

Updated Guidance for Schools on Maintaining and Transferring Child Protection Records

Status of this Updated Guidance

This document is an updated version of A10(i) in the Child Protection Information Pack. The majority of the original document (updated in 2006) is still relevant i.e. the majority of the appendices should still be useful and the recommended system for maintaining files is appropriate. The main changes noted here relate to:

- (i) Updated legislative framework (below)
- (ii) New points of reference (below)
- (iii) Additional sources of further information
- (iv) New guidance on auditing existing systems
- (v) Updated guidance on transferring information and record retention
- (vi) An improved pro-forma for recording CP information in school (including 'disclosures' by pupils)

Why provide this Update now?

High quality contemporaneous record-keeping is essential if schools are to safeguard and promote the welfare of pupils. Moreover, the existence of an effective system serves not only to safeguard children but also to ensure that decision-making is defensible and that schools comply with statutory requirements. Ultimately it is the Designated Senior Person who is responsible for maintaining appropriate child protection records.

Numerous DSPs have asked for this particular guidance document to be updated. Moreover, it is timely because Ofsted carried out an evaluation of fifty Serious Case Reviews between 2007-8 which highlighted some significant concerns in respect of safeguarding arrangements across universal services including schools.

Of particular concern was the quality of record-keeping in schools and education establishments and, specifically, the failure of establishments to pass-on information when children and young people left. Internal Management Reviews conducted as part of Serious Case Reviews in Lancashire have highlighted similar issues and concerns. They have also emphasized the extent of some of the challenges for schools, and particularly larger institutions in terms of large numbers of staff and pupils and the generation, therefore, of large amounts of information and more complex systems.

Key Reference Points

- Ofsted 080112 (2008)'Learning lessons, taking action: Ofsted's evaluation of serious case reviews 1 April 2007 to 31 March 2008'
- Laming (2009)'The Protection of Children in England: A Progress Report'

Legal Framework

- Education & Inspections Act 2006
- DCSF (2007) 'Safeguarding Children and Safer Recruitment in Education'
- Safeguarding Vulnerable Groups Act 2006
- Children Act 2004
- Children Act 1989
- Data Protection Act 1998
- Education (Pupil Information) (England) Regulations 2005

How to audit your existing record-keeping system

Schools / DSPs can audit their existing system for recording child welfare and protection information using the following checklist:

| Focus | Check | Y | N |
|----------------------------------|---|----------|----------|
| Communication | <ul style="list-style-type: none"> ▪ Are there clear lines of communication in school, verbal and written? ▪ Are there clear lines of communication and points of contact for communication with external agencies and professionals including receipt of reports, minutes etc? | | |
| Storage | <ul style="list-style-type: none"> ▪ Is sensitive information stored securely and accessible only to those who need to access it? | | |
| Management responsibility | <ul style="list-style-type: none"> ▪ Is the management hierarchy clear and does someone have an overall grasp of the system and individual cases? ▪ Are tracking, monitoring and transfer arrangements clear? | | |
| Clarity | <ul style="list-style-type: none"> ▪ Are roles and responsibilities clear i.e. where they begin, end and potentially overlap i.e. avoid duplication / 'gaps'? | | |
| Readily identifiable | <ul style="list-style-type: none"> ▪ Are different forms for different purposes readily identifiable? | | |
| Factual Source | <ul style="list-style-type: none"> ▪ Are records factual and relevant? ▪ Do records identify the maker of the record, when it was made, the person's role etc? | | |
| Chronological | <ul style="list-style-type: none"> ▪ Does every file contain a chronology of significant events which will enable a snapshot to be taken quickly and any emergent themes or patterns to be identified? | | |
| Reports for Meetings | <ul style="list-style-type: none"> ▪ Is it clear who will provide these and the form that they should take in order to ensure consistency and that they are fit for purpose? | | |

If you can answer yes to all of the above then you probably have an effective system in place – do not reinvent the wheel! However, if you cannot then you need to look carefully at what you currently have and how effective it is.

When Should A Child Protection File be Opened by the DSP?

This is a matter of judgement on a case by case basis but, as a general rule of thumb, any concerns about the welfare of a pupil must be brought to the attention of the DSP or their deputy as soon as possible; this might occur via any one of a number of sources i.e. parent, member of staff in school, another agency, former school etc.

The DSP will then decide whether the concern constitutes a 'lower-level' concern which can be recorded in the pupil file or whether a child protection file needs to be opened and maintained by them centrally and securely. In any event, the DSP should have a system via which any such concerns / internal 'referrals' to them are logged for future reference and for the purpose of ongoing monitoring.

Some schools operate a system whereby a 'marker' of some description is placed on a pupil's general school file to indicate that sensitive information (i.e. pertaining to a child protection concern) is held elsewhere in school.

Sharing Information with Other Staff in School

The DSP will need to make a judgement on a case by case basis about which staff in school need to know precisely what, and for what purpose. Generally speaking, the closer the day-to-day contact that someone has with a pupil the more likely the need to know the outline of a case¹.

Access to Files

In the event of a data access request which relates to sensitive, personal information advice should always be sought from Legal Services or the Safeguarding in Education Service *before* any sensitive information is disclosed.

| | |
|---------------------------|-----------------------|
| Legal Services | 01772 533321 |
| Safeguarding in Education | 01772 532723 / 531196 |

Transferring Information when a Pupil Leaves

It is imperative that relevant child protection information is forwarded to the new/receiving establishment by the establishment that the subject child is departing and that this happens as quickly as possible. Such information sharing should occur between Designated Senior Persons and/or Head Teachers as soon as possible and, in any event, within 15 days of the child's departure.

