

**Guidance Circular**

<p><b>Subject:</b>          Guidance on the handling of complaints made in respect of children’s social care services.</p>	<p><b>Circular Reference:</b> FCPD Communication 01/2026  <b>Date of Issue:</b> 05/05/2026</p>
<p><b>For Action by:</b>          Directors of Children’s Services, HSC Trusts          Assistant Directors of Children’s Services, HSC Trusts</p> <p><b>For information to:</b>          Chief Executives, HSC Trusts:          Dr Jennifer Welsh (BHSCT), Suzanne Pullins (Interim) (NHSCT), Roisin Coulter (SEHSCT), Steve Spoerry (Interim) (SHSCT), Neil Guckian (WHSCT).</p> <p>Directors, HSC Trusts:          Kerrylee Weatherall (BHSCT); Marie Louise Sloan (SEHSCT); Tom Cassidy (WHSCT); Colm McCafferty (SHSCT) and Maura Dargan (NHSCT).</p> <p>Department of Health SPPG:          Tracey McCaig, Chief Operating Officer (Interim)          Ciara McKillop, Director, Community Care Directorate (Interim)          Catherine Cassidy, Co Director Community Care          Ciara Quinn, Programme Manager, Children's Social Services          Tracey Sproule, Programme Manager, Partnerships, Emotional Health &amp; Wellbeing, CAMHS &amp; Disability</p>	<p><b>Related documents</b>  <a href="#">The Children (Northern Ireland) Order 1995</a>  <a href="#">The Representations Procedure (Children) Regulations (Northern Ireland) 1996</a>  <a href="#">Northern Ireland Public Sector Ombudsman Model Complaints Handling Procedure</a></p> <p><b>Superseded documents</b>          Not applicable</p> <p><b>Status of contents:</b>          DoH guidance which should be complied with.</p> <p><b>Implementation:</b>          For immediate implementation until further notice.</p> <p><b>Enquiries:</b>          Any enquiries about the content of this Circular should be addressed to:</p> <p>Looked After Children Unit          Family and Children’s Policy Directorate          Department of Health          Room A3.7          Castle Buildings          Stormont Estate          Belfast          Northern Ireland          BT4 3SQ  <a href="mailto:Lookedafterchildren@health-ni.gov.uk">Lookedafterchildren@health-ni.gov.uk</a></p> <p><b>Summary of contents:</b>          In light of the introduction in January 2026 of the Northern Ireland Public Sector Ombudsman’s Model Complaints Handling Procedure, this Circular summarises existing policy, legislation and guidance on the handling of complaints made in respect of children’s social care services.</p>

Dear Colleague

## Introduction

1. The NI Public Services Ombudsman(NIPSO) (with the support of the Department of Health) has prepared a new Health and Social Care [Model Complaints Handling Procedure](#) (MCHP) which came into effect on 1 January 2026.

## Rationale for the Circular

2. The MCHP provides guidance to all HSC organisations on how they should investigate complaints across a range of health and social care services. The purpose of this circular is to provide clarity on when the new model does not apply and when to continue to apply the arrangements set out in the Representations Procedure (Children) Regulations (Northern Ireland) 1996 ('the 1996 Regulations'), made under the provisions of the Children (Northern Ireland) Order 1995 ('the Children Order').
3. This circular also serves to provide a reminder of duties under the 1996 Regulations (**Annex B**) and provides an updated version of those Regulations for reference by all relevant organisations (**Annex A**).

## Scope of the circular

4. This circular applies to any Health and Social Care Trust in Northern Ireland which exercises social care and children's functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991.

## Application of the MCHP to children's social care services

5. The MCHP recognises that some issues may not be suitable for handling through the organisation's general complaints handling procedure (*section 1.1, page 13*).
6. The MCHP also provides a list of matters that are generally not considered complaints for the purposes of the procedure, including:

*"a concern raised internally by a member of staff which was not about a service they received such as a whistleblowing concern, Children Order Representations (including any complaint), or Independent inquiry."*

7. For clarity, it is intended that this wording should not be interpreted to mean that Children Order Representations are only exempt when raised by a member of staff. Instead, the three elements should be read independently of each other, reflecting that any representations made under the Children Order should not be considered complaints for the purposes of the new MDHP. These representations should instead continue to be considered in line with the arrangements set out in 1996 Regulations. Such representations may be made by a range of individuals including the child, a parent, a foster carer, someone acting on behalf of the child etc.
8. Any complaints raised in accordance with the 1996 Regulations should continue to follow the procedure and timescales set within the Regulations.

