CONSULTATION ON DRAFT LOOKED AFTER CHILDREN (SCOTLAND) REGULATIONS
REPORT BY THE DIRECTOR OF SOCIAL WORK AND HEALTH

ABSTRACT

The Scottish Government are currently consulting on the draft Looked After Children (Scotland) Regulations 2008. Current regulations dealing with looked after children and their carers are contained in the Arrangements to Looked After Children (Scotland) Regulations 1996; the Fostering of Children (Scotland) Regulations 1996 and Regulation 17 of the Residential Establishments Child Care (Scotland) Regulations 1996. These new regulations will replace these. This report seeks Committee approval for the appended draft response to this consultation exercise.

A copy of the draft regulations has been placed in the Members’ Lounge.

1 RECOMMENDATIONS

It is recommended that the Social Work and Health Committee:-

i. notes the content of this report;
ii. instructs the Director of Social Work and Health to forward the response (appended to this report) to the consultation exercise on the draft Looked After Children (Scotland) Regulations 2008 to the Scottish Government.

2 INTRODUCTION

The draft Looked After Children (Scotland) Regulations 2008 set out proposed new regulations relating to the care of looked after and accommodated children and young people that will replace current regulation as set out within the “Arrangements to Looked After Children (Scotland) Regulations 1996”; “the Fostering of Children (Scotland) Regulations 1996” and Regulation 17 of the “Residential Establishments Child Care (Scotland) Regulations 1996”. These new regulations will apply to all Looked After Children and their carers, whether the children are cared for at home, by other people known to them, by foster carers or are in a residential setting.

3 THE DRAFT LOOKED AFTER CHILDREN (SCOTLAND) REGULATIONS 2008

The proposed regulations are divided into 6 parts. These are:

Part 1: General
This includes the intention that these regulations should come into force in early 2009 following the implementation of the Adoption and Children (Scotland) Act 2007.

Part 2: Planning for Looked After Children
This section considers plans for children and how these can be improved and reviewed. This includes earlier planning, and minimising the number of changes of
placement children are subject to, and how we can better support children to be placed with family or friends.

Part 3: Placements
This section considers the local authority’s duty to place a child in foster care. This includes placements being made in an emergency.

Part 4: Panels
This section considers the role function and composition of Foster Panels. This includes issues regarding the approval, review and termination of approval of foster carers. This section also considers the payment of foster carers and relative carers.

Part 5: Arrangements with Voluntary Organisations
This section considers the arrangements local authorities should make with voluntary organisations regarding children who may be placed with them as well as suggested standards regarding out of authority visiting arrangements etc.

Part 6: Records
This section considers issues around the establishment of a record for a child, what should be recorded within such records, how long they should be retained and issues regarding confidentiality. Issues around recording information of foster or kinship carers are also considered.

Appended to this report is a proposed response to the consultation exercise on these draft regulations. This response highlights:

- The importance of these regulations reflecting the Getting it right for every child agenda encouraging agencies to develop joint processes for agreeing and reviewing children's plans;
- The additional duties being imposed upon local authorities regarding the financial support of Kinship Carers;
- The additional duties being placed upon fostering services if Kinship Carers become eligible for support and review in line with the entitlement of foster carers;
- The challenge of identifying adequate number of foster placements if restrictions are enforced to carers “going over numbers” to facilitate a placement;
- Resource implications to facilitating social work contact with young people placed within Angus by other local authorities;
- Proposed introduction of regulation governing the number and make up of Foster Panel members.

4 FINANCIAL IMPLICATIONS
The financial implications for the Social Work and Health Department will be addressed within the overall re-design process for children’s services. This will involve a range of options being considered for service development and placed before Committee. These options may involve additional burden as well as ways on how to contain them from within existing resources.

5 HUMAN RIGHTS IMPLICATIONS
There are no Human Rights implications arising as a result of the recommendations contained in this report.

6 CONSULTATION
The Chief Executive, the Director of Education, the Director of Corporate Services, the Head of Finance and the Head of Law and Administration have been consulted in the preparation of this report.
7 CONCLUSION

The issue of new Looked After Children (Scotland) Regulations is welcome. It is 12 years since current regulations were issued and the new regulations are an opportunity to consolidate on the positive developments that have taken place in services to children over this time. At the same time however the draft regulations as they stand have significant financial implications for local authorities and there is a need to ensure that any changes to current practice are affordable and adequately funded to ensure that the high standards of care for accommodated children in Angus are maintained.

R Peat
Director of Social Work and Health

NOTE: The following background paper, as defined by Section 50d of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

The Arrangements to Looked After Children (Scotland) Regulations 1996;
The Fostering of Children (Scotland) Regulations 1996;
The Residential Establishments Child Care (Scotland) Regulations 1996.