



Children (Scotland) Act 1995

1995 CHAPTER 36

PART II

PROMOTION OF CHILDREN'S WELFARE BY LOCAL
AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

CHAPTER I

SUPPORT FOR CHILDREN AND THEIR FAMILIES

Provision of services

24 Assessment of ability of carers to provide care for disabled children

- (1) Subject to subsection (2) below, in any case where—
- (a) a local authority carry out under section 23(3) of this Act an assessment to determine the needs of a disabled child, and
 - (b) a person (in this section referred to as the “carer”) provides or intends to provide a substantial amount of care on a regular basis for that child,
- the carer may request the local authority, before they make a decision as to the discharge of any duty they may have under section 2(1) of the Chronically Sick and Disabled Persons Act 1970 or under section 22(1) of this Act as respects the child, to carry out an assessment of the carer's ability to continue to provide, or as the case may be to provide, care for that child; and if the carer makes such a request, the local authority shall carry out such an assessment and shall have regard to the results of it in making any such decision.
- (2) No request may be made under subsection (1) above by a person who provides or will provide the care in question—
- (a) under or by virtue of a contract of employment or other contract; or
 - (b) as a volunteer for a voluntary organisation.

Status: *This is the original version (as it was originally enacted).*

- (3) Where an assessment of a carer’s ability to continue to provide, or as the case may be to provide, care for a child is carried out under subsection (1) above, there shall, as respects the child, be no requirement under section 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (carer’s ability to continue to provide care to be considered in any decision as respects provision of certain services for disabled persons) to have regard to that ability.
- (4) In this section “person” means a natural person.