

# **Guidance for schools on maintaining and transferring pupil safeguarding/child protection records**

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## 1. Introduction

- 1.1. This guidance replaces the document 'Managing Shared Information: Guidance for schools and education settings on Child Protection (CP) and Children in Need (CiN)/pupil file structures and managing file movement' and any copies of that document held by schools should be discarded.
- 1.2. Safeguarding and promoting the welfare of children and young people is everyone's responsibility. Keeping Children Safe in Education (DfE) states that "*all concerns, discussions and decisions made and the reasons for those decisions should be recorded in writing*" and yet serious case reviews have frequently identified that records of concerns and actions in a number of agencies, including educational establishments, have either not been made or that record keeping systems have been inconsistent, not evidenced, fragmented, poorly coordinated and/or organised. Poor recording and information sharing has contributed to the deaths or serious injuries of children and young people.
- 1.3. It is essential that schools have effective systems and well-maintained records to ensure that they meet their statutory responsibility to respond appropriately to identified concerns, share information and take prompt action in order to safeguard children and young people. Records should be factual, accurate, relevant, up to date and auditable. It must be possible to track records through all stages, whether they are live, closed, transferred, or archived.
- 1.4. Staff should receive a minimum of two hours Introduction to Safeguarding training, and be made aware of the school's safeguarding/child protection policies and procedures, including recording concerns, on induction. Training for all staff should be regularly updated and staff should receive regular safeguarding/child protection updates at least annually.
- 1.5. This guidance has been produced following requests from schools and Designated Safeguarding Leads (DSL) for clarification on issues relating to the management, retention and transfer of information within and between educational establishments.

## 2. Legal framework for pupil records

- 2.1. For maintained schools and special schools (whether maintained by the Local Authority or not) the requirement to keep pupil records is set out in The Education (Pupil Information) (England) Regulations 2005.

- 2.2. Those schools are required to keep an educational record for each pupil on roll and disclose on request a pupil's educational record to their parent.
- 2.3. The educational record includes the curricular record in relation to a pupil's educational achievements, their abilities and progress in school, but may also include other information about the pupil that comes from a teacher or other employee of a local authority or school, the pupil, or their parents.
- 2.4. Records of safeguarding concerns in relation to a child or young person also form part of their educational record, although they should be held on a separate file from the pupil's main educational record and kept securely in locked storage with access restricted to the Designated Safeguarding Lead/Alternate (DSL/ADSL) and/or head teacher as appropriate. Where a parent requests disclosure of their child's educational record, schools should give careful consideration as to whether safeguarding records should be disclosed or withheld (see section 6).
- 2.5. All schools, whether maintained, academy or independent should have regard to the requirements of the Data Protection Act 2018 (DPA) and General Data Protection Regulation (GDPR) when processing and storing information in relation to pupils.

### **3. Management and storage of safeguarding information**

- 3.1. Once a child protection incident or safeguarding/welfare concern has been raised with the DSL, a separate child protection/safeguarding file should be created for the child or young person. This file must be kept separate from the child or young person's other records and held in secure, locked storage with access restricted to those with direct child protection responsibility such as the DSL, ADSL and head teacher.
- 3.2. It is recommended that the child/young person's educational record is marked discreetly to indicate the presence of a safeguarding file. This could be done by placing a coloured sticky dot on the file cover.
- 3.3. A separate safeguarding file must be created regardless of whether formal child protection procedures have been initiated. For some children/young people this single record may be the only concern held for them over their time at the school. For others, it may be the accumulation of a number of small incidents, events or observations that can provide the evidence of harm being caused to a child/young person.
- 3.4. Family files should not be kept. If concerns relate to more than one child/young person from the same family, a separate file should be created

for each child and cross-referenced to the files of other family members on roll at the school. Common records, e.g. child protection conference minutes, should be duplicated for each file where appropriate.

- 3.5. If safeguarding records are held electronically schools must ensure that access permissions to safeguarding files are restricted to those with direct child protection responsibility.

