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STATUTORY INSTRUMENTS

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**2015 No. 541**

**The Children's Homes (England) Regulations 2015**

**PART 5**

**Policies, records, complaints and notifications**

**Children's case records**

- 36.**—(1) The registered person must maintain records (“case records”) for each child which—
- (a) include the information and documents listed in Schedule 3 in relation to each child;
  - (b) are kept up to date; and
  - (c) are signed and dated by the author of each entry.
- (2) Case records must be kept—
- (a) if the child dies before attaining the age of 18, for 15 years from the date of the child's death;
  - (b) in cases not falling within sub-paragraph (a), for 75 years from the child's date of birth;
  - (c) securely in the children's home during the period when the child to whom the case records relate is accommodated there; and
  - (d) in a secure place after the child has ceased to be accommodated in the home.
- (3) When a children's home is to close or to cease to operate as such (“the closing home”), the registered provider must comply with paragraphs (4) and (5).
- (4) If the registered provider of the closing home—
- (a) is the registered provider of one other children's home, the registered provider must transfer each child's case records which are held in relation to the closing home to the other home;
  - (b) is the registered provider of more than one other home, the registered provider must transfer the case records to the other home which is nearest to the closing home.
- (5) If the registered provider is not, or will not continue to be, the registered provider of another home, the registered provider must—
- (a) transfer the case records for each child who is looked after by a local authority to the placing authority for the child to whom the records relate;
  - (b) transfer the case records for each child who is not looked after by a local authority—
    - (i) if the child has an EHC plan or a statement of special educational needs, to the local authority with responsibility for the EHC plan or for maintaining the statement of special educational needs for the child to whom the records relate; or
    - (ii) if the child does not have an EHC plan or a statement of special educational needs, to the placing authority for the child to whom the records relate.