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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

- (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.