**Record Keeping Guidance for**

**Early Years Settings, Schools**

**and Colleges**

**May 2024**

**This guidance is for early years’ settings, schools maintained by the Local Authority, free schools, academies, independent schools,
sixth forms and further education colleges**

**Children and Young Person Records held within Settings**

The purpose of this section is to provide guidance to schools and other educational establishments on record keeping, to enable the designated safeguarding lead (DSL) to ensure that all child protection information and concerns are kept in an appropriate and useful manner.

Deficiencies in record keeping have frequently been identified and remain a common theme of Child Safeguarding Practice Reviews (CSPR’s) across all agencies.

Good record keeping is essential in safeguarding the welfare of children and young people, particularly with regards to children/young people who are subject to child protection plans or who are identified as vulnerable. For this reason, it is advisable to carry out a regular audit of all child protection information kept in school, to ensure that procedures are being followed correctly.

It should be remembered that all records are about a child or young person and should be written accordingly. Acronyms and abbreviations should be avoided. Value judgements should not be recorded. Concerns noted should have been discussed with the parent. The names of other children should not appear on the record of a child or young person. Ultimately they or their parents/carers might ask to look at the record one day and the record should be accessible and easy to read.

## Definitions:

* 1. Legally, a child is anyone who has not yet reached their 18th birthday.
	2. In this document ‘pupil’ refers to any child registered with an early years setting, schools maintained by the local authority, free schools, academies, special schools, independent schools and sixth form and further education colleges.
	3. It is vital that concerns are recorded and reported accurately by all staff, (including visitors, and staff not directly employed by the organisation, e.g., contractors and third-party staff) as soon as possible. Establishments must also be proactive in responding to concerns raised as early as possible.
	4. Promoting the welfare of and safeguarding children is the responsibility of all school staff, although all education settings must have a DSL/DDSL. Staff members are advised to maintain an attitude of ‘it could happen here’.
	5. However small or apparently insignificant the concern may seem at the time; the importance of recording and reporting cannot be underestimated when considering welfare and child protection. (Please bear in mind that concerns should be discussed with parents/carers unless to do so would place a child/ young person at risk of significant harm).
	6. Often it is only when a number of seemingly minor issues are considered are reviewed as a whole, that a safeguarding or child protection concern becomes clear.
	7. When making a record of a concern there should also be a record of what action has been taken including the decision making or assessment tool used to reach the decision.
	+ Keeping Children Safe in Education (KCSiE) states that it is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and child safeguarding practice reviews have repeatedly shown the dangers of failing to take effective action. Examples of poor practice include:
	+ failing to act on and refer the early signs of abuse and neglect.
	+ poor record keeping.
	+ failing to listen to the views of the child.
	+ failing to re-assess concerns when situations do not improve.
	+ not sharing information.
	+ sharing information too slowly; and
	+ a lack of challenge to those who appear not to be acting.
	1. Staff should be clear of the line management system to enable them to raise concerns where action is not being taken to protect a child. This is normally done by speaking to the DSL. If this is not resolved they should discuss their concerns with the headteacher/manager and if this does not resolve their concerns, they should discuss the issues with the Chair of Governors/committee/manager/owner (Insert relevant hierarchy)
	2. If the concerns persist or relate to the headteacher and/or chair of governors (Insert relevant hierarchy), the staff member should consider contacting the LADO cpunit@torbay.gov.uk. The current LADO is Ivan Sullivan who will be happy to talk through any concerns (Ivan.sullivan@torbay.gov.uk) Whistleblowing procedures could also be considered. [[Whistleblowing Advice Line | NSPCC](https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/).](https://learning.nspcc.org.uk/services/nspcc-helpline?modularPage=whistleblowing#:~:text=The%20Whistleblowing%20Advice%20Line%20is%20available%20from%208am-8pm,the%20weekend.%20Call%200800%20028%200285%20Email%20help%40nspcc.org.uk)
	3. Early years settings need to ensure all staff are aware of the line management system of escalating concerns. Should the concerns persist the staff member should consider whistleblowing by the same mechanism as above.

