

**IMPORTANT****For the attention of Education Data Hub DPO Service Clients-  
Headteachers and Data Leads****Independent Inquiry into Child Sexual Abuse**

In 2015, public sector bodies including schools were ordered by the Independent Inquiry into Child Sexual Abuse (IICSA) to halt destruction of records relevant to the Inquiry. For most schools/trusts this meant that they ceased destruction of most person-centred records such as staff and pupil files. The Inquiry released its final report in October 2022 and lifted the moratorium. This means you are able to resume routine destruction of paper and electronic records, subject to your usual disposal policies and procedures.

However, the outcome of the IICSA report **includes a recommendation that records relating to child sexual abuse should be retained for 75 years**. The Inquiry stated that these records should be retained for such a long period in recognition of the importance of these records to victims. **We recommend that your school makes a plan to review procedures and update your retention policy. You should do this before routine destruction begins.**

As your Data Protection Officer, we have now updated the template retention schedule for our clients, which has now been updated to include the new IICSA recommendations. **This document will be available to download from the GDPRiS website in April along with other updated Data Protection Policies and Privacy Notices** (Documents and Training>Documents>Education Data Hub>Policy and Privacy Notice Templates).

Where there is evidence or allegations of child sexual abuse (CSA), then it is usually appropriate to retain the entire pupil, staff or other record as a whole, not just the parts of the record that pertain to the abuse. Staff whose duties include reviewing or digitising records should be trained to understand the importance of any evidence or allegations of CSA that they may happen to uncover, whether or not that was what they were looking for. They should bring these to the attention of school leadership and preserve the records, whether paper or digital.

The Inquiry report also recommends that the UK government directs the Information Commissioner's Office (ICO) to introduce a Code of Practice on retention of and access to records known to relate to child sexual abuse. The report states that such a code should set out that institutions should have:

- retention policies that reflect the importance of such records to victims and survivors, and that they may take decades to seek to access such records;
- clear and accessible procedures for victims and survivors of child sexual abuse to access such records;
- policies, procedures and training for staff responding to requests to ensure that they recognise the long-term impact of child sexual abuse and engage with the applicant with empathy.

When we have news regarding a potential Code of Practice, we will update our clients accordingly.

**Management and Retention of Safeguarding Records relating to Child Sexual Abuse**

Over recent years, we have seen an increasing number of our clients adopt electronic systems such as MyConcern or CPOMS for safeguarding recording. Schools are also moving away from paper-

based systems more generally, to holding most documents electronically. Each school has their own unique way of dealing with records and there is no 'one size fits all'.

The vast majority of pupil and staff safeguarding records do not contain any information in relation to CSA and can be disposed of in line with your routine review and disposal process (once you have made a plan and reviewed your retention policy and procedures). However, where records do contain CSA information, then you will need to consider how to mark these records clearly so that they are retained for 75 years. We would also recommend that you retain any CSA relevant policies or associated documents for this time frame.

Both CPOMS and MyConcern contain tools that allow you to 'tag' records that relate to CSA and it is important that these tags are used accurately and with the understanding that this marker will indicate that records need to be retained for 75 years.

If you are managing those records digitally, then you will also need to consider '[Digital Continuity](#)'. This is the ability to use and access digital information over a long period of time. If you do not actively work to ensure digital continuity, your information can easily become unusable, incomplete or unavailable. For example, it would now be very difficult to extract information from a floppy disk.

The Data Protection Officer service runs Records Management training 'bitesize' sessions regularly and you should consider which staff require this extra training. You may need to revisit any existing Data Protection Impact Assessment (DPIA) for systems such as CPOMS and MyConcern to consider the need to separately tag CSA records and the requirements for these records to be accessible over 75 years.

### Disposal of Digital Records

Whether you manage records on paper or digitally, records management practice must be consistent in order to comply with your statutory obligations, including safeguarding guidance in documents such as [Keeping Children Safe in Education](#) (KCSiE) and the Data Protection legislation.

A recent [Freedom of Information Request](#) made to the Department for Education is helpful in this regard:

**Question:** *How long do schools have to keep a child's records on their file before they can destroy them if the child has moved to a different school?*

**Response:** *The Department for Education (DfE) does not publish any specific retention guidance relating to a child's education record. A school or academy trust is a data controller in its own right and is therefore entirely responsible for determining any retention periods. Schools and academies must comply with the UK GDPR. In the first instance, if a pupil moves to another school, the school or academy trust should transfer the pupil's records to the new school....The school or academy trust may determine that they need to retain some information after the pupil has transferred. The school or academy trust would determine this retention period and the business justification for retaining the information.*

**Question:** *How long does a school have to keep a child's records after they have left that school due to finishing Year 11?*

**Response:** *A school or academy trust is a data controller in its own right and is therefore entirely responsible for determining retention periods.*

It is clear from the above, that schools must ensure records are reviewed and destroyed when no longer required. When all records were paper, this was a relatively simple process to manage. However, now records are a mix of digital and electronic, records retention requires more consideration. An example of the effect of the move from paper-based to digital records is in relation to pupil safeguarding records at schools when a child leaves. Where previously schools would send the whole pupil paper safeguarding file to the next school, they are now sending a digital file. However, once that has been done, many schools are not taking any action to **delete** that pupil safeguarding file from their own system. KCSiE makes it clear that when a child leaves a school, the DSL 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. The designated safeguarding lead should ensure secure transit, and confirmation of receipt should be obtained. For schools, this should be transferred separately from the main pupil file.”*

There is no instruction for the school to retain a copy of that safeguarding file- the intention is for pupil records to travel with the child. If a school decides to retain a copy of safeguarding files when a child has left their school, then they should consider carrying out a DPIA for that extended retention, which will help examine the lawful basis/justification for doing so and the data protection risks that will need to be managed as a result. Schools using systems such as CPOMS and MyConcern should seek advice from those companies about how to select and delete records appropriately.

The same principle applies for pupil admission and attendance records. There is no legal requirement for you to retain these beyond 3 years (this 3 year period relates to the attendance register) after a child has left your school for another school, so you should consider what records you retain and what justification you have for retaining these. The exception to this is where a school is the ‘last known school’ in which case, records should be kept for longer, in line with your retention policy. Records on your Management Information System should be reviewed, and data minimised where there is no longer a reason to keep detailed records. For simplicity and in case records are required by other schools or requested by the pupil/their parents, you may decide that it is most practicable to keep pupil records in line with your staff retention and financial information records i.e. current plus 6 years. After this, you may wish to retain a brief record of pupil names, UPNs, date of birth, address, parent details, date of admission, date of departure and destination (if known) so that you can respond to any requests for information and as part of your historical archiving system.

You may also wish to retain a brief records for staff that have worked at the school, including their name, job role, contract start and end dates (and any information that would be needed to be included in a reference) so that you can respond to any requests for information and as part of your historical archiving system.

You should obtain advice from your Management Information System provider about how to select and delete records. For schools that purchase RM Integrus via Derbyshire Council, further guidance will be issued in due course.

If you require any further advice on this, or any other data protection matter, please contact the Data Protection Officer team at [gdprforschools@derbyshire.gov.uk](mailto:gdprforschools@derbyshire.gov.uk)