



# Children (Scotland) Act 1995

## 1995 CHAPTER 36

### PART II

PROMOTION OF CHILDREN'S WELFARE BY LOCAL  
AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

### CHAPTER I

SUPPORT FOR CHILDREN AND THEIR FAMILIES

#### *Introductory*

#### **17 Duty of local authority to child looked after by them**

- (1) Where a child is looked after by a local authority they shall, in such manner as the Secretary of State may prescribe—
  - (a) safeguard and promote his welfare (which shall, in the exercise of their duty to him be their paramount concern);
  - (b) make such use of services available for children cared for by their own parents as appear to the authority reasonable in his case; and
  - (c) take such steps to promote, on a regular basis, personal relations and direct contact between the child and any person with parental responsibilities in relation to him as appear to them to be, having regard to their duty to him under paragraph (a) above, both practicable and appropriate.
- (2) The duty under paragraph (a) of subsection (1) above includes, without prejudice to that paragraph's generality, the duty of providing advice and assistance with a view to preparing the child for when he is no longer looked after by a local authority.
- (3) Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall, so far as is reasonably practicable, ascertain the views of—
  - (a) the child;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) his parents;
  - (c) any person who is not a parent of his but who has parental rights in relation to him; and
  - (d) any other person whose views the authority consider to be relevant, regarding the matter to be decided.
- (4) In making any such decision a local authority shall have regard so far as practicable—
- (a) to the views (if he wishes to express them) of the child concerned, taking account of his age and maturity;
  - (b) to such views of any person mentioned in subsection (3)(b) to (d) above as they have been able to ascertain; and
  - (c) to the child’s religious persuasion, racial origin and cultural and linguistic background.
- (5) If, for the purpose of protecting members of the public from serious harm (whether or not physical harm) a local authority consider it necessary to exercise, in a manner which (but for this paragraph) would not be consistent with their duties under this section, their powers with respect to a child whom they are looking after, they may do so.
- (6) Any reference in this Chapter of this Part to a child who is “looked after” by a local authority, is to a child—
- (a) for whom they are providing accommodation under section 25 of this Act;
  - (b) who is subject to a supervision requirement and in respect of whom they are the relevant local authority;
  - (c) who is subject to an order made, or authorisation or warrant granted, by virtue of Chapter 2, 3 or 4 of this Part of this Act, being an order, authorisation or warrant in accordance with which they have responsibilities as respects the child; or
  - (d) who is subject to an order in accordance with which, by virtue of regulations made under section 33(1) of this Act, they have such responsibilities.
- (7) Regulations made by the Secretary of State under subsection (1) above may, without prejudice to the generality of that subsection, include—
- (a) provision as to the circumstances in which the child may be cared for by the child’s own parents; and
  - (b) procedures which shall be followed in the event of the child’s death.