
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 210

The Looked After Children (Scotland) Regulations 2009

PART XI

CASE RECORDS

Establishment of case records for looked after children

42.—(1) Each local authority must establish and maintain a written case record, if one is not already in existence, in respect of each child who is looked after by that authority in terms of section 17(6) of the 1995 Act.

(2) Each case record must include—

- (a) a copy of the child's plan referred to in regulation 5 and any revised child's plan;
- (b) a copy of the information obtained under regulation 3(3);
- (c) a copy of any written report in their possession concerning the welfare of the child;
- (d) a copy of any document considered or record established in the course of or as a result of any review of the child's case; and
- (e) details of any arrangements made by the local authority in respect of the care of the child with any person; and
- (f) details of any arrangements made by the local authority in respect of the child with any registered fostering service.

Retention and confidentiality of records

43.—(1) A case record relating to a child who is placed by a local authority must be retained by that authority—

- (a) until the 100th anniversary of the child's date of birth;
- (b) if the child dies before attaining the age of 18 years, for a period of 25 years beginning with the date of death.

(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 of the information from the record in some other accessible form (such as by means of a computer).

(3) Each local authority must secure the safe keeping of every case record and take all necessary steps to ensure that information contained in the case record is confidential subject only to—

- (a) any provision of, or made under or by virtue of any enactment under which access to such records or information may be obtained or given;
- (b) any court order under which access to such records or information may be obtained or given.