9. It is recognised that the current wording within the MCHP could be strengthened to provide greater clarity in respect of Children Order representations. The Department has engaged with NIPSO on this matter, with a view to amendments being considered when the document is undergoing a periodic review and revision.


**Timing**

10. This circular is for immediate implementation until further notice.

**Action**

11. You are asked to review the attached copy of The Representations Procedure (Children) Regulations (Northern Ireland) 1996 (**Annex A**) and accompanying summary of requirements for your organisation (**Annex B**).
12. You are also asked to cascade this circular to all relevant staff within your organisation, to ensure that all complaints and representations are being considered within the appropriate framework.

Yours sincerely



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**Martina Moore**  
**Director**  
**Family and Children's Policy**

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 STATUTORY RULES OF NORTHERN IRELAND
 

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1996 No. 451

## CHILDREN

 The Representations Procedure (Children) Regulations  
 (Northern Ireland)

*Made* - - - - - *25th September 1996*

*Coming into operation* *4th November 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 37(2), 45(5) and (6), 75(4) and (5), 105(1) and (2)(1) of, and paragraph 6(2) of Schedule 5 to, the Children (Northern Ireland) Order 1995 and of all other powers enabling it in that behalf, hereby makes the following Regulations:

## PART 1

## Introductory

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Representations Procedure (Children) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations—

“the Order” means the Children (Northern Ireland) Order 1995;

“complainant” means a person falling within Article 34B, 34D, 35 or 35B(3) of the Order making any representations about the discharge of an authority’s functions under Part IV of the Order in relation to him, or a person specified in Article 45(3)(a) to (e) of the Order making any representations;

“independent person” means in relation to representations made to, or treated as being made to, an authority, a person who is neither a member nor a director nor an officer of that authority, nor the spouse or civil partner of any such person;

“panel” means a panel of 3 persons;

“representations” means representations referred to in Article 35D(1) or 45(3) of the Order.

(3) Any notice required under these Regulations is to be given in writing and may be sent by ordinary post.

## PART II

### Representations and their Consideration

#### Authority action

2.—(1) An authority shall appoint one of its officers to assist it in the co-ordination of all aspects of its consideration of representations.

(2) An authority shall take all reasonable steps to ensure that everyone involved in the handling of representations, including independent persons, is familiar with the procedure set out in these Regulations.

#### Local resolution

2A.—(1) Where an authority receives any representation from a person specified in Article 35(D)(1) of the Order it shall—

- (a) provide the person appointed under regulation 2(1) with a written summary of the representation;
- (b) endeavour by informal means to reach a settlement to the satisfaction of the complainant with 14 days; and
- (c) if at the end of 14 days no resolution has been achieved, notify the person appointed under regulation 2(1)

#### Preliminaries

3.—(1) Where

- (a) a person to whom it applies is dissatisfied with the outcome of the procedure set out in regulation 2A; or
- (b) an authority receives representations from any other complainant, except from a person to whom Article 45(3)(e) of the Order may apply,

the authority shall send to the complainant an explanation of the procedure set out in these Regulations, and offer assistance and guidance on the use of the procedure, or give advice on where he may obtain it.

(2) Where oral representations are made, an authority shall forthwith cause them to be recorded in writing, and sent to the complainant, who shall be given the opportunity to comment on the accuracy of the record.

(3) An authority shall consider any comments made by the complainant under paragraph (2) and shall make any amendments to the record which it considers to be necessary.

(4) For the purposes of the following of the following provisions of these Regulations. the written record referred to in paragraph (2), as amended where appropriate in accordance with paragraph (3), shall be deemed to be the representations.

(5) An authority receives representations from a person to whom it considers Article 45(3)(e) of the Order may apply, the authority shall—

- (a) forthwith consider whether the person has a sufficient interest in the child's welfare to warrant his representations being considered by the authority;
- (b) if the authority considers that he has sufficient interest, cause the representations to be dealt with in accordance with the provisions of these Regulations, and send to the complainant an explanation of the procedure set out in the Regulations, and offer assistance and guidance on the use of the procedure, or give advice on where he may obtain it;
- (c) if the authority considers that he has not got a sufficient interest it shall notify him accordingly, and inform him that no further action will be taken;
- (d) if the authority considers it appropriate to do so having regard to his understanding, it shall notify the child of the result of its consideration.

