



GUIDANCE ON THE TRANSFER OF A CHILD PROTECTION/SAFEGUARDING FILE TO ANOTHER EDUCATIONAL SETTING



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Keeping Bristol Safe Partnership

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GUIDANCE ON THE TRANSFER OF A CHILD PROTECTION/SAFEGUARDING FILE TO ANOTHER EDUCATIONAL SETTING

May 2020

Introduction

The guidance has been created to ensure that all relevant child protection and safeguarding information about a child is known to the educational setting that a child attends. It is imperative that, in order to promote a child's welfare and thus their educational needs, that any concerns around the child are documented and passed on when the child moves to a new setting.

Working Together to Safeguard Children (2018) states that: 'Everyone who works with children has a responsibility for keeping them safe. No single practitioner can have a full picture of a child's needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action' (2018:10).

Brandon *et al* (2013), conducted a study into 'New Learning from Serious Case Reviews: a two year report 2009-11' in which the 'Importance of full, accurate and accessible information was a frequent theme across agencies... The need for better information sharing both between and within agencies was central to many of the recommendations made (2013:121-122).

Both the Data Protection Act 2018 and General Data Protection Regulation (GDPR) are not barriers to information sharing, but provides a framework to ensure that personal information about living persons is shared appropriately (Information Sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers, July 2018).

Well-kept records are essential to good safeguarding and child protection practice. All staff should be clear about the need to record and report concerns about a child or children within the school or educational setting. The Designated Safeguarding Lead

(DSL) is responsible for such records and, ultimately, the child protection/ safeguarding file and they are also responsible for the transfer of such information to a new educational setting when a child or young person changes provision. At times of transition, it is an opportunity for careful, proactive planning and sharing of information which, if conducted sensitively, can ensure a successful transition at any stage.

Scope of Policy

For the purpose of this guidance, all educational settings, providing education up to the school leaving age, will be referred to as a school. This includes: Early Years Settings, Schools, Academies, Trust Schools, Free Schools, Pupil Referral Units, Special Schools, Independent Schools, and Alternative Learning Providers. Home Education and Post 16 providers will be referred to separately.

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1. Good Practice

A clear statement about the process of transferring information should be included in the school's safeguarding/child protection policy. By stating that you have a duty of care to share information, should a child leave your school, ensures that parents understand that this is your practice.

It is advised that a Privacy Notice (previously known as 'Fair Processing Notice') should also be issued annually to parents in the Autumn Term, about the same time as issuing the SIMS Data Checking Sheets/ or other data collection documentation, so that the school can update the schools SIMS or other Management Information System (MIS) with corrected data. For new pupils, who join during the year, their parents/carers should also be given a copy of the Notice. This is a general Privacy Notice to cover all data held and processed in the school and therefore includes the transfer of child protection /safeguarding files.

2. What should be in a Child Protection/Safeguarding File?

A child protection /safeguarding file is the record kept by the Designated Safeguarding Lead (DSL) of any concerns about a child's welfare. These concerns should be factual and any opinions expressed should be written in a professional capacity and this is clearly stated in the records. This file may only have one concern in it or it may be a large file with extensive history. It is the record of all safeguarding concerns. Regardless of its size, the file must be passed on, in its entirety, to the next educational setting and a copy retained.

It is the responsibility of the DSL to ensure that the file is kept up to date and a chronology is maintained in each case or available via an electronic record keeping system such as CPOMS. A chronology is the brief overview of concerns and highlights all the significant events for the child. It should not contain detail for each event, just a brief one sentence statement of what has occurred, who was involved and what happened as an outcome.

Full details about what should be contained in a safeguarding / child protection can be found on the BSCB website in a document entitled Record Keeping Guidance for Pupil Safeguarding/ Child Protection Files

Should third party reports be included, the owner of such reports should be aware that it will be included in the child protection/safeguarding file.

3. How to transfer the Child Protection/Safeguarding File

When a child transfers to another school, the Designated Safeguarding Lead should inform the receiving school within five school days, that a child protection/safeguarding file exists. The receiving school should routinely ask the previous school if a child protection/safeguarding file exists, for all transfers. The original child protection/ safeguarding file must be passed on either by hand, sent recorded delivery or via secure transmission if sent electronically, separate from the child's main school file, within five school days from notification. Care must be taken to ensure confidentiality is maintained and the transfer process is as safe as possible. Parents should never be used as couriers for such files.

