
STATUTORY INSTRUMENTS

1996 No. 3263

The Fostering of Children (Scotland) Regulations 1996

PART III

PLACEMENTS

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.