
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART X

EMERGENCY MEASURES

Review of emergency placement under regulation 37

41.—(1) This regulation applies where a child is placed in an emergency in a residential establishment under regulation 37.

(2) Within 3 working days the local authority must review the child's case to determine whether placement in that residential establishment 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 manager of the residential establishment;
- (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 in a residential establishment is in the best interests of the child;
- (iii) all the information available to them relevant to the performance of their duties under section 17(1) to (5) of the 1995 Act; and
- (iv) the possibility of placing the child with a kinship carer under regulation 11 or a foster carer under regulation 27.

(4) Where the local authority are satisfied that, following a review of the emergency placement in a residential establishment, placement in that establishment continues to be in the best interests of the child the local authority must carry out the requirements in regulations 3, 4, 5, 34 and 35 in so far as they have not already done so.