Schools should keep a copy of the file themselves; this will provide the school of evidence of what the school knew and the actions they took to safeguard and promote the welfare of the child. All copies should be stored securely and destroyed once the retention period has expired. The minimum retention period within this policy is the lesser of either (a) six years, or (b) if relating to a child, the 25th birthday of the child, in line with the Limitation Act 1980.

When child protection/safeguarding files are passed on by hand, sent recorded delivery or electronically, there should be written evidence of the transfer (such as a form or receipt signed and dated by the member of staff at the receiving school – (see Appendix A). This receipt should be retained by the originating school for 6 years, in line with Information and Records Management Society guidance. If the file is sent electronically written confirmation should be received from the new educational setting – this could be in the form of an email.

Children that pose a risk

It is essential that information is provided to the receiving school or Post 16 provider at the earliest possible opportunity where there is a concern that pupil/student may pose a risk to others. This enables the receiving school Post 16 to undertake the necessary risk assessments and ensure subsequent support is in place, so the pupil/student's start at the new educational establishment is not hampered.

Schools and Post 16 Providers are strongly advised to contact the previous setting if they have concerns about a young person and are not in receipt of a child protection/safeguarding file.

Elective Home Education

If the pupil is removed from the school roll to be electively home educated, the school should pass the child protection/safeguarding file to the local authority's Elective Home Education (EHE) officer and a receipt obtained as described above.

Children Missing Education

All settings that provide education for children and young people of statutory school age should follow the Bristol City Council's guidance on Children Missing Education available via the following link

<https://www.bristol.gov.uk/documents/20182/34960/CME+Guidance+for+schools/2dc4792d-7d3f-8b57-5aa8-3b305fda4cb8>

4. Electronic Child Protection Records

Electronic records must be password protected with access strictly controlled in the same way as paper records.

They should be in the same format as paper records (i.e. with well-maintained chronologies etc.) so that they are up to date if/when printed, e.g. for court. Electronic

files should only be transferred electronically to other schools/Post 16 providers if there is a secure system in place (such as GCSX). When the receipt (this can be by email) has been returned to confirm that the file has been received at the new school, it should be retained by the originating school for 6 years, in line with guidance detailed in Section 3.

Child protection/safeguarding records may also be recorded on SIMS (School Information Management Systems), other MIS or specialist software packages such as CPOMS. All schools have to record whether a child is subject to a Child Protection Plan or if they are a Child in Care. Schools must ensure they make this information confidential by applying the appropriate privacy settings. An up to date chronology is still required.

5. Pupils who are Dual Registered or Educated Off-Site

Where a pupil is on roll at one school but attends another setting, the chronology and other relevant information in the child protection/safeguarding file should be copied and passed to the DSL of the other school (Pupil Referral Unit, Academy or other Learning Centre) at the earliest opportunity. Responsibility for maintaining an up to date and complete record remains with the school where the pupil is on roll. Because of the nature of such bespoke arrangements for individual pupils, the two DSLs should agree on how best to communicate to each other significant events and issues in relation to that pupil.

6. Storage

All child protection/safeguarding records are sensitive and confidential so should be kept in a secure (i.e. locked at all times) filing cabinet, separate from other school files and accessible through the DSL, the Deputy DSL and other senior staff in larger schools.

The pupils' general school file should be flagged in some way (e.g. red star) to indicate that a child protection/safeguarding file exists (such coding must reflect current circumstances). All staff that may need to consult a child's school file should be made aware of what the symbol means and, to speak to the DSL, if necessary, if they see this symbol and have concerns. For example, if a member of the office staff, who is looking in the main file for a parent's contact details because of an unexplained absence, might decide to report this to the DSL if they see the indicator, in case the absence is significant.

For schools using an electronic recording system such as CPOMS it is important that access to safeguarding/ child protection information is restricted to staff on a need to know basis to ensure the needs of the child/young person are met. However all staff should be made aware of the importance of sharing safeguarding and child protection information in a timely manner.

7. Retention of Records

The school should retain the record for as long as the pupil remains in school and then transferred as described above.

Information and Records Management Society guidance states that, when a pupil with a child protection record reaches statutory school leaving age (or where the pupil completed 6th form studies), the last school attended should keep the child protection file until the pupil's 25th birthday. It should then be shredded or deleted, in the case of electronic files (and a record kept of this having been done, date, and why).