(6) Where paragraph (5)(b) applies, the date at which the authority concludes that the person has a sufficient interest shall be treated for the purposes of these Regulations as the date of receipt of the representations.

### **Appointment of independent person**

4. Where an authority receives representations under regulation 3, it shall appoint an independent person to take part in the consideration of them, unless regulation 3(5)(c) applies.

### **Consideration by authority with independent person**

5.—(1) An authority shall consider the representations with the independent person and formulate a response within 28 days of their receipt.

(2) The independent person shall take part in any discussions which are held by the authority about the action, if any, to be taken in relation to the child in the light of the consideration of the representations.

### **Withdrawal of representations**

6. The representations may be withdrawn at any stage by the person making them.

### **Notification to complainant and reference to panel**

7.—(1) An authority shall give notice within the period specified in regulation 5 to—

- (a) the complainant;
  - (b) if different, the person on whose behalf the representations were made, unless the authority considers that he is not of sufficient understanding or it would be likely to cause serious harm to his health or emotional condition;
  - (c) the independent person;
  - (d) any other person whom the authority considers has sufficient interest in the case,
- of the proposed result of the authority's consideration of the representations and the complainant's right to have the matter referred to a panel under paragraph (2).

(2) If the complainant informs the authority in writing within 28 days of the date on which notice is given under paragraph (1) that he is dissatisfied with the proposed result and wishes the matter to be referred to a panel for consideration of the representations, a panel shall be appointed by the authority for that purpose.

(3) The panel shall include at least one independent person.

(4) The Panel shall meet within 28 days of the receipt by the authority of the complainant's request that the matter be referred to a panel.

(5) At that meeting the panel shall consider—

- (a) any oral or written submissions that the complainant or authority wish to make; and
- (b) if the independent person appointed under regulation 4 is different from the independent person on the panel, any oral or written submissions which the independent person appointed under regulation 4 wishes to make.

(6) If the complainant wishes to attend the meeting of the panel he may be accompanied throughout the meeting by another person of his choice, and may nominate that other person to speak on his behalf.

### **Recommendation**

8.—(1) When a panel meets in accordance with regulation 7, it shall decide on its recommendations and record these with its reasons in writing within 24 hours of the end of the meeting.

(2) The panel shall give notice of its recommendations to—

- (a) the authority;
- (b) the complainant;

- (c) the independent person appointed under regulation 4, if different from the independent person on the panel;
- (d) any other person whom the authority considers has sufficient interest in the case.

(3) The authority shall, together with the independent person appointed to the panel under regulation 7(3), consider what action, if any should be taken in relation to the child in the light of the representation. and that independent person shall take part in any discussions about any such action.

## PART III

### Review of Procedure

#### Monitoring of operation of procedure

9.—(1) Each authority shall monitor the arrangements that it has made with a view to ensuring that they comply with Regulations by keeping a record of each representation received, the outcome of each representation, and whether there was compliance with the time limits specified in regulations 5(1), 7(4) and 8(1).

(2) For purposes of such monitoring, each authority shall, at least once in every period of 12 months, compile a report on the operation in that period of the procedure set out in these Regulations.

(3) The first report referred to in paragraph (2) shall be compiled within 12 months of the date of coming into operation of these Regulations.

## PART IV

### Application to voluntary organisations and Registered Children’s Homes and in Special cases

#### Application to voluntary organisations and registered children’s homes

10.—(1) The provisions of Parts I to III shall apply where accommodation is provided for a child by a voluntary organisation, and he is not looked after by an authority, as if—

- (a) for references to “authority” there were substituted references to “voluntary organisation”;
- (b) for the definition in regulation 1(2) of “complainant” there were substituted—

““complainant” means—

- (a) any child who is being provided with accommodation by a voluntary organisation;
- (b) a parent of his;
- (c) any person who is not a parent of his but who has parental responsibility for him;
- (d) such other person as the voluntary organisation considers has a sufficient interest in the child’s welfare to warrant his representations being considered by them;”;

- (c) for the definition in regulation 1(2) of “independent person” there were substituted—

““Independent person” means in relation to representations made to, or treated as being made to, a voluntary organisation, a person who is not an officer of that voluntary organisation nor a person engaged in any way in furthering its objects, nor the spouse or civil partner of any such person;”;

- (d) for the definition in regulation 1(2) of “representations” there were substituted—

““representations” means representations referred to in Article 75(4) of the Order about the discharge by the voluntary organisation of any of the organisation’s functions relating to Article 76 of the Order and any Regulations made under Article 74(4) of the Order in relation to the child.”; and

- (e) for the reference in regulation 3(1) and (5) to a person to whom Article 45(3)(e) of the Order may apply or whom the authority considers Article 45(3)(e) of the Order may apply, there was substituted a reference to a person who may fall within sub-paragraph (d) in the definition of “complainant” in these Regulations.

