



Service Children's Education

GUIDANCE

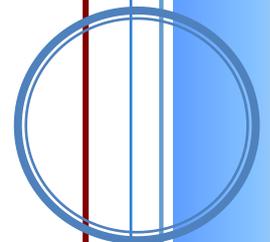
Record Keeping & Management of Child Protection Information - including guidance on consent

Issued September 2011

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It helps schools identify causes for concern at an early stage. Often it is only when a number of seemingly minor issues are taken as a whole, that a safeguarding or child protection concern becomes clear

It helps schools monitor and manage its safeguarding practices. Furthermore, in any inspection it will be important to provide evidence of robust and effective safeguarding policy and practice



Document Information

Title	Record keeping and management of child protection information (including guidance on consent)
Reference number	SCE1/3/8
Supersedes	Guidelines for school on record keeping and management of Child Protection information on pupils
Date of issue	July 2011
Review date	
Review by & lead member of staff	Safeguarding Manager
Prepared by	Safeguarding Manager, Acting AD (P&FS)
Consultation	Draft shared with several Designated Seniors for child Protection, the Education Social Work Team and JRT staff
Impact Assessment	
Implementation	
Supply / distribution	Available as a read-only document on the SCE web plus one hard copy to each school & setting
Other relevant approved documents	
Approved by	
Authorised by	

Background

Introduction

1. This guidance covers:
 - general principles of keeping child protection records
 - what records should be kept
 - how records should be made and kept
 - how long should schools retain child protection records
 - access to child protection records and information sharing
 - issues relating to referrals and consent
 - transfer of child protection records
2. The guidance should be read in conjunction with the following documents:
 - Safeguarding Children and Safer Recruitment in Education (D of E, Nov 06)
 - Working Together to Safeguard Children (HM Government, March 2010)
 - Information Sharing: Guidance for Practitioners and Managers (D of E 2008)
3. For additional guidance on other types of record keeping in relation to child protection and safeguarding, see also:
 - Guidance on CRB and other checks on staff, governors and volunteers (to follow)
 - Guidance for schools on child protection training
 - Local SCB Procedures (for example SO BFG 3351)

General Principles

4. Good, up to date record keeping of concerns and action taken is essential for two main reasons:
 - It helps schools identify causes for concern at an early stage. Often it is only when a number of seemingly minor issues are taken as a whole, that a safeguarding or child protection concern becomes clear
 - It helps schools monitor and manage its safeguarding practices. Furthermore, in any inspection it will be important to provide evidence of robust and effective safeguarding policy and practice
5. A record of concern, suspicion or allegation should be made at the time or as soon as possible after the event. (N.B It is not advisable to make a written record whilst a child is disclosing abuse, as it may deter the child from speaking).

6. Records should be factual, using the child's own words in cases where a disclosure is made. Professional opinion can be given, but needs to be supported by stating the facts and observations upon which the opinions are based. (N.B expressing an opinion as to whether the child is telling the truth is not helpful and can prejudice how a case proceeds).
7. All records should be dated and signed with the name of the signatory clearly printed and filed in chronological order.
8. It is useful to have a proforma for recording information / concerns. This can ensure that essential information is not overlooked. A sample is included in this document at Annex B.
9. Any handwritten notes made immediately after the event, for example, a disclosure can act as evidence of them having been written at the time for any future court case. Therefore, these should not be destroyed if the details are recorded more formally at a later time, but instead kept securely attached to the child protection concern forms used by the school.
10. All recorded child protection concerns must be passed to the designated senior as soon as possible. The designated senior will need to make a professional judgement about what action needs to be taken in accordance with local child protection procedures.
11. The common law of confidentiality, data protection and human rights principles must be adhered to when obtaining, processing or sharing personal or sensitive information or records. (Refer to Information Sharing Protocols and Guidance). In summary, the Data Protection Act requires that records should be accurate, relevant, kept up to date and securely kept for no longer than is necessary for the purpose.
12. It is important to make it clear to pupils that any disclosure they make will be treated with sensitivity but may need to be shared with other professionals if it is considered necessary to protect the child or someone else from harm.

How should schools keep child protection records?

