
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART X

EMERGENCY MEASURES

Emergency placement with carer

36.—(1) Subject to paragraph (4) where a child who is looked after by a local authority in terms of section 17(6) of the 1995 Act is to be placed in an emergency that authority may, for a period not exceeding 3 working days, place the child with—

- (a) any person approved as a kinship carer in respect of that child;
- (b) any person approved as a foster carer; or
- (c) any person who is known to the child and who has a pre-existing relationship with the child.

(2) A local authority may not place a child under paragraph (1) unless—

- (a) they are satisfied that an emergency placement is the most suitable way of meeting the child's needs; and
- (b) the person with whom the child is to be placed has signed a written agreement with the local authority to carry out the duties in paragraph (3).

(3) The duties are—

- (a) to care for the child as if that child were a member of that person's family and in a safe and appropriate manner;
- (b) to allow any person authorised by the local authority to visit the child at any reasonable time;
- (c) where the placement is terminated to allow the child to be removed at any time by the local authority;
- (d) to ensure that any information which the person may acquire relating to the child or to their family or any other person which has been given in confidence in connection with the placement is kept confidential and is not disclosed except to or with the agreement of the local authority; and
- (e) to allow contact with the child in accordance with—
 - (i) section 17(1)(c) of the 1995 Act;
 - (ii) the terms of any contact order; and
 - (iii) any arrangements made or agreed by the local authority.

(4) A child may not be placed under paragraph (1) where—

- (a) the placement is or would be contrary to the terms of any supervision requirement made or any order made or authorisation or warrant granted under chapter 2, 3 or 4 of Part II of the 1995 Act or any permanence order in respect of the child; or

- (b) the placement would return the 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.
- (5) Where a local authority place a child under paragraph (1) they must provide the person with whom the child is placed with information about the child's background, health and emotional development.