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STATUTORY INSTRUMENTS

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**1996 No. 3262**

**The Arrangements to Look After  
Children (Scotland) Regulations 1996**

**Considerations to which a local authority shall have regard in making a care plan for a child to be, or being, looked after by them, where the local authority are considering placing the child**

5.—(1) Without prejudice to regulation 4, this regulation applies where a local authority are making a care plan for a child to be, or being, looked after by the local authority and the local authority are considering placing the child.

(2) When this regulation applies, in addition to any consideration referred to in regulation 4, the local authority in making a care plan shall have regard to—

- (a) whether there is any need for changes in the contact arrangements in order to promote contact with the child's family and others;
- (b) in the light of any information recorded which is specified in paragraph 9 of Schedule 1, the need to change existing health arrangements;
- (c) in the light of any information recorded which is specified in paragraph 10 of Schedule 1, the means of achieving any educational need and the means of achieving continuity in the child's education;
- (d) in the case of a placement in a residential establishment, whether, having regard to the establishment's statement of functions and objectives, that particular placement is appropriate for the child's needs.

(3) Where this regulation applies and a local authority are considering fostering the child or placing him in a residential establishment, they shall, so far as is consistent with their duty under section 17 of the Act and having ascertained so far as practicable the views of the child having regard to his age and maturity, ensure that—

- (a) in the case of fostering, the person with whom the child is to be fostered is of the same religious persuasion as the child or, if that is not practicable, that the person undertakes that the child will be brought up in accordance with the child's religious persuasion; and
- (b) in the case of a placement in a residential establishment, the child will be brought up in accordance with his religious persuasion (with the local authority having consulted the person in charge of the residential establishment).

(4) Where paragraph (3) applies, and the local authority are making arrangements in relation to two or more children in the same family, the local authority shall, so far as is consistent with their duty under section 17 of the Act and having ascertained so far as practicable the views of each child having regard to his age and maturity, ensure that—

- (a) in the case of fostering, the children are fostered in the same home or, if that is not appropriate or practicable, in homes as near together as is appropriate or practicable; and
- (b) in the case of a placement in a residential establishment, the children are placed in the same residential establishment or, where that is not appropriate or practicable, that the placements facilitate as far as possible continued mutual contact and access.