(2) The provisions of Parts I to III shall apply where accommodation is provided for a child in a private children’s home, but where the child is neither looked after by an authority nor accommodated on behalf of a voluntary organisation, as if–

- (a) for references to “authority” there were substituted references to “the person carrying on the home”;
- (b) for the definition in regulation 1(2) of “complainant” there were substituted–

““complainant” means–

- (a) any child who is being provided with accommodation in a private children’s home;
  - (b) a parent of his;
  - (c) any person who is not a parent of his but who has parental responsibility for him;
  - (d) such other person as the person carrying on the home considers has a sufficient interest in the child’s welfare to warrant his representations being considered by them;”;
- (c) for the definition in regulation 1(2) of “independent person” there were substituted–

““independent person” means in relation to representations made to a person carrying on a private children’s home, a person who is neither involved in the management or operation of that home nor financially interested in its operation, nor spouse or civil partner of any such person;”;

- (d) for the definition in regulation 1(2) of “representations” there were substituted–

““representations” means any representations (including any complaint) made in relation to the person carrying on the private children’s home by a complainant about the discharge of his functions relating to Article 92 of the Order.”; and

- (e) for the reference in regulation 3(1) and (5) to a person to whom Article 45(3)(e) of the Order may apply or who the authority considers Article 45(3)(e) of the Order may apply, there was substituted a reference to a person who may fall within sub-paragraph (d) in the definition of “complainant” in these Regulations.

### **Exceptions to application of Regulations**

**11.** These Regulations shall not apply to representations made by a child or a person in respect of a child who is being provided with accommodation, otherwise than by an authority or voluntary organisation, in a school (as defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986).

### **Special cases including application to representations by foster parents**

**12.—(1)** Where representations would fall to be considered by more than one authority, they shall be considered by the authority which is looking after the child or by the authority within whose area the child is ordinarily resident where no authority has that responsibility.

(2) The provisions of Part I to III and regulation 12(1), shall apply to the consideration by an authority of any representations (including any complaint) made to the authority by any person exempted or seeking to be exempted under paragraph 4 of Schedule 5 to the Order (foster parents: limits on numbers of foster children) about the discharge of the authority’s functions under that paragraph, as if–

- (a) for the definition in regulation 1(2) of “complainant” there were substituted–

““complainant” means a person exempted or seeking to be exempted under paragraph 4 of Schedule 5 to the Order making any representations;”;

- (b) for the definition in regulation 1(2) of “representations” there were substituted–

““representations” means representations referred to in paragraph 6 of Schedule 5 to the Order.”;

- (c) in regulation 3(1) the words “except from a person to whom Article 45(3)(e) of the Order may apply,” were omitted; and
- (d) regulation 3(5) and (6) were omitted.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations establish a procedure for considering representations (including complaints) made to an authority about the discharge by the authority of any of its functions—

(a) under Part IV of the Children (Northern Ireland) Order 1995 (“the Order”) in relation to a child looked after by it or in need;

(b) where Article 37(1) of the Order applies (representations concerning advice and assistance for certain children aged 18 to 21);

(c) under paragraph 4 of Schedule 5 to the Order (foster parents: limits on number of foster children) in relation to exemption from the usual fostering limit.

The Regulations apply, with modifications, the procedure for considering representations (including complaints) to voluntary organisations and persons carrying on registered children’s homes.

The Regulations make provision to include consideration of representations by an independent person and for reference of representations to a panel which is to make recommendations to the authority, organisation or person carrying on the home.

The Regulations also make provision for a record to be kept of all representations received and their outcome in order to monitor the operation of the procedure and for a report on the operation of the procedure to be prepared every 12 months.

