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# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 4

##### ADOPTION SUPPORT PLANS

VALID FROM 28/09/2009

#### *Adoption support plans*

#### **45 Adoption support plans**

- (1) This section applies where—
  - (a) a local authority has, by virtue of section 9(1), assessed the needs of a person for adoption support services and decides that the provision of such services is called for in respect of the person, and
  - (b) the person is a member of a relevant family.
- (2) Subject to subsection (4), the authority must prepare an adoption support plan in respect of each member of the relevant family.
- (3) An adoption support plan must, in relation to the person it concerns (“the person”)—
  - (a) specify the needs of the person identified as a result of an assessment carried out by virtue of section 9(1),
  - (b) record details of the adoption support services the provision of which the authority decides is called for by virtue of section 9(2),
  - (c) specify any other needs of the person identified by the authority,

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- (d) set out how the needs mentioned in paragraphs (a) and (c) may be met by the provision of adoption support services,
  - (e) record details of any previous assessment of needs in respect of the person carried out by virtue of section 9(1),
  - (f) record details of any assessment of needs in respect of the person made under section 12A(1) of the Social Work (Scotland) Act 1968 (c. 49),
  - (g) where the person has been adopted, record details of any care plan prepared by a local authority in respect of the person under regulations made under section 17 of the 1995 Act,
  - (h) record details of any adoption support services which—
    - (i) were provided to the person before the plan was prepared, or
    - (ii) are being provided to the person when the plan is prepared,
  - (i) specify any other matter which, in the opinion of the local authority preparing the plan, is relevant to the provision of adoption support services to the person, and
  - (j) where there is no information to be included in the plan under any of paragraphs (a) to (i), record that fact.
- (4) The authority may, with the consent of each member of the relevant family aged 12 or over, prepare a single adoption support plan in respect of all members of the relevant family instead of preparing adoption support plans in respect of each of them.
- (5) Subsection (3) applies to a single adoption support plan prepared under subsection (4) as if—
- (a) for the words “the person it concerns (“the person”)” there were substituted “ each member of the relevant family it concerns ”,
  - (b) for the words “the person” in paragraphs (a), (c), (e), (f), (h) and (i) there were substituted “ each member ”,
  - (c) for the words “the person” in paragraph (g), where they first occur, there were substituted “ a member of the relevant family ”, and
  - (d) for the words “the person” in that paragraph, where they second occur, there were substituted “ that member ”.
- (6) If in the opinion of the authority a member of the relevant family aged 12 or over is incapable of giving consent under subsection (4), the requirement to obtain such consent does not apply in relation to the member.
- (7) In this section, “relevant family” means—
- (a) a child who is placed for adoption,
  - (b) the person or persons with whom a child is placed for adoption,
  - (c) a child who has been adopted,
  - (d) the person who has, or persons who have, adopted that child,
  - (e) any—
    - (i) child of a person or persons mentioned in paragraph (b) or (d),
    - (ii) other child who has been treated by the person or persons as a child of the person or persons,
 living in the same household as the person or persons.

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#### **46 Duration**

- (1) An adoption support plan ceases to have effect on the occurrence of whichever of the events in subsection (2) first occurs.
- (2) Those events are—
  - (a) the preparation of a further adoption support plan in respect of the member or, as the case may be, members of the relevant family in relation to whom the adoption support plan was prepared,
  - (b) the date on which an appropriate child reaches the age of 18.
- (3) In this section, “appropriate child” means a child—
  - (a) who has been placed for adoption, or
  - (b) who has been adopted,and who is a member of the relevant family in relation to which, or to any members of which, the adoption support plan was prepared.

