SCHEDULE 1

Regulations 3(3) and 4(1)

INFORMATION RELATING TO THE CHILD

1. Name, sex, date and place of birth and present address of the child, their parents and any relevant person.

2. Nationality, race, religion and language.

3. Physical description.

4. Present legal status of the child, including any statutory responsibility the local authority have for the child.

5. Why consideration is to be given to the child being looked after by the local authority.

6. Previous history of involvement of the child with any local authority or other relevant organisation.

7. Details of any **[**[F1]sibling of the child,**]** including their dates of birth, addresses and any details in respect of their being looked after by a local authority.

Textual Amendments

F1 Words in sch. 1 para. 7 substituted (26.7.2021) by The Looked After Children (Scotland) Amendment Regulations 2021 (S.S.I. 2021/103), regs. 1(3), **3(12)(a)**

8. The extent of contact with members of the child's family **[**[F2]including any sibling of the child**]** and any other significant person who does not live in the same household as the child.

Textual Amendments

F2 Words in sch. 1 para. 8 inserted (26.7.2021) by The Looked After Children (Scotland) Amendment Regulations 2021 (S.S.I. 2021/103), regs. 1(3), **3(12)(b)**

9. The child's health history, current state of health and development and existing arrangements for their medical and dental care.

10. The child's education history and current arrangements for provision of education.

11. Personality and social development.

12. Interests and recreational activities.

SCHEDULE 2 Regulation 5(3)

MATTERS TO BE SPECIFIED IN THE CHILD'S PLAN

PART I

MATTERS TO BE ADDRESSED IN THE CHILD'S PLAN TO BE MADE AND REVIEWED FOR A CHILD BEING LOOKED AFTER BY A LOCAL AUTHORITY

1. The local authority's immediate and longer-term plans for the child.

2. Details of any services to be provided to meet the care, education and health needs of the child.

3. The respective responsibilities of–

(a) the local authority;

(b) the child;

(c) any person with parental responsibilities for the child;

(d) any foster carer or kinship carer of the child;

(e) the designated manager of that establishment who is responsible for the care of the child whilst in that establishment where the child has been placed in a residential establishment; and

(f) any other relevant person.

PART II

MATTERS TO BE ADDRESSED IN THE CHILD'S PLAN TO BE MADE AND REVIEWED FOR A CHILD PLACED BY A LOCAL AUTHORITY

4. The type of accommodation to be provided and its address together with the name of any person who will be responsible for the child at that accommodation on behalf of the local authority.

5. The contribution the child's parents or any other person will make to the child's day to day care.

6. The arrangements for involving those persons and the child in decision making.

7. The arrangements for contact between the child and any of the categories of persons mentioned in section 17(3)(b) to (d) of the 1995 Act and, if appropriate, the reasons why contact with such a person would not be reasonably practicable or would be inconsistent with the child's welfare.

8. The expected duration of arrangements and the steps which should be taken in bringing the arrangements to an end including arrangements for the return of the child to their parents or other suitable person.

SCHEDULE 3

Regulations 10 and 22

INFORMATION AS TO PROSPECTIVE FOSTER CARER OR KINSHIP CARER AND OTHER MEMBERS OF THE HOUSEHOLD AND FAMILY

1. Full name, date of birth, health (supported by a medical report), personality and marital **[**[F3]or civil partnership**]** status (including any previous marriage **[**[F4]and civil partnership**]**).

Textual Amendments

F3 Words in sch. 3 para. 1 inserted (28.9.2009) by The Looked After Children (Scotland) Amendment Regulations 2009 (S.S.I. 2009/290), regs. 1, **2(5)(a)(i)**

F4 Words in sch. 3 para. 1 inserted (28.9.2009) by The Looked After Children (Scotland) Amendment Regulations 2009 (S.S.I. 2009/290), regs. 1, **2(5)(a)(ii)**

2. Particulars of the other adult members of the household and their relationship to the prospective foster **[**[F5]or kinship**]** carer.

Textual Amendments

F5 Words in sch. 3 para. 2 inserted (28.9.2009) by The Looked After Children (Scotland) Amendment Regulations 2009 (S.S.I. 2009/290), regs. 1, **2(5)(b)**

3. Particulars of the children in the family, whether or not members of the household, and any other children in his household.

4. Address and particulars of the prospective foster or kinship carer's accommodation.

5. Religious persuasion, degree of religious observance and capacity to care for a child from any particular religious persuasion.

6. Racial origin, cultural and linguistic background and capacity to care for a child of any particular origin or cultural and linguistic background.

7. Past and present employment or occupation, and standard of living.

8. Leisure activities and interests.

9. Present capacity to care for the prospective foster or kinship carer's own and other children, and any previous experience of caring for the prospective foster or **[**[F6]kinship**]** carer's own and other children and ability to do so in this respect.

