
WELSH STATUTORY INSTRUMENTS

2002 No. 327

The Children's Homes (Wales) Regulations 2002

PART III

CONDUCT OF CHILDREN'S HOMES

CHAPTER 3

RECORDS

Records

28.—(1) The registered person shall, on behalf of a child's placing authority, maintain in respect of each child who is accommodated in the children's home a record in the form of a report which—

- (a) includes the information, documents and records specified in Schedule 3 relating to that child;
- (b) is kept up to date; and
- (c) is signed and dated by the author of each written entry.

(2) The record mentioned in paragraph (1) shall not be disclosed to any person except in accordance with—

- (a) any enactment under which access to such records is authorised; or
- (b) any court order authorising access to such records.

(3) The record mentioned in paragraph (1) shall be—

- (a) kept securely in the children's home so long as the child to whom it relates is accommodated there; and
- (b) thereafter delivered to the child's placing authority⁽¹⁾.

(4) The registered person shall maintain in the children's home the record specified in Schedule 4, or if the home closes keep the record elsewhere and make it available for inspection by the National Assembly at its request.

(5) A record referred to in paragraph (4) shall be kept up to date and retained for at least fifteen years from the date of the last entry, except for records of menus, which need be kept for one year.

(6) This regulation and regulation 29 are without prejudice to any enactment (including a provision of subordinate legislation) or other rule of law about records or information.

(1) Under the Arrangements for Placement of Children (General) Regulations 1991 (S.I.1991/890), the responsible authority in relation to a child placed in a children's home must retain their case records (which includes any report in their possession concerning the welfare of the child) for seventy five years after the death of the child or, if the child dies before reaching eighteen, fifteen years from the date of death.

Notifiable events

29.—(1) If, in relation to a children’s home, any of the events listed in column 1 of the table in Schedule 5 takes place, the registered person shall without delay notify the persons indicated in respect of the event in column 2 of the table.

(2) A notification under paragraph (1) shall include a child’s name only if that is necessary.

(3) The registered person shall without delay notify the parent of any child accommodated in the home of any significant incident affecting the child’s welfare unless to do so is not reasonably practicable or would place the child’s welfare at risk.

(4) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.