EXECUTIVE NOTE

THE REFUGES FOR CHILDREN (SCOTLAND) AMENDMENT REGULATIONS 2010
S.S.I 2010/59

1. The above instrument was made in exercise of the powers conferred by section 38(2) of the Children (Scotland) Act 1995**.** The instrument is subject to negative resolution procedure.

Policy Objectives

2. The Refuges for Children (Scotland) Regulations 1996 ("the 1996 Regulations") make provisions concerning the designation and approval of establishments or households as refuges for children and for the review and withdrawal of such designation and approval. The 1996 Regulations identify that the household of a foster carer approved under section 5(3)(b) of the Social Work Scotland Act 1968 may be designated as a refuge (regulation 3 of the 1996 Regulations). Regulation 10 of those Regulations sets out the circumstances where the local authority may withdraw its designation. Paragraph (2) prescribes those circumstances and includes the circumstances where a person, whose household is approved by virtue of section 5(3)(b) of the Social Work (Scotland) Act 1968 Act, has had the approval terminated in terms of regulation 10 of the Fostering of Children (Scotland) Regulations 1996.

3. The approval of foster carers is now regulated by the Looked After Children (Scotland) Regulations 2009 using, inter alia, the power at section 5(3) of the Social Work (Scotland) Act 1968. Those Regulations revoke and replace the Fostering of Children (Scotland) Regulations 1996. The amendments in these Regulations are therefore consequential on the coming into force of the Looked After Children (Scotland) Regulations 2009

4. These Amendment Regulations are therefore technical in nature and have been introduced to reflect the changes to approval arrangements for foster carers as introduced by Looked After Children (Scotland) Regulations 2009.

Consultation

5. Due to the technical nature of the instrument, no consultation was undertaken in the course of its preparation.

Financial Effects

6. The instrument has no financial effects on the Scottish Executive, local government or on business.

Children, Young People & Social Care Directorate
February 2010