Textual Amendments

F6 Word in sch. 3 para. 9 substituted (28.9.2009) by The Looked After Children (Scotland) Amendment Regulations 2009 (S.S.I. 2009/290), regs. 1, **2(5)(c)**

10. Details of any criminal offences of which the person has been convicted including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974 [M1] and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exclusions and Exemptions) (Scotland) Order 2003 [M2] as amended.

Marginal Citations

M1 1974 c. 53.

M2 S.S.I. 2003/231 amended by S.S.I. 2007/75.

11. The outcome of any request or application made by the prospective foster carer or kinship carer or any other member of the household to **[**[F7]become a foster or kinship carer**]**.

Textual Amendments

F7 Words in sch. 3 para. 11 substituted (28.9.2009) by The Looked After Children (Scotland) Amendment Regulations 2009 (S.S.I. 2009/290), regs. 1, **2(5)(d)**

12. Particulars of any previous approval under regulation 22(3) or 23, or refusal of approval or termination of such approval, relating to the prospective foster or kinship carer or any other member of the household.

13. An analysis of the motivation of the prospective foster or kinship carer in seeking to become a foster **[**[F8]or kinship**]** carer.

Textual Amendments

F8 Words in sch. 3 para. 13 inserted (28.9.2009) by The Looked After Children (Scotland) Amendment Regulations 2009 (S.S.I. 2009/290), regs. 1, **2(5)(e)**

14. References from third parties as to the character of the prospective foster or kinship carer and their suitability to be a foster **[**[F9]or kinship**]** carer.

Textual Amendments

F9 Words in sch. 3 para. 14 inserted (28.9.2009) by The Looked After Children (Scotland) Amendment Regulations 2009 (S.S.I. 2009/290), regs. 1, **2(5)(e)**

SCHEDULE 4

Regulations 11 and 27

MATTERS AND OBLIGATIONS TO BE COVERED IN FOSTER AND KINSHIP PLACEMENT AGREEMENTS

1. The provision by the local authority of a statement containing all information which the local authority consider necessary to enable the foster or kinship carer to care for the child and, in particular, information as to–

(a) the child's plan prepared in accordance with regulation 5 and the objectives of the placement;

(b) the details of any **[**[F10]order or warrant made by the children's hearing or sheriff under the 2011 Act or other**]** court order in relation to the child;

(c) the child's personal history, religious persuasion, cultural and linguistic background and racial origin;

(d) the child's state of health and need for health care and surveillance and the name of the child's doctor during the foster placement; and

(e) the child's educational needs,

including a requirement for the statement to be provided either at the time of the signing of the agreement or, where this is not practicable, within the following 14 days.

Textual Amendments

F10 Words in sch. 4 para. 1(b) 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(16)(a)**; S.S.I. 2013/195, **arts. 2**, **3**

2. The local authority's arrangements for the financial support of the child during placement.

3. Any arrangements for delegation of parental responsibility for consent to the medical or dental examination or treatment of the child, or consent to the child's engaging in any activity.

4. The circumstances in which it is necessary to obtain in advance the approval of the local authority for the child to live, even temporarily, away from the foster or kinship carer's home or for someone else temporarily to take care of the child.

5. The arrangements for visits to the child, in connection with the supervision of the placement, by the person authorised by or on behalf of the local authority and the frequency of visits and reviews.

[F11]**6.** The arrangements for the child to have contact with their parents and other persons, including any arrangements in pursuance of section 17(1)(c) **[**[F12]or (d)**]** of the 1995 Act or any contact (within the meaning of section 11(1) and (2)(d) of the 1995 Act with any other person), or any **[**[F13]contact direction contained within a compulsory supervision order, interim compulsory supervision order, medical examination order or child protection order.**]**

Textual Amendments

F11 By The Children's Hearings (Scotland) Act 2011 (Modification of Subordinate Legislation) Order 2014 (S.S.I. 2014/112), **sch. para. 2(3)**, it is provided that (2.6.2014) the words "an order containing (or that is varied so as to contain) a measure of the type mentioned in section 83(2)(g) or 87(2)(e) of the 2011 Act" are substituted for the words "terms of section 70(5)(b) of the 1995 Act"

F12 Words in sch. 4 para. 6 inserted (26.7.2021) by The Looked After Children (Scotland) Amendment Regulations 2021 (S.S.I. 2021/103), regs. 1(3), **3(13)**

F13 Words in sch. 4 para. 6 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(16)(b)**; S.S.I. 2013/195, arts. 2, 3

7. Compliance by the foster or kinship carer with the terms of the agreement set out in Schedule 5 **[**[F14]or 6**]**.

Textual Amendments

F14 Words in sch. 4 para. 7 inserted (28.9.2009) by The Looked After Children (Scotland) Amendment Regulations 2009 (S.S.I. 2009/290), regs. 1, **2(6)**

8. Co operation by the foster or kinship carer with any arrangements made by the local authority.

SCHEDULE 5

Regulation 12

MATTERS AND OBLIGATIONS IN KINSHIP CARER AGREEMENTS

1. The support and training to be given to the kinship carer.

2. The procedure for the review of the child's placement with the kinship carer and the timescales agreed for such review.