Articles 37(2), 45(5) and (6), 75(4) and (5), 105(1) and (2)(1) of, and paragraph 6(2) of Schedule 5 to, the Order are the enabling provisions under which these Regulations are made. They were brought into operation on 18th July 1996 by virtue of Article 2(1) of, and Schedule 1 to, the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996 (S.R. 1996 No. 297 (C.17)).

**SUMMARY OF DUTIES AND RESPONSIBILITIES FOR HSC TRUSTS IN  
RESPECT OF REPRESENTATIONS MADE UNDER THE CHILDREN  
(NORTHERN IRELAND) ORDER 1995 AND THE REPRESENTATIONS  
PROCEDURE (CHILDREN) REGULATIONS (NORTHERN IRELAND) 1996**

**Making of representations or complaints**

1. The Representations Procedure (Children) Regulations (Northern Ireland) 1996 ('the 1996 Regulations') set out the procedure to be followed in respect of representations (including complaints) in relation to the discharge of the Trust's functions in respect of individual children. Such representations may be made by:
  - a child who being looked after by the Trust or is a child in need;
  - a birth parent of such a child;
  - a person with parental responsibility for such a child;
  - any Trust foster parent (where a child is placed in a foster placement in a different authority the placing authority shall have responsibility for considering representations, in most cases);
  - any other individual who is considered to have a sufficient interest in the child's welfare.
2. Where a representation relating to the care of a specific child or children is received from a person not listed in paragraph (2), but who considers that they have a valid interest in the child's welfare, the Trust must first consider whether the person's interest in the child's welfare is sufficient for the representation to be considered. If so, the representation should be considered in line with arrangements set out in the 1996 Regulations. If not, the Trust must inform the person of their decision. In both cases, the Trust shall notify the child of the outcome of their considerations if they feel it appropriate to do so.
3. Representations (including complaints) may also be in relation to the discharge of the Trust's functions in respect of:
  - a relevant child or former relevant child within the meaning of Article 34B or 34D of the Children (Northern Ireland) Order 1995 ('the Children Order') respectively;
  - a person under the age of 21 qualifying for advice or assistance within the meaning of Article 35 of the Children Order; or
  - a person who is receiving assistance under Article 35B(2) of the Children Order.
4. When such representations as set out in paragraph 3 are received, the 1996 Regulations require Trusts to follow specific procedures for such cases. Each representation must be recorded in writing and the Trust must aim to reach an informal resolution of the representation within 14 days. If the representation

cannot be resolved during that period, it should be taken forward in line with the procedure set down for representations made by other individuals.

### **Initial response to representations and complaints**

5. Trusts are required to have a specific officer appointed to lead on the co-ordination of its consideration of representations, and must ensure that everyone involved in handling of representations is familiar with the established procedure.
6. On receiving a representation from those listed in paragraph (1) above, or those in paragraph (3) who are not satisfied with the outcome of the informal resolution process, the Trust must provide the complainant with a copy of the representations procedure and offer (or signpost to) advice and guidance to the use of the procedure.
7. All representations must be recorded in writing. Where a representation is made orally and recorded in writing by the Trust, the complainant must have the opportunity to comment on the accuracy of the written record.

### **Consideration of representations and complaints**

8. All representations recorded by the Trust must be considered by an individual independent of the matters in the representation. This individual must also be part of the considerations of any action taken in respect of any child impacted by the representation.
9. Within a period of 28 days the Trust must formulate a response to the complainant and inform the complainant or their representative of the proposed response and their right to have their complaint considered by a panel. The complainant then has a further period of 28 days to indicate their wish for the matter to be considered by such a panel.
10. If the complainant requests that their complaint is considered by a panel, the panel must meet within a period of 28 days of the request being received by the Trust and include at least one independent person who may or may not be the same independent person who originally considered the representation.
11. The complainant is entitled to attend the panel and to provide it with oral or written submissions. They may be accompanied by a representative who can speak on their behalf.
12. The panel must reach a decision within 24 hours of the end of its meeting and record its recommendations in writing. These recommendations must be shared with:

- the Trust;
- the independent person who originally considered the complaint, if different from the independent panel member;
- anyone else the Trust considers has sufficient interest in the case.

13. Following consideration by a panel, the Trust and the independent panel member must together consider what action (if any) should be taken in relation to a child impacted by the complaint.

### **Monitoring of representations and complaints**

14. The Trust must record each representation received, the outcome of the representation and whether or not it was addressed within the statutory time scales.

15. The Trust must compile an annual report on the operation of these procedures.