

SCHEDULE 3

EXCLUSIONS OF SECTION 4(2)(a) AND (b) OF THE ACT

Adoption and fostering

5.—(1) Any question asked by or on behalf of any person for the purpose of assessing, investigating, reviewing or confirming the suitability of any person to adopt children in general or a child in particular, in the circumstances set out in sub-paragraph (3).

(2) Any question asked by or on behalf of any person for the purpose of assessing, investigating, reviewing or confirming the suitability of any person to—

(a) be a foster carer (within the meaning of section 96 of the 2007 Act); or

(b) be a host parent (within the meaning of paragraph 11A(1) of schedule 2 to the 2007 Act), in the circumstance set out in sub-paragraph (3)(b).

(3) The circumstances are that—

(a) the question relates to the person whose suitability is being assessed, investigated, reviewed or confirmed; or

(b) the question relates to a person over the age of 16 residing in the same household as the person whose suitability is being assessed, investigated, reviewed or confirmed.

(4) Any question asked in order to assess the suitability of an individual seeking appointment as a member of—

(a) an adoption panel or joint adoption panel under regulation 3 or 5 of the Adoption Agencies (Scotland) Regulations 2009(2); or

(b) a fostering panel or joint fostering panel under regulation 17 or 19 of the Looked After Children (Scotland) Regulations 2009(3).

(1) Paragraph 11A of Schedule 2 was added by Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Children) Order 2010 (S.S.I. 2010/240), article 7.

(2) S.S.I. 2009/154.

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