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STATUTORY INSTRUMENTS

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**1996 No. 3263**

**The Fostering of Children (Scotland) Regulations 1996**

**PART V**

**RECORDS**

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

**18.**—(1) A local authority shall compile (if one is not already established) and maintain a record for each foster carer whom they have approved under regulation 7 and for each person, not being a foster carer, with whom a child is placed by them.

(2) Each record compiled under paragraph (1) shall 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 may be—

- (a) any notice of approval under regulation 7(4);
- (b) any agreement under regulation 8;
- (c) any report of review of approval under regulation 10(4);
- (d) any notice of variation or termination of approval under regulation 10(4) or (5) or (8);
- (e) any agreement specified in regulation 13(2)(b) or 14(1)(b).

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

- (a) a record of each placement with the foster carer or person, not being a foster carer, with whom a child is placed 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 local authority in relation to the approval of the foster carer and in relation to any review or termination of the approval.

(5) A local authority are to compile a record for each prospective foster carer who is not approved as a foster carer, the record to include a copy of the information, as to the prospective foster carer and his household and family, obtained by the authority in connection with the question of approval.

**Retention and confidentiality of records**

**19.**—(1) The record for a foster carer or other person compiled under regulation 18, 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 local authority responsible for the maintenance of any record under regulation 18 are to secure its safe keeping and to take all necessary steps to ensure that the information which it contains is treated as confidential subject only to—

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