

CHILD PROTECTION RECORDS AND PHOTOGRAPHS RETENTION, STORAGE AND DESTRUCTION POLICY

THE GREATER MANCHESTER TRUST FOR RECREATION

working name Greater Manchester Youth Federation (GMYF)

Purpose of this Policy

This policy relates to the retention, storage and destruction of child protection records and of photographs of children and young people. Child protection records are those 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

We will follow data protection legislation, General Data Protection Regulation (GDPR) May 2018, that records containing personal information are:

- adequate, relevant and not excessive for the purposes for which they are held
- accurate and up to date
- only kept for as long as is necessary

Concerns about children's safety and wellbeing

If anyone in GMYF has concerns about a child or young person's welfare or safety it is vital that all relevant details are recorded. This must be done regardless of whether the concerns are shared with the police or children's social care. The GMYF Incident Reporting Form should be used. An accurate record should be kept 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 to an event
- 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 GMYF decided not to refer those concerns to a statutory agency (if relevant)

The report should be factual. Any interpretation or inference drawn from what was observed, said or alleged should be clearly recorded as such. The form should be signed by the person making the report.

How child protection records should be stored

- Information about child protection concerns and referrals is to be kept in a separate child protection file for each child rather than in one 'concern log'. The child protection file is to be started as soon as you become aware of any concerns.
- The child protection file is to be kept separate from a child's general records. Any general record file that GMYF may hold on a child is to be marked to indicate there is a separate child protection file.
- Child protection files are to be kept secure. Storage should be in a locked drawer and for information held electronically in a protected folder. Access to physical and electronic files is on a 'need to know' basis. Therefore, usually only the designated officer for safeguarding and the trustee responsible for safeguarding will have access and they will determine whether it is necessary for any other person to have access.
- A log is to be kept of who has accessed confidential files, when and what files were accessed.

Retention periods: child protection records

Information and Records Management Society (2016) recommend that for schools child protection files should be kept until they are 25.

The Greater Manchester Safeguarding Partnership sets out that for child protection/assessments/referrals/children in need/serious case reviews the suggested retention period is either until the 25th anniversary of the child's birth or if the child dies before 18 years of age for 6 years from the date of death. This is in line with the statutory limitation period of 6 years for civil claims which starts running when a child becomes 18 years old.

We will follow the retention period of the Greater Manchester Safeguarding Partnership. In some cases, records can be kept for longer – see the Exceptions section below.

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.

A clear and comprehensive record must be made 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 GMYF to give accurate information if we 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 records are to be kept in their personnel file until they reach the age of 65 or for 10 years, whichever is the longer (based on Information and Records Management Society guidance, 2016). 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

Records are to be kept for the same amount of time regardless of whether the allegations were unfounded. However, if the allegations are found to be malicious the records are to be destroyed immediately.

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

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, please see GMYF's retention policy for how long the records should be kept for.

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

GMYF will also follow any directions for records to be retained that may be issued by an official inquiry.

Disclosure and barring checks

Copies of disclosure and barring check certificates are not be stored unless there is a dispute about the results of the check. Instead a confidential record is to be kept (and stored securely, in a locked cabinet or an electronic file with restricted access) of:

- the date the check was completed
- the level and the 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 6 months.

Destruction of child protection records

When the retention period finishes, confidential records are to be shredded in the presence of a member of the organisation or entrusted to a firm specialising in the destruction of confidential material. In the latter case appropriate due diligence must be carried out to ensure that the firm has the specialism, expertise and facilities to destroy the material and a written contract needs to be put in place which contains the required data protection clauses when engaging a processor. At the same time any electronic versions of the record must be purged.

Storage of photographs of children and young people

We will keep hard copies of images in a locked drawer and electronic images in a protected folder with restricted access. Images will be stored for a period of 3 years.

We will never store images of children on unencrypted portable equipment such as laptops, memory sticks and mobile phones.

GMYF does not permit staff and volunteers to use any personal equipment to take photos and recordings of children. Only cameras or devices belonging to GMYF should be used.

Destruction of photographs of children and young people

When the retention period finishes, photographs are to be shredded in the presence of a member of the organisation or entrusted to a firm specialising in the destruction of confidential material. In the latter case appropriate due diligence must be carried out to ensure that the firm has the specialism, expertise and facilities to destroy the material and a written contract needs to be put in place which contains the required data protection clauses when engaging a processor. At the same time any electronic versions of the photographs must be purged.

Closure of GMYF

If GMYF (or a part) closes down we will make arrangements for the ongoing management of records. This includes the review, retention and disposal of records.

Review of this policy

This policy will be reviewed on an annual basis to make sure that it is effective and continues to comply with current legislation.