#### **4. Recording safeguarding information**

- 4.1. The DSL should ensure that all staff know when and how to record concerns about a child/young person's welfare, however small or seemingly insignificant.
- 4.2. All staff should be mindful of the need to record information in an objective and professional manner and that details of the information they record may be shared with the child/young person, family members/carers and other professionals, for example at child protection conferences. In exceptional cases, they may be submitted as evidence in court proceedings or for the purposes of a serious case review. It is essential that recordings differentiate between fact, allegation, observation and opinion.
- 4.3. It is recommended that staff use a common record of concern form. A SCC model safeguarding recording form is available on the Suffolk Safeguarding Partnership (SSP) website: [www.suffolk.safeguardingpartnership.org.uk](http://www.suffolk.safeguardingpartnership.org.uk).
- 4.4. A record of concern should be completed as soon as is reasonably possible following a staff member becoming aware of a safeguarding concern, to ensure that no details are forgotten and the concern is passed to the DSL/ADSL at the earliest opportunity. Any original notes made at the time of or following the concern should be attached to the formal record of concern.
- 4.5. All records of concern should include the date and time of recording, be signed by the member of staff completing the form and record their name and position. It is recommended that even where schools use electronic recording systems, a handwritten, signed and dated record of concern is completed and retained on the pupil's safeguarding file.
- 4.6. Once the record of concern is passed to the DSL/ADSL it is important that they check that the information recorded is sufficiently detailed. If a body chart has been completed or there are any other documents referred to in the record, these should be attached and also signed and dated where appropriate. If there is insufficient information recorded or additional detail is needed the DSL/ADSL should seek clarification from the staff member

concerned.

## **5. Content of safeguarding files**

5.1. The information contained in a child/young person's safeguarding file may include:

- Front sheet
- Chronology
- Any child protection/safeguarding information received from the child/young person's previous educational establishment
- All records of concern
- Copies of any original notes initially recorded in the form of notebooks/diaries
- Records of discussions and telephone calls (with colleagues, parents and children/young people and other agencies or services)
- Safeguarding consultation records
- Letters sent and received
- Multi-agency referral forms (MARF)
- Formal plans linked to the child, e.g. child protection plan, child in need plan, CAF
- Risk Assessments
- School reports to interagency meetings and conferences
- Minutes of interagency meetings, e.g. child in need, child protection conference

5.2. A chronology provides an important record of the school's contacts and actions and assists in understanding concerns for a child in the context of history, timelines and other known information. It also provides evidence for the rationale for referral.

5.3. The chronology should list specific and significant incidents, events and actions taken in relation to the child and, where appropriate, their family, with a brief explanation and cross-referenced to the relevant record within the file. In addition, the chronology should record all significant and relevant contacts between the school and parents/carers, whether it is face-to-face, by email or telephone, with a record of what was discussed, and action taken in response. An example proforma is included at appendix 9.1.

5.4. Entries on a chronology should:

- Be brief;
- Specify the date of the event, source of the information and date information received/recorded;
- Contain factual information or be clearly specified as unsubstantiated;

- Be in neutral, objective language, suitable for professionals and family members to read.

5.5. The DSL should undertake regular audits of safeguarding files to ensure that the school's procedures are being followed and adequate records are being kept. This should include an assessment of risk assessment and decision making by all staff members involved. Any strengths and weaknesses should be discussed with the staff involved and any learning points should feed into induction and training.

## **6. Rights of access to safeguarding records**

6.1. As set out in section two, for children/young people attending maintained schools, parents can request a copy of their child's educational record in accordance with The Education (Pupil Information) (England) Regulations 2005. A child/young person can also request access to personal information held on them by the school under a Subject Access Request in accordance with the provisions of the DPA, or a parent can make a request where they are exercising the child's right of subject access on the child's behalf. However, neither the child/young person or parent has an automatic right to see all the information held in child protection records. Information can be withheld if disclosure:

- Could cause serious harm to the physical or mental health of the child/young person or another individual
- reveal that the child/young person is at risk of abuse, where disclosure of that information would not be in the child/young person's best interests
- is likely to prejudice an ongoing criminal investigation
- or, the information about the child/young person also relates to another person who could be identified from it or the information has been given by another person who could be identified as the source, unless the person has consented to the disclosure or the person providing the information is an employee of the school or the local authority.

6.2. When disclosing information, all third-party information must be removed, or consent sought for its disclosure from the person concerned. For example, all identifying information about other children/young people or members of the public who have shared information about the child/young person must be removed before disclosing information.

