

# **ADOPTION AND CHILDREN (SCOTLAND) ACT 2007**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Chapter 4**

#### ***Adoption Support Plans***

#### ***Section 47 - Family member's right to require review of plan***

174. Where an adoption support plan is in place and a member of the relevant family considers that the local authority is failing to comply with the terms of the adoption support plan, under subsection (2) the member can request that a local authority reviews the adoption support plan. Subsection (3) allows the authority, when reviewing a plan, to reassess the need of the member for adoption support services.
175. By virtue of subsection (4), the persons who are able to request a review under subsection (2) are the persons with whom the child has been placed for adoption, the persons who have adopted the child or a member of the relevant family who the local authority considers is capable of understanding the need for adoption support services. All members of the relevant family, including children, are able to request a review as long as they are able to understand the need for adoption support services. A request for review of an adoption support plan will normally be made by either adoptive parents or the adopted child. The adoptive parents can request a review on behalf of the adopted child if, in the opinion of the local authority, the child is not capable of understanding the need for adoption support services.
176. Subsection (5) imposes a duty on local authorities, following a review under subsection (2), to vary the adoption support plan to reflect any changes in the reassessed needs of a person and in the adoption support services that will be provided.
177. The effect of subsection (6) is that the section applies equally to members of a relevant family who have not had their needs for adoption support services assessed under section 9(1)(a). In this case, references to "reassessment" of a member's needs are to be read as references to an "assessment".