¹Essentially, if someone receives information in his/her professional capacity and the person sharing it believes it will be treated securely, and that belief is reasonable, then the recipient of the information will be under a duty to treat it securely.

Please note, it is inappropriate to simply forward all relevant documentation as this leaves the former school with no record. Rather:

- Where feasible, Designated Senior Persons from former and receiving schools should arrange to meet and share relevant information, with copies of relevant and appropriate documentation being provided.
- Alternatively, telephone discussions should take place followed-up with appropriate summaries / chronologies and copies of key records.
- Where a child has a Child Protection Plan, and/or where there are current or ongoing child protection concerns about a child who moves out of the area and/or where the receiving school's identity is not known, the Designated Senior Person at the former school should contact the relevant Social Worker / Key worker or the Safeguarding in Education Service for advice².

Retention of Child Protection Records

According to current guidance from the Records Management Society's Schools Retention Schedule, records must be kept (securely) until the subject's 25th birthday, after which they should be shredded. (Child Protection records relating to Children's Social Care involvement will be retained for much longer than this by the Local Authority in any event)

Sources of Further Information

- HM Government (2006) 'Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children' (www.everychildmatters.gov.uk/workingtogether/)
- Records Management Society Schools Retention Schedule (www.rms-gb.org.uk/resources)
- Lancashire Safeguarding Children Procedures (www.lancashire.gov.uk/safeguardingchildrenboard)
- Information Sharing Guidance www.ecm.gov.uk/informationsharing

A new Pro-forma for Recording in School

The pro-forma attached is intended to replace Appendix B in the original Child Protection Information Pack Document A10(i). It should provide a helpful framework within which staff can record and pass on information and concerns to DSPs, including 'disclosures' from pupils, and a system within which DSPs can record their actions clearly and concisely.

² All such information sharing must comply with the requirements of the Data Protection Act 1998 and Human Rights Act 1998. Namely, sensitive information must be recorded accurately; it should be relevant, kept up to date and secure and shared on a 'need to know' basis only.

| PART 1: INTERNAL NOTIFICATION of CP/WELFARE CONCERN TO THE DSP | |
|--|--|
| Name(s) of pupil: | |
| D.O.B. | |
| Class / Year | |
| What is the nature of your concern | |
| <ul style="list-style-type: none"> • What are you most concerned about? i.e. physical, sexual, emotional abuse or neglect? Self-harm, bullying, sexual exploitation, sexualized behaviour, honour-based violence / forced marriage, e-safety issues, other ... • Any evidence of impairment of health or development? • Any evidence of ill-treatment? • Why are you reporting this concern <u>now</u>? • Have you had any previous concerns about this pupil? If so, what, when, action? | |
| Detail | |
| | |
| Any action already taken | |
| | |
| Signed | |
| Name | |
| Job title | |
| Time/Date | |

| | |
|--|--|
| <i>If you have received a 'disclosure' from or about a child please complete Part 2 overleaf</i> | |
| PART 2: RECORD OF 'DISCLOSURE' FROM / ABOUT A CHILD | |
| <i>*It is not advisable to try and complete this record at the time! The important thing is to listen actively and carefully and reassure the child!</i> | |
| Name of person making the 'disclosure' | |
| Position / relationship with child | |
| Name and d.o.b. of pupil(s) that the 'disclosure' relates to | |
| How did the 'disclosure' come about i.e. when and where? | |
| Who was present when the disclosure was made? | |
| Summary of Information Disclosed | |
| | |
| 1. WHO is said to be involved | |
| 2. WHAT is said to have happened / be happening? | |
| 3. WHERE is this said to have happened / be happening? | |
| 4. WHEN is this said to have happened / be happening i.e. duration, most recent occasion etc? | |

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| 5. WHO else may have witnessed what happened? | |
| 6. HOW and where is the pupil now? | |
| CONTINUATION SHEET ATTACHED Y/N | |
| Note: <ul style="list-style-type: none">- <i>Differentiate clearly between fact, opinion, interpretation and stick to the facts as you understand them wherever possible!</i>- <i>if you have used quotes please ensure that they are accurate</i>- <i>make a note of any open questions asked or minimal prompts used</i>- <i>Any notes made 'at the time' should be attached to this pro-forma; these may be required as evidence if the matter goes to court</i> | |
| | |
| | |

| PART 3: FOR USE BY DSP | |
|--|--|
| Time and date information received by DSP, and from whom. | |
| Any advice sought by DSP (name, time, date, detail) | |
| Action taken i.e. referral to CSC, ongoing monitoring, CAF / TAC etc Note time, dates, names, who information shared with and when etc | |
| Parents informed Y/N & reason(s) | |
| CONTINUATION SHEET Y/N | |

| PART 4: FOR USE BY DSP (&/or feedback sheet to staff) | |
|---|--|
| Outcome Record here the names of any individuals/agencies who have given you information re the outcome of any referral. Note dates/times of any information received. | |
| Where can additional information be found i.e. Pupil File, HS1, RF1, Serious Incident Bk, other (state) | |
| Signed | |
| Dated | |