
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART X

EMERGENCY MEASURES

Review of emergency placement under regulation 36

38.—(1) This regulation applies where a child is placed in an emergency under regulation 36.

(2) Within 3 working days of the child being placed the local authority must review the child's case to determine whether placement continues to be in the best interests of the child by complying with the requirements in paragraph (3).

(3) The requirements are—

(a) to consult—

- (i) the child, taking into account their age and maturity;
- (ii) the person with whom the child has been placed;
- (iii) any parent of the child; and
- (iv) any person with parental responsibilities or parental rights in respect of the child;

(b) to assess—

- (i) whether placement is in the best interests of the child;
- (ii) whether placement of the child with that carer is in the best interests of the child;
- (iii) whether that carer has been approved as a kinship carer or as a foster carer;
- (iv) all the information available to them relevant to the performance of their duties under section 17(1) to (5) of the 1995 Act; and
- (v) where the child has not been placed with a member of their family, the possibility of placing the child with a kinship carer.

(4) Where the local authority are satisfied that, following a review of the emergency placement, placement with that carer continues to be in the best interests of the child the local authority must carry out the requirements in regulations 3, 4 and 5 in so far as they have not already done so.