

# PENRYN COLLEGE

## Safeguarding Records Management, Retention and Transfer Guidelines

**Approved by:** Full Governing Body

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# **Safeguarding records management, retention and transfer guidelines for educational settings**

**These guidelines reflect and should be read in conjunction with the following documents:**

- [Keeping Children Safe in Education](#) (DfE, September 2023)
- [Data protection: a toolkit for schools](#) (DfE, August 2018)
- [Working Together to Safeguard Children](#) (HM Government, July 2018)
- [Information Sharing – Advice for practitioners](#) (HM Government, July 2018)

**Schools and settings should contact their HR provider for additional guidance on file retention of records relating to safeguarding training, allegations against adults and safer recruitment records.**

## **Introduction**

Data Protection and Human Rights principles must be adhered to when obtaining, processing or sharing personal or sensitive information or records. The General Data Protection legislation (GDPR 2016) requires that records should be:

- adequate, relevant and limited to what is necessary for the purpose(s) for which they are held;
- accurate and up to date;
- only kept for as long as is necessary;
- processed with appropriate security measures to prevent unauthorised access, loss, destruction or damage.

It is the responsibility of the Designated Safeguarding Lead (DSL) to ensure that safeguarding files, access, storage and transfer meet the required professional standards.

## **Part A: Safeguarding records management guidelines for schools and settings**

### **Starting a safeguarding file**

Schools should follow a consistent system for the record keeping of safeguarding and child protection concerns and issues. This includes

- cover sheet
- chronology entries

The chronology should make sense as a 'stand-alone' document: any professional reading the chronology should be able to follow easily the What? When? and Who? of key safeguarding and CP events. This will include concerns, communications, meetings and also positive interventions or actions.

If any information is removed from a file for any reason, a file note should be placed in the file indicating who has taken it, why and the dates of removal and return. This note should remain in the child's file.

It is the responsibility of the DSL to start a safeguarding file using the school's template when:

- there are concerns of a safeguarding or welfare nature; this will also include Encompass notifications or when a child is the instigator of abuse/harm on a peer
- a safeguarding referral has been made to another agency
- a child safeguarding file is forwarded to the setting/school by a previous early years setting/school.

When there are safeguarding/welfare concerns, each child should have an individual folder stored in alphabetical order. Within each folder, records should be kept in reverse chronological order. Where records relate to siblings eg family plans, the records should be duplicated, and a separate copy should be kept in each child's file.

The DSL is responsible for ensuring that safeguarding files are kept up to date.

### **A record of a welfare/child protection incident or concern**

Schools should adopt either an electronic or a paper system but not a mixture of both.

Handwritten records should be on a standard 'Welfare and Child Protection concern' form.

Any additional notes should be stapled to the form, dated, clearly legible and written in ink.

Access to electronic files must be strictly controlled as is the case with paper files. This can be easily done by password protecting folders and/or individual files.

Schools/settings using an electronic recording system should ensure the following information can be recorded:

- Name and date of birth of the child(ren) about whom the concern is being raised
- Date and time of the event/concern including year
- The name and job title of the person raising the concern or to whom the disclosure was made
- A clear and comprehensive summary of the concern • A factual account of what happened:
  - what was said or done and by whom
  - what questions were asked? – verbatim if possible
  - responses to questions –verbatim if possible
- Any observations concerning child's demeanour and any injuries (body map)
- Details of how the concern was followed up and resolved
- Action taken, decisions reached and the outcome (including reasons for action or no action) ○ by the person reporting the concern eg contact with parents/carers) ○ by the DSL eg referral to outside agency

Safeguarding files are never 'closed' or de-categorised. Once a setting or school has started a safeguarding file, it is always a safeguarding file and the chronology is maintained so that any future concerns or other relevant information can be considered in the context of past events.

### **Adopted children**

Upon admission to the early years setting or school, information relating to adoption should be recorded (with parental permission) in the child's main setting/school file.

Schools and settings are not advised to start a safeguarding file unless there are current concerns about the child.

Some children will have safeguarding files relating to the time in their lives prior to adoption. Any file containing facts that identify either the birth family or the adoptive family must be classed as highly sensitive. Schools and settings should contact [virtualschool@cornwall.gov.uk](mailto:virtualschool@cornwall.gov.uk) about the storage and retention of files relating to adopted children.

### **Storage of and access to records**

All safeguarding and child protection records are sensitive and confidential. They should be kept together, securely and separate from the child's general setting/school records. The main file can be marked to indicate that a safeguarding file exists (eg a blue star). The DSL, and the manager/headteacher must decide who has access to individual safeguarding files. In most cases this will be the DSL and any deputies and the manager/headteacher only. Governors, including the nominated governor for safeguarding, should not access the files.

### **Other professionals**

Safeguarding information should be shared as appropriate with agencies such as children's social care, Health, the Police, other relevant schools or early years settings and alternative providers.

School and early years inspectors may view individual safeguarding files.

Where this is a request from a solicitor for sight of safeguarding file, legal services' advice should be sought.

