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STATUTORY INSTRUMENTS

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**1996 No. 3266**

**The Adoption Agencies (Scotland) Regulations 1996**

**Adoption agency decisions and notifications**

**12.—(1)** An adoption agency shall make a decision within 14 days from the date of the recommendation of the adoption panel, on a matter referred to in regulations 11(1)(a), (b) or (c) and only after taking into account the relevant recommendation of that adoption panel.

(2) An adoption agency shall record in writing its reasons for any decision under paragraph (1) which is contrary to a recommendation of the adoption panel.

(3) Within 7 days from the date of a decision under paragraph (1) the adoption agency shall, as appropriate, notify in writing—

- (a) the parents of the child, including where the adoption agency considers this to be in the child's interests, the father or mother of a child who is a parent in terms of section 15(1) of the 1995 Act but does not have parental responsibilities, or the guardian of the child if their whereabouts are known to the adoption agency, of its decision as to whether it considers adoption to be in the best interests of the child;
- (b) the persons to be notified under sub-paragraph (a) of its decision as to whether an application under section 18 of the Act should be made to free the child for adoption;
- (c) the prospective adopter of its decision as to whether it considers him to be suitable to be an adoptive parent; and
- (d) the prospective adopter of its decision as to whether he would be suitable as such for a particular child.

(4) As soon as is reasonably practicable after making a decision under paragraph (1) that adoption is not likely to best meet the needs of the child as there is some better, practicable alternative, or that an application under section 18 of the Act would be in the child's best interests, or after deciding that the agreement mentioned in regulation 14(1)(d) is not forthcoming, an approved adoption society shall take such steps, if any, in relation to the case as they consider appropriate and in the interests of the child.

(5) A local authority referring the case of a child subject to a supervision requirement to the Principal Reporter under section 73(4)(c)(ii) or (iii) of the 1995 Act or section 22A of the Act shall not do so until it is in a position to proceed under regulation 15(1) or 15(2), and shall do so in the form set out in Schedule 3 or in form to like effect.