

Appendix A – Safeguarding & Child Protection Recording

Introduction

The Independent Inquiry into Child Sexual Abuse (IICSA) found that proper creation, maintenance and long-term retention of records is an important part of supporting victims of Child Sexual Abuse (CSA) and bringing perpetrators to justice. This is because victims and survivors may take decades to come to terms with what has happened to them and potentially to decide to take action to report a crime.

The IICSA Inquiry recommended that records relating to CSA be retained for 75 years. It also recommended that the UK government directs the Information Commissioner's Office (ICO) to introduce a Code of Practice on retention of and access to records known to relate to child sexual abuse. The Inquiry report stated that such a code **should** set out that institutions have:

- retention policies that reflect the importance of such records to victims and survivors, and that they may take decades to seek to access such records;
- clear and accessible procedures for victims and survivors of child sexual abuse to access such records;
- policies, procedures and training for staff responding to requests to ensure that they recognise the long-term impact of child sexual abuse and engage with the applicant with empathy.

A Code of Practice has not yet been published, but ACE Derbyshire Trust is committed to ensuring practices at the trust are reflective of IICSA recommendations.

Statement of Intent

ACE Derbyshire Trust is aware that creation, maintenance and retention of child protection, safeguarding and CSA records should be carried out with the understanding that access to records may be required many decades after records are created.

This document should be read in conjunction with the trust's Record Retention Policy.

How to record safeguarding/child protection concerns.

Given these very long retention periods, ACE Derbyshire Trust should ensure that safeguarding, child protection and CSA records are written in such a way as to be intelligible in the future and without any additional knowledge of the trust, its staff, pupils or systems. Staff should be trained in good practice.

Our records should:

- Be written by the school's Designated Safeguarding Lead (DSL), Deputy (DDSL) or other suitably trained staff
 - Identify the author by name and role
 - Make clear it where the person who is recording the information is not the person who has seen or heard the issue, and identify all relevant parties by name and role
 - Use full names of staff, other adults and parents/family members (full name in this context means first and surname)
 - Ensure staff roles / job titles are included
 - Ensure family relationships are clear
 - Use full name of child whose record this is
 - Use full name of any other child involved and ensure a mirror record is on their file, if appropriate
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- Not use initials when recording names

- Where individuals have the same or similar names, ensure there is a distinguishing factor, eg middle name, job title, DoB etc
- Ensure all spelling, punctuation and grammar is correct.
- Use appropriate language to describe events, not slang, shorthand, local terminology or asterixis.
- Ensure quotes are properly identified as such and attributed to their owner
- Be objective and avoid opinion. If opinion is necessary, ensure it is identified as such and attributed to its owner.

How records are stored

ACE Derbyshire Trust use My Concern to record and store child protection and safeguarding records.

This method was risk assessed in conjunction with our Data Protection Officer using a Data Protection Impact Assessment to determine the nature, scope and context of the data processing. This is subject to regular review.

We inform our pupils, families and staff that we process their personal data for this purpose via our Privacy Notices which are published on the trusts website.

Any related physical first-hand notes should be accurately transcribed into My Concern and include the following statement: "This is an accurate transcription of notes taken at [insert date & time]". Diagrams should be scanned in. Any recordings should also be securely retained.

The transfer of pupil safeguarding records

Keeping Children Safe in Education states that "where children leave the school or college, the designated safeguarding lead should ensure their child protection 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 to allow the new school or college to have support in place for when the child arrives. The designated safeguarding lead should ensure secure transit, and confirmation of receipt should be obtained. For schools, this should be transferred separately from the main pupil file."

When a child leaves ACE Derbyshire Trust, all pupil records, including safeguarding, child protection and CSA records must be transferred in a secure manner, to the child's new school/trust/academy. The legal basis and time scale for this can be found in The Education (Pupil Information) (England) Regulations 2005, parental consent is not required.

All copies of data held by the school/trust academy that the child has departed must then be deleted or retained in line with the retention policy, including all paper records and data stored electronically. A record could be kept for tracking and auditing purposes only.

Schools/trusts/academies may retain some minimal 'skeleton' data about pupils' admission, departure and next destination (where known) in order to respond to any requests for information about these pupils and for the school's/trust's/academy's historical archive. Where we intend to create and maintain these records, this should be noted on the retention policy. In some instances, we may have a legitimate interest in retaining a copy of more detailed pupil records for a longer time period. If we do retain pupil records, we must justify this retention and document the reasons for doing so, and must carry out a Data Protection Impact Assessment where required.

Responsibility for maintaining the pupil record, including retaining records relating to Child Protection, Safeguarding and CSA passes to the 'last known school'.

The school is the final or last known school if:

- secondary phase and the pupil left at 16 years old or for post-16 or independent education, or;

- at any point the pupil left for elective home education, they are missing from education, or have left the UK, or have died.

Tertiary colleges are not included in this definition, therefore the school will retain the record. However, the college must receive a copy of the child protection file, as per the requirements of KCSiE above.

Retention of Records relating to Staff

ACE Derbyshire Trust retains staff records in line with the trust Record Retention Policy. Where staff records pertain to CSA they should be retained for up to 75 years, subject to review, as set out in the Policy.

As stated above regarding the long-term retention of minimal pupil records, we may wish to retain very basic 'skeleton' records about staff that have worked in the trust beyond the normal retention of the whole personnel/HR file. This information may include the staff name, role, contract start and end dates and evidence of Single Central Record checks. This may be useful when we need to respond to requests for information from/regarding staff, in the event of it being needed for litigation or other legal purpose and as part of our historical archive. If we intend to create and maintain these records, this should be noted on the retention policy.