



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 1

##### THE ADOPTION SERVICE

###### *Adoption support services*

### **9 Assessment of needs for adoption support services**

- (1) A local authority—
  - (a) must, on the request of a person mentioned in any of paragraphs (a) to (i) of subsection (3) of section 1, make an assessment of the needs of the person for adoption support services,
  - (b) may, on the request of a person mentioned in paragraph (j) of that subsection, make an assessment of the needs of the person for such services.
- (2) Where a local authority makes an assessment of the needs of a person for adoption support services under subsection (1), the authority must decide whether the needs of the person call for the provision of such services.
- (3) A local authority making an assessment of needs under subsection (1) must—
  - (a) do so in such manner as may be prescribed by regulations made by the Scottish Ministers, and
  - (b) have regard to such matters as may be so prescribed.

## **10 Provision of services**

- (1) On the request of a person mentioned in subsection (3) of section 1, a local authority must provide adoption services of a type mentioned in paragraph (d) of subsection (4) of that section to the person.
- (2) On the request of a person mentioned in paragraph (a), (c) or (g) of subsection (3) of section 1, a local authority—
  - (a) must provide adoption services of a type mentioned in paragraphs (a) to (c) of subsection (4) of that section to the person, and
  - (b) may, without prejudice to subsection (4)(a), provide adoption support services to the person.
- (3) For the purposes of subsection (2), it is immaterial whether the local authority has made an assessment of the needs of the person under section 9(1)(a).
- (4) Where a local authority decides under section 9(2) that the provision of adoption support services is called for in respect of—
  - (a) a person mentioned in any of paragraphs (a) to (i) of subsection (3) of section 1, the authority must provide the services to the person,
  - (b) a person mentioned in paragraph (j) of that subsection, the authority may provide the services to the person.

## **11 Urgent provision**

- (1) If in the opinion of a local authority a person mentioned in subsection (3) of section 1 requires adoption support services as a matter of urgency, nothing in section 9 prevents the authority from providing, or arranging for the provision of, those services for the person without first carrying out an assessment under that section of the person's needs for adoption support services.
- (2) If by virtue of subsection (1) a local authority provides, or arranges for the provision of, adoption support services the authority must, as soon as is reasonably practicable after such provision, make an assessment of the person's needs for adoption support services.

## **12 Power to provide payment to person entitled to adoption support service**

- (1) Subsection (2) applies where a local authority—
  - (a) has, in respect of a person, an obligation to provide, or secure the provision of, an adoption support service under this Part, or
  - (b) has a power so to provide and determines it should provide.
- (2) Subject to subsection (4), the authority may, after having regard to the matters mentioned in subsection (3), provide the person with a payment instead of the service.
- (3) Those matters are—
  - (a) the person's eligibility for assistance from any other body,
  - (b) where the person is so eligible, the availability to the person of that assistance at the time when the service might have been provided to the person by the authority,
  - (c) the ability of the authority to provide, or secure the provision of, the service, and

- (d) the person’s need for the service.
- (4) A payment under subsection (2) may be made subject to such conditions (including conditions as to repayment) as the authority considers reasonable.
- (5) In imposing conditions under subsection (4), the authority must have regard to the person’s eligibility for assistance from any other body.