



New legislation and regulations are or already have come into operation which promote and support sibling relationships for care experienced children. The changes reflect a growing understanding of the importance of brothers and sisters in one another's lives. These are found in the Children (Scotland) Act 2020 and Looked After Children (Scotland) Amendment Regulations 2021.

Who is a sibling?

- Full brothers and sisters
- Children who share at least one parent
- Any other person with whom the child has lived or is living, and with whom the child has an ongoing relationship, with the character of a relationship between siblings.

Children (Scotland) Act 2020

This became operational on 26 July 2021.

Section 13 of the Act amends the Children (Scotland) Act 1995 Section 17.

[Section 17 of that Act places on the Local Authority obligations in respect of each looked after child including to "safeguard and promote his welfare (which shall, in the exercise of their duty to him be their paramount concern)"]

Section 13 of the 2020 Act adds:

Local Authority has a DUTY to promote on a regular basis, personal relations and direct contact between 'siblings' as appear to them to be appropriate.

And

Before local authorities make any decision about a child they are looking after, or are proposing to look after, they must **get the views of the child's siblings** (where reasonably practicable) and must have regard to those views (as far as practicable).

Section 14

Children's Hearing and Court must consider a measure to regulate contact not only with a Relevant Person, but also with a sibling.

Section 15

Anyone, including a child can apply to the Court to grant a Contact Order in relation to a child. This means that a sibling can seek this formal arrangement to secure contact with their sibling. The Court's primary consideration continues to be the welfare of each child for whom they are asked to make a decision. This along with the minimum intervention and taking account of the child's views represent the cornerstones to any Court decision in relation to children.

Section 21

There is an extension of the duty to ensure availability of child advocacy services for this to happen where the Court is making decisions under Children (Scotland) Act 1995 Section 11, which includes where removing some or all PRRs whether contact orders are appropriate and the making of Kinship Care Orders

Section 25

A child will be given the opportunity to participate in a Children's Hearing of their sibling. This right will include rights:

- to be notified of the Hearing
- to provide a report for the Hearing
- to get some of the Hearing papers
- to be allowed to attend for part of the Hearing
- to have representative at the Hearing.

Looked After Children (Scotland) Amendment 2021

This will become operational later in the year when the emergency legislation in relation to Coronavirus is no longer operational.

Regulation 5A:

The local authority must, where appropriate, place the child and any sibling of the child who is also looked after with the same carer or in the same residential establishment, or, where this cannot happen, in homes which are near to each other.

In determining what is appropriate the local authority must be satisfied that the placement safeguards and promotes the welfare of the child (the paramount consideration). A local authority may only place a child in homes that are near together rather than in the same placement if that better safeguards and promotes the welfare of the child.

Local authority must seek and take account of siblings' views in relation to carrying out their assessment and the formulation of each child's plan.

Regulation 27B:

This provides for exceptional approval of a Foster Carer where the placing of a sibling group would mean that there will be more than 3 children in a placement. The Local Authority must refer their decision to do this to their Fostering Panel for approval/discussion within 4 weeks of placement or as soon as practicable thereafter.

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