**Safeguarding and child protection - record passing and record retention**

**Havering guidance**

Retention times and records passing processes are not documented or directed by one organisation, you have to mash national and local legislation and guidance together. This is Havering guidance informed by key national documents, DfE, ICO and by serious case reviews (national and local).

**Generic pupil records** - (core SIMS data) should be kept until the pupil is 25. The last school that the pupil attends or the school where the pupil reaches statutory school leaving age (18) is responsible for keeping this record.

**Safeguarding Records** - For children with additional vulnerabilities (i.e. LAC, CiN, CP, SEND, Medical) you should keep records keep for 35 years after the child leaves school. The records must be archived, in secure digital storage, not accessible without authorisation. The record ceases to be a school record at this point and must only be accessed under a very limited set of circumstances.

* A subject access request by the parent, until the child is 18 – in complex or concerning cases professional / legal advice would be sought by the school. Live cases would not be passed over.
* A subject access request from the child, from the age of 18 – in complex or concerning cases professional / legal advice would be sought by the school. Live cases would not be passed over.
If a child under the age of 18, but older than 16, makes a SAR this should be individually assessed and a decision made – the caveat here is, unlike ordinary school data about a child, the safeguarding folder may have information which may be challenging, upsetting and new to the child.
* A RIPA notice (regulation of investigatory powers act) – this is a legal request for information. (Example attached).

The important thing here is to have a rationale behind why you retain. You are keeping the archived pupil file because:

* There could be a legal challenge around the child’s care and decisions made
* The child could be subject to later legal orders
* You may have a SAR (subject access request) – from the parent, or the child – one of the Rotherham CSE victims asked all statutory services for her records.
* If the child became the subject of a serious case review, their history may be requested.
e.g. Michael Adebelagio, Lee Rigby’s killer went to a Havering school; Breck Bednar’s killer went to a Havering school; we have had young people who have been murdered in gang related violence – police and other services may ask for a disclosure of school records to look at when a child became significantly at risk, or became a risk to others.

When a child leaves school their record should be digitised (unless you are using an online system such as MyConcern or CPOMS). Records from any digital systems can be passed directly of the next school uses the same system, if not the file should be saved out as PDF(s). It is fine to save it all as a single PDF.

If it is paper

* take off paper clips, cut or tear off staples
* make sure it is in order
* remove extras (post it notes, duplicate paperwork etc.)
* include any MARFS or plans
* include the chronology
* Scan in as a single doc, don’t save and name separate documents.

Pass on to next school even if not live, pass on smaller issues, a low level issue becoming more serious needs the long tail of concern over time. I think the only time not to send would be is a child has been LAC and adopted, in which case apply the ‘new start’ principle. You should always scan and archive records, even if you are not handing on.

In the child protection secure shared area, visible only to DSL and team, create an archive folder, you could label it ‘confidential – only to be accessed where there is a legal request’.

Children’s records could be named e.g. DoB and name – yyyy mm dd full name

You could have sub folders - 2018 leavers, 2019 leavers etc. This should mean that in 2054 all the 2019 leavers records can be disposed of, and, if we get legislation that instructs us to delete earlier, it is easier to comply with. You also need to be able to comply with ‘right to be forgotten’ if a child or parent comes back to you, after the child has left school, and asks you to delete their records.

**Pass on digitally**

* by emailing in borough. Schools outside Havering use Egress or similar.
* Send to the DSL, do not send to any office or generic email address
* Do not name the child in the subject line
* Password protect the document
* Send the password in a separate following email
* Records must be sent immediately, preferably to arrive before the child starts at their next school.
* Set a read receipt or ask for a confirmation reply.

**Sending through CPOMS or MyConcern**.

This can be done through their cloud for schools that use the same system, this will pass the live record. An archive record will be retained, this will have an automatic destroy date.

**Passing on paper records**

* Must be handed over face to face or sent by recorded delivery
* Sealed, marked as confidential with the name of the new DSL.
* You should include a letter of receipt to be signed by the next DSL and returned to you, you can accept a scanned and emailed copy if it comes from the school email address of the DSL.
* You should chase any outstanding receipt forms.