
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 154

The Adoption Agencies (Scotland) Regulations 2009

PART II

ADOPTION PANELS

Functions of the adoption panel

- 6.—(1) The adoption panel must consider—
- (a) the case of every child;
 - (b) every proposed placement; and
 - (c) the case of every prospective adopter,
- referred to it by the adoption agency.
- (2) The adoption panel must make recommendations on the following matters:—
- (a) whether adoption is in the best interests of the child;
 - (b) whether an application for a permanence order granting authority for the child to be adopted should be made under section 80 of the Act;
 - (c) whether a prospective adopter is suitable or continues to be suitable to be an adoptive parent;
 - (d) whether a prospective adopter would be a suitable adoptive parent for a particular child; and
 - (e) any other matter referred to the adoption panel which is relevant to the adoption agency's functions under the Act.
- (3) Where an adoption panel makes a recommendation under paragraph (2)(a) that adoption is in the best interests of the child it must provide a written report of the consideration given by it to the alternatives to adoption.
- (4) Where an adoption panel makes a recommendation that there should be continued contact between the child and the child's parent or parents, it must provide a written report of the reasons why continued contact is in the best interests of the child.
- (5) Before making a recommendation under paragraph (2)(c) the adoption panel must give the prospective adopter the opportunity to meet with the adoption panel to discuss the matter with them.
- (6) Subject to paragraph (7) the adoption panel may make any of the recommendations in paragraph (2) at the same time or at different times.
- (7) Before making a recommendation specified in paragraph (2)(d) the adoption panel must—
- (a) at the meeting of the panel at which the recommendation is to be made, be satisfied that adoption is in the best interests of the child; or
 - (b) be satisfied that an adoption agency decision has been made under regulation 13 that adoption is in the best interests of the child; and
 - (c) in either case—

- (i) at the meeting of the panel at which the recommendation specified in paragraph (2) (d) is to be made, make a recommendation that the prospective adopter is suitable to be an adoptive parent; or
 - (ii) be satisfied that an adoption agency decision has been made under regulation 8(1) or 9(5) that the prospective adopter is suitable to be an adoptive parent.
- (8) In carrying out its functions the adoption panel must have regard to–
 - (a) the duties imposed on the adoption agency by section 14 of the Act;
 - (b) all the information and reports passed to it;
 - (c) any other information which may be provided to it on request; and
 - (d) where appropriate, any legal advice in relation to each case.
- (9) In paragraph (4) “parent” means a parent who has any parental responsibilities or parental rights in relation to the child.