13. All records of child protection concerns, disclosures or allegations are to be treated as sensitive information and should be kept together securely and separately from the child's general school records. The information should be shared with all those who need to have it, whether to enable them to take appropriate steps to safeguard the pupil, or to enable them to carry out their own duties, but it should not be shared wider than that.
14. Child protection records must be stored in a secure (i.e.locked) filing cabinet, accessible through the designated senior or their deputy and other senior staff in larger schools to ensure reasonable access.
15. The pupil's general school record file should be marked to indicate that a child protection file exists (e.g a blue star). All staff who may need to consult a

child's school file should be made aware of what the symbol means and who to consult if they see this symbol.

16. A child protection file will be started for an individual pupil as soon as the school is aware of any child protection concerns about that pupil. This may arise in a number of ways e.g
 - a. If a member of staff raises a concern about the welfare or well being of a pupil – this should be recorded in writing (see below for guidance)
 - b. If information is forwarded to the school by a previous school attended by the pupil
 - c. If the school is alerted by another agency (e.g health, social care) of child protection concerns about that pupil
17. Members of staff should make a written account of any concern they have regarding the welfare or well being of a pupil, using the school's proforma for this. This record should be passed as soon as possible to the designated senior. Concerns which initially seem trivial may turn out to be vital pieces of information later, so it is important to give as much detail as possible. A concern raised may not progress further than a conversation with the designated senior, or could lead to matters being heard in court. If there hasn't been a specific incident that causes concern, try to be specific about what it is that is making you feel worried.
18. The record proforma should include:
 - A record of the pupils' details: name, date of birth, address and family details
 - Date and time of the event / concern
 - The nature of the concern raised
 - The action taken and by whom
 - Name and position of the person making the record

In the case of disclosure, the record should also include:

- As full an account as possible of what the child said
 - An account of the questions put to the child
 - Time and place of disclosure
 - Who was present at the time of disclosure
 - The demeanour of the child, where the child was taken and where returned to at the end of the disclosure
19. If the designated senior makes a referral to Children's Social Care this should be confirmed in writing in accordance with local SCB Safeguarding procedures (for example SO BFG 3351). The designated senior should maintain a chronology of the main actions taken. A sample chronology is included at Annex A.

20. The pupil's child protection file should contain:
- Any concerns recorded by staff
 - Any child protection information received from previous schools or other agencies
 - Copy of any referral by the designated senior to social care
 - In the case of a child subject to a Child Protection Plan, notes of any Child Protection case conference or Core Group meetings etc
 - Where a case is ongoing, keep a record of any actions and discussions etc which will form a chronology for future reference. A sample chronology is included in the appendix for guidance.
21. If any information is removed from a file for any reason, a dated note must be placed in the file indicating who has taken it, why and when.

How long should the child protection record be kept?

22. The school should retain the record for as long as the pupil remains at the school. See paras 34 and 35 below for guidance on records of school leavers.
23. If the pupil transfers to another school, the school must transfer the child protection file to the next school as set out below.
24. If the pupil is removed from the roll to be home educated, the school must copy the child protection file to HQ SCE.
25. Current guidance from the Records Management Society is that when a pupil with a child protection record reaches statutory school leaving age, the last school attended should keep the child protection file until the pupil's 26th birthday¹.

Who should have access to child protection records or information?

School staff

26. The secure filing system should be easily available to the designated senior or their deputy or others as set out at para 14 above. A locked filing cabinet will usually be adequate.
27. It is highly unlikely that all members of staff need to know the details of a case or that there should be widespread access to the records. Access to and sharing of information should be on a need to know basis decided on a case-by-case basis. Consideration must also be given to what needs to be shared. Generally speaking, the closer the day-to-day contact with the child, the more likely the need to know an outline of the case. Essentially, if someone receives information in his / her professional capacity and the person giving that information believes it will be treated securely and that belief is reasonable, then the recipient of the information will be under a duty to treat it securely.

