



Guidance on the Retention and Transfer of Child Protection Records for Education Policy

If you would like to see a signed copy of this policy please contact the School on 02380 774814 or on info@foundrylaneprimary.co.uk

This policy was adopted on: January 2019

This policy is to be reviewed on:

This policy will be reviewed by: FGB

Guidance on the Retention and Transfer of Child Protection Records for Education

Including Early Years Settings, Maintained Schools, Academies, Free Schools and Independent Schools, Sixth Form Colleges and Colleges of Further Education.

Contents

Introduction	3
Retention of Child Protection Records	3
Transfer of Child Protection Records	3
Transfer Form	4
Children subject to a Child Protection (CP) Plan	5
Children not subject to CP plan	5
Storage	5
Receiving establishment unknown	5
Elective Home Education	6
Appendix A – Transfer Form for Child Protection Records between Educational Establishments – within and across local authorities	7
Appendix B – Transfer form for child welfare concerns between educational establishments – within and across local authorities	8
Appendix C – receipt of transfer form when no transfer form was provided by originating establishment	9

Schools and Education: Guidance on the Retention and Transfer of Child Protection Records for Education			
Version	Version 4	Approved by	Lead for Education
Date last amended	January 2019	Approval date	January 2019
Lead officer	Alison Philpott/ Danielle Miller	Review date	September 2019
Contact	Alison.philpott@southampton.ov.uk/ Danielle.Miller@southampton.gov.uk	Effective date	January 14 th 2019

Introduction

1. This guidance should be read in conjunction with guidance for Safeguarding policies issued by SCC and SCC guidance for Child Protection policy. It should also be considered in light of individual organisations context, national statutory guidance such as Working Together 2018 and Keeping Children Safe in Education 2018. Establishments will need to ensure that they fully comply with GDPR and statutory safeguarding and child protection requirements.
2. This guide is for all educational settings in the city, including Early Years Settings, Maintained Schools, Academies, Free Schools and Independent Schools, Sixth Form Colleges and Colleges of Further Education.
3. The guidance makes reference to Child Protection and Child Welfare Files. Child Protection files relate to records about when a child has been subject to Child Protection Planning or Section 47 enquiries as outlined in Working Together to Safeguard Children 2018. Child Welfare Files are all other safeguarding documents which may be kept in relation to the child, including records of concerns. The guidance covers records held for all vulnerable pupils. This includes Looked After/ previously looked after children, Child/ren in need or children deemed vulnerable for other reasons.

Retention of Child Protection and Child Welfare Records

4. When child protection concerns about a child arise, all educational establishments should maintain and retain child protection records for as long as the child continues to attend the establishment; the records should then be transferred as described below.
5. Child protection records are to be transferred securely with the child and then retained until a child's 25th birthday (6 years after the subject's last contact with an Authority). Currently all records relating to vulnerable children, child protection, looked after children, children in need **cannot be destroyed**. The Inquiry into historical sexual abuse, commonly known as the Jay Inquiry, has issued this embargo across the country. (Upon any conclusion of this inquiry updated guidance will be issued in line with legal findings, anticipated but not confirmed as 2021/22).

Transfer of Child Protection and Child Welfare Records

6. When children transfer from one educational establishment to another, either at normal transfer stage (e.g. from Nursery to School or from School to Further Education) or as the result of a move (e.g. to another setting within Southampton, to an Independent School or to another Local Authority), and records of child protection concerns exist, these should be transferred to an appropriate member of staff such as a DSLO, SENCO or member of senior leadership as soon as possible at the new setting, **preferably within 5 days of confirmation of transfer of roll**. This transfer should be arranged separately from the main pupil file in line with DfE Guidance in 'Keeping Children Safe in Education' 2018.

<p>Child Protection records must always be passed directly and securely to the Designated Safeguarding Lead in the receiving establishment and record of receipt needs to be obtained by the originating establishment</p>

7. In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving (KCSiE 2018). For example, information that would allow the new school or college to continue supporting victims of abuse and have that support in place for when the child arrives, or MAPPA (multi-agency public protection arrangements) information to ensure adjustments can be made from a child's/rens first day on roll.

