
WELSH STATUTORY INSTRUMENTS

2019 No. 205 (W. 48)

SOCIAL CARE, WALES

**The Arrangements for Assistance for Persons
Making Representations (Wales) Regulations 2019**

<i>Made</i>	- - - -	<i>6 February 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 February 2019</i>
<i>Coming into force</i>	- -	<i>1 April 2019</i>

The Welsh Ministers, in exercise of the powers conferred by section 178(4) to (6) of the Social Services and Well-being (Wales) Act 2014⁽¹⁾, make the following Regulations.

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Arrangements for Assistance for Persons Making Representations (Wales) Regulations 2019.

(2) These Regulations come into force on 1 April 2019.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“young person” (“*person ifanc*”) means a person who is entitled to make representations under section 176 of the Act⁽²⁾.

Persons not permitted to provide assistance

2.—(1) In making arrangements for the provision of assistance to a child or to a young person who is making or intends to make representations under section 174 or 176 of the Act, a local authority may not allow the assistance to be provided by a person who—

(a) is or may be the subject of the representations;

(b) is responsible for the management of a person who is or may be the subject of the representations;

(c) manages the service which is or may be the subject of the representations;

(1) 2014 anaw 4.

(2) The persons who are entitled to make representations under section 176 are set out in subsection (2) of the section. They are category 2, 3, 4, 5, and 6 care leavers and persons under the age of 25 who, if they were under the age of 21, would be (i) category 5 young persons, or (ii) category 6 young persons falling within that category by virtue of section 104(3)(a).

- (d) has control over the resources allocated to the service which is or may be the subject of the representations;
- (e) is or may become involved in the consideration of the representations on behalf of the local authority.

(2) A local authority may not allow the assistance to be provided by a person if the child or young person making or intending to make representations objects to having assistance from that person.

Information to be provided to persons making representations

3. Where a local authority becomes aware that a child or young person intends to make representations under section 174 or 176 of the Act it must—

- (a) provide the child or young person with information about advocacy services⁽³⁾, and
- (b) offer the child or young person help in obtaining an advocate.

Monitoring of compliance with the Regulations

4. A local authority must monitor the steps that it has taken to comply with these Regulations, in particular by keeping a record of each occasion when an advocate provides assistance under arrangements made by the local authority.

6 February 2019

Julie Morgan
Deputy Minister for Health and Social Services,
under authority of the Minister for Health and
Social Services, one of the Welsh Ministers

(3) “Advocacy services” are defined in section 181(2) of the Act as “services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 178(4) and (5) of the Social Services and Well-being (Wales) Act 2014, the Welsh Ministers are required to make regulations to make further provision about a local authority's duty to make arrangements to help children and young persons who want to make representations. This applies to representations by children and young persons about a range of the local authority's social services functions which affect children and young persons.

These Regulations make provision about the categories of persons who, under the local authority's arrangements, may not provide assistance to the child or young person.

When a local authority becomes aware that a child or young person wants to make representations, regulation 3 requires the local authority to provide information about advocacy services and help in obtaining the assistance of an advocate.

Regulation 4 requires a local authority to monitor its compliance with these requirements.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.