

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 4

Adoption Support Plans

Section 49 - Reassessment of needs for adoption support services

182. Where an adoption support plan is in force, subsection (2) provides that any member of a relevant family aged 12 or over may request that a local authority carry out a reassessment of that person's need for adoption support services.
183. Subsection (3) places a duty on local authorities, following a reassessment, to decide whether or not there is a need for adoption support services.
184. Subsection (4) requires a local authority to provide adoption support services where they consider there is a need.
185. Subsection (5) places a duty on a local authority which is providing adoption support services by virtue of subsection (4) to vary the adoption support plan to reflect any changes in the support that will be provided.
186. Other than the persons with whom a child has been placed for adoption or who have adopted a child, subsection (6) allows a member of a relevant family to request a reassessment of their need for adoption support services only if they are capable of understanding the need for such services. This ensures that anyone, including a child, is able to request a reassessment, but only if the person is capable of understanding the need for adoption support services. Persons with whom a child has been placed or who have adopted a child are unaffected by this provision and have an absolute right to request a reassessment of needs.
187. Subsection (7) provides that where a local authority is making a reassessment of needs it should do so in such a manner and having regard to such matters as are prescribed by regulations made by the Scottish Ministers. Subsection (8) makes the same provision as subsection (5) of section 48 in relation to the meaning of "relevant member" and "reassessment of needs".