References by name to children other than the pupil/learner(s) who is the subject of the record should be redacted when disclosing records, unless consent is obtained from the individual/s concerned (or their parents/carers on their behalf). Care should be taken to ensure all identifying information is removed from the copy of the record to be shared. The names and roles of professionals should not be redacted.

### **Use of email**

Schools and settings should consider the following in respect of the use of email:

- the 'acceptable use of technology' policy/procedures should cover the use of email to send safeguarding information ie professional language
- where schools/settings use an electronic management system, all reports and updates about children should be recorded here and not via email where possible
- any email that includes information pertinent to the child's safeguarding needs to be printed or saved electronically on the child's safeguarding file

School/settings leaders should consider the retention and deletion of emails that include sensitive pupil/learner information to reduce the risk of a data breach that increases with every duplicated record.

### **Subject access requests**

DSLs and headteachers/managers should follow the ICO (Information Commissioner's Office) guidelines when a parent or child requests a copy of the safeguarding file. The

guidelines include advice about exemptions that may apply, particularly about safeguarding information. [www ICO.org.uk](http://www ICO.org.uk)

## **Part B: Safeguarding records retention and transfer guidelines for schools**

### **Retention of safeguarding records**

Schools should have a records retention and storage policy which is kept up to date and compliant with current legislation and guidance.

Settings should ensure they follow advice about retention and transfer set out by their own insurance provider in respect of children who are sole registered at the setting/school.

Alternative providers working with children who remain on a school roll must:

- ensure the school receives copies in a timely way of all safeguarding records created by the provider and
- delete securely the safeguarding records held by the provider when the placement finishes.

It is the DSL's responsibility to ensure that safeguarding files, access, storage and transfer meet the required professional standards as detailed in the GDPR regulations.

For all schools, an audit trail should be kept including:

- confirmation of files having been transferred to the receiving school
- the date records and/or copies of safeguarding files were disposed of securely and why.

It is recommended that schools and settings do not keep copies of any safeguarding records once transferred to another Ofsted registered provider unless there is ongoing legal action when the child leaves the school/setting. In such cases schools and settings should seek legal advice about how long to retain these records.

Custody of and responsibility for the records passes to the school/setting the child transfers to. Guidance for schools on record keeping and management of child protection information states that "the school which the pupil attended until statutory school leaving age is responsible for retaining the pupil record until the pupil reaches the age of 25 years" IRMS, 2019. However, it is recommended that if a child transfers to another Ofsted-registered provider eg another school's Sixth Form, then having recorded that the file has been securely transferred and received by the new provider, the original school no longer needs to keep a copy.

Following the publication of the Truth Project Thematic Report - Child sexual abuse in the context of schools (Dec 2020), it is recommended that secondary schools retain all safeguarding files for children of school leaving age pending a report and any recommendations from Independent Inquiry into Child Sexual Abuse (IICSA).

If a child is removed from the school roll without a known destination eg to be electively home educated or moving abroad, the safeguarding file should be kept by the school.

### **Transfer of safeguarding files**

It is important that parents are made aware that the school/setting has a duty to share information when a child leaves. This can be achieved by:

- A regular paragraph in the school's newsletter advising parents/carers that school records are transferred when a child transfers to another school. This includes information about SEND, academic progress information etc. and also safeguarding and child protection information. Parents should be advised that they will need to talk to the headteacher/manager if they believe there is a reason for not sharing information about their child.
- In addition, this information may be included in the school's prospectus, 'Safeguarding information for parents leaflet', and the home-school agreement, issued annually to parents/carers.
- Direct correspondence with parents/carers.

**If the headteacher/manager/proprietor believes that there is an ongoing risk to the child and that information should be shared, despite the absence of explicit consent from the parents/carers or against parental wishes, they should share the information and clearly record their rationale for doing so.**

It is also possible that an overriding public interest would justify disclosure of the information (or that sharing is required by a court order, other legal obligation or statutory exemption).

**Keeping Children Safe in Education 2023 sets out the following:**

- The Data Protection Act 2018 and GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare. Fears about sharing information **must not** be allowed to stand in the way of the need to promote the welfare and protect the safety of children (para 60).
- Governing bodies and proprietors should ensure relevant staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the UK GDPR. This includes ... understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data.
- This includes **allowing practitioners to share information without consent**
  - where there is good reason to do so,
  - and that the sharing of information will enhance the safeguarding of a child in a timely manner, but it is not possible
  - to gain consent,
  - it cannot be reasonably expected that a practitioner gains consent, or
  - if to gain consent would place a child at risk (para 109).

**Information Sharing (2018, p.13) sets out:**

Where a decision to share information without consent is made, a record of what has been shared should be kept.

**Requirement and advice on transfer of safeguarding records**

**Keeping Children Safe in Education 2023 sets out the following (para 112 and 113):**

Where children leave the school or college, the DSL should ensure their CP file is transferred to the new school or college as soon as possible, to allow the new school or college to continue supporting children who have had a social worker and been victims of abuse and have that support in place for when the child arrives, also ensuring secure transit, and confirmation of receipt should be obtained. For schools, this should be transferred separately

from the main pupil file. Receiving schools and colleges should ensure key staff such as DSLs and SENCOs or the named persons with oversight for SEN in a college, are aware as required.

