

# **CORONAVIRUS (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **DETAIL ABOUT PROVISIONS**

#### *Schedule 3 - Children and vulnerable adults*

#### **Part 1 - Children**

##### **Looked after children**

83. The Looked After Children (Scotland) Regulations 2009 (“the 2009 Regulations”) make provision for the placing of children with kinship carers and with foster carers. Paragraph 10 of schedule 3 makes a number of modifications to the 2009 Regulations.
84. Subparagraphs (1) to (5) make modifications to the 2009 Regulations to allow local authorities to place more than the current maximum of three children with a foster carer, and to allow a foster carer to look after more children than their current approval allows.
85. Regulation 36(1) of the 2009 Regulations provides that a child can be placed, in an emergency, with a kinship carer or a foster carer for a period not exceeding three working days. Subparagraph (6) modifies the time limit from three working days, to five working days.
86. Regulation 38 of the 2009 Regulations makes provision for when an emergency placement should be reviewed by a local authority. Subparagraph (7)(a) modifies regulation 38(2) so that the local authority must review the child’s case within 5 working days, instead of 3 working days, to determine whether the placement continues to be in the best interests of the child. Subparagraph (7)(b) also inserts a new regulation 38(3A) into the 2009 Regulations which allows a local authority not to carry out such a review where the chief social work officer is satisfied that placement is in the best interests of the child, placement of the child with that carer is in the best interests of the child and it is not reasonably practicable for the authority to carry out the review within that period. It also inserts a new regulation 38(3B) which provides that where a local authority has not complied with the duty to review the placement within 5 working days, as a result of the chief social work officer being so satisfied, it must still carry out a review as soon as reasonably practicable.
87. Regulation 39 of the 2009 Regulations allows a local authority to extend placements in certain circumstances for a period not exceeding 12 weeks and with a requirement to review before the expiry of six weeks. Subparagraph (8) modifies this to a period not exceeding 24 weeks, with a requirement to review before the expiry of 12 weeks.
88. Regulation 45 of the 2009 Regulations makes provision for review where a child has been placed in kinship care under regulation 11. Subparagraph (9) modifies this so that the first review must be carried out within 3 months of the placement, instead of six weeks, and so that subsequent reviews must then be carried out within six months of the date of the previous review.

*These notes relate to the Coronavirus (Scotland) Act  
2020 (asp 7) which received Royal Assent on 6 April 2020*

89. Subparagraph (10) makes transitional provision that the changes made by subparagraphs (6), (7) and (8) do not apply to a child who has been placed under regulation 36 of the 2009 Regulations before the day on which those subparagraphs come into force. It also provides that subparagraph (9) does not apply to a child who has been placed under regulation 11 of the 2009 Regulations before the day on which that subparagraph comes into force.