8. Other Child Welfare information should be transferred in the same way. Parents/ Carers should be made aware that these records will be transferred and should have agreed for this information to be shared with the new establishment. If the information (regarding child welfare concerns) is shared without the parents' permission, the parents should still be made aware of the disclosure, unless doing so would likely result in a risk to the child's protection. **The reason for sharing/not sharing child welfare information should be recorded on the record with the name of the person taking the decision and date as well as if permission was given or not.**
9. Designated Safeguarding Lead or the Head teacher should oversee the process and ensure that this demonstrates a safe and consistent practice in line with the guidance – **including the signing of the receipt of transfer of record form. KCSiE 2018 states, "Fears about sharing MUST NOT be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children" (P9, para 26 KCSiE 2018).**
10. Where children are dual registered (e.g. on roll at a mainstream school, but receiving education in another establishment, any existing child protection records/ welfare concerns should be shared with the new establishment **prior to the child starting**, to enable the new establishment to risk assess appropriately in line with the process outlined above. **The home school will retain the record, but share all information with the dual establishment who in turn will share information with the home school.**
11. In order to safeguard children effectively it is important that when a child moves to a new educational establishment the receiving establishment is immediately made aware of any **current** child protection concerns. This should also include the expectations outlined in any current Child Protection Planning for the Education Setting. Preferably this should be carried out via a face to face meeting or telephone call **prior** to the transfer of records.
12. It is important that all child protection records are transferred at each stage of a child's education, up until the age of 18, or in some cases, beyond. **The responsibility for transfer of records lies with the originating setting, as the receiving setting might not otherwise know that child protection concerns exist. The onus is therefore on the originating setting to facilitate the secure transfer of records to a suitable person, not on the receiving setting to make contact and collect the records.**

A record of the receipt of transfer should be obtained by the transferring setting, and stored securely. The date of receipt and name of receiver (DSL, Senior leader, SENCO) should be added to the child's record by the new setting (or dual establishment) .

It is advisable that any organisation checks with the most recent educational establishment if there are any Child Protection / welfare concerns when a new pupil starts at their establishment so as to ensure information has not been left out of any transfer.

If a school is / becomes aware that a parent or guardian, or other family member who attends school, is under MAPPA, schools should have a confidential discussion with those concerned to agree reasonable adjustments so that they may ensure the safety of all pupils and staff on transfer.
13. Paper or electronic records containing child protection information must be transferred in the most secure method available to the establishment. Clear receipt of transfer obtained for both establishments and **recorded by both:**
 - a. By hand if possible;
 - b. If paper records are posted this should be by 'signed-for' delivery;
 - c. Electronic records must only be transferred by a **secure** electronic transfer mechanism or after the information has been encrypted.

Transfer Form

14. Whether CP or welfare concern files are passed on by hand, by post or electronically, written evidence of this transfer (e.g. the forms at Appendix A and B of this document) appropriately signed and dated, should be retained **by both** the originating and receiving setting. It is recommended that the originating establishment keeps **a signed copy of the form on record**.
15. The person who is signing the form to evidence the receipt of CP or welfare concern files (appendix A and B) should be a member of Senior Leadership Team, Designated Safeguarding Lead Officer or SENCO and be an appropriate person who would be appropriate to have access to Child Protection Information.

Children subject to a Child Protection (CP) Plan

16. If a child is the subject of a Child Protection Plan at the time of enrolment the originating establishment must speak to a Designated Safeguarding Lead Officer of the receiving establishment giving details of the child's key Social Worker from Children's Social Care Services and ensuring the establishment is made aware of the requirements of the CP Plan and dates of any upcoming/ recent meetings.
17. If a child subject of a CP Plan leaves an establishment and the name of the child's new education placement is unknown – the Child Protection Lead should contact the child's Social Worker to discuss how and when records should be transferred as well as informing the Child Protection administration team in order to ensure that all key dates for key child protection meetings are shared.