6.3. It is recommended that schools seek advice from their legal advisers when requests for access to personal data are received and they are unsure whether safeguarding information should be disclosed.

6.4. Schools may be required to disclose records for other purposes, for example, children's social care investigation, a criminal investigation, court proceedings or a serious case review. A log should be kept to identify who has requested access, when and for what purpose. If schools are uncertain about disclosure of children's records to third parties and/or for court/legal proceedings purposes it is strongly suggested that legal advice is sought.

## **7. Transfer and retention of safeguarding files**

7.1. Keeping Children Safe in Education states that *"Where children leave the school or college the DSL should ensure their child protection file is transferred to the new school or college as soon as possible. This should be transferred separately from the main pupil file, ensuring secure transit and confirmation of receipt should be obtained."* (Annex B: Role of the designated safeguarding lead)

7.2. The DSL should ensure that where there is a safeguarding file for a child/young person who has moved to another school, setting or to college, the file should be transferred for the attention of the DSL at the receiving school as soon as possible. The file should be transferred using whatever method the school, i.e. the 'data handler', considers to be the most secure and appropriate in the circumstances to minimise the risk of any data breach. If it is necessary to send the file by post, it should be sent using recorded delivery. Electronic files should only be transferred using a secure electronic transfer mechanism or after the file has been encrypted. The school should ensure that a receipt is obtained from the new school or setting for any file transferred.

7.3. For children/young people who are subject to a Child Protection Plan, the DSL should make contact with the DSL of the receiving school or setting before arranging for the file to be transferred.

7.4. Where a child/young person who is subject to a Child Protection Plan leaves the school and the new placement is not known, the child/young person's social worker should be contacted to share this information.

7.5. Where a child/young person leaves the school, details of a new placement is not known and there are concerns that they do not have a new placement and alternative education arrangements, for example Elective Home Education, have not been made, the school should follow the Children Missing Education Protocol.

7.6. Where a child/young person joins the school as a new pupil and no safeguarding information, or confirmation that no such information was held,

is received from the previous school, the DSL should not assume that there were no safeguarding concerns. Contact should be made with the DSL of the previous school to clarify whether there were safeguarding concerns and request a copy of records as necessary.

7.7. Schools should not take copies of or retain safeguarding files when a child/young person leaves the school, unless they have reached statutory school leaving age. The file should follow the pupil to their new school which then takes responsibility for the record on receipt.

7.8. When a young person leaves school when they have reached statutory school leaving age, the school should retain the safeguarding file until the young person reaches the age of 25. After this date the file should be securely destroyed and a record made of the date this occurred and why.

## **8. Links to legislation, statutory and non-statutory guidance**

### **Legislation**

Children Act 1989

Children Act 2004

Data Protection Act 2018

General Data Protection Regulation

Education Act 2002

Education (Pupil Information) (England) Regulations 2005

Limitation Act 1980

### **Statutory guidance**

Working Together to Safeguard Children (HM Government)

Keeping Children Safe in Education (DfE)

### **Non-statutory guidance**

Inspecting safeguarding in early years, education and skills settings (Ofsted)

Information Commissioner's Office Subject Access Code of Practice

Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government)

**Local policies and procedures can be found on the Suffolk Safeguarding Partnership website: [www.suffolk.safeguardingpartnership.org.uk](http://www.suffolk.safeguardingpartnership.org.uk)**

9. Appendices

Appendix 1

<b>SCHOOL NAME</b>		<b>SAFEGUARDING FRONT SHEET</b>	
<b>Pupil name:</b>	<b>Date of birth:</b>	<b>Any other name known by:</b>	<b>Gender:</b> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/>
<b>Ethnicity:</b>	<b>Religion:</b>	<b>Privately fostered Yes/No</b>	<b>Young carer Yes/No</b>
<b>Home address:</b>		<b>Current address (if different):</b>	
<b>Telephone no:</b>			
<b>Family members – i.e. parents/carers/siblings</b>			
<b>Name</b>	<b>Relationship</b>	<b>Address</b>	<b>School details (if applicable)</b>
<b>Date file started:</b>			
<b>Are records held in school relating to other connected children?</b>			
<b>Contact details of other professionals</b>			
<b>Name</b>	<b>Agency</b>	<b>Address</b>	<b>Phone number</b>

