

Introduction

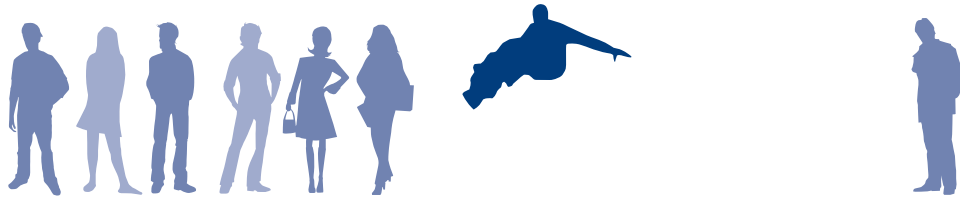
- 12.1** Section 5 of the Children (Leaving Care) Act (NI) 2002 deals with representations and complaints and inserts a new Article 35D into the Children Order. Article 35D requires every HSS Trust to establish a procedure for dealing with complaints, made by young people who qualify for leaving care arrangements, about the way an HSS Trust is carrying out any of its functions in relation to him or her under Part IV of the Children Order.
- 12.2** Article 35D restates and amends the provisions contained in Article 37(1) and (2) of the Children Order (as originally enacted). It allows young people to complain if they consider that the HSS Trust has not given them adequate preparation for leaving care, or adequate aftercare services or support. It enables them to make a complaint even if they have left the care of an HSS Trust. The general complaints procedure specified at Article 45(3) of the Children Order only applies to a young person who is “a child”, i.e. under 18 years of age.

Representations procedure regulations

- 12.3** It is important that young people have swift access to an appeals system that is transparent and easy to understand. The Representations Procedure (Children) Regulations (NI) 1996¹ sets out the procedures that must be followed by the responsible HSS Trust should they receive a representation from a complainant. The Regulations set out the time periods for considering complaints at each of the various stages of the appeal process.
- 12.4** Regulation 12 of the Children (Leaving Care) Regulations (NI) 2005 amends Representations Procedure Regulations by inserting a new Regulation 2A. This provides that where a young person makes a complaint, the responsible HSS Trust must put it in writing and submit it to its complaints officer. The HSS Trust must then try to reach an acceptable solution with the young person. The Trust has 14 days to reach this informal resolution.

1 S.R. 1996 No. 451

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REPRESENTATIONS & COMPLAINTS

- 12.5** The emphasis in all cases should be to ensure that the complaint is resolved informally as quickly as possible. The HSS Trust should seek to discuss the complaint with the young person, take account of his or her point of view, and any submission made on the young person's behalf, and to accommodate the representations made. If they cannot reach an acceptable solution, then they must move to the full complaints system as set out in the Representations Procedure Regulations.
- 12.6** The responsible HSS Trust should continue to provide support to the young person while any appeals process is on-going. If the young person has any particular needs related to impairment, the responsible HSS Trust should make sure that meetings and information are accessible to them.

Advocacy

- 12.7** HSS Trusts should allow young people access to an independent advocacy service at any or all of the stages of the complaints process, whether to help the young person formulate their complaint in the first place or to present their case at any stage of the proceedings.