

# Records retention and storage policy

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## Safeguarding Roles and Responsibilities

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## Introduction

As an organization involved in the recruitment of education professionals, Inspiring Teaching is required to have policies and procedures in place regarding the retention and storage of information.

As part of our safeguarding policy and procedures, we must have clear guidelines for the retention, storage and destruction of child protection records. These are records which relate to concerns about a child's welfare and safety, and/or concerns about possible risks posed by people working or volunteering with children.

## 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, 2021).

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

Inspiring Teaching must:

- know the reason why we'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.

When creating records about the children and/or adults that take part in our services or activities, we need to make sure we understand what records are held, why we need to hold them and who we might share their information with (for example as part of a multi-agency child protection team) (Information Commissioner's Office, 2021). If you are keeping records for child protection reasons, you don't necessarily need to get consent from the adults and/or children concerned.

## Record Retention for Recruitment Purposes

As per the IRMS, 2019; Department for Education, 2021 guidance, Inspiring Teaching will hold all records concerning a registration for a period of 10 years or until they reach their normal retirement age (whichever is longer).

This rule continues to any investigatory records, even if unfounded, unless malicious in which case records will be destroyed immediately.

Inspiring Teaching complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.

### Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### Storage and Access

Certificate information should be kept securely in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will consider the Data Protection and Human Rights of the individual before doing so.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning.

While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision made.

## Accounts Records

This policy does not apply to accounting records, which are governed by separate statutory Requirements.

## Concerns about children's safety and wellbeing

If anyone in Inspiring Teaching 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 organisation 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 reported as such. The record should always be signed and dated by the person making the report.

You may find it helpful to create a standard form for recording concerns. This ensure all the necessary information is collected consistently.

## 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.
- If the person responsible for managing your child protection records leaves your organisation, make sure you appoint somebody to take over their role and arrange a proper handover.

## Retention periods: child protection records

Child protection files should be passed on to any new school a child attends (Information and Records Management Society (IRMS), 2019; Department of Education, 2016; Department for Education (DfE), 2021).

In England, Scotland and Wales, 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), 2019).

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've:

- 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 at least until they reach their normal retirement age or for 10 years - whichever is longer (IRMS, 2019; Department for Education, 2021). 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.

In Northern Ireland, the Department of Education recommends that records of allegations against a member of school staff should be retained indefinitely unless they are completely exonerated (Department of Education, 2015)

Information should be retained even if the person stops working or volunteering for the organisation.

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

## Exceptions

There are some situations where records need a longer retention period. 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.

You should check the legislation to see which rules apply to your organisation. Links to the legislation in each of the UK nations is available below.

You should also check whether your insurance company, regulating body or local safeguarding agencies make any stipulations about retention periods.

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.

## Criminal records checks

You shouldn’t store copies of criminal records check certificates unless there is a dispute about the results of the check. Instead, a confidential record should be kept of:

- the date the check was completed
- the level and type of check (standard/enhanced/barred list check and the relevant workforce)
- the reference number of the certificate
- the decision made about whether the person was employed (with reasons).

If there is a dispute about the results of a check, you may keep a copy of the certificate for no longer than six months.

## Destruction of child protection records

When the retention period finished, confidential records should be incinerated or shredded in the presence of a member of the organisation or entrusted to a firm specialising in the destruction of confidential material. At the same time any electronic versions of the record must be purged.



If not shredded immediately, all confidential records must be held in a secured plastic bag, labelled as confidential and locked in a cupboard or other secure place; or placed in a confidential waste bin.

If your organisation or part of an organisation (for example a club, team or project) is closed down, you must make arrangements for the ongoing management of records. This includes the review, retention and disposal of records.