



Child protection records retention and storage guidelines

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Guiding principles of records management

According to Data Protection principles, records containing personal information should be:

- adequate, relevant and not excessive for the purpose(s) for which they are held
- accurate and up to date
- only kept for as long as is necessary
- (Information Commissioner's Office, 2020).

The introduction of the General Data Protection Regulation (GDPR) in 2018 does not change the way child protection records should be stored and retained.

You must:

- know the reason why you're keeping records about children and/or adults (for example, because they relate to child protection concerns)
- assess how long you need to keep the records for
- have a plan for how and when the records will be destroyed.

To keep personal information secure, you should:

- compile and label files carefully
- keep files containing sensitive or confidential data secure and allow access on a 'need to know' basis
- keep a log so you can see who has accessed the confidential files, when, and the titles of the files they have used.

If you are creating records about the children and/or adults that take part in your services or activities, you need to make sure they understand what records you hold, why you need to hold them and who you might share their information with (for example as part of a multi-agency child protection team) (Information Commissioner's Office, 2020). If you are keeping records for child

protection reasons, you don't necessarily need to get consent from the adults and/or children concerned.

Concerns about children's safety and wellbeing

If anyone has concerns about a child or young person's welfare or safety, it's vital all relevant details are recorded. This must be done regardless of whether the concerns are shared with the police or children's social care.

Keep an accurate record of:

- the date and time of the incident/disclosure
- the date and time of the report
- the name and role of the person to whom the concern was originally reported and their contact details
- the name and role of the person making the report (if this is different to the above) and their contact details
- the names of all parties who were involved in the incident, including any witnesses
- the name, age and any other relevant information about the child who is the subject of the concern (including information about their parents or carers and any siblings)
- what was said or done and by whom
- any action taken to look into the matter
- any further action taken (such as a referral being made)
- the reasons why the JC Tuition decided not to refer those concerns to a statutory agency (if relevant).

Make sure the report is factual. Any interpretation or inference drawn from what was observed, said or alleged should be clearly recorded as such. The record should always be signed and dated by the person making the report.

Storage of child protection records

Whether your child protection records are electronic or paper-based, they need to be kept confidential and stored securely. Electronic files should be password protected and stored on computers with protection against hackers and viruses.

- Information about child protection concerns and referrals should be kept in a separate child protection file for each child, rather than in one 'concern log'. The child protection file should be started as soon as you become aware of any concerns.
- It's good practice to keep child protection files separate from a child's general records. You should mark the general record to indicate that there is a separate child protection file. If you need to share records (within your own organisation or externally), make sure they are kept confidential. Use passwords and encryption when sharing electronic files.
- If your staff and volunteers use their personal computers to make and store records, you need a clear agreement to ensure the records are being stored securely.

Retention periods: child protection records

Some agencies, for example in the education and health sectors, have their own guidance for the retention of child protection information.

Child protection files should be passed on to any new school a child attends (Department for Education (DfE), 2020; Department of Education, 2016; Information and Records Management Society (IRMS), 2016).

The file should be kept until the child is 25 (this is seven years after they reach the school leaving age) (Information and Records Management Society (IRMS), 2016).

In Northern Ireland the government recommends that child protection files should be kept until the child's 30th birthday (Department of Education, 2016).

In some cases, records should be kept for longer periods – see the 'Exceptions' section below for more information.

Recording concerns about adult behaviour

Sometimes concerns might be raised about an adult who works or volunteers with children. This could be because they have:

- behaved in a way that has harmed, or may have harmed, a child
- committed a criminal offence against, or related to, a child
- behaved in a way that indicated they are unsuitable to work with young people.

You must keep clear and comprehensive records of all allegations made against adults working or volunteering with children, including:

- what the allegations were
- how the allegations were followed up
- how things were resolved
- any action taken
- decisions reached about the person's suitability to work with children.

Keeping these records will enable you to give accurate information if you are ever asked for it. For example:

- in response to future requests for a reference
- if a future employer asks for clarification about information disclosed as part of a vetting and barring check
- if allegations resurface after a period of time.

Storing records relating to adults

Records relating to concerns about an adult's behaviour should be kept in the person's confidential personnel file (not in a central 'concerns log') and a copy should be given to the individual.

Retention periods: concerns about adults

If concerns have been raised about an adult's behaviour around children, the general rule is that you should keep the records in their personnel file either until they reach the age of 65 or for 10 years – whichever is longer (IRMS, 2016; Department for Education (DfE), 2020). This applies to volunteers and paid staff.

For example:

- if someone is 60 when the investigation into the allegation is concluded, keep the records until their 70th birthday
- if someone is 30 when the investigation into the allegation is concluded, keep the records until they are aged 65.

You should keep records for the same amount of time regardless of whether the allegations were unfounded. However, if you find that allegations are malicious you should destroy the record immediately.

Information should be kept for this length of time even if the person stops working or volunteering for the organisation.

In some cases, records should be kept for longer periods.

Exceptions

In some cases, records can be kept for longer periods of time. For example, if:

- the records provide information about a child's personal history, which they might want to access at a later date
- the records have been maintained for the purposes of research
- the information in the records is relevant to legal action that has been started but not finished
- the records have been archived for historical purposes (for example if the records are relevant to legal proceedings involving the organisation).

Where there are legal proceedings it is best to seek legal advice about how long to retain your records.

Some records are subject to statutory requirements and have a specific retention period. This includes records relating to:

- children who have been 'looked after' by the local authority
- adopted children

- registered foster carers
- residential children's homes.

When records are being kept for longer than the recommended period, files must be clearly marked with the reasons for the extension period.

Organisations must keep any records that could be needed by an official inquiry (for example the Independent Inquiry into Child Sexual Abuse (IICSA) (IICSA, 2018)). Inquiries will issue directions for records to be retained and these must be followed.

Destruction of child protection records

When the retention period finished, electronic confidential records will be purged.