



# Adoption and Children (Scotland) Act 2007 2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 1

##### THE ADOPTION SERVICE

###### *Adoption support services*

### **9 Assessment of needs for adoption support services**

- (1) A local authority—
  - (a) must, on the request of a person mentioned in any of paragraphs (a) to (i) of subsection (3) of section 1, make an assessment of the needs of the person for adoption support services,
  - (b) may, on the request of a person mentioned in paragraph (j) of that subsection, make an assessment of the needs of the person for such services.
- (2) Where a local authority makes an assessment of the needs of a person for adoption support services under subsection (1), the authority must decide whether the needs of the person call for the provision of such services.
- (3) A local authority making an assessment of needs under subsection (1) 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.

*Changes to legislation: Adoption and Children (Scotland) Act 2007, Cross Heading: Adoption support services is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### Modifications etc. (not altering text)

- C1** S. 9 applied (28.9.2009) by [Adoption Support Services and Allowances \(Scotland\) Regulations 2009 \(S.S.I. 2009/152\)](#), regs. 1, 4

#### Commencement Information

- I1** S. 9(1)(2) in force at 28.9.2009 by [S.S.I. 2009/267](#), **arts. 1(2), 2** (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)
- I2** S. 9(3) in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), **art. 2**, **Sch.**
- I3** S. 9(3) in force at 28.9.2009 in so far as not already in force by [S.S.I. 2009/267](#), **arts. 1(2), 2** (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

## 10 Provision of services

- (1) On the request of a person mentioned in subsection (3) of section 1, a local authority must provide <sup>F1</sup>... services of a type mentioned in paragraph (d) of subsection (4) of that section to the person.
- (2) On the request of a person mentioned in paragraph (a), (c) or (g) of subsection (3) of section 1, a local authority—
  - (a) must provide <sup>F2</sup>... services of a type mentioned in paragraphs (a) to (c) of subsection (4) of that section to the person, and
  - (b) may, without prejudice to subsection (4)(a), provide adoption support services to the person.
- (3) For the purposes of subsection (2), it is immaterial whether the local authority has made an assessment of the needs of the person under section 9(1)(a).
- (4) Where a local authority decides under section 9(2) that the provision of adoption support services is called for in respect of—
  - (a) a person mentioned in any of paragraphs (a) to (i) of subsection (3) of section 1, the authority must provide the services to the person,
  - (b) a person mentioned in paragraph (j) of that subsection, the authority may provide the services to the person.

#### Textual Amendments

- F1** Word in s. 10(1) repealed (27.1.2010) by [Adoption and Children \(Scotland\) Act 2007 \(Modification of Enactments\) Order 2010 \(S.S.I. 2010/21\)](#), art. 1, **Sch. para. 8(2)**
- F2** Word in s. 10(2)(a) repealed (27.1.2010) by [Adoption and Children \(Scotland\) Act 2007 \(Modification of Enactments\) Order 2010 \(S.S.I. 2010/21\)](#), art. 1, **Sch. para. 8(2)**

#### Commencement Information

- I4** S. 10 in force at 28.9.2009 by [S.S.I. 2009/267](#), **arts. 1(2), 2** (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

## 11 Urgent provision

- (1) If in the opinion of a local authority a person mentioned in subsection (3) of section 1 requires adoption support services as a matter of urgency, nothing in section 9 prevents the authority from providing, or arranging for the provision of, those services for the

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person without first carrying out an assessment under that section of the person's needs for adoption support services.

- (2) If by virtue of subsection (1) a local authority provides, or arranges for the provision of, adoption support services the authority must, as soon as is reasonably practicable after such provision, make an assessment of the person's needs for adoption support services.

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#### Commencement Information

- I5** S. 11 in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

## 12 Power to provide payment to person entitled to adoption support service

- (1) Subsection (2) applies where a local authority—
- (a) has, in respect of a person, an obligation to provide, or secure the provision of, an adoption support service under this Part, or
  - (b) has a power so to provide and determines it should provide.
- (2) Subject to subsection (4), the authority may, after having regard to the matters mentioned in subsection (3), provide the person with a payment instead of the service.
- (3) Those matters are—
- (a) the person's eligibility for assistance from any other body,
  - (b) where the person is so eligible, the availability to the person of that assistance at the time when the service might have been provided to the person by the authority,
  - (c) the ability of the authority to provide, or secure the provision of, the service, and
  - (d) the person's need for the service.
- (4) A payment under subsection (2) may be made subject to such conditions (including conditions as to repayment) as the authority considers reasonable.
- (5) In imposing conditions under subsection (4), the authority must have regard to the person's eligibility for assistance from any other body.

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#### Commencement Information

- I6** S. 12 in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)