Children not subject to a Child Protection Plan

18. Some schools may have children about whom they have concerns – recorded and stored securely. This information can be transferred to a new establishment **with/ without** permission from the parent/carer to share. **The reason for sharing/not sharing child welfare information should be recorded on the record with the name of the person taking the decision and date as well as if permission was given or not.**
19. It may be that it may not be in the child's best interest/ wishes that their parent gives permission – there must be a 'good reason' for permission to not be obtained (i.e. a legal basis for sharing without consent), and this should be recorded. This legal basis could include:
 - a. The performance of statutory obligations and duties (e.g. in respect of the safeguarding / wellbeing of children)
 - b. Protecting the vital interests of the child
20. If the information is shared without the parents' permission, the parents should still be made aware of the disclosure, unless doing so would likely result in a risk to the child's protection. **The reason for sharing child welfare information without parental permission should be recorded on the record with the name of the person taking the decision and date.**

Storage

21. All child protection records are sensitive and confidential so should be kept in a secure (locked at all times) filing cabinet, separate from other education records and only accessible to staff who are involved in the safeguarding process of the child.
22. The child's education file should be marked in some way to indicate that a child protection file exists. All staff that may need to consult a child's file should be made aware what the symbol means and to speak to the safeguarding lead if they have concerns.
23. Electronic Child Protection Records must be password protected with access strictly controlled in the same way as paper records.
24. **No records should be destroyed** – the current embargo relating to the Inquiry into Historical Sexual Abuse, commonly called the Jay Inquiry identifies that records relating to vulnerable

children, child protection, looked after children, children in need etc. cannot be destroyed. The Inquiry has issued this embargo across the country. **The secure transfer of record is not destruction of the file. The receipt of transfer record must be kept by both parties it should be retained (setting left) or recorded on the file (receiving setting).**

Receiving establishment unknown

25. Where records of child protection/welfare concerns have been kept and details of the receiving establishment are not known, settings should inform the named Social Worker. Child Protection files should be retained by the setting and transferred to the new setting, once known. *Currently no record should be destroyed until the embargo on destruction of records relating to all vulnerable children is lifted at the conclusion of the Inquiry into historical sexual abuse – date not known, possible 2021/22, end of Jay Enquiry.*
26. Schools should follow the Local Authority Children Missing Education guidance for schools and also inform the Local Authority's Children Missing Education Officer if efforts to locate a child fail.

Elective Home Education

27. If a pupil is removed from the roll to be electively home educated, the educational establishment should make the Local Authority aware that they have a CP file and transfer or retention of records should be carried out in the same way.
28. **Sharing information during child protection investigations or serious case reviews (Child safeguarding practice reviews)**
29. **If it is requested that an investigation requires the original establishment who contributed to the child protection/welfare concern record to participate in providing information for the purposes of an investigation the current educational establishment may share the current record with previous contributors to support the information required for the investigation/serious case review/child safeguarding practice review. This will be by means of secure method of transfer.**
30. **The school that the child is on roll for will be responsible for sharing the record within one working day of the request being made to the organisations named in communication.**

Appendix A – Transfer Form for Child Protection Records between Educational Establishments – within and across local authorities

(Please print all information IN BLOCK CAPITALS)

Name of Child

Date of Birth Unique reference number (schools only)

Originating establishment..... Local Authority

Current Home address
.....

Is child currently subject to CP planning **Yes/No** - if yes details of discussion, with whom prior to transfer of record/files.....

File contains: *please tick/add from list below

- ☐ Notes from meeting/info from child/ren
- ☐ Notes from meeting/contact with parent /carer
- ☐ School record of concerns
- ☐ School record of provision/support
- ☐ Notes of contact with MASH/professionals
- ☐ Minutes from ICPC/RCPC/Core group/strategy meetings
- ☐ Other

Name of current DSLO/ Head teacher transferring file.....

Contact detail for DSLO/Head teacher.....