## The DSL record keeping role and responsibilities

* 1. Training

Induct all new staff members on:

* + How to recognise welfare and child protection concerns
	+ How and when to report and record those concerns
	+ Understanding the early help process
	+ Identifying emerging problems
	+ The referral process to children’s social care
	+ See also [KCSiE](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

Train all existing staff members annually about:

* + How and when to record concerns on a child’s welfare, however small or apparently insignificant.
	+ DSLs will also need to address any errors in reporting by individual staff
	+ Key safeguarding issues for schools, including peer on peer abuse, whistleblowing, FGM and Prevent. For more detail see [KCSiE](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) which all staff should be familiar with.
	+ Key safeguarding issues for early years settings including neglect, whistleblowing, and early help identification.
	1. Referring
	+ Ensure staff are equipped and confident to raise concerns within their establishment.
	+ Ensure staff are familiar with the threshold document [Interactive Threshold Tool (torbaysafeguarding.org.uk)](http://torbaysafeguarding.org.uk/toolkit/) and the workings of the MASH. [Hub - Torbay Safeguarding Children Partnership](http://www.torbaysafeguarding.org.uk/professionals/hub/)
	+ Ensure that all visitors and staff not directly employed by the organisation, (e.g. contractors and third-party staff) know how to report concerns about the welfare of any child or about other adults.
	1. Analysing
	+ Triangulate all information relating to a child (e.g., attendance, behaviour, first aid, contextual safeguarding) to inform safeguarding decisions, acting in the best interests of the child. You should record a summary and analysis after making notes on a child’s record rather than simply noting concerns.
	1. Response
	+ Evidence decisions and the rationale for the decisions.
	+ Feedback responses to individual concerns raised whilst maintaining appropriate levels of confidentiality. Staff need to feel empowered to seek clarification on why concerns may not have been reported to statutory agencies.
	1. Record keeping
	+ Sign off all concerns, deciding and evidencing whether to review or file the concern, refer to the section of this guidance on recording and analysing concerns for more detail.
	+ Establishments need to be pro-active in contacting the previous establishment to enquire as to whether there is a safeguarding file.
	+ Start and maintain files (collective and stand-alone) ensuring they comply with this guidance and the requirements under GDPR to ensure that records held are accurate and kept up to date.
	+ If the child leaves the setting, ensure that any safeguarding files are transferred to the child’s next educational establishment.

## Establishing a standard recording process

Welfare and safeguarding records must be stored securely and separately from the main student file. This must be indicated on the main student file, to ensure that staff working with these files are aware.

All staff members (including visitors, and staff not directly employed by the organisation, e.g., contractors and third-party staff) should use the setting’s recording system. Where an electronic system is used, it is not expected that the electronic system be available to the third party raising concerns. Instead, there must be an emergency paper-based system available for concerns to be raised to the DSL. This must be known to the setting staff and others who use the site and available to all.

Contemporaneous notes should be kept securely on the file. Where an electronic system is used, these should be stored in the paper child protection file or scanned and uploaded to the electronic file. They should be securely destroyed after they have been uploaded to the electronic system.

There should not be duplicate recording formats for welfare and safeguarding concerns; this will lead to fragmentation of information and possible delay or omission in ensuring the safety and wellbeing of pupils. If an electronic system is used, paper copies of concerns raised should exist only until records have been scanned and uploaded, after which they should be securely destroyed.

Files should be kept in chronological order with the oldest at the bottom. If the DSL wishes, they can use tabs to separate documents according to type.

## Electronic systems (including CPOMS)

Many establishments are using commercial electronic child protection information management systems. When implementing an electronic system it is essential that EITHER:

1. All paper documents are scanned and uploaded. The paper file must then be securely destroyed. Or.
2. Paper files are retained but electronic records are used after the implementation of the electronic system with the following in place:
	* The record held in the electronic system must indicate there is a paper safeguarding file held separately and where it is located.
	* There would need to be sufficient information transferred to the electronic system in a summary to inform future decision making.
	* All new information must then be recorded on the electronic system. This would need to be clearly recorded on both files
	* The paper file need to be securely kept with a closing summary identifying where all new information is held and the date that the electronic file was started. If the child transfers school both files would need to be transferred.

