
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART XII

REVIEW OF CHILD'S CASE

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 ^{F1}...—

- (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—

[^{F2}(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 [^{F3}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)**

Changes to legislation:

There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009, Section 45.