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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 310**

**CHILDREN AND YOUNG PERSONS**

**The Looked After Children (Scotland)  
Amendment Regulations 2014**

*Made* - - - - 12th November 2014  
*Laid before the Scottish  
Parliament* - - - - 14th November 2014  
*Coming into force* - - 29th December 2014

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 5(2), (3) and (4) of the Social Work (Scotland) Act 1968<sup>(1)</sup> and sections 17(1) and 103(2) and (3) of the Children (Scotland) Act 1995<sup>(2)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Looked After Children (Scotland) Amendment Regulations 2014 and come into force on 29th December 2014.

**Amendment of the Looked After Children (Scotland) Regulations 2009: Fostering placement limit**

2. (1) The Looked After Children (Scotland) Regulations 2009<sup>(3)</sup> are amended as follows.
- (2) In regulation 20(2)(c) (functions of the foster panel) after “time” insert “, subject to the placement limit set out in regulation 27A.”.
- (3) In regulation 22(5)(d) (approval of foster carers) after “time” insert “, subject to the placement limit set out in regulation 27A.”.
- (4) In regulation 27(1) (placement of child with foster carer) after sub-paragraph (b) insert—

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(1) 1968 c.49. Subsections (3) to (5) of section 5 were substituted by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 5(4)(d). Section 5(2) was substituted by the Children Act 1975 (c.72), Schedule 3, paragraph 49. Section 5(2)(c) was substituted by the Local Government etc. (Scotland) Act 1994 (c.39), section 180(1), Schedule 13, paragraph 76(3)(c) and is amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(4)(c), the Adoption and Children (Scotland) Act 2007 (asp 4), section 120(1), schedule 2, paragraph 2 and S.S.I. 2013/211. Section 5(2)(d) was repealed by the Children Act 1989 (c.41), section 108(7), Schedule 15. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) 1995 c.36. Section 17 is relevantly amended by the Adoption and Children (Scotland) Act 2007 (asp 4), section 120(1), schedule 2, paragraph 9. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. Section 103(2) defines “prescribed”.

(3) S.S.I. 2009/210 as amended by S.S.I. 2009/290, S.S.I. 2011/211, S.S.I. 2013/14 and S.S.I. 2013/147 and S.S.I. 2014/112.

“; or

(c) the placement would result in the placement limit set out in regulation 27A being exceeded.”.

(5) After regulation 27 insert—

**“Placement limit**

**27A.** (1) Subject to paragraph (2) a local authority must not place a child with a foster carer where the placement would result in more than 3 children being placed with that foster carer at any one time.

(2) The limit in paragraph (1) does not apply—

(a) when a group of more than 3 siblings are being placed by a local authority; or

(b) when an emergency placement of a child with a foster carer in accordance with regulation 36 or a short-term placement of less than 4 weeks would result in more than 3 children being placed with that foster carer.”.

St Andrew’s House, Edinburgh  
12th November 2014

*AILEEN CAMPBELL*  
Authorised to sign by Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Looked After Children (Scotland) Regulations 2009 (“the 2009 Regulations”) to make provision for a placement limit in relation to the number of children that may be placed with a foster carer at any one time.

Regulation 2(5) inserts regulation 27A into the 2009 Regulations to provide that a local authority must not place a child with a foster carer where the placement would result in more than 3 children being placed with that foster carer at any one time.

The limit does not apply when a group of more than 3 siblings are being placed by a local authority or when an emergency placement of a child with a foster carer in accordance with regulation 36 of the 2009 Regulations or a short-term placement of less than 4 weeks would result in more than 3 children being placed with that carer.

Regulation 2 also makes some minor amendments to the 2009 Regulations in consequence of the new placement limit.