



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 4

##### ADOPTION SUPPORT PLANS

###### *Adoption support plans*

#### **45 Adoption support plans**

- (1) This section applies where—
- (a) a local authority has, by virtue of section 9(1), assessed the needs of a person for adoption support services and decides that the provision of such services is called for in respect of the person, and
  - (b) the person is a member of a relevant family.
- (2) Subject to subsection (4), the authority must prepare an adoption support plan in respect of each member of the relevant family.
- (3) An adoption support plan must, in relation to the person it concerns (“the person”)—
- (a) specify the needs of the person identified as a result of an assessment carried out by virtue of section 9(1),
  - (b) record details of the adoption support services the provision of which the authority decides is called for by virtue of section 9(2),
  - (c) specify any other needs of the person identified by the authority,
  - (d) set out how the needs mentioned in paragraphs (a) and (c) may be met by the provision of adoption support services,
  - (e) record details of any previous assessment of needs in respect of the person carried out by virtue of section 9(1),

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- (f) record details of any assessment of needs in respect of the person made under section 12A(1) of the Social Work (Scotland) Act 1968 (c. 49),
  - (g) where the person has been adopted, record details of any care plan prepared by a local authority in respect of the person under regulations made under section 17 of the 1995 Act,
  - (h) record details of any adoption support services which—
    - (i) were provided to the person before the plan was prepared, or
    - (ii) are being provided to the person when the plan is prepared,
  - (i) specify any other matter which, in the opinion of the local authority preparing the plan, is relevant to the provision of adoption support services to the person, and
  - (j) where there is no information to be included in the plan under any of paragraphs (a) to (i), record that fact.
- (4) The authority may, with the consent of each member of the relevant family aged 12 or over, prepare a single adoption support plan in respect of all members of the relevant family instead of preparing adoption support plans in respect of each of them.
- (5) Subsection (3) applies to a single adoption support plan prepared under subsection (4) as if—
- (a) for the words “the person it concerns (“the person”)” there were substituted “each member of the relevant family it concerns”,
  - (b) for the words “the person” in paragraphs (a), (c), (e), (f), (h) and (i) there were substituted “each member”,
  - (c) for the words “the person” in paragraph (g), where they first occur, there were substituted “a member of the relevant family”, and
  - (d) for the words “the person” in that paragraph, where they second occur, there were substituted “that member”.
- (6) If in the opinion of the authority a member of the relevant family aged 12 or over is incapable of giving consent under subsection (4), the requirement to obtain such consent does not apply in relation to the member.
- (7) In this section, “relevant family” means—
- (a) a child who is placed for adoption,
  - (b) the person or persons with whom a child is placed for adoption,
  - (c) a child who has been adopted,
  - (d) the person who has, or persons who have, adopted that child,
  - (e) any—
    - (i) child of a person or persons mentioned in paragraph (b) or (d),
    - (ii) other child who has been treated by the person or persons as a child of the person or persons,
 living in the same household as the person or persons.

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**Commencement Information**

**II** S. 45 in force at 28.9.2009 by *S.S.I. 2009/267*, **arts. 1(2), 2** (with *arts. 3-21*) (as amended (7.5.2012) by *S.S.I. 2012/99*, art. 2)

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## 46 Duration

- (1) An adoption support plan ceases to have effect on the occurrence of whichever of the events in subsection (2) first occurs.
- (2) Those events are—
  - (a) the preparation of a further adoption support plan in respect of the member or, as the case may be, members of the relevant family in relation to whom the adoption support plan was prepared,
  - (b) the date on which an appropriate child reaches the age of 18.
- (3) In this section, “appropriate child” means a child—
  - (a) who has been placed for adoption, or
  - (b) who has been adopted,
 and who is a member of the relevant family in relation to which, or to any members of which, the adoption support plan was prepared.

### Commencement Information

**I2** S. 46 in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

## 47 Family member's right to require review of plan

- (1) This section applies where an adoption support plan is in force in respect of a member of a relevant family or, as the case may be, a relevant family.
- (2) Subject to subsection (4), the person to whom the plan relates or, as the case may be, a member of the relevant family to which the plan relates (in either case, the “relevant member”) may, if the relevant member believes the local authority is not complying with any of its obligations mentioned in the plan, require the authority to review the plan.
- (3) The authority may, in reviewing the plan, carry out a reassessment of the needs of the relevant member for adoption support services.
- (4) A relevant member (other than the person or persons with whom the child has been placed for adoption or the person who has, or persons who have, adopted the child) may not make a requirement under subsection (2) unless, in the opinion of the local authority, the member is capable of understanding the need for adoption support services.
- (5) After reviewing the plan, the local authority must vary the plan to reflect any changes in—
  - (a) the needs of any relevant member for adoption support services identified as a result of a reassessment of needs made under subsection (3),
  - (b) the adoption support services the local authority will provide.
- (6) In this section, any references to a reassessment of needs of a person include, where no assessment has been carried out by virtue of section 9(1)(a) in relation to the person, references to an assessment of needs of the person.

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#### Commencement Information

- I3** S. 47 in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

### 48 Other cases where authority under duty to review plan

- (1) This section applies where an adoption support plan is in force.
- (2) The local authority must review the plan—
  - (a) from time to time, and
  - (b) at any time when the authority becomes aware of a change in the circumstances of a relevant member.
- (3) In reviewing the plan, the authority may make a reassessment of the needs of any relevant member.
- (4) After reviewing the plan, the authority must vary the plan to reflect any changes in—
  - (a) the needs of any relevant member for adoption support services identified as a result of a reassessment of needs made under subsection (3),
  - (b) the adoption support services the local authority will provide.
- (5) In this section—
  - (a) any references to a reassessment of needs of a person are to be construed in accordance with subsection (6) of section 47,
  - (b) “relevant member” has the same meaning as in that section.

#### Commencement Information

- I4** S. 48 in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)