



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 6

INTERPRETATION

96 Fostering

- (1) For the purposes of this Act, a “foster carer”, in relation to a child, is an individual other than a parent of the child—
- (a) with whom the child has been placed under section 26(1)(a) (placement by councils) of the Children (Scotland) Act 1995 (c. 36) (“the 1995 Act”),
 - (b) who looks after the child in pursuance of arrangements made by a council under 26(1)(c) (arrangements for accommodating children) of the 1995 Act,
 - (c) who—
 - (i) maintains the child as a foster child for the purposes of the Foster Children (Scotland) Act 1984 (c. 56), or
 - (ii) otherwise looks after the child in circumstances in which that Act applies by virtue of section 17 of that Act, or
 - (d) who looks after the child in pursuance of—
 - (i) a permanence order, or
 - (ii) a [F¹ compulsory supervision order].
- (2) A foster carer is to be treated as doing work for—
- (a) in the case of a foster carer of the type described in subsection (1)(a), the council which placed the child with that foster carer under section 26(1)(a) of the 1995 Act,
 - (b) in the case of a foster carer of the type described in subsection (1)(b) or (c), any person who—
 - (i) made arrangements with the foster carer in pursuance of which the foster carer looks after the child, and
 - (ii) has power to terminate those arrangements,

Status: Point in time view as at 24/06/2013. This version of this provision has been superseded.

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Section 96 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date.

Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) in the case of a foster carer of the type described in subsection (1)(d)(i), the council which has the right to regulate the child's residence,
 - (d) in the case of a foster carer of the type described in subsection (1)(d)(ii), the council in whose area the child is looked after.
- (3) Sections 34 to 37 do not apply in relation to work as a foster carer where the work is done in pursuance of —
- (a) a permanence order which vests any parental responsibility or parental right in the foster carer, or
 - (b) a [^{F2} compulsory supervision order].
- (4) Subsections (2) to (7) of section 95 do not apply in relation to work as a foster carer.
- (5) References in section 3 to dismissing an individual doing regulated work are, in relation to foster carers, to be read as references to terminating the fostering arrangements concerned.
- (6) References in this section to looking after a child in pursuance of a permanence order are references to looking after a child in consequence of the exercise by the council to which the order relates of its right to regulate the child's residence.
- (7) References in this section to the council's right to regulate a child's residence are references to the parental right vested in the council by virtue of section 81(1)(b) of the Adoption and Children (Scotland) Act 2007 (asp 4) (mandatory provision in permanence order).
- (8) In this section—
- [^{F3} “compulsory supervision order” has the meaning given by section 83 of the Children’s Hearings (Scotland) Act 2011 (asp 1),]
 - “parental responsibilities” and “parental rights” have the same meaning as they have in the 1995 Act,
 - “permanence order” means an order made under section 80(1) of the Adoption and Children (Scotland) Act 2007 (asp 4),
- ^{F4}
...

Textual Amendments

- F1** Words in s. 96(1)(d)(ii) substituted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 18(2)(a)**
- F2** Words in s. 96(3)(b) substituted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 18(2)(a)**
- F3** Words in s. 96(8) inserted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 18(2)(b)**
- F4** Words in s. 96(8) repealed (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 2**

Commencement Information

- I1** S. 96 in force at 28.2.2011 by [S.S.I. 2011/157](#), art. 2(a)

Status:

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Changes to legislation:

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