

SCHEDULE

MODIFICATION OF SUBORDINATE LEGISLATION

Looked After Children (Scotland) Regulations 2009

11.—(1) The Looked After Children (Scotland) Regulations 2009(1) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) insert the following definitions at the appropriate places:—

““the 2011 Act” means the Children’s Hearings (Scotland) Act 2011(2);”;

““child protection order” means an order mentioned in section 37 of the 2011 Act;”;

““compulsory supervision order” has the meaning given by section 83 of the 2011 Act;”;

““contact direction”—

(a) in relation to a child protection order, has the meaning given by section 41(3) of the 2011 Act;

(b) in relation to a compulsory supervision order, interim compulsory supervision order or medical examination order, means a measure contained within such an order of the type mentioned in section 83(2)(g) or 87(2)(e) of that Act;”;

““exclusion order” has the meaning given by section 76(12) of the 1995 Act;”;

““interim compulsory supervision order” has the meaning given by section 86 of the 2011 Act;”;

““medical examination order” has the meaning given by section 87 of the 2011 Act;”;

““warrant to secure attendance” has the meaning given by section 88 of the 2011 Act;”;

(b) for the definition of “relevant person” substitute—

““relevant person” has the meaning given by section 200 of the 2011 Act and includes a person deemed to be a relevant person by virtue of section 81(3), 160(4)(b) or 164(6) of that Act; and”.

(3) In regulation 5 (child’s plan)—

(a) in paragraph (2)—

(i) for sub-paragraph (c) substitute—

“(c) any relevant person in respect of the child;”;

(ii) for sub-paragraph (d) substitute—

“(d) any person other than a relevant person who appears to the authority to have (or to recently have had) a significant involvement in the upbringing of the child;”;

(b) in paragraph (4)—

(i) for sub-paragraph (c) substitute—

“(c) any relevant person in respect of the child; and”;

(ii) for sub-paragraph (d) substitute—

(1) S.S.I. 2009/210 amended by S.S.I. 2009/290 and S.S.I.2011/211.

(2) 2011 asp 1.

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- “(d) any person other than a relevant person who appears to the authority to have (or to recently have had) a significant involvement in the upbringing of the child.”; and
- (c) in paragraph (5) for “a supervision requirement or order or warrant granted under Part II of the 1995 Act” substitute “an exclusion order or any order or warrant made by a children’s hearing or sheriff under the 2011 Act”.
- (4) In regulation 7 (recommendations by local authority to Principal Reporter)—
- (a) in paragraph (1) for “section 56(7) of the 1995 Act” substitute “section 66(4) of the 2011 Act (investigation and determination by the Principal Reporter); and
- (b) in paragraph (2)(d) omit “who is not a relevant person”.
- (5) In regulation 8(3) (arrangements for child to be cared for by parents or persons with parental rights and parental responsibilities) for sub-paragraph (a) substitute—
- “(a) be subject to the terms of any compulsory supervision order, interim compulsory supervision order, warrant to secure attendance, permanence order or exclusion order made in respect of the child; and”.
- (6) In regulation 10(1) (kinship carers) omit “who is looked after by that authority in terms of section 17(6) of the 1995 Act”.
- (7) In regulation 11(1) (placement of child with kinship carer) for sub-paragraph (a) substitute—
- “(a) the placement is, or would be, contrary to the terms of any—
- (i) order or warrant made by the children’s hearing or the sheriff under the 2011 Act;
- (ii) permanence order; or
- (iii) exclusion order; or”.
- (8) In regulation 13 (notification of placement with kinship carer)—
- (a) after paragraph (1) insert—
- “(1A) Where the child is subject to a compulsory supervision order or interim compulsory supervision order, the local authority must provide notification of the placement to—
- (a) the Principal Reporter; and
- (b) the child’s relevant person.”;
- (b) in paragraph (2) for “paragraph (1)(c) or (d)” substitute “paragraphs (1)(c) and (d) and (1A)”; and
- (c) in paragraph (3)(b) for “a supervision requirement or an order or warrant granted under Part II of the 1995 Act” substitute “an exclusion order or any order or warrant made by the children’s hearing or the sheriff under the 2011 Act”.
- (9) In regulation 21(1) (foster carers) omit “who is looked after by that authority in terms of section 17(6) of the 1995 Act”.
- (10) In regulation 27(1) (placement of child with foster carer) for sub-paragraph (a) substitute—
- “(a) the placement is, or would be, contrary to the terms of any—
- (i) order or warrant made by the children’s hearing or the sheriff under the 2011 Act;
- (ii) permanence order; or
- (iii) exclusion order; or”.
- (11) In regulation 29 (notification of placement with foster carer)—
- (a) after paragraph (1) insert—

- “(1A) Where the child is subject to a compulsory supervision order or interim compulsory supervision order, the local authority must provide notification of the placement to—
- (a) the Principal Reporter; and
 - (b) the child’s relevant person.”;
- (b) in paragraph (2) for “paragraph (1)(c) and (d)” substitute “paragraphs (1)(c) and (d) and (1A)”; and
- (c) in paragraph (3)(b) for “a supervision requirement or an order or warrant granted under Part II of the 1995 Act” substitute “an exclusion order or any order or warrant made by the children’s hearing or the sheriff under the 2011 Act”.
- (12) In regulation 33(1)(b) (fostering and kinship care allowances) for “section 70(3)(a) of the 1995 Act” substitute “a compulsory supervision order”.
- (13) In regulation 34 (child placed in residential establishment: notification)—
- (a) after paragraph (1) insert—

“(1A) Where the child is subject to a compulsory supervision order or interim compulsory supervision order, the local authority must provide notification of the placement to—

 - (a) the Principal Reporter; and
 - (b) the child’s relevant person.”;
 - (b) in paragraph (2) for “paragraph (1)(c)” substitute “paragraphs (1)(c) and (d) and (1A)”; and
 - (c) in paragraph (3)(b) for “a supervision requirement or an order or warrant granted under Part II of the 1995 Act” substitute “an exclusion order or any order or warrant made by the children’s hearing or the sheriff under the 2011 Act”.
- (14) In regulation 36 (emergency placement with carer)—
- (a) in paragraph (1) omit “who is looked after by a local authority in terms of section 17(6) of the 1995 Act”; and
 - (b) in paragraph (4) for sub-paragraph (a) substitute—

“(a) the placement is, or would be, contrary to the terms of any—

 - (i) order or warrant made by the children’s hearing or the sheriff under the 2011 Act;
 - (ii) permanence order; or
 - (iii) exclusion order; or”.
- (15) In regulation 40 (notification of an extended emergency placement)—
- (a) after paragraph (1) insert—

“(1A) Where the child is subject to a compulsory supervision order or interim compulsory supervision order, the local authority must provide notification of the placement to—

 - (a) the Principal Reporter; and
 - (b) the child’s relevant person.”;
 - (b) in paragraph (2) for “paragraph (1)(c) or (d)” substitute “paragraphs (1)(c) and (d) and (1A)”; and
 - (c) in paragraph (2)(b) for “a supervision requirement or an order or warrant granted under Part II of the 1995 Act” substitute “an exclusion order or any order or warrant made by the children’s hearing or the sheriff under the 2011 Act”.

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(16) In Schedule 4 (matters and obligations to be covered in foster and kinship placement agreements)—

- (a) in paragraph 1(b) for “supervision requirement or” substitute “order or warrant made by the children’s hearing or sheriff under the 2011 Act or other”; and
- (b) in paragraph 6 for “contact required” to the end substitute “contact direction contained within a compulsory supervision order, interim compulsory supervision order, medical examination order or child protection order.”.