



Villa Real School
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Transfer of Safeguarding/ Child Protection Files

Responsibility: J.Bowe

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Adopted by the Governing Body:

Chair of Governors

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TRANSFER OF CHILD PROTECTION FILES
BETWEEN SCHOOLS / COLLEGES
(AS PER KEEPING CHILDREN SAFE IN EDUCATION, 2024)

All young people involved with child protection services (Social Care or Police) at any time in their school life must have that information retained until the child reaches 35 years of age including pupil/students with Special Educational Needs. This means that the last education provider for the child will retain the file e.g. secondary phase or college. This is in line with best practice advice until further directive is given from the General Data Protection Regulations and the updated KCSIE, 2023.

There are current guidelines which state retention guidelines of 25 years of age (IRMS, 2015), 35 years of age for SEN (IRMS, 2015) and 35 years from closure of case (Children's Services records retention).

INTRODUCTION

The purpose of this guidance is to provide clarity and consistency of practice regarding what information should be transferred onto the next school/provider. At Villa Real there is a distinction between paper files into school, transfer to CPOMS and electronic transfer out of school. The law after Brexit states that, we, as a school, can transfer personal data and files from EU countries, if it is covered by an adequacy decision, an appropriate safeguard or an exception.

Child Protection Files

- Child Protection files are records maintained by the setting, detailing a history of all concerns, incidents, involvement with agencies (including social care, early help and intervention) and communication with any professionals relating to concerns about the welfare of the child
- A child's file must follow them to every setting that they are educated in to ensure that incidents are not dealt with in isolation and that education professionals making decisions about children have all of the information available to them. This should happen until the child is 18 or in special schools, 19. Schools must transfer safeguarding files within 5 days of a pupil/student transferring to another educational placement.

KCSIE September 2023 states,

"Where children leave the school or college, the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term to allow the new school or college to have support in place for when the child arrives."

- Child protection files should contain information that is accurate, factual and objective. The information as well as the organisation of the file should be easy to understand and follow. The child's voice should be thematic throughout
- Each child protection file should contain a full and thorough chronology and a summary of significant events throughout your involvement with the child
- Keeping Children Safe in Education (2022) advises that all child protection files must, in their entirety, be transferred to the new school and a receipt for the file must be returned to the transferring school. This file must be transferred separately to the child's school file and secure transit ensured
- The school/college must keep the chronology for one year only of a child protection file to ensure they have sufficient knowledge of the case and their involvement, should the case go to review or court and their involvement in the case be sought or the case is subject to individual or multi agency review
- Files will be destroyed only when the young person reaches 35 years of age including pupil/students with Special Educational Needs
- All receipts confirming file transfer must be kept until the child's 35th birthday including pupil/students with Special Educational Needs
- The sharing of information in this way does not remove the need for a thorough handover. It is GOOD PRACTICE that for all cases where children transfer or move schools that the Designated Safeguarding Lead's share information and communicate effectively about ANY vulnerable children. The DFE Information Sharing Advice for Practitioners 2015 advises that information can be shared where it can be evidenced to be in the best interests of children
- All Designated Safeguarding Leads are responsible for the organisation, maintenance and transfer of all child protection files in and out of school
- Information should always be retained, stored and transferred in the best of interests of children. If in doubt you must seek support on an individual case by case basis

Transferring paper files into Villa Real

- The transferring of paper files should be organised between the designated leads of each setting. Effective handovers and good discussion of the individual case will ensure a positive transition for every child
- The transfer of the paper file should take place within 5 school days of the child's attendance at the new setting being confirmed. In all circumstances the sooner the handover can occur the better. Handovers should only occur once the destination of the child is certain and confirmed
- Wherever possible paper files should be transferred by hand or recorded delivery. The receipt of the handover should be kept by both parties.
- For early years settings, parents should be advised regarding the transfer of the child protection file, however lack of parental consent should not

prevent the file from being transferred where it is in the best interests of the child to share information with a new setting

- For post 16 providers information should be passed over in the same way initially through a verbal discussion and handover and then the transfer of a physical paper file

Pupil/students who are dual registered or educated off-site

- Where a pupil/student is dual registered or educated off site, the setting that maintains the most contact with the pupil/student should maintain the child protection files. At Villa Real that will be on CPOMS
- Both settings need to liaise closely with each other to ensure positive communication is maintained and incidents that occur are shared and dealt with effectively and communicated between the settings
- A decision should be made between the settings about how the chronology is kept up to date and shared and how information will be shared and presented at both child protection conferences/reviews and core groups
- In any circumstance where a child may have access to other settings e.g. Respite, consideration must be made to ensuring effective communication between the setting and school to share information and concerns. This would be done during CP/CinN meetings

Archiving

Child Protection files are stored electronically on CPOMS with appropriate levels of security and access until the child's 35th birthday.

CPOMS archives the files once electronic transfer has occurred. The files will be archived within the system till the retention date identified within the retention scheduled agreed by governing body and the provider.

Access to files

A pupil/student or their nominated representative have the legal right to see their file at any point during their education and even until the record is destroyed (when the pupil/student is 35 years old including for pupil/students with special educational needs) This is their right of subject to Access under the Data Protection Act 1998.

Responsibility for the pupil/student record once the pupil/student leaves the school

Villa Real is responsible for retaining the pupil/student records until the pupil/student reaches the age of 35 years. This retention is set in line with the Limitation Act 1980 which allows that a claim can be made against an organisation by a minor for up to 7 years from their 18th birthday (e.g. 25th Birthday). The Information and Records Management Society Toolkit for

Schools also recommends that information is retained until the child's 25th birthday. However best practice advice is to retain child protection records until the child's 35th birthday following the GDPR and KCSIE 2023 update until further directive is given.

Safe Destruction of the pupil/student record

The pupil/student record should be disposed of in accordance with safe disposal of records guidelines. At Villa Real, when documents are loaded on to CPOMS, they are shredded.

Escalation Protocol

If Villa Real discovers that a child protection file was in existence but was not transferred or identified to the school, the matter should be brought to the attention of the Local Authority as soon as possible.