

Recording and Retention of Safeguarding Records Policy

Version	Author	Revision date	Summary of Changes	Endorsed by Motorsport Board of Directors signature and date
V 0.1	Head of Safeguarding Linda Medicott	27/05/2020		27/09/2020
This policy will be reviewed annually or when there is a legislative change or review due to lessons learnt or best practice guidance.				

MOTORSPORT UK ASSOCIATION LIMITED

Trading as Motorsport UK

Registered in England and Wales

Company Number 01344859

Registered Office

Motorsport UK House Riverside Park Colnbrook SL3 0HG

CONTENTS

	Introduction	4
	Scope	4
	Recording concerns about children’s safety and wellbeing	4
	Recording concerns about adult behaviour	5
	Storage of child protection records	6
	Retention periods	6
	Storage of child protection records exceptions:	7
	Destruction of child protection records	8
	Reviewing your child protection records retention and storage policy	8
	Appendix 1 - Further information for consideration	9
	Appendix 2 - Further sources of information	10

1. Introduction

Motorsport UK is the national membership organisation and governing body for four-wheel motorsport in the UK, representing competitors, volunteers, clubs, and fans. Motorsport UK believes every child, young person, and adult who participates in motorsport should be able to do so in an enjoyable and safe environment and be protected from abuse.

Motorsport UK recognises its responsibility to safeguard the welfare of all children and young people and adults at risk by seeking to protect them from all forms of neglect and abuse. To meet this responsibility Motorsport UK has in place robust policies and procedures to enable all safeguarding or welfare concerns in regard to children, young people, adults at risk or the behaviour of an adult, to be responded to in an appropriate and timely manner and as may be required, referring to the relevant statutory agencies.

Motorsport UK recognises our duty to have clear guidelines for the retention, storage and destruction of child, young person and adult at risk protection records as part of our safeguarding procedures. These are records that relate to concerns about a child's, young person or adult at risk welfare and safety, and/or concerns about possible risks posed by people working or volunteering with children.

This policy is endorsed by the Motorsport UK Board of Directors.

2. Scope

This policy is applicable to all Participants involved in Motorsport UK events or activities.

3. Recording concerns about children's safety and wellbeing

If anyone at Motorsport UK has concerns about a child, young person or adult's welfare or safety, relevant and accurate details will be recorded and may include:

- 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).

Motorsport UK has a referral form available for further guidance and can be found on the Motorsport UK website.

The above records must be recorded and retained regardless of whether the concerns are shared with statutory agencies such as the Police or Local Safeguarding Children and Adult Partnerships and Local Area Designated Officers (LADO).

All records will be factual. Any person making an interpretation or inference drawn from what was observed, said, or alleged must clearly recorded as such. Statements/observations/reports will be signed and dated by the person making the report.

4. Recording concerns about adult behaviour

Concerns might be raised about an adult who works or volunteers with children. This could be because they have:

- 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.

Clear and comprehensive records of all allegations made against adults working or volunteering with children, will include:

- 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.

5. Storage of child protection records

Motorsport UK will keep all records relating to safeguarding and welfare concerns electronically in a confidential and secure drive, which is password protected and stored on computers with protection against hackers and viruses.

Information about child protection concerns and referrals are kept in a separate child protection file for each child. These records are kept separately from a child's general records.

If there is a need to share records with outside agencies such as the Police, Local Safeguarding Children and Adult Partnerships or Local Area Designated Officers (LADO) for the purpose of safeguarding, these will be shared confidentially using passwords and encryption. Motorsport UK's safeguarding staff do not use their personal computers to make and store records, if the need for this arises Motorsport UK will ensure a clear agreement is in place prior to them having access to records that outlines how these records must be stored securely.

Retention periods

Concerns about adults

Records relating to concerns about an adult's behaviour will be kept until the individual reaches the age of 65 or for 10 years, whichever is longer. (IRMS, 2016; Department for Education, 2018). This applies to volunteers and paid staff.

Motorsport UK will retain records pertaining to a child until:

In England, Scotland and Wales until the child reaches their 25th birthday (seven years after they reach school leaving age). (Information and Records Management Society (IRMS), 2016). (Scotland and Wales should follow best practice guidelines).

In Northern Ireland until the child reaches their 30th birthday (Department of Education, 2016).

Retention of Records in relation to Allegations against Staff

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

6. Storage of Child protection records 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 Motorsport UK).

Where there are legal proceedings Motorsport UK will seek legal advice about how long to retain those records.

Criminal record checks:

Copies of criminal records check certificates will not be stored by Motorsport UK. A confidential and secure database will be kept that details:

- 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, a copy of the certificate may be retained by Motorsport UK for no longer than 6 months.

Each nation of the UK has legislation and guidance about the retention and storage of child protection records. Official inquiries, for example the Independent Inquiry into Child Sexual Abuse (IICSA), may also issue instructions requiring records to be retained for longer periods of time, which must be followed.

7. Destruction of child protection records

When the retention period is finished, confidential records will be incinerated or shredded in the presence of a member of Motorsport UK 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.

8. Reviewing your child protection records retention and storage policy

Motorsport UK will review this Retention of Safeguarding Records policy annually or in line with new legislation or best practice guidance to ensure it continues to be effective and to comply with government standards and legislation. This will be carried out as part of a Motorsport UK's annual review of safeguarding policies and procedures.

A review will also be held;

- In the event of breach of this policy, Code of Conduct issues
- In the event of a breach of this policy, the policy will be reviewed to consider whether any improvements need to be made.

Appendix 1 - Further information for consideration

The principles of record management

In line with 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 kept up-to-date
- Only kept for as long as is necessary (Information Commissioner's Office, 2019)
- Know the reason why keeping records about children and/or adults is being kept (for example, because they relate to child protection concerns)

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.

Keep personal information secure:

- Compile and label files carefully
- Keep files containing sensitive or confidential data secure at all times preferably within Motorsport UK's electronic system however, at times you may have hard copies of information and this should be stored securely in a lockable unit and access should be strictly on a '*need to know*' basis
- Maintain a log of who has accessed case files, when, and the titles of the files they have used.

If you are creating records about the children and/or adults that take part in your services or activities, you need to make sure they understand what records you hold, why you need to hold them and who you might share their information with (for example as part of a multi-agency child protection team) (Information Commissioner's Office, 2017). If