
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 290

**CHILDREN AND YOUNG PERSONS
SOCIAL WORK**

**The Looked After Children (Scotland)
Amendment Regulations 2009**

Made - - - - 13th August 2009
*Laid before the Scottish
Parliament* - - - - 14th August 2009
Coming into force - - 28th September 2009

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 5(2), (3) and (4) of the Social Work (Scotland) Act 1968⁽¹⁾ and sections 17, 31 and 103(2) and (3) of the Children (Scotland) Act 1995⁽²⁾.

Citation and commencement

1. These Regulations may be cited as the Looked After Children (Scotland) Amendment Regulations 2009 and come into force on 28th September 2009.

Amendment of the Looked After Children (Scotland) Regulations 2009

- 2.—(1) The Looked After Children (Scotland) Regulations 2009⁽³⁾ are amended as follows.
- (2) In regulation 33(1)(b) (fostering and kinship care allowances) for “1993” substitute “1995”.
- (3) In regulations 45(1) (review of the child’s case: child placed with kinship carer, foster carer or in a residential establishment) and 46(1) (local authority visits: child in placement) omit “by a local authority”.

(1) 1968 c.49. Subsections (3) to (5) of section 5 were substituted by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 5(4)(d). Subsection (2) of section 5 was substituted by the Children Act 1975 (c.72), Schedule 3, paragraph 49. Subsection (2)(c) of section 5 was substituted by the Local Government etc. (Scotland) Act 1994 (c.39), section 180(1) and Schedule 13, paragraph 76(3)(c), the Children (Scotland) Act 1995 (c.36), section 105(4) and Schedule 4, paragraph 15(4) (c) and is amended by the Adoption and Children (Scotland) Act 2007 (asp 4), section 120(1) and schedule 2, paragraph 2. Subsection (2)(d) of section 5 was repealed by the Children Act 1989 (c.41), section 108(7), Schedule 15. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) 1995 c.36. Section 17 is amended by the Adoption and Children (Scotland) Act 2007, section 120(1) and Schedule 2, paragraph 9. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(3) S.S.I. 2009/210.

- (4) In regulation 48(2) (arrangements with registered fostering services)—
- (a) omit “II, III,” and “XI and XII”;
 - (b) after “VI,” insert “VII,”; and
 - (c) after “VIII” for “,” substitute “and”.
- (5) In Schedule 3 (information as to prospective foster carer or kinship carer and other members of the household and family)—
- (a) in paragraph 1—
 - (i) after “marital” insert “or civil partnership”; and
 - (ii) after “marriage” insert “and civil partnership”;
 - (b) in paragraph 2 after “foster” insert “or kinship”;
 - (c) in paragraph 9 for “relative” substitute “kinship”;
 - (d) in paragraph 11 for “foster” where it second occurs substitute “become a foster or kinship carer”; and
 - (e) in paragraphs 13 and 14 after “foster” where it second occurs in each paragraph insert “or kinship”.
- (6) In paragraph 7 of Schedule 4 (matters and obligations to be covered in foster and kinship placement agreements) at the end insert “or 6”.

St Andrew’s House,
Edinburgh
13th August 2009

ADAM INGRAM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Looked After Children (Scotland) Regulations 2009 (“the 2009 Regulations”) in two main respects.

Regulation 2(4) amends regulation 48(2) of the 2009 Regulations which specifies those functions conferred on local authorities by the 2009 Regulations which may be delegated to registered fostering services. The amendment allows functions specified in Part VII (fostering) of the 2009 Regulations to be delegated whilst removing the power to delegate functions under Parts II (care planning), III (general matters affecting looked after children), XI (case records) and XII (review of child’s case) of the 2009 Regulations. Regulation 2(3) makes amendments which are consequential to that change.

Regulation 2(5) amends Schedule 3 to the 2009 Regulations which prescribes the information as to prospective foster and kinship carers which must be obtained and recorded when such persons are being considered for approval. The amendments add a person’s civil partnership status to the prescribed information and adjust paragraphs 2 and 9 to refer to kinship carers.

Regulation 2(2) amends regulation 33 and 2(6) amends paragraph 7 of Schedule 4 to the 2009 Regulations.