¹ Education Act 2002 s175, related guidance "Safeguarding Children in Education", September 2004

Pupils and their parents

28. The child who is the subject of a child protection record has a right to access their personal record, unless to do so would affect their health or well-being or that of another person, or would be likely to prejudice an ongoing criminal investigation.
29. Parents (i.e those with parental responsibility in law) are entitled to see their child's child protection file on behalf of their child, unless to do so would affect the child's health wellbeing or that of another person. Note that an older pupil may be entitled to refuse access to the parents. The school should take advice about sharing information with parents if they have particular concerns about doing so. However, it is generally good practice to share all information held, unless there is a valid reason to withhold it. e.g if to do so would place the child at risk of significant harm. If a parent makes a request to access the records on a child's behalf, this should be done in writing.
30. When a child or parent wishes to see the child's child protection record the school should consider any third party information contained in that record. Any third party information, such as health assessments or social work reports, is the property of the original agency. Schools should seek permission from these third parties before releasing their information to the child or parent.

Other professionals

31. Child protection information should not ordinarily be shared with agencies other than Social Services, Health and the police as described in local procedures. Generally, in terms of compliance with the Data Protection Act, obtaining informed consent of the subject would legitimise information sharing however, this is not always practical. Information should not be released to solicitors on request – always seek the advice of HQ SCE. Advice and guidance on consent can be found at Annex C
32. References by name to children other than the pupil who is the subject of the record should be removed when disclosing records, unless consent is obtained from the individual/s concerned (or their parents / carer on their behalf). Care should be taken to ensure all identifying information is removed from the copy of the record to be shared.
33. If the record to be disclosed contains information about an adult professional, that information can be disclosed if it relates to the performance by that person of their job or other official duties e.g. a reference to a teacher in their teaching role, or a school nurse in their nursing role. However, if the reference refers to that individual's private life, it should be removed (unless this relates to a child protection matter which is relevant to the record to be disclosed).

Transfer of records

34. When a pupil transfers from one school to another, their child protection record (if any) should be forwarded to the new school without delay, separate from

their main pupil file. Care must be taken to ensure confidentiality is maintained and the transfer process is as safe as possible.

35. Keep a copy of the child protection file until you have confirmation from the receiving school that they have received it. Once you have this confirmation, your copy should be shredded. You should keep a record of having received confirmation from the receiving school and of the date when you shredded your copy.
36. The school should only transfer information which has originated at the school and should not transfer third party information such as health assessments or social work reports. Any such information should only be transferred by the authors of the information.

Guidance when making a record of a child protection incident or concern

37. When making child protection notes or records it may not be possible to know who will eventually have access to it or when. It may be consulted months or even years after it was written. Always bear in mind that someone who is a complete stranger to you and your school may need to read your record at some stage in the future.
38. Ideally, logs of incidents should be typed. Hand written notes should be clearly legible and written in ink. All notes and reports must contain the following:
 - Date of the incident
 - Date and time of the record being made
 - Name and date of birth of the child(ren) concerned
 - A factual account of what happened and the location where the incident took place (include the actual words spoken by the child where possible)
 - A note of any other people involved e.g as witnesses
 - Action taken and any future plans e.g monitor and review
 - Any other agencies informed
 - Printed name of the person making the record
 - Job title of the person making the record
 - Signature (please print name alongside)
39. The source of the information should be recorded e.g. “Ms Terry, a teaching assistant told me that ...” or “I saw Rowan in the playground at break time”.
40. Information should be factual or based on fact. Record what you saw, heard etc and try not to be vague or woolly (e.g ‘Jenny was crying and rocking’ rather than ‘Jenny was upset’).
41. Distinguish clearly between fact and your professional opinion. When recording your professional opinion, make it clear what your opinion is based

on (e.g 'Harry ran and hid under the table when his mother arrived to take him home and clung to me when I tried to get him. He appeared to be frightened').

42. Make a note of what you have done with the information (e.g consulted the Headteacher, Mr Wilson and he said he would...'
43. Try to avoid specialist jargon e.g 'He is on SEN Stage 3' which someone from another agency would not necessarily understand.