3. The procedure for placement with the kinship carer and in particular–

(a) the matters to be covered in the kinship placement agreement and the respective obligations, under any such agreements, of the local authority and the kinship carer;

(b) the financial arrangements which are to exist between the local authority and the kinship carer including any special financial arrangements in relation to particular categories of children who may be placed with the kinship carer; and

(c) the procedure available to kinship carers who wish to make representations to the local authority which place the child.

4. The kinship carer's obligation to give written notice to the local authority forthwith, with full particulars, of–

(a) any intended change of address;

(b) any change in the composition of the household, any other change in personal circumstances, any other event affecting either the kinship carer's capacity to care for any child placed or the suitability of the household and any criminal convictions arising between approval and subsequent reviews; and

(c) any further request or application of a kind mentioned in paragraph 11 of Schedule 3.

5. The kinship carer's obligation–

(a) not to administer corporal punishment to any child placed with them;

(b) to ensure that any information relating to a child placed with them, to the child's family or to any other person, which has been given in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the local authority;

(c) to comply with the terms of any kinship placement agreement, to care for the child placed with the kinship carer in a safe and appropriate manner and to promote the child's welfare having regard to the local authority's immediate and longer-term arrangements for the child;

(d) to notify the local authority immediately of any serious illness of the child or of any other serious occurrence affecting the child; and

(e) where the placement is terminated, to allow the child to be removed from their home by the local authority.

SCHEDULE 6

Regulation 24

MATTERS AND OBLIGATIONS IN FOSTER CARER AGREEMENTS

1. The support and training to be given to the foster carer.

2. The procedure for the review of approval of a foster carer.

3. The procedure for handling of complaints against foster carers.

4. The procedure in connection with the placement of children, and in particular–

(a) the matters to be covered in foster placement agreements and the respective obligations, under any such agreements, of the local authority and the foster carer;

(b) the financial arrangements which are to exist between the local authority and the foster carer, including any special financial arrangements in relation to particular categories of children who may be placed with the foster carer;

(c) the local authority's arrangements for meeting any legal liabilities of the foster carer arising by reason of a placement; and

(d) the procedure available to foster carers who wish to make representations to the local authority which placed the child.

5. The foster carer's obligation to give written notice to the local authority forthwith, with full particulars, of–

(a) any intended change of address;

(b) any change in the composition of the household, any other change in personal circumstances, any other event affecting either the foster carer's capacity to care for any child placed or the suitability of the household and any criminal convictions arising between approval and subsequent reviews; and

(c) any further request or application of a kind mentioned in paragraph 11 of Schedule 3.

6. The foster carer's obligation–

(a) not to administer corporal punishment to any child placed with them;

(b) to ensure that any information relating to a child placed with them, to the child's family or to any other person, which has been given in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the local authority;

(c) to comply with the terms of any foster placement agreement, to care for the child placed with the foster carer as if the child was a member of that person's family and in a safe and appropriate manner and to promote the child's welfare having regard to the local authority's immediate and longer-term arrangements for the child;

(d) to notify the local authority immediately of any serious illness of the child or of any other serious occurrence affecting the child; and

(e) where the placement is terminated, to allow the child to be removed from their home by the local authority.

SCHEDULE 7 Regulation 48

ARRANGEMENTS WITH REGISTERED FOSTERING SERVICES

PART I

MATTERS AND OBLIGATIONS IN AGREEMENTS WITH REGISTERED FOSTERING SERVICES

1. The duties the local authority propose to delegate to the registered fostering service.

2. The services to be provided to the local authority by the registered fostering service.

3. The arrangements for the selection by the local authority of particular foster carers from those approved by the registered fostering service.

4. The requirements for the registered fostering service to submit reports to the local authority on any placement as may be required by the authority.

5. The arrangements for the termination of the agreement.

PART II

MATTERS AND OBLIGATIONS IN AGREEMENTS WITH REGISTERED FOSTERING SERVICES WHERE ARRANGEMENT MADE IN RESPECT OF A PARTICULAR CHILD

6. Details of the foster carer with whom the child is to be placed.

7. Details of any services the child is to receive.

8. The terms of the proposed foster agreement and foster placement.

Changes to legislation:
There are currently no known outstanding effects for the The Looked After Children (Scotland) Regulations 2009.