Delete*

*Date file exchanged by hand / *Date posted or *received by special delivery / *Date information sent or* received electronically

Name and address of receiving establishment

Local Authority of receiving establishment.....

Signature of receiving DSLO or Head Teacher

Date of receipt of information/file

Upon receipt of file, the receiving setting should:

-) **sign this form and keep a copy with the child's CP records.**
-) **Ensure a signed copy of the form is returned to the originating establishment without delay**
-) **The originating establishment should keep the returned form securely in line with the Southampton City Councils Guidance on the Transfer and Retention of Child Protection Records January 2019**

Appendix B – Transfer Form for Child Welfare Records between Educational Establishments - within and across local authorities

(Please print all information IN BLOCK CAPITALS)

Has parental consent been gained to share Child Welfare Information? Yes No

If Yes, give details

If no, give reasons for sharing.....

If the information is shared without the parents' permission, the parents should still be made aware of the disclosure, unless doing so would likely result in a risk to the child's protection.

Name of Child

Date of BirthUnique reference number (schools only)

Current home address

Is child currently open to any services **Yes/No** if yes details lead professional/services.....

File contains: *please tick/add from list below

- ☐ Notes from meeting/info from child/ren
- ☐ Notes from meeting/contact with parent /carer
- ☐ School record of concerns
- ☐ School record of provision/support
- ☐ Notes of contact with MASH/professionals
- ☐ Minutes from meetings (key dates of key info).....
- ☐ Other

Name of originating establishmentLocal Authority.....

Name of current DSLO/ Head teacher transferring file.....

Contact detail for DSLO/ Head teacher

Delete*

*Date file exchanged by hand / *Date posted or *received by special delivery / *Date information sent or *received electronically

Name and address of receiving establishment

Signature of receiving DSLO/ Head teacher receiving file

Date of receipt of information or file.....

Upon receipt of file, the receiving setting should:

-) **Sign this form and keep a copy with the child's CP records**
-) **Ensure a signed copy of the form is returned to the originating establishment without delay**
-) **The originating establishment should keep the returned form securely in line with the Southampton City Councils Guidance on the Transfer and Retention of Child Protection and welfare Records January 2019**

Appendix C - Acknowledgement of receipt of child protection file/ child welfare information for record –to be used if no record of transfer form was used for data trail record by originating establishment

(Please print all information IN BLOCK CAPITALS)

Record received – Child protection/ Child welfare/ vulnerable child

Name of Child

Date of BirthUnique reference number (schools only)

Current home address

Name of originating establishmentLocal authority.....

File contains: *please tick/add from list below

- ☐ Notes from meeting/info from child/ren
- ☐ Notes from meeting/contact with parent /carer
- ☐ School record of concerns
- ☐ School record of provision/support
- ☐ Notes of contact with MASH/professionals
- ☐ Minutes from ICPC/RCPC/Core group/strategy meetings
- ☐ Other

Name of DSLO/ Head teacher who transferred the file

Contact detail for DSLO/ Head teacher

Delete*

*Date file exchanged by hand / *Date posted or *received by special delivery / *Date information sent or *received electronically

Name of receiving establishmentLocal Authority.....

Signature of receiving DSLO/ Head teacher receiving fileDate of receipt.....

Is Child Currently open to services **Yes/No** if yes details lead professional.....

Has parental consent been gained to share Child Welfare Information? Yes No

If Yes, give details

If no, list reasons known for no permission.....

How do you know this?

If the information is shared without the parents' permission, the parents should still be made aware of the disclosure, unless doing so would likely result in a risk to the child's protection. Does the transfer make this clear? Yes/ No (If no, request information around permission to share from the originator)

Upon receipt of file, the receiving setting should:

-) **Sign this form and keep a copy with the child's CP/welfare records**
-) **Ensure a signed copy of the form is returned to the originating establishment without delay, obtain receipt of this form by the originating establishment.**
-) **The originating establishment should keep the returned form securely in line with the Southampton City Councils Guidance on the Transfer and Retention of Child Protection and welfare Records January 2019, or their own policy if in a different local authority area.**