

POLICY NOTE

THE LOOKED AFTER CHILDREN (SCOTLAND) AMENDMENT REGULATIONS 2013

SSI 2013/14

The above instrument was made in exercise of the powers conferred by sections 17(1) and (7) of the Children (Scotland) Act 1995.

Policy Objectives

Regulation 6(1)(a) of the Looked After Children (Scotland) Regulations 2009 (S.S.I. 2009/210) provides that the Scottish Ministers should be notified immediately by the relevant local authority following any death of a looked after child. Previously this notification would have been made through the Social Work Inspection Agency (SWIA) who acted on behalf of the Scottish Ministers. The Public Service Reform Act 2010 gave powers for the Social Care and Social Work Improvement Scotland ("SCSWIS" - commonly now referred to as the Care Inspectorate) to become the new independent regulatory body for social work, social care and children's services and the Act and new body came into force in April 2011. SCSWIS took over some of the responsibilities of SWIA and there is consequentially now a requirement to add SCSWIS to regulation 6(1)(a) of the 2009 Regulations alongside Scottish Ministers as people who require to be notified following the death of a looked after child .

In practice local authorities continue to notify SCSWIS as the new regulatory body and Scottish Ministers through Scottish Government Looked After Children Unit. Local authorities follow up within a month, with a more detailed report and supporting information (this may need to follow later if there is a police investigation) to allow SCSWIS to investigate further where necessary, review and make any recommendations to the service provider to improve policy or procedures.

Consultation

Informal consultation has taken place with SCSWIS regarding current policy in relation to what is currently provided for in legislation around notifications of deaths of looked after children and they agree that it would be appropriate to include them in the notification of deaths of looked after children to reflect practice on the ground.

Impact Assessments

It is not considered necessary to carry out detailed impact assessments given the consequential and non contentious nature of this minor amendment. The impact of not carrying out the amendment however may lead local authorities to believe that there is no longer any requirement to notify the regulatory body following the death of a looked after child.

Scottish Government
Children and Families Directorate
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