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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 210**

**The Looked After Children (Scotland) Regulations 2009**

**PART XII**

**REVIEW OF CHILD'S CASE**

**Review of child's case: child cared for by parents or persons with parental responsibilities and parental rights**

**44.**—(1) This regulation applies where a child is looked after by a local authority in terms of section 17(6) of the 1995 Act and is cared for by their parents or any person with parental rights and parental responsibilities in respect of the child by virtue of—

- (a) an arrangement made in accordance with regulation 8; or
- (b) a permanence order.

(2) The local authority must review the child's case by complying with the requirements in paragraph (3).

(3) The requirements are—

- (a) to consult and take into account the views of—
  - (i) the child, taking account of the child's age and maturity;
  - (ii) the child's parents; and
  - (iii) any person with parental responsibilities or parental rights in respect of the child;
- (b) to assess—
  - (i) the child's needs and how those needs are being met;
  - (ii) the child's long term needs and how those needs are being or can be met;
  - (iii) whether the child's welfare is being safeguarded and promoted;
  - (iv) the child's development;
  - (v) whether the accommodation is suitable for the child; and
  - (vi) the child's educational needs and whether those needs are being met.

(c) to consider any written report made in accordance with regulation 46(4).

(4) Following a review of the child's case the local authority must—

- (a) record in writing—
  - (i) information obtained in respect of the review;
  - (ii) details of the proceedings at any meeting arranged by the authority at which the child's case is considered in connection with any aspect of the review of that case; and
  - (iii) details of any decisions or arrangements made in the course of or as a result of the review; and

*Status: Point in time view as at 02/06/2014.*

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

- (b) revise the child's plan prepared under regulation 5 to take account of the outcome of the review.
- (5) The local authority must agree the frequency of reviews with—
  - (a) the child, taking account of the child's age and maturity; and
  - (b) the person caring for the child.
- (6) Where no agreement is reached under paragraph (5) the local authority must carry out the following reviews of the child's case:—
  - (a) a first review within 6 weeks of the placement; and
  - (b) thereafter subsequent reviews within 12 months of the previous review.

**Review of the child's case: child placed with kinship carer, foster carer or in a residential establishment**

- 45.**—(1) This regulation applies where a child has been placed <sup>F1</sup>...—
- (a) with a kinship carer in accordance with regulation 11;
  - (b) with a foster carer in accordance with regulation 27;
  - (c) by virtue of regulation 39(1); or
  - (d) in a residential establishment.
- (2) Subject to paragraphs (3) and (4) 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 6 weeks of the placement;
  - (b) a second review within 3 months from the date of the first review; and
  - (c) thereafter subsequent reviews within 6 months from the date of the previous review.
- (3) Where regulation 14 or 30 applies or the child has been placed by virtue of regulation 39(1), 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 from, where regulation 14 or 30 applies, the date on which the placement was first made and, where regulation 39(1) applies, the date of the review required by regulation 39(3); and
  - (b) thereafter subsequent reviews within 6 months from the date of the previous review.
- (4) Notwithstanding paragraphs (2) and (3) a review must be carried out—
- [<sup>F2</sup>(a) prior to the implementation authority requiring, by notice to the Principal Reporter, a review of a compulsory supervision order under section 131 of the 2011 Act;]
  - (b) prior to an application by the local authority for a permanence order; and
  - (c) where practicable, under any other circumstances when a children's hearing is convened under the [<sup>F3</sup>2011 Act] to consider the case of a child.
- (5) The requirements are—
- (a) to consult and take into account the views of—
    - (i) the child, taking account of the child's age and maturity;
    - (ii) the kinship carer, foster carer or manager of any residential establishment where the child has been placed; and
    - (iii) any person with any parental responsibilities or parental rights in respect of the child;
  - (b) to assess—

