
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART VII

FOSTERING

Placement of child with foster carer

- 27.**—(1) A local authority must not place a child with a foster carer where—
- [^{F1}(a) the placement is, or would be, contrary to the terms of any—
 - (i) order or warrant made by the children’s hearing or the sheriff under the 2011 Act;
 - (ii) permanence order; or
 - (iii) exclusion order; or]
 - (b) the placement would return child to the care of a person where the child was, by virtue of any order, authorisation or warrant, removed from the care of that person [^{F2}; or
 - (c) the placement would result in the placement limit set out in regulation 27A being exceeded.]
 - (2) A local authority must not place a child with a foster carer unless they are satisfied that—
 - (a) placement is in the best interests of the child;
 - (b) placement of the child with that foster carer is in the best interests of the child;
 - (c) the person with whom it is proposed to place the child has been approved as a foster carer by the local authority;
 - (d) they have taken into account all information available to them relevant to the performance of their duties under section 17(1) to (5) of the 1995 Act;
 - (e) they have given full consideration to the possibility of entering into an arrangement under regulation 8 or placing the child with a kinship carer;
 - (f) the foster carer has entered into a written agreement with the local authority under regulation 24;
 - (g) the foster carer has entered into a written agreement with the local authority as to the matters specified in Schedule 4; and
 - (h) the terms of the foster carer's approval are consistent with the placement.
 - (3) The local authority must require the foster carer with whom a child is placed to notify the authority immediately if the child—
 - (a) dies;
 - (b) suffers any serious illness or injury; or
 - (c) absents themselves or without lawful authority is taken away from the foster carer's home.

(4) On receiving notification under paragraph (3) the local authority must, so far as reasonably practicable, immediately notify the child's parents and any person who has any parental responsibilities or parental rights in relation to the child.

Textual Amendments

- F1** Reg. 27(1)(a) substituted (24.6.2013) by [The Childrens Hearings \(Scotland\) Act 2011 \(Modification of Subordinate Legislation\) Order 2013 \(S.S.I. 2013/147\)](#), art. 1, **sch. para. 11(10)**; S.S.I. 2013/195, **arts. 2, 3**
- F2** Reg. 27(1)(c) and word inserted (29.12.2014) by [The Looked After Children \(Scotland\) Amendment Regulations 2014 \(S.S.I. 2014/310\)](#), regs. 1, **2(4)** (which affecting ptorivion expires (30.9.2021 at the end of the day) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), ss. 2(1)(3), 11(2) (with **sch. para. 1**))

Changes to legislation:

There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009, Section 27.