

**EXECUTIVE NOTE TO**

**THE ADOPTION AND CHILDREN (SCOTLAND) ACT 2007 (SUPERVISION  
REQUIREMENT REPORTS IN APPLICATIONS FOR PERMANENCE ORDERS)  
REGULATIONS 2009  
SSI/2009/169**

1. The above instrument (“the Regulations”) was made in exercise of the powers conferred by section 95(2) of the Adoption and Children (Scotland) Act 2007 (“the 2007 Act”). The instrument is subject to negative resolution procedure. These Regulations are one of a series of statutory instruments being enacted to implement the core provisions of the 2007 Act. The purpose of the Regulations is to prescribe the information which must be contained in the report submitted to the court by the Children’s Hearing if the Hearing wishes to make or vary a supervision requirement, while the court is considering an application for a Permanence Order in respect of the child.

**Legislative Background**

2. The Adoption Policy Review Group (APRG), whose report led to the 2007 Act, identified issues about the supply of information to the court by a Children’s Hearing and difficulties over the need to supply the court with reports when supervision requirements under the Children (Scotland) Act 1995 (“the 1995 Act”) are being considered. These issues are addressed in the 2007 Act.

3. Section 95 of the 2007 Act requires a Children’s Hearing to prepare a report for a court if the Hearing wishes to make or vary a supervision requirement with respect to a child who is subject to court procedures for a Permanence Order, or a variation of such an order. Section 95(2) requires that this report must contain such information as the Scottish Ministers may prescribe by regulation.

4. The Regulations specify several items of information which must be contained in the report to the court. These are:

- the terms of the proposed supervision requirement and the reasons for making it;
- the terms of any current supervision requirement already in force in respect of the child;
- the terms of any proposed modification of any current supervision requirement and the reasons for making that modification; and
- the report of the proceedings of the Children’s Hearing, prepared by the Principal Reporter, in accordance with rule 31 of the Children’s Hearings (Scotland) Rules 1996 (S.I No. 3261).

The terms of a supervision requirement includes any conditions, residence requirements or duties imposed on local authorities under section 70 (Disposal of referral by children’s hearing: supervision requirements) of the 1995 Act.

## **Consultation**

5. Draft regulations were published on the Consultations section of the Scottish Government web site. This consultation was supplemented by discussions with the Association of Directors of Social Work's Adoption and Fostering Sub-Group, the Scottish Committee of the British Association for Adoption and Fostering and a group of social work practitioners organised by the British Association of Adoption and Fostering. Responses were in broad agreement with the principles of the regulations.

## **Financial Effects**

6. Information should already be supplied to the court when a Children's Hearing is considering supervision requirements for a child subject to court proceedings. The Regulations prescribe what should go into this report to the court. It is envisaged that there will be no financial effect with regard to the provisions in the Regulations.

Children, Young People and Social Care Directorate  
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