For advice please contact the following

Mark Fraser –
Acting AD (P & FS)
Pupil & Family Services
John Farmer Centre
Normandy Bks
BFPO 16
01722000992

Mil: 79 4048

Mob:

John Titterton
Safeguarding Manager
SCE
Block 19
3431
Rochdale Bks
BFPO 39
01722000939

Mil: 81

Mob:

Sample School Chronology of Events

<u>Date</u>	<u>Chronology of Events</u> <u>Signature</u>
16/09/10 11.30 am	<i>Informed by J Smith (TA) that Mary has bruises on her back which were seen during PE lesson. Mary saying "Mummy grabbed me, I was bad". School Record of Concern Form completed.</i>
12.00	<i>Tel CRT social worker, Anne Massey for advice. Anne already has contact with family and has been previous concerns. Discussed consent to a referral. Anne advised not to seek consent due to previous concerns. Anne will contact Mrs Jones to seek consent to interview Mary at school.</i>
13.30	<i>Anne Massey came to school to interview Mary. She confirmed she has consent of Mrs Jones.</i>
14.15 husband	<i>Mrs Jones came in to school. She was upset. Said her is not helping at home. She is not coping with Mary. Anne spoke to her and they left with Mary to see the GP.</i>
	<i>I M Wright</i>
17/09/10	<i>Mary did not come into school this morning. Contacted CRT. Anne not available. Mrs Walker of CRT confirmed that Mary</i>

and her Mum and Dad are at CRT at the moment.

Gave class teacher and Mrs Smith an update.

Completed a MARF and faxed to CRT.

Anne telephoned. Section 47 enquiries are ongoing.

Parents are being cooperative and Mr Jones saying

he will be more supportive with Mary. Mary will be

back in school tomorrow. Anne asked us to keep a close

eye on her. I passed this on to class teacher, Mrs Smith (TA),

Mr Bolder (DHT) and Mrs Markham (Additional TA).

I M Wright

Sample School Record of Concern Form

Pupil's details

Full name

Address

Telephone

Date of birth

Gender: Male Female

Does the pupil know this form has been completed? Yes No

If not, why not?

If yes, what did the pupil say?

Why are you concerned about this pupil?

Please provide a description of any incidents/conversations and the dates they occurred. You must make clear what is fact and what is opinion or hearsay. You must not ask the pupil leading questions or try to investigate the concern yourself

What have you observed and when?

(This relates to anything you have personally witnessed)

What have you been told and when?

(Write here anything you have been told by the pupil or any other person. Be clear about who has said what)

What have you heard and when?

(This may be third-party information that is relevant but as yet unsubstantiated)

If an allegation has been made, give any details you have about the alleged abuser

Does the pupil have any visible injury, or have they told you they have been injured?

Yes No

If yes, has medical advice been sought?

Has any action already been taken in relation to this concern? (for example, pupil taken out of class, first aid)

Date and time of this record

Your details

Full name

Position

If you are not a member of the school staff please provide details of your school, agency or service together with a contact telephone number.

Name and position of the person this record was handed to:

Date and time the above person received this record

If this record has been handed to anyone other than the designated person please explain why

Hand this form to the designated person before you go home. If the designated person is unavailable, hand it to their deputy, the Headteacher or your line manager.

If you have used additional sheets to complete this record of concern please staple them to this form and write the number of additional sheets here _____

Annex C

Guidance on Consent:

(Making Referrals, Interviewing Children, Medical Examinations and Removing Children from School)

This guidance considers seeking informed consent when there are child protection concerns, in a variety of different situations. In all circumstances the normal default position should be, in most instances, to seek consent from parents and from young people. There are however important exceptions to this default position and this guidance seeks to clarify these exceptions. As a general rule staff are advised to discuss consent with children's social care (CRT in Germany) if there is any doubt about consent.

Making Referrals and Sharing Information

It is the schools' responsibility to seek consent to refer, where appropriate, and to record any reasons where consent has not been obtained or has not been sought.

SCE staff have a duty to safeguard and protect children in their care. This includes a duty to refer to children's social care (CRT in Germany) if there are signs that the child "Is experiencing or may already have experienced abuse or neglect" or "Is likely to suffer significant harm in the future". Schools also have a duty to cooperate with statutory agencies under the Children Act 2004 in order to safeguard children and promote their welfare.

