
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART VII

FOSTERING

Reviews and termination of approval

25.—(1) Where a local authority have made a decision to approve a foster carer that authority must, by complying with the requirements in paragraph (2), carry out a review of the foster carer's approval—

- (a) within 12 months of the day the decision to approve the foster carer was made under regulation 22(3), 23 ^[F1], 26(8) or 27B(4);
- (b) thereafter subsequent reviews within 3 years of the previous review; and
- (c) whenever paragraph (8) applies.

(2) The requirements are—

- (a) to refer the case to the fostering panel for a recommendation on whether the foster carer continues to be a suitable person with whom to place a child or children;
- (b) to consider—
 - (i) whether the foster carer continues to be a suitable person with whom to place a child or children;
 - (ii) the development of the foster carer during the appropriate period; and
- (c) to consult and take into account the views of—
 - (i) the child, taking account of their age and maturity;
 - (ii) the foster carer;
 - (iii) any local authority which placed a child with the foster carer within the appropriate period or at any time where that placement has not been terminated.

(3) On the review of the approval of the foster carer the local authority may—

- (a) vary the terms of the approval;
- (b) terminate the approval; or
- (c) confirm the decision to approve a person as a foster carer.

(4) Where a foster carer notifies the local authority that they no longer wish to act as a foster carer or the local authority are otherwise satisfied that this is the case the authority must terminate the approval.

(5) Following a review the local authority must—

- (a) record in writing a report of the review which must include—
 - (i) information obtained in respect of the review;

- (ii) details of the proceedings at any meeting arranged by the authority at which the approval of the foster carer is reviewed;
 - (iii) details of any decisions or arrangements made in the course of or as a result of the review; and
- (b) give notice of the decision made under paragraph (3) to–
- (i) the foster carer;
 - (ii) any other local authority which have approved the foster carer.
- (6) Where a local authority have approved a foster carer under regulation 23 they must, on receiving any notice under paragraph (5)(b)–
- (a) vary or terminate their approval in accordance with any revision or determination made under paragraph (3) or 26(8); and
 - (b) give notice to the foster carer of any variation or termination of approval made under sub-paragraph (a).
- (7) In paragraph (2) “appropriate period” means the period ending 12 months from the day the decision to approve the foster carer was made under regulation 22(3), 23 or 26(8).
- (8) This paragraph applies where the local authority consider that a review of the foster carer's approval is necessary or appropriate to safeguard the welfare of any child who has been placed with that carer.

Textual Amendments

- F1** Words in [reg. 25\(1\)\(a\)](#) substituted (31.3.2021) by [The Looked After Children \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/103\)](#), regs. 1(4), [3\(7\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009, Section 25.