
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART VII

FOSTERING

Review of approval: further provision

26.—(1) Where a local authority approve a person as a foster carer under regulation 22(3), that person may request a review of the terms of the approval.

(2) Where a local authority make a decision—

- (a) not to approve a person as a foster carer under regulation 22(3);
- (b) to vary the terms of a foster carer's approval under regulation 25(3)(a); or
- (c) to terminate a foster carer's approval,

that person may request a review of the decision.

(3) A request for a review under paragraph (1) or (2) must be made before the end of the period of 28 days beginning with the day on which notice of the decision was made under regulation 22(7) or 25(5).

(4) Where the local authority receive a request for a review under paragraph (1) or (2) they must refer the case to a fostering panel for a recommendation.

(5) A referral under paragraph (4) must be made to a differently constituted fostering panel.

(6) Where a referral is made under paragraph (4) the local authority must provide the fostering panel with—

- (a) a copy of the decision and reasons made under regulation 22(3) or 25(3);
- (b) the information provided to the fostering panel under regulation 22;
- (c) any further representations received by the local authority from the foster carer or the prospective foster carer; and
- (d) any other relevant information.

(7) The fostering panel shall consider the case referred to it under paragraph (4) and make a fresh recommendation to the local authority as to whether—

- (a) the prospective foster carer is suitable to be a foster carer; or
- (b) the terms of the foster carer's approval should be varied.

(8) The local authority must—

- (a) make a decision ("the reviewed decision") within 14 days from the date the fresh recommendation was made under paragraph (7); and
- (b) notify the foster carer or prospective foster carer of their decision within 7 days of making the reviewed decision.

(9) In making a decision under paragraph (8)(a) the local authority may—

- (a) vary the terms of the approval;
- (b) terminate the approval; or
- (c) approve a person as a foster carer.

(10) The right to request a review under paragraph (1) or (2) does not apply to a decision made under paragraph (8)(a).

(11) Following a review under this regulation the local authority must record in writing a report of the review and give notice of their reviewed decision under paragraph (8)(a); and paragraphs (5) and (6) of regulation 25 apply as if—

- (a) references to the review were references to the review under this regulation; and
- (b) references to the decision under paragraph (3) were references to the reviewed decision under regulation 26(8)(a).