8. Access to Child Protection /Safeguarding Files and Information Sharing

Any child who has a child protection/safeguarding file has the right to access their personal record, unless to do so would affect their health and well-being of that or another person, or would be likely to prejudice an on-going criminal investigation.

Parents (i.e. those with parental responsibility in law) are entitled to see their child's child protection /safeguarding file, on behalf of their child, with the same exceptions applying as to the child's right to access.

If the contents of the safeguarding/ child protection file mentions the names of other pupils such as in written reports related to an incident, then these names should be redacted before sharing with a parent or child.

If the file contains notifications from the police, it should be noted this information not routinely shared with parents or children. Therefore if a request was made by a parent/child to see their child protection/safeguarding file, the sharing of any notification information must be agreed with the police in advance.

9. Sharing information with Post 16 Providers

The transfer of child protection /safeguarding files must continue through to Post 16 Providers. The responsibility for the transfer of records lies with the original setting. When a child transfers to a Post 16 provider, the DSL should inform the receiving setting within five school days by telephone or in person that a child protection/safeguarding file exists. The receiving Post 16 provider should routinely ask the previous setting if a child protection/safeguarding file exists, for all transfers

10. Transfer of files containing Domestic Abuse Notifications from Avon and Somerset Constabulary

Should a child, who has a notification from Avon and Somerset Constabulary (this include Domestic Abuse, Missing Persons and other incident information) recorded on their child protection/safeguarding file, transfer to a school, early years setting, Post 16 or other educational provider, the following statement **must** be sent with the file and **displayed prominently** to ensure staff in the receiving school will be made aware:

“This file contains Notifications that have been shared with a Bristol School, Early Years or Further Education Provider under a joint protocol agreement

between Avon and Somerset Constabulary and Bristol Education Providers for the purpose of protecting and supporting children and young people.

This information remains the property of Avon and Somerset Constabulary and, as such, must not be shared with any parties without the express permission of the owner. If you need to discuss this further, please contact Bristol Safeguarding Coordination Unit, Tel. 0117 952 9456.”

11. Verbal Communication

In addition to the transfer of written safeguarding and child protection files, it is recommended that this is accompanied by discussion between relevant staff in different settings to ensure all necessary safeguarding/ child protection information is brought to the attention of the new DSL. Details of this conversation should be recorded in the safeguarding/child protection file.

12. Sources of Further Information

The Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Limitation Act 1980

<https://www.legislation.gov.uk/ukpga/1980/58>

Guide to the General Data Protection Regulation (GDPR)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/711097/guide-to-the-general-data-protection-regulation-gdpr-1-0.pdf

Information and Records Management Society – Information Management Toolkit for Schools (2019)

<https://irms.org.uk/page/SchoolsToolkit>

Bristol Elective Home Education

<https://www.bristol.gov.uk/schools-learning-early-years/elective-home-education>

Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf

Brandon et al (2013) New Learning from Serious Case Reviews: a two year report for 2009-11, DFE

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/184053/DFE-RR226_Report.pdf

Record Keeping Guidance for Pupil Safeguarding/ Child Protection Files

<https://bristolsafeguarding.org/children-home/professionals/policies/#TransferEdu>

Working Together to Safeguard Children (2018) HM Government

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf

Keeping Children Safe in Education (2018) Department for Education

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741314/Keeping_Children_Safe_in_Education_3_September_2018_1_4.09.18.pdf

Appendix A

Transfer of Child Protection/Safeguarding Records within Educational Establishments
Receipt **(Please print all information)**

Name of Child

Date of Birth.....

Unique Pupil
Number.....

Unique Learner
Number.....

Name of current
school.....

Address of current
school.....

Name of current Designated Safeguarding
Lead.....

Date file exchanged by
hand..... **OR**

Date file posted by recorded
delivery.....

Signature of current Designated Safeguarding
Lead.....Date

Name of receiving
school/college.....

Address of receiving
school/college.....

Name of receiving Designated Safeguarding
Lead.....

Date file received by hand..... **OR**Date received by recorded delivery ...

Signature of receiving Designated Safeguarding
Lead.....Date.....

**Please ensure this completed form is returned to the originating school without delay.
The originating school should keep this receipt securely (see guidance above)**