
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART II

CARE PLANNING

Information to be obtained by the local authority in respect of a child to be or being looked after by them

3.—(1) This regulation applies where a child is looked after or about to be looked after by a local authority in terms of section 17(6) of the 1995 Act.

(2) The local authority must—

- (a) carry out the assessment in accordance with regulation 4; and
- (b) so far as is reasonably practicable comply with the requirements in paragraph (3).

(3) The requirements are—

- (a) to obtain and record in writing the information relating to the child specified in Schedule 1; and
- (b) to obtain a written assessment of the child's health and their need for health care by a registered medical practitioner or a registered nurse.

(4) The requirement at paragraph (3)(b) does not apply where an assessment of the child's health and their need for health care has already been made by a registered medical practitioner or a registered nurse within a period of 3 months immediately preceding the date the child began to be looked after by the local authority.

Assessment

4.—(1) The local authority must make an assessment of—

- (a) the child's immediate needs and how those needs can be met;
- (b) the child's long term needs and how those needs can be met;
- (c) proposals for safeguarding and promoting the child's welfare;
- (d) proposals for making sustainable and long term arrangements for the care of the child;
- (e) the nature of the services proposed for the child in the immediate and long term with particular regard to the information specified in Schedule 1;
- (f) alternative courses of action including the possibility of making an arrangement in accordance with regulation 8 or approving a person as a kinship carer;
- (g) whether the local authority should seek a change in the child's legal status;
- (h) the arrangements which require to be made for the time when the child will no longer be looked after by the local authority;

- (i) the existing health arrangements for the child and whether there is a need to change such arrangements taking into account the information specified in paragraph 9 of Schedule 1;
 - (j) having regard to the information specified in paragraph 10 of Schedule 1, the child's educational needs, the proposals for meeting those needs, and the proposals for achieving continuity in the child's education;
 - (k) the child's religious persuasion and the need for the child to continue to be brought up in accordance with their religious persuasion; and
 - (l) any other matter relating to the welfare of the child either in the immediate or long term as appears to the local authority to be relevant.
- (2) In making an assessment under paragraph (1) the local authority must, where appropriate, seek and take into account the views of—
- (a) the child, taking account of their age and maturity;
 - (b) the child's parents;
 - (c) any person with parental responsibilities or parental rights in respect of the child; and
 - (d) any other person as the authority considers appropriate.
- (3) Where the local authority are considering placing the child with a kinship carer in accordance with regulation 11 or a foster carer in accordance with regulation 27 they must, in addition to the assessment at paragraph (1) make an assessment of the contact arrangements with the child's parents, their family, any person with parental responsibilities or parental rights and any other specified person and whether such arrangements should be changed.
- (4) Where the local authority are considering placing a child in a residential establishment they must, in addition to the assessment at paragraph (1), carry out the assessment specified in paragraph (3) and make an assessment of whether that particular placement is appropriate for the child's needs taking into account the residential establishment's statement of functions and objectives.
- (5) Where—
- (a) paragraph (3) or (4) applies; and
 - (b) any other child in the same family is looked after or about to be looked after,
- the local authority must, in making their assessment take into account the need to ensure, where practical and appropriate, that those children are placed with the same carer or in the same residential establishment or in homes as near together as is appropriate or practicable.
- (6) In paragraph (3) "specified person" means any person who is specified as having contact with the child in any court order or any order granted by a children's hearing.

Child's plan

5.—(1) Following an assessment made under regulation 4 the local authority must prepare a plan to be known as the "child's plan" in respect of the child.

(2) Before preparing the child's plan the local authority must, so far as is reasonably practicable and consistent with the best interests of the child, consult with—

- (a) the child, taking account of their age and maturity;
- (b) the child's parents;
- (c) any person with parental responsibilities or parental rights in respect of the child;
- (d) any person who ordinarily has charge of or control over the child;
- (e) any person, of whom the local authority are aware, who has had—
 - (i) parental responsibilities or parental rights in respect of the child; and

- (ii) charge of or control over the child; and
 - (f) any other person as the authority consider appropriate.
- (3) The child's plan must include—
- (a) the assessments and findings made by the local authority under regulation 4;
 - (b) arrangements concerning the matters specified in Part I of Schedule 2;
 - (c) in each case where the local authority are considering placing or have placed the child with a kinship carer in accordance with regulation 11, with a foster carer in accordance with regulation 27 or in a residential establishment arrangements concerning the matters specified in Part II of Schedule 2;
 - (d) the nature of services proposed for any person to ensure the arrangements concerning the matters specified in Part I or II of Schedule 2 are met;
 - (e) the health assessment referred to in regulation 3.
- (4) The local authority must provide a copy of the child's plan to—
- (a) the child where, taking account of the child's age and maturity, the local authority consider that the child is capable of understanding the purpose and effect of the child's plan;
 - (b) the child's parents;
 - (c) any person with parental responsibilities or parental rights in respect of the child; and
 - (d) any person who ordinarily has charge of or control over the child.
- (5) The requirements under paragraph (4)(b) or (c) do not apply where the local authority are of the view that, taking into account their duties under section 17 of the 1995 Act and the terms of any permanence order, supervision requirement or order or warrant granted under Part II of the 1995 Act, it would not be in the child's interest for a copy of the child's plan to be given to that person.