
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 182

The Adoptions with a Foreign
Element (Scotland) Regulations 2009

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 1

PROCEDURE IN SCOTLAND WHERE THE
UNITED KINGDOM IS THE RECEIVING STATE

Adoption agency decision, notification and request for review

18.—(1) The adoption agency must—

- (a) take into account the recommendation of the adoption panel in coming to a decision (in this regulation, “the decision”) on the prospective adopters' suitability to be adoptive parents; and
- (b) make the decision within 14 days of the date the recommendation was made.

(2) No member of the adoption panel which made the recommendation is to take part in the decision.

(3) Where the decision is that the prospective adopters are suitable to be adoptive parents, the adoption agency must notify the prospective adopters in writing of the decision within 14 days of making the decision.

(4) Where the decision is that the prospective adopters are not suitable to be adoptive parents (other than by virtue of regulation 15(4)), the adoption agency must—

- (a) notify the prospective adopters in writing of the decision within 7 days of making the decision;
- (b) send with the notification—
 - (i) its reasons for the decision; and
 - (ii) where the adoption panel's recommendation was that the prospective adopters were suitable to be adoptive parents, a copy of the recommendation;
- (c) inform the prospective adopters in writing that they may require the decision to be reviewed within 28 days of the date of the notification (the “28 day period”); and
- (d) invite the prospective adopters to submit to the adoption agency any representations regarding the decision within the 28 day period.

(5) Where the prospective adopters have, within the 28 day period, required a review of the decision (whether or not they have also submitted any representations under paragraph (4)(d)), the adoption agency must refer the case to the adoption panel and pass any such representations and any other relevant information to the panel for further consideration.

(6) The adoption panel must reconsider any case referred to it under paragraph (5) and make a fresh recommendation to the adoption agency as to whether the prospective adopters are suitable to be adoptive parents.

(7) The adoption agency must, having taken into account the adoption panel's fresh recommendation, make a decision (the "reviewed decision") on the case within 14 days of the date the fresh recommendation was made.

(8) The adoption agency must, within 7 days of making the reviewed decision, notify the prospective adopters of the reviewed decision.

(9) Where the reviewed decision is that the prospective adopters are not suitable to be adoptive parents, the notification under paragraph (8) must—

- (a) state the reasons for the reviewed decision; and
- (b) where the adoption panel's fresh recommendation was that the prospective adopters were suitable to be adoptive parents, include a copy of the adoption panel's fresh recommendation.