
STATUTORY INSTRUMENTS

1996 No. 3263

The Fostering of Children (Scotland) Regulations 1996

PART III

PLACEMENTS

Local authorities fostering a child looked after by them under section 17(6) of the Act

11. Regulations 11 to 14 apply where a local authority foster a child looked after by them under section 17(6) of the Act other than when the child is looked after under section 17(6)(b) of the Act.

Decision to place a child in a foster placement

12.—(1) A local authority shall not place the child unless they are satisfied that—

- (a) subject to regulation 14, the person with whom it is proposed to place the child has been approved by the local authority as a foster carer in accordance with regulation 7; and
- (b) they have satisfied themselves that placement of the child with the particular foster carer is in the child's best interests.

(2) A local authority shall not place a child under this Part of the Regulations—

- (a) unless the foster carer has entered into a written agreement with the authority in terms of regulation 8, which covers the matters specified in Schedule 2; and
- (b) except in a case of an emergency or immediate placement under regulations 13 or 14 as the case may be, the foster carer enters into a written agreement with the authority covering the matters specified in Schedule 3.

(3) Where a local authority make arrangements to place a child under this regulation or regulations 13 and 14 outside Scotland, they shall ensure as far as reasonably practicable that arrangements and requirements are complied with outside Scotland as would apply if the child were placed in Scotland.

(4) In making arrangements under this Part of the Regulations the local authority shall not foster a child with a person except where the household of the person comprises—

- (a) a man and a woman living and acting jointly together; or
- (b) a man or a woman living and acting alone,

provided that a person shall not be disqualified by virtue of this regulation where the household also comprises other relatives of the person who are not themselves concerned in the undertaking to care for the child.

(5) Where the person with whom the child is fostered dies or ceases to live in the household paragraph (4) shall not apply to require removal of the child from that household provided that the local authority satisfy themselves that the child should be fostered with another member or other members of the same household.

Emergency and Immediate Placements

13.—(1) Subject to paragraph (2) where arrangements have been made for the placement of a child in an emergency, a local authority may for a period not exceeding 72 hours place them with any person approved under regulation 7.

(2) Before an emergency placement is made pursuant to paragraph (1) the authority shall—

- (a) satisfy themselves that a foster placement is the most suitable way of meeting the child's needs; and
- (b) obtain a written agreement from the person with whom the child is to be placed that that person will carry out the duties specified in regulation 14(2).

(3) Where a local authority place a child under this regulation or regulation 14, they shall provide the person with whom the child is placed with the following:—

- (a) relevant information about the child's background, health and emotional development; and
- (b) any other information which the local authority consider relevant to the placement.

14.—(1) Where a local authority are satisfied that the immediate placement of a child is necessary they may for a period not exceeding six weeks place the child with a person who has not been approved under regulation 7 provided, after interviewing the person, inspecting the accommodation and obtaining information about the person and other persons living in his household, the authority are also satisfied that—

- (a) the person is a relative or friend of the child;
- (b) the person has made a written agreement with the local authority to carry out the duties specified in paragraph (2); and
- (c) the provisions of regulation 13(2)(a) are satisfied.

(2) The duties referred to in regulation 13(2)(b) and paragraph (1)(b) of this regulation are—

- (a) to care for the child as if he were a member of that person's family and in a safe and appropriate manner;
- (b) to permit any person authorised by the local authority to visit the child at any reasonable time;
- (c) where a placement is terminated to allow the child to be removed at any time by the local authority;
- (d) to ensure that any information which the person may acquire relating to the child, or to his family or any other person, which has been given to him in confidence in connection with the placement is kept confidential and is not disclosed except to, or with the agreement of, the local authority; and
- (e) to allow contact with the child in accordance with section 17(1)(c) of the Act, with any contact order (as defined in section 11(1) and (2)(d) of the Act), and with any arrangements made or agreed by the local authority.

Recommendations by a local authority

15.—(1) Subject to paragraph (2) where a local authority submit a report on a child to a children's hearing under section 56(7) of the Act they may recommend that the child be placed in a place where he is to be under the charge or control of a person who is not a relevant person only if—

- (a) they have carried out the procedure provided for in regulation 12; or
- (b) they have carried out the procedure provided for in regulation 13(2) or 14(1) and are satisfied that a supervision requirement with a condition naming that person's home as the place where the child is to be fostered would be in the child's best interests.

(2) In the case of the provision in relation to procedure under regulation 14(1) referred to in paragraph (1)(b), for the purposes of paragraph (1)(b) the words “for a period not exceeding six weeks” shall be removed.