where appropriate—

- (a) C's right to apply, with leave, for an order under section 8 of the 1989 Act (child arrangements orders 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 it under section 174 of the 2014 Act for considering any representations (including complaints) C may wish to make about the discharge by the responsible authority of its functions, including the availability of assistance to make such representations under section 178 of the 2014 Act.

(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 a Welsh family proceedings officer^{M1}—

- (a) in the opinion of the IRO, the responsible authority has failed in any significant respect—
 - (i) to prepare C's care and support plan in accordance with these Regulations,
 - (ii) to review C's case in accordance with these Regulations, or to implement effectively any decision taken in consequence of a review, or
 - (iii) is otherwise in breach of its duties to C in any material respect, and
- (b) having drawn the failure 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 has ascertained, and, subject to C's age and understanding, given due consideration to, C's views, wishes and feelings concerning the matter in question, and
- (b) consider whether to request a review of C's case.

Status: Point in time view as at 01/09/2022.

Changes to legislation: There are currently no known outstanding effects for the The Care Planning, Placement and Case Review (Wales) Regulations 2015, PART 8. (See end of Document for details)

Marginal Citations

- M1** “Welsh family proceedings officer” is defined in section 197(1) of the 2014 Act as having the meaning given by section 35 of the [Children Act 2004 \(c. 31\)](#).

Qualifications and experience of independent reviewing officers

54.—(1) The IRO must be registered as a social worker in a register maintained by [^{F1}Social Care Wales] or in [^{F2}the register of social workers in England maintained under section 39(1) of the Children and Social Work Act 2017] or in a corresponding register maintained under the law of Scotland or Northern Ireland.

(2) The IRO must have sufficient relevant social work experience with children and families to perform the functions of an independent reviewing officer set out in section 100 of the 2014 Act and under these Regulations in an independent manner and having regard to C's best interests.

(3) The responsible authority must not appoint any of the following as the IRO—

- (a) a person involved in preparing C's care and support plan or the management of C's case,
- (b) R,
- (c) C's personal adviser,
- (d) a person with management responsibilities in relation to a person mentioned in sub-paragraphs (a) to (c), or
- (e) a person with control over the resources allocated to the case.

Textual Amendments

- F1** Words in reg. 54(1) substituted (3.4.2017) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2017 \(S.I. 2017/52\)](#), reg. 1(2), **Sch. 1 para. 33(2)**
- F2** Words in reg. 54(1) substituted (2.12.2019) by [The Children and Social Work Act 2017 \(Consequential Amendments\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1094\)](#), reg. 1, **Sch. 3 para. 38(a)**; S.I. 2019/1436, reg. 2(b)

Independent visitors

55. A person appointed by the responsible authority as an independent visitor under section 98 of the 2014 Act is to be regarded as independent of that authority where the person appointed is not connected with the responsible authority by virtue of being—

- (a) a member of the responsible authority or any of its committees or sub-committees, whether elected or co-opted,
- (b) an officer of the responsible authority employed in the exercise of any of the following functions—
 - (i) the functions conferred on or exercisable by the responsible authority in its capacity as local education authority,
 - (ii) the functions conferred on or exercisable by the responsible authority which are social services functions (within the meaning of Schedule 2 to the 2014 Act so far as those functions relate to children),
 - (iii) the functions conferred on the responsible authority under sections 61 to 63 and 103 to 118 of the 2014 Act (so far as not falling within sub-paragraph (ii)),

- (iv) the functions conferred on the responsible authority by sections 25, 26, 28 and 29 of the Children Act 2004 ^{M2},
- (v) the functions conferred on the responsible authority in accordance with section 33 of the National Health Service (Wales) Act 2006 ^{M3} or section 75 of the National Health Service Act 2006 ^{M4}, or
- (c) a spouse, civil partner or other person (whether of different sex or the same sex) living in the same household as the partner of, a person falling within paragraphs (a) or (b).

Marginal Citations

M2 2004 c. 31. Section 25 was amended by section 39 of and paragraphs 4(1) and 5 of Part 1 of Schedule 3 to the [Offender Management Act 2007 \(c. 21\)](#) (“the 2007 Act). Section 28 was amended by section 39 of and paragraphs 4(1) and 6 of Part 1 of Schedule 3 to the 2007 Act. Section 29 was amended by section 2 of and paragraphs 264 and 267 of Schedule 1 to the [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#).

M3 2006 c. 42.

M4 2006 c. 41.

Status:

Point in time view as at 01/09/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Care Planning, Placement and Case Review (Wales) Regulations 2015, PART 8.