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

- (1) This section applies where an adoption support plan is in force in respect of a member of a relevant family or, as the case may be, a relevant family.
- (2) Subject to subsection (4), the person to whom the plan relates or, as the case may be, a member of the relevant family to which the plan relates (in either case, the “relevant member”) may, if the relevant member believes the local authority is not complying with any of its obligations mentioned in the plan, require the authority to review the plan.
- (3) The authority may, in reviewing the plan, carry out a reassessment of the needs of the relevant member for adoption support services.
- (4) A relevant member (other than the person or persons with whom the child has been placed for adoption or the person who has, or persons who have, adopted the child) may not make a requirement under subsection (2) unless, in the opinion of the local authority, the member is capable of understanding the need for adoption support services.
- (5) After reviewing the plan, the local authority must vary the plan to reflect any changes in—
  - (a) the needs of any relevant member for adoption support services identified as a result of a reassessment of needs made under subsection (3),
  - (b) the adoption support services the local authority will provide.
- (6) In this section, any references to a reassessment of needs of a person include, where no assessment has been carried out by virtue of section 9(1)(a) in relation to the person, references to an assessment of needs of the person.

#### **48 Other cases where authority under duty to review plan**

- (1) This section applies where an adoption support plan is in force.
- (2) The local authority must review the plan—
  - (a) from time to time, and

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- (b) at any time when the authority becomes aware of a change in the circumstances of a relevant member.
- (3) In reviewing the plan, the authority may make a reassessment of the needs of any relevant member.
- (4) After reviewing the plan, the authority must vary the plan to reflect any changes in—
  - (a) the needs of any relevant member for adoption support services identified as a result of a reassessment of needs made under subsection (3),
  - (b) the adoption support services the local authority will provide.
- (5) In this section—
  - (a) any references to a reassessment of needs of a person are to be construed in accordance with subsection (6) of section 47,
  - (b) “relevant member” has the same meaning as in that section.

### *Reassessment*

#### **49 Reassessment of needs for adoption support services**

- (1) This section applies where an adoption support plan is in force.
- (2) Any relevant member aged 12 or over may require the local authority which prepared the plan to make a reassessment of the member's needs for adoption support services.
- (3) The authority, having regard to the results of that reassessment, must decide whether the needs of the member call for the provision of such services.
- (4) Where the authority decides, by virtue of subsection (3), that the provision of adoption support services is called for, the authority must provide the services.
- (5) Where the authority provides adoption support services under subsection (4), it must vary the adoption support plan to reflect any changes in the services the authority will provide.
- (6) A relevant member (other than the person or persons with whom the child has been placed for adoption or the person who has, or persons who have, adopted the child) may not require a reassessment to be made under subsection (2) unless, in the opinion of the local authority, the member is capable of understanding the need for adoption support services.
- (7) Where a local authority is making a reassessment of needs under this section, it must—
  - (a) do so in such manner as may be prescribed by regulations made by the Scottish Ministers, and
  - (b) have regard to such matters as may be so prescribed.
- (8) In this section—
  - (a) any references to a reassessment of needs of a person are to be construed in accordance with subsection (6) of section 47,
  - (b) “relevant member” has the same meaning as in that section.

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### Commencement Information

**II** S. 49(7) in force at 20.4.2009 for specified purposes by S.S.I. 2009/147, art. 2, Sch.

VALID FROM 28/09/2009

### *Directions*

#### **50 Implementation of plans: directions**

- (1) The Scottish Ministers may give directions of a general or specific nature to a local authority as to the implementation of adoption support plans.
- (2) A direction under subsection (1) may not require an authority—
  - (a) to provide or, as the case may be, continue to provide, or
  - (b) withhold provision of,  
a particular adoption support service.
- (3) The Scottish Ministers may vary or revoke any direction under subsection (1).

VALID FROM 28/09/2009

### *Guidance*

#### **51 Guidance**

- (1) In preparing or reviewing adoption support plans, a local authority must have regard to any guidance issued by the Scottish Ministers.
- (2) The Scottish Ministers may vary or revoke any such guidance.

VALID FROM 28/09/2009

### *Regulations*

#### **52 Regulations about reviews of adoption support plans**

The Scottish Ministers may by regulations make provision for or in connection with specifying the way in which reviews of adoption support plans are to be carried out.

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