
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART IX

LOOKED AFTER CHILDREN PLACED IN RESIDENTIAL ESTABLISHMENTS

Child placed in a residential establishment: notification

34.—(1) Where a local authority place a child who is looked after by them in terms of section 17(6) of the 1995 Act in a residential establishment they must, as soon as reasonably practicable, provide notification of the placement to—

- (a) the local authority for the area in which the residential establishment is located if different from the authority making the placement;
- (b) the Health Board which provides services in the area in which the residential establishment is located;
- (c) each parent of the child; and
- (d) any person with any parental responsibilities or parental rights in relation to the child.

[^{F1}(1A) Where the child is subject to a compulsory supervision order or interim compulsory supervision order, the local authority must provide notification of the placement to—

- (a) the Principal Reporter; and
- (b) the child's relevant person.]

(2) The requirement under [^{F2}paragraphs (1)(c) and (d) and (1A)] does not apply in respect of any parent or person with parental responsibilities or parental rights who has already received a written copy of the child's care plan under regulation 5.

(3) Notification under paragraph (1)(c) and (d) must not be given to a person—

- (a) where the local authority are of the view that, taking into account their duties under section 17 of the 1995 Act, it would not be in the child's interests for notification to be given to that particular person;
- (b) where a permanence order, [^{F3}an exclusion order or any order or warrant made by the children's hearing or the sheriff under the 2011 Act] specifies that the place at which the child is to reside must not be disclosed to that particular person.

(4) In this regulation “notification” means notification in writing and shall include particulars of the placement.

Textual Amendments

- F1** Reg. 34(1A) inserted (24.6.2013) by [The Childrens Hearings \(Scotland\) Act 2011 \(Modification of Subordinate Legislation\) Order 2013 \(S.S.I. 2013/147\)](#), art. 1, [sch. para. 11\(13\)\(a\)](#); S.S.I. 2013/195, [arts. 2, 3](#)

Status: Point in time view as at 26/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009, PART IX. (See end of Document for details)

- F2** Words in reg. 34(2) substituted (24.6.2013) by The Childrens Hearings (Scotland) Act 2011 (Modification of Subordinate Legislation) Order 2013 (S.S.I. 2013/147), art. 1, **sch. para. 11(13)(b)**; S.S.I. 2013/195, **arts. 2, 3**
- F3** Words in reg. 34(3)(b) substituted (24.6.2013) by The Childrens Hearings (Scotland) Act 2011 (Modification of Subordinate Legislation) Order 2013 (S.S.I. 2013/147), art. 1, **sch. para. 11(13)(c)**; S.S.I. 2013/195, **arts. 2, 3**

Child placed in residential establishment: information to be supplied

35. Where a local authority place a child who is looked after by them in terms of section 17(6) of the 1995 Act in a residential establishment, that authority must—

- (a) provide the person in charge of the residential establishment with—
- (i) written information about the child's background, educational needs, health and mental and emotional development; and
 - (ii) any other information which the local authority consider relevant to the placement including the views of the child having regard to the child's age and maturity;
- (b) agree with the person in charge of the residential establishment arrangements for—
- (i) ensuring that the child's welfare is safeguarded and promoted;
 - (ii) ensuring that the child receives such provision for their development and control as is conducive to their best interests;
 - (iii) contact between the child and their family [^{F4}including any sibling of the child]; and
 - (iv) ensuring that the child receives adequate and efficient education.

Textual Amendments

- F4** Words in reg. 35(b)(iii) inserted (26.7.2021) by The Looked After Children (Scotland) Amendment Regulations 2021 (S.S.I. 2021/103), regs. 1(3), **3(10)**

Status:

Point in time view as at 26/07/2021.

Changes to legislation:

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