
STATUTORY INSTRUMENTS

1991 No. 910

The Foster Placement (Children) Regulations 1991

PART III

RECORDS

Register of foster parents and others with whom a child is placed

12.—(1) A local authority are to enter, in a register kept for the purpose, the particulars specified in paragraph (2) for each foster parent in their area who is approved under regulation 3 and each person, not being an approved foster parent, with whom a child is placed pursuant to regulation 11 in their area.

(2) The particulars mentioned in paragraph (1) are—

- (a) the name and address of the foster parent (or, where foster parents are approved jointly, of both foster parents) or other person with whom the child is placed pursuant to regulation 11;
- (b) the date of the approval under regulation 3 or agreement specified in regulation 11(3)(b);
- (c) the terms of the notice of approval under regulation 3(6)(a) or of the agreement specified in regulation 11(3)(b) as for the time being in force.

Case records for foster parents and others with whom a child is placed

13.—(1) An approving authority are to compile (if one is not already established) and maintain a record for each foster parent whom they have approved under regulation 3 and for each person, not being an approved foster parent, with whom a child is placed by them pursuant to regulation 11.

(2) Each record compiled under paragraph (1) is to include copies of each of the documents specified in paragraph (3) and the information specified in paragraph (4).

(3) The documents referred to in paragraph (2) are as the case maybe—

- (a) the notice of approval under regulation 3(6)(a);
- (b) the agreement under regulation 3(6)(b) and Schedule 2;
- (c) any report of review of approval under regulation 4(3);
- (d) any notice of termination of approval under regulation 4(3) or (5);
- (e) any agreement specified in regulation 11(3)(b).

(4) The information referred to in paragraph (2) is as the case maybe—

- (a) a record of each placement with the foster parent or person, not being an approved foster parent, with whom a child is placed pursuant to regulation 11, including the name, age and sex of each child placed, the dates on which each placement began and terminated and the circumstances of the termination;
- (b) the information obtained by the approving authority in relation to the approval of the foster parent and in relation to any review of termination of the approval;
- (c) the information obtained under regulation 11(3).

(5) An approving authority are to compile a record for each prospective foster parent to whom notice is given under regulation 3(7) that he is not approved as a foster parent, the record to include a copy of the notice and the information, as to the foster parent and his household and family, obtained by the authority in connection with the question of approval.

Retention and confidentiality of records

14.—(1) The record for a foster parent or other person compiled under regulation 13, and any entry relating to him in the register maintained under regulation 12, is to be retained for at least 10 years from the date on which his approval is terminated, or until his death if earlier.

(2) The requirements of paragraph (1) may be complied with either by retaining the original written record (or a copy of it) or by keeping all the information from the record in some other accessible form (such as by means of a computer).

(3) The authority or organisation responsible for the maintenance of any register or record under regulation 12 or 13 are to secure its safekeeping and to take all necessary steps to ensure that the information which it contains is treated as confidential subject only to—

- (a) any provision in or by virtue of a statute under which access to such register, record or information may be obtained or should be granted;
- (b) any court order under which access to such register, record or information may be obtained or given.

(4) Each voluntary organisation, where they are not acting as an authorised person⁽¹⁾, shall provide a guardian ad litem of a child—

- (a) such access as may be required to—
 - (i) case records and registers maintained in accordance with these Regulations,
 - (ii) the information from such records or registers held in whatever form (such as by means of computer);
- (b) such copies of the records or entries in the registers as he may require.

⁽¹⁾ For access by guardian ad litem to local authority and authorised person's records see section 42 of the 1989 Act as amended by paragraph 18 of Schedule 16 to the [Courts and Legal Services Act 1990\(c.41\)](#). person is defined in section 31 of the 1989 Act.