In addition to the CP file, the DSL should also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For example, information that would allow the new school or college to continue supporting children who have had a social worker and been victims of abuse, or those who are currently receiving support through the 'Channel' programme and have that support in place for when the child arrives. More information on the child protection file is in Annex C.

Note that **KCSiE 2023 sets out a clear timescale for safeguarding file transfer**: where children leave the school or college (including in year transfers) the DSL should ensure their safeguarding file is transferred to the new school or college as soon as possible, and **within 5 days for an in-year transfer or within the first 5 days of the start of a new term**.

**The pupil/learner record should not be weeded before transfer**, unless any duplicates or records with a short retention period has been included; these can be removed and securely destroyed (IRMS, 2019). It is important to remember that the information which may seem unnecessary to the person weeding the file may be a vital piece of information required at a later stage.

The receiving school/setting should routinely ask the previous school/setting if a safeguarding file exists, for all transfers.

It is recommended that there is a written record of this request and any subsequent response.

Safeguarding records must be sent in the most secure way possible eg sent by recorded delivery. Parents/carers should never be used as couriers for such files.

There should be written evidence of the transfer (see Appendix) and this receipt should be retained until the child's 25<sup>th</sup> birthday.

Where a new pupil who was not on any school roll joins a new school, the new DSL should contact the DSL at the last attended school or early years setting to enquire about the existence of a safeguarding file for the child. The SEA team can support by providing the name of establishments formerly attended.

If a child leaves the school without a forwarding address and no contact is received from a new school:

- the DSL should follow the child missing education (CME) procedures and inform the Education Welfare Officer within 10 school days and
- If the child already has a social worker, the DSL should contact the social worker immediately
- The child's departure has given the school cause for safeguarding concerns, then the DSL will refer to Support and Safeguarding Service in the usual way.

### **Alternative provision**

Where a school places a pupil at an alternative provision, the school continues to be responsible for the safeguarding of that pupil (and should be satisfied that the provider meets the needs of the pupil) KCSiE, 2023, para 209. For providers to be able to meet the needs of each pupil/learner and respond to signs and indicators that may be particular to a child, the DSL of the main school base must share relevant safeguarding information.

DSLs at each setting should ensure information is kept up to date and that any information is appropriately shared with the other DSLs. Further guidance about this can be found in Cornwall Approved Alternative Provision User guide and list of approved providers in Wiltshire. See Right Choice Alternative Provision.

### **Electronic safeguarding files**

Files must not be transferred electronically unless there is a secure system in place but should be printed in their entirety and linked with paper documentation eg conference minutes. Hard copies should be transferred as described above. When confirmation of receipt has been received, the computer file should be retained as described above.

Deletion of electronic records should be a managed and auditable process in the same manner as paper records. Records must be securely deleted in accordance with the school security policy. Processes must be in place to ensure all backups and copies are included in the deletion process. The school ICT department or IT provider should be able to advise on the most appropriate method of deletion. (IRMS, 2019).

### **Further information and references**

Key legislation affecting the retention and storage of child protection records includes:

- The General Data Protection Regulation (GDPR) (May 2018). The Information Commissioner's Office provides a guide to the GDPR to help organisations comply with its requirements (Information Commissioner's Office, 2017b).
- Data Protection Act (2018)
- The Fostering Services (England) Regulations 2011
- The Children's Homes (England) Regulations 2015
- Statutory Guidance on Adoption for local authorities, voluntary adoption agencies and adoption support agencies

### **References**

- Independent Inquiry into Child Sexual Abuse (IICSA) (2018) Guidance Note: Retention Instructions and Data Protection requirements (version 2).
- Information and Records Management Society (IRMS) (2019) Information management toolkit for schools.
- Information Commissioner's Office: Guide to the Data Protection Act.
- Information Commissioner's Office: Guide to the General Data Protection Regulation.

### **Appendix: Transfer of safeguarding records within educational establishments receipt**

<b>Transfer of safeguarding records within educational establishments receipt</b>	
<b>Name of originating school:</b>	<b>Name of receiving school:</b>
<b>Address:</b>	<b>Address:</b>



<b>DSL name:</b>		<b>DSL name:</b>	
<b>Child's name:</b>			
<b>Address:</b>			
<b>Date of birth:</b>			
<b>Unique Pupil Number/Unique Learner Number:</b>			
<b>Number of documents contained in the file:</b>			
<b>Does the file contain either current or previous CiN or CP information?</b>		Y / N	
<b>Date file exchanged by hand:</b>		<b>Or date file posted by recorded delivery:</b>	

<b><i>Section to be filled in by receiving school's DSL:</i></b>	
<b>Name of DSL at the receiving school:</b>	
<b>Signature of DSL at the receiving school:</b>	
<b>Date safeguarding file received:</b>	

**Please ensure this form is completed and a copy is retained securely by the originating school.**