

SCHEDULE 3 CHILDREN AND VULNERABLE ADULTS

PART 1

CHILDREN

Looked after children

- 10 (1) The Looked After Children (Scotland) Regulations 2009 ([S.S.I. 2009/210](#)) (“the 2009 Regulations”) apply in accordance with the modifications in sub-paragraphs (2) to (9).
- (2) Regulation 20(2)(c) (functions of the fostering panel) has effect as if the words “, subject to the placement limit set out in regulation 27A” were repealed.
- (3) Regulation 22(5)(d) (approval of foster carers) has effect as if the words “, subject to the placement limit set out in regulation 27A” were repealed.
- (4) Regulation 27 (placement of child with foster carer) has effect as if—
- (a) paragraph (1)(c) were repealed,
 - (b) after paragraph (2) there were inserted—
 - “(2A) But a local authority may place a child with a foster carer where the terms of the foster carer’s approval regarding the number of children the foster carer may have in their care at any one time are not consistent with the placement, if the authority—
 - (a) considers that it is necessary to do so for a reason relating to coronavirus, and
 - (b) is otherwise satisfied as to the matters mentioned in paragraph (2).”,
 - (c) after paragraph (4) there were inserted—
 - “(5) In paragraph (2A), “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.
- (5) The 2009 Regulations have effect as if regulation 27A (foster carer placement limit) were repealed.
- (6) Regulation 36(1) (emergency placement with carer) has effect as if for “3” there were substituted “5”.
- (7) Regulation 38 (review of emergency placement) has effect as if—
- (a) in paragraph (2), for “3” there were substituted “5”,
 - (b) after paragraph (3) there were inserted—
 - “(3A) A local authority need not carry out a review under paragraph (2) within the period of days mentioned in that paragraph if the authority’s Chief Social Work Officer is satisfied that—
 - (a) placement is in the best interests of the child,
 - (b) placement of the child with that carer is in the best interests of the child, and

Status: This is the original version (as it was originally enacted).

- (c) it is not reasonably practicable for the authority to carry out the review within that period.
- (3B) Where a local authority, in reliance on paragraph (3A), does not carry out a review under paragraph (2) within the period of days mentioned in paragraph (2), the authority must carry out the review as soon as reasonably practicable after the end of that period.
- (3C) In paragraph (3A), “the Chief Social Work Officer”, in relation to a local authority, means the official appointed by the authority under section 3(1) of the Social Work (Scotland) Act 1968.”.
- (8) Regulation 39 (extension of emergency placement) has effect as if—
- (a) in paragraph (1), for “12” there were substituted “24”,
 - (b) in paragraph (2), for “12” there were substituted “24”,
 - (c) in paragraph (3), for “6” there were substituted “12”.
- (9) Regulation 45 (review of child’s case) has effect as if—
- (a) in paragraph (2), after “paragraphs” there were inserted “(2A),”,
 - (b) after that paragraph there were inserted—
 - “(2A) Where the child has been placed with a kinship carer in accordance with regulation 11, the local authority must, by complying with the requirements in paragraph (5), carry out the following reviews of the child’s case—
 - (a) a first review within 3 months of the placement,
 - (b) thereafter subsequent reviews within 6 months from the date of the previous review.”,
 - (c) in paragraph (4), after “(2)” there were inserted “, (2A)”.
- (10) The modifications in—
- (a) sub-paragraphs (6), (7) and (8) do not apply in relation to a child placed under regulation 36(1) of the 2009 Regulations before the day on which this paragraph comes into force,
 - (b) sub-paragraph (9) do not apply in relation to a child placed under regulation 11 of those Regulations before the day on which this paragraph comes into force.