
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 154

The Adoption Agencies (Scotland) Regulations 2009

PART VII

PLACEMENT FOR ADOPTION

Placement for adoption: notification and provision of information

24.—(1) This regulation applies where an adoption agency makes a decision under regulation 8(1) that—

- (a) a prospective adopter is suitable to be an adoptive parent; and
 - (b) the prospective adopter would be a suitable adoptive parent for a particular child.
- (2) The adoption agency must provide the prospective adopter with—
- (a) written information about the child’s background, parentage, health and mental and emotional development;
 - (b) written advice about—
 - (i) the need to inform the child of their adoption and origins;
 - (ii) the rights of adopted persons over 16 to obtain information from the Registrar General under section 55(4) of the Act;
 - (iii) the rights of adopted persons to whom information is disclosed under section 55(4) of the Act to request and receive counselling;
 - (iv) the availability of adoption support services on any problems relating to the adoption; and
 - (c) a copy of the report as to the health of the child obtained under regulation 18(1)(d) and any report obtained under regulation 18(2).
- (3) The adoption agency must provide notification of the placement to—
- (a) the local authority for the area in which the prospective adopter resides if different from the agency making the placement; and
 - (b) the Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(1) which provides services under that Act in the area in which the prospective adopter resides.
- (4) In paragraph (3)—
- (a) “notification” means notification in writing and shall include particulars of the placement;
 - (b) where the adoption agency’s medical adviser considers the child to have a problem of medical significance or additional support needs within the meaning of the Education

(1) 1978 c. 29. Section 2 was amended by the National Health Service and Community Care Act 1990 c. 19, sections 28 and 66(1) and Schedule 9, the National Health Service Reform (Scotland) Act 2004 asp 7, section 11, schedule 1 and the [Smoking, Health and Social Care \(Scotland\) Act 2005 asp 13](#), section 42(1), schedule 2.

(Additional Support for Learning) (Scotland) Act 2004(2) notification as required in paragraph (3) must be made before the placement.

- (5) When the child has been placed for adoption the adoption agency must notify—
- (a) the parent or parents of the child;
 - (b) where the agency considers this to be in the child’s best interests, any parent or parents of the child who do not have parental responsibilities or parental rights if their whereabouts are known to the adoption agency; and
 - (c) the guardian of the child if their whereabouts are known to the adoption agency.
- (6) The adoption agency must send a written report as to the health of the child and the history of the child’s health to the prospective adopter’s registered medical practitioner before the proposed placement together with particulars of the proposed placement.
- (7) In paragraph (5)(a) “parent” means—
- (a) a parent who has any parental responsibilities or parental rights in relation to the child; or
 - (b) a parent who, by virtue of a permanence order granted under section 80 of the Act which does not include provision granting authority for the child to be adopted, has no such responsibilities or rights.

Duties of adoption agency following placement for adoption

25.—(1) Where a child has been placed for adoption by an adoption agency with a prospective adopter the adoption agency must—

- (a) ensure that the child is visited on its behalf within one week of the placement and thereafter on such other occasions as the adoption agency considers necessary in order to supervise the child’s well being; and
- (b) ensure that written reports on such visits are produced and retained on the child’s case record kept in accordance with regulation 27.

(2) The requirement at paragraph (1)(a) will cease to apply where an adoption order is made vesting parental responsibilities and parental rights in relation to the child in the prospective adopter.

Review of child’s case where no placement made within 6 months of permanence order granting authority to adopt being made

26.—(1) This regulation applies where a permanence order granting authority for a child to be adopted has been granted and the child has not been placed for adoption in accordance with the Act and these Regulations after 6 months from the date that permanence order was granted.

(2) The adoption agency on whose application the permanence order was made must carry out a review of the child’s case by complying with the requirements in paragraph (3) as soon as reasonably practicable and thereafter at intervals of not more than 6 months until the child has been placed for adoption.

- (3) The requirements are—
- (a) to consult and take into account the views of—
 - (i) the child, taking account of their age and maturity; and
 - (ii) any person with parental responsibilities or parental rights in respect of the child;
 - (b) to assess—
 - (i) the child’s immediate and long-term needs;

(ii) the reason why no placement has been made; and

(iii) what action, if any, should be taken to safeguard and promote the child's welfare.

(4) Following a review under paragraph (2) the adoption agency must make a written report containing the findings made under paragraph (3) and ensure that the report is produced and retained on the child's case record kept in accordance with regulation 27.