- (i) the child's needs and how those needs are being met;
  - (ii) the child's long term needs and how those needs are being or can be met;
  - (iii) whether the child's welfare is being safeguarded and promoted;
  - (iv) the child's development;
  - (v) whether the accommodation is suitable for the child;
  - (vi) the child's educational needs and whether those needs are being met.
- (c) to consider any written report made in accordance with regulation 46(4).
- (6) Following a review of the child's case the local authority must—
- (a) record in writing—
    - (i) information obtained in respect of the review;
    - (ii) details of the proceedings at any meeting arranged by the authority at which the child's case is considered in connection with any aspect of the review of that case; and
    - (iii) details of any decisions or arrangements made in the course of or as a result of the review; and
  - (b) revise the child's plan prepared under regulation 5 to take account of the outcome of the review.

#### Textual Amendments

- F1** Words in reg. 45(1) omitted (28.9.2009) by virtue of [The Looked After Children \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/290\)](#), regs. 1, **2(3)**
- F2** Reg. 45(4)(a) substituted (2.6.2014) by [The Children s Hearings \(Scotland\) Act 2011 \(Modification of Subordinate Legislation\) Order 2014 \(S.S.I. 2014/112\)](#), art. 1, **sch. para. 2(2)(a)**
- F3** Words in reg. 45(4)(c) substituted (2.6.2014) by [The Children s Hearings \(Scotland\) Act 2011 \(Modification of Subordinate Legislation\) Order 2014 \(S.S.I. 2014/112\)](#), art. 1, **sch. para. 2(2)(b)**

#### Local authority visits: child in placement

- 46.**—(1) This regulation applies where a child has been placed <sup>F4</sup>...—
- (a) with a kinship carer in accordance with regulation 11;
  - (b) with a foster carer in accordance with regulation 27;
  - (c) by virtue of regulation 39(1); or
  - (d) in a residential establishment.
- (2) The local authority must ensure that the child and their carer are visited on their behalf—
- (a) within one week of the placement being made; and
  - (b) thereafter at intervals of not more than 3 months from the date of the previous visit.
- (3) Without prejudice to the duty at paragraph (2) the local authority must ensure that the child and their carer are visited on their behalf—
- (a) on any occasion where the local authority consider it necessary or appropriate to safeguard or promote the welfare of the child;
  - (b) where paragraph (1)(a) or (b) applies on any occasion where the local authority consider it necessary or appropriate to provide support and assistance to the child's carer for the purpose of safeguarding or promoting the welfare of the child; and
  - (c) where reasonably requested to do so by the child or their carer.

*Status: Point in time view as at 02/06/2014.*

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(4) The local authority must ensure that written reports are produced recording the visits made in accordance with paragraph (2) or (3).

(5) In this regulation “carer” means, in relation to the child—

- (a) the kinship carer with whom the child has been placed in accordance with regulation 11;
- (b) the foster carer with whom the child has been placed in accordance with regulation 27;
- (c) the person with whom the child is placed by virtue of regulation 39(1); or
- (d) the manager of the residential establishment at which the child has been placed.

#### **Textual Amendments**

- F4** Words in [reg. 46\(1\)](#) omitted (28.9.2009) by virtue of [The Looked After Children \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/290\)](#), regs. 1, **2(3)**

#### **Termination of placement**

**47.—**(1) Where, for any reason, it appears to a local authority that it is no longer in a child's best interests to remain in a placement the local authority must make arrangements to terminate the placement as soon as is practicable.

(2) Where a local authority terminates a placement under paragraph (1) they must immediately notify any person, local authority or Health Board who received notification of the placement under regulation 13, 29 or 34.

(3) In this regulation a child is in a placement where that child is—

- (a) being cared for under arrangements made in accordance with regulation 8;
- (b) placed with a kinship carer under regulation 11;
- (c) placed with a foster carer under regulation 27;
- (d) placed with a carer in an emergency under regulation 36 or 39; or
- (e) otherwise provided with accommodation by a local authority under section 25 of the 1995 Act.

**Status:**

Point in time view as at 02/06/2014.

**Changes to legislation:**

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