
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART VI

FOSTERING PANELS

Appointment and composition of fostering panels

17.—(1) Each local authority must appoint a panel to be known as the “fostering panel” for the purpose of carrying out the functions conferred on it by regulation 20.

(2) The fostering panel shall consist of at least 6 members.

(3) A fostering panel may be established jointly by any 2 or more local authorities which panel shall be known as a “joint fostering panel” and any reference to a fostering panel in these Regulations shall include a reference to a joint fostering panel.

(4) The persons appointed to a fostering panel shall include a medical adviser appointed by the local authority under regulation 19.

(5) Each local authority must satisfy themselves that the numbers, qualifications and experience of individual members of a fostering panel will enable it effectively to discharge its functions.

(6) Where the local authority are of the opinion that any member of the fostering panel is unsuitable or unable to remain as a member they may terminate membership at any time by giving notice in writing with reasons.

Meetings of the fostering panel

18.—(1) No business shall be conducted by the fostering panel unless at least 3 of its members meet as the panel.

(2) The fostering panel must make a written record of its proceedings and the reasons for its recommendations.

(3) In paragraph (1) “member” does not include any medical adviser or legal adviser.

Appointment of medical and legal advisers

19.—(1) Each local authority must appoint such number of persons with the qualifications specified in paragraph (3) as they consider necessary for the purpose of providing the fostering panel with medical advice in connection with the exercise of its functions.

(2) A local authority may appoint such number of persons with the qualifications specified in paragraph (4) as they consider necessary for the purpose of advising the fostering panel.

(3) The qualifications referred to in paragraph (1) are that the person is a registered medical practitioner.

(4) The qualifications referred to in paragraph (2) are that the person is—

(a) a solicitor; or

- (b) an advocate.
- (5) In paragraph (4)–
- “solicitor” means a person qualified to practice as a solicitor under section 4 of the Solicitors (Scotland) Act 1980^{M1}; and
- “advocate” means a practising member of the Faculty of Advocates.

Marginal Citations

M1 1980 c. 46.

Functions of the fostering panel

20.—(1) The fostering panel must consider the case of every foster carer and prospective foster carer referred to it by the local authority.

(2) The fostering panel must make recommendations on the following matters:–

- (a) whether a prospective foster carer is suitable or continues to be suitable to be a foster carer;
- (b) whether a prospective foster carer would be a suitable foster carer for–
- (i) a particular child or children;
 - (ii) any child; or
 - (iii) certain categories of child;
- (c) the maximum number of children a particular foster carer may have in their care at any one time;^{F1}...
- [^{F2}(d) following a referral under regulation 27B(2), whether the foster carer is a suitable carer for the child, despite this resulting in more than 3 children who are not all siblings of each other remaining in the care of that foster carer at any one time.]

(3) Before making a recommendation under paragraph (2) the fostering panel must give the prospective foster carer the opportunity to meet with the foster panel to discuss the matter.

(4) In carrying out its functions the fostering panel must have regard to–

- (a) the duties imposed on the local authority by section 17(1) of the 1995 Act;
- (b) all the information and reports passed to it.
- [^{F3}(c) the presumption that no more than 3 children are to be in the care of a foster carer at any one time, unless all the children are siblings of each other.]

Textual Amendments

- F1** Words in reg. 20(2)(c) omitted (31.3.2021) by virtue of The Looked After Children (Scotland) Amendment Regulations 2021 (S.S.I. 2021/103), regs. 1(4), **3(6)(a)(i)**
- F2** Reg. 20(2)(d) inserted (31.3.2021) by The Looked After Children (Scotland) Amendment Regulations 2021 (S.S.I. 2021/103), regs. 1(4), **3(6)(a)(ii)**
- F3** Reg. 20(4)(c) inserted (31.3.2021) by The Looked After Children (Scotland) Amendment Regulations 2021 (S.S.I. 2021/103), regs. 1(4), **3(6)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009, PART VI.