In most cases where a referral is made to another agency the school should seek consent to that referral being made. Whenever a case is discussed with other agencies, such as Children's Social Care, the conversation should always include a discussion about consent. If a child is of sufficient intelligence, understanding and maturity then their consent should be sought, and in addition the child's parent should also ordinarily be asked to consent to the referral. If a child, of sufficient intelligence, understanding and maturity, objects to their parent being informed then the school should seek advice about this from Children's Social Care. For younger children, who are not able to give consent, schools should ordinarily seek consent from a parent.

There are some exceptional circumstances where it would not be appropriate to seek consent. These are where to do so would put the child or others at increased risk of significant harm or an adult at risk of serious harm, or if it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference in a potential investigation. If Schools believe that these criteria apply to a case then they should always discuss this first with children's social care.

If a parent or child refuses to give consent the school should still make a referral if they believe the child, "Is experiencing or may already have experienced abuse or neglect" or "Is likely to suffer significant harm in the future". School staff should make detailed records of their discussions and the processes they have followed in reaching their decisions. In all cases the child's safety and welfare must be the overriding consideration.

Interviewing Children in Schools (social workers and / or police)

It is the social worker and or police responsibility to seek consent to interview children in school and to explain to parents later in situations where they have not sought consent.

Principle: It is always best practice to inform parents of child protection concerns and to seek parental permission to interview their children. It is only in exceptional circumstances that this principle would not be followed.

In general the exceptional circumstances are to do with the risk of significant harm to the child or children, risks to a police investigation, or a child being able to give their own consent. The school can always ask the social worker or police to confirm that there are exceptional circumstances and clarify, if possible, what these are.

SO BFG 3351 6.61 Parents must be informed, “unless to do so would jeopardise the child’s safety, or that of other children, or undermine a criminal investigation.”

SO BFG 3351 6.73 Children may be spoken to without the knowledge of the carer if, “the possibility that a child would be threatened or coerced into silence; a strong likelihood that important evidence would be destroyed; or that the child in question did not wish the parent to be involved at that stage, and was competent to make that decision”

SO BFG 3351 6.94 For Achieving Best Evidence (ABE) a child may be interviewed without parental permission if, “In urgent circumstances where no parent or carer can be contacted” However 6.95 States, “interviews must not take place until all other means of seeking consent have been eliminated”

Medical Examination or Assessment of Children

It is the social worker and or police responsibility to seek consent for medical examination or to seek an order in the absence of consent.

Principle: It is best practice, whenever possible, to seek the parent’s permission for any child under the age of 16, prior to any examination, assessment or treatment. There are no circumstances in which a child may be medically examined or assessed without some form of consent. Consent may be obtained from the following;

- 1) A young person over 16 years has an explicit right to provide consent to surgical, medical or dental treatment (Family Law Reform Act 1969)
- 2) Any person with parental responsibility.
- 3) A child of sufficient intelligence, understanding and maturity.
- 4) As part of a direction from an Emergency Protection Order or a Child Assessment Order.

Even where a Child Assessment Order or Emergency Protection Order has been made, a child of sufficient intelligence, understanding and maturity, may refuse to submit to the assessment.

As part of any medical report the medical practitioner has to state who gave consent to the examination and how that consent was given.

Removing Children from School (social workers and / or police)

It is the social worker and or police responsibility to seek consent to remove a child from school or alternatively to produce a valid court order.

There may be some circumstances when social work or police wish to remove a child from school for assessment, to a place of safety or for medical examinations. In these circumstances, as in cases above, it is best practice to seek consent from the parent and / or from a child who is of sufficient intelligence, understanding and maturity. There may be some very exceptional circumstances however where this is not sought or not received. In these circumstances police or social work must

produce a valid court order which expressly nominates that person to remove that child.

In addition to the above the police do have power to remove a child, who may otherwise suffer significant harm, to suitable accommodation without a court order. It is very unlikely however that this power would be used as the school should be considered to be a safe environment.

The above information is based on the following:

Information sharing: Practitioners' guide at www.education.gov.uk

SOBFG 3351

Working Together to Safeguard Children 2010

Armed Forces Act 1991

Family Law Reform Act 1969

Children Act 2004

Education Act 2002