Any electronic system must be secure, have restricted access, with adequate file back-up. The system must be fully auditable, including having trackable access and data entry. The system must have the ability to delete records once they have reached the end of their retention period. Schools are required for completing their own security assessment and Data Protection Impact Assessment of any IT system purchased.

Schools should ensure that information recorded is appropriate for a range of audiences. This must be done regardless of whether the concerns are shared with the police or children’s social care.

When electronic files are transferred there is no exchange of information. Instead, access rights are transferred to the new school; the data remains intact.

Access privileges to confidential child protection files must be limited to only those with safeguarding responsibilities in the establishment or on a need-to-know basis. The DSL must approve all requests for access to the system.

## Children cared for files

The DSL should have details of the child’s social worker and the name of the virtual school head.

The DSL should work closely with the Designated Teacher/practitioner for Cared for Children in recognition that children may have been abused or neglected before becoming looked after and the need to ensure their ongoing safety. The DSL should be consulted by the Designated Teacher in respect of welfare and safeguarding concerns as the person with lead responsibility for safeguarding and child protection.

Children cared for files must include review minutes, plans and PEPs and a separate welfare concern file that documents safeguarding information.

## Quality assurance of child protection records

DSLs should evidence the use of reviews that identify the impact and outcome of any safeguarding activity with the child or their family on either paper-based or e-recording systems. This can be achieved through a confidential safeguarding calendar that only members of the safeguarding team can access. This should also record all future meeting dates and be a process carried on whilst the file is active, and concerns remain.

The review cycle should not prevent the earlier re-assessment of risk or need with new information emerging.

Where the headteacher is the DSL, it may be more appropriate for a reciprocal arrangement to be made with the DSL of a neighbouring school to undertake this task. Alternatively, audits are undertaken by members of the senior leadership team who have undertaken DSL training. Should a DSL from a neighbouring school undertake a review / audit, they should be required to sign a confidentiality statement to confirm the purpose of their access and that they confirm to keep information they have access to confidential.

The purpose of review is to ensure appropriate child-focussed decisions are made by the DSL and there is evidence of review of actions and follow up by the DSL with accurate evidence-based recording.

An anonymised copy of reviews can be shared with the Safeguarding Link Governor or, for Early Years, the Owner/ Management Committee for the purposes of scrutiny and challenge.

## Secure storage, retention and disposal of records

* 1. Safeguarding/Child Protection/Welfare concern records must be kept:
	+ Separate from all other records relating to the child in school or setting
	+ Securley, either in a locked cabinet or on a secure IT system.
	+ Preferably within the DSL’s office with access only to those with direct safeguarding responsibilities.
	+ Accessible by the leadership team when the DSL is absent.

It is essential to ensure that the leadership team know the arrangements for access to records in the absence of the DSL and that keys are available to an identified team member.

In the case of Early Years settings, child protection records may be securely stored off the premises, with prior agreement from Ofsted.

Pupil records should be retained for 25 years from the date of birth of the pupil, after which time if they are no longer required they should be securely destroyed. [IRMS Schools Toolkit - Information and Records Management Society](https://irms.org.uk/page/SchoolsToolkit)

The Data protection: toolkit for schools (p.31) states ‘Long term, until the child is 25 years of age or older, for instances where detailed information about activities in school may form an important part of safeguarding for that individual’. [Data protection: toolkit for schools - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/data-protection-toolkit-for-schools)

Each setting is responsible for ensuring they have mechanisms in place to securely hold pupil data and that they are securely deleted / destroyed when they reach the end of their retention period.

Records should only be kept for longer than the retention period where there is a justified reason for doing so, this should be documents against the record. Any decision to retain records for longer should be regularly reviewed.

* 1. At the end of the retention period, settings should:
	+ Identify records for destruction.
	+ Maintain a list of records which have been destroyed and who authorised their destruction. Members of staff should record at least:
	+ File reference (or other unique reference number)
	+ File title (or brief description)
	+ Number of files
	+ The name of the authorising officer
	+ Date action taken

This can be kept in an excel spreadsheet or other database.

* + Ensure that records are destroyed securely, paper records should be shredded in line with current security standards and IT systems should completely remove records or anonymise them, not retain them in an archive.

## Transfer of child protection records

[KCSiE](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) states that ‘in addition to the child protection 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 victims of abuse and have that support in place for when the child arrives.

The DSL needs to review any safeguarding record where there have been concerns about harmful sexualised behaviour and ensure that the information is shared with the new establishment.

An establishment cannot refrain from passing on child protection files at the request of a parent. This is because the new establishment needs access to all relevant information about the child to inform its own child protection practices. Decisions to override consent and the rationale for doing so should be recorded. [Lawful basis for processing | ICO](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/)

There may be occasions when it is not appropriate to transfer information as it may pose a risk to the child or their family such as when they are fleeing domestic abuse; are subject of a witness protection programme or the child has been adopted. This list is not exhaustive, and decisions should be made on a case-by-case basis and discussed with relevant parties, for example, the police or a social worker or Children Missing in Education Team who may be able to assist in managing the information sharing.

The IRMS Toolkit (see 7.4) includes advice on what information primary schools should transfer to their pupils' next schools and how they should do this.

## Childrens’ and parents’ access to child protection files

Under the Data Protection Legislation any child who has a file has a right to access it. The Education (Pupil Information) (England) Regulations 2005 gives parents the right see their child’s school records if they submit a Subject Access Request. [Your right of access | ICO](https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/) However, neither the child nor the 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 or is likely to cause serious harm to the physical or mental health or condition of the child or another person; or
	+ Could reveal that the child or another person has been a subject of or may be at risk of child abuse, and the disclosure is not in the best interests of the child; or
	+ Is likely to prejudice an ongoing criminal investigation; or
	+ The information about the child 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 establishment or the Local Authority.

It is best practice to make reports available to the child or their parents unless the exceptions described above apply. If an application is made to see the whole record, advice should be sought from the child’s social worker, if they have one and the setting’s data protection officer and/or the Information Commissioners Office.

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 or members of the public who have shared information about the child must be removed before disclosing information.

Educational establishments should always seek advice from their data protection officer on any request for access to the child’s file as a Subject Access Request.

## Key principles of information sharing

Under Data Protection legislation all organisations have a duty to protect personal data and must adhere to the seven principles of the UK GDPR Settings should ensure their privacy notices are kept up to date so that children and their parents / carers are aware of how their personal data is being processed and who is it shared with.

[KCSiE](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2), Data Protection Legislation and the Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers, all state that 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.

It is good practice to seek consent from the child or their parent before sharing information. Children age 13 and above are generally considered to have the capacity to give or withhold consent to share their information, unless there is evidence to the contrary; therefore, it is good practice to seek their views. Gillick competence is dependent on capacity not chronological age. If the young person is over 16, they should be involved in decision-making about information sharing, unless they do not have the capacity to give consent.

The establishment should share only the information necessary for the purpose and understand the limits of any consent given, especially if the information has been provided by a third party.

The Data Protection Act 2018 Schedule 8, Part 4 (“Safeguarding of children and of individuals at risk”) states the processing of personal data can be carried out without consent if it is necessary to “protect an individual from neglect or physical, mental or emotional harm, or to protect the physical, mental or emotional well-being of an individual”, (Schedule 8, Part 4.1.a.i-ii). It also states that personal data can be processed in relation to safeguarding without consent in the following situations:

* + If it is not possible for the data subject to consent (Schedule 8, Part 4.2.a)
	+ If it is not possible for the data controller (i.e. the school) to gain consent from the data subject (Schedule 8, Part 4.2.b)
	+ Gaining consent from the data subject would impact on their physical, mental, or emotional health so is not possible (Schedule 8, Part 4.2.c)

The DfE data protection toolkit for schools is designed to help organisations meet the requirements of the UK GDPR and DPA. (See 7.4)

Staff members’ access to information on the child protection file should be on a need-to-know basis and decided case by case. Generally, the closer the staff member’s day-to-day contact with the child is, the more likely that they would need to know an outline of the child’s case. The child and family members confidentially should be respected as far as possible, but the child’s welfare is paramount.

When there is a concern that a child is at risk of significant harm, all information held by the establishment must be shared with Children’s Social Care, police and health professionals as directed by:

* + Section 47 of the Children Act 1989
	+ Sections 10 and 11 of the Children Act 2004
	+ Under the UK GDPR the lawful basis for sharing this information is to fulfil a Legal Obligation (Article 6.1(c).

Records may be shared in:

* + court cases where the person requesting records is a solicitor without a court order, in this situation legal advice should be sought.
	+ Where a judge makes a court order requesting information be shared – legal advice should be sought.
	+ disciplinary proceedings - suitably anonymised
	+ governing body/proprietor meetings - outlining the number of cases dealt with and other statistics which do not identify individual children
	+ specific complaints - by the Chair of Governors under specific agreement and supervision and recorded on the file chronology

## Legislation and guidance

The following legislation and statutory guidance relating to all educational establishments is explicit in its reference to good record-keeping practice for children and young people, safeguarding and promoting their welfare by:

* + protecting children from maltreatment
	+ preventing impairment of children's health or development
	+ ensuring that children grow up in circumstances consistent with the provision of safe and effective care
	+ taking action to enable all children to have the best outcomes

## School policies and documents this document relates to

* + Safeguarding
	+ Data protection
	+ Privacy notice
	+ Subject access request
	+ Records and retention

## Appendices

* + Appendix A – Concern Form
	+ Appendix B - Front page chronology for CP/safeguarding files
	+ Appendix C - Passing on a safeguarding/CP file
	+ Appendix D – List of records destroyed template.

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| **Appendix A** |

**Record of Concern form**

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| **Setting:** | **Date:** |
| **Staff member’s name:** |
| **Child’s name** |
| **Concern** |
| **What prompted this record? *Please include dates, times, incidents, behaviours, what the child said)*** |
| **Remember to record any questions that you asked***Do not ask leading questions. If you need more fact or detail, think of T.E.D: Tell me… Explain to me… Describe to me…* |
| **BackgroundAdditional relevant information that relates to the child or family** |
| **Does the concern fall into one of the following categories?**Neglect [ ]  Sexual Abuse [ ]  Physical Abuse [ ] Emotional Abuse [ ]  CE [ ]  Honour based violence [ ] FGM [ ]  Forced marriage [ ]  Online/sexting [ ] Peer on peer [ ]  Radicalisation [ ]  Domestic abuse [ ] PREVENT [ ]  |
| PRINT Member of staffSIGNED (Member of staff) | PRINT Designated member of staff for children protectionSIGNED (Designated member of staff for children protection) |
| **Has this information been discussed/ passed to any other agencies? (Please give details) If not, please record reasons why:** |
| **Actions by designated lead:** |
| **Outcome:**  |

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| **Appendix B** |

**Front page chronology for CP/safeguarding files**

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| **School name:** |
| **Child’s name:** |
| **Child’s date of birth:** |
| **Date:** |
| **Details:** |

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| **Appendix C** |

**Passing on a safeguarding/CP file**

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| **School name:** |
| **Child’s name:** |
| **Child’s date of birth:** |
| **Date:** |
| **Person transferring file:** |
| **By signing this form I am confirming that I have received the safeguarding/CP file for the above named person who is now on role at our setting.****Signature:** |
| **Print name:** |

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| **Appendix D** |

**List of records destroyed**

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| **Date of deletion:** |
| **Authorisation (*name of Officer authorising deletion)*** |
| **Year** | **Name of child and Pupil ID** | **Date of birth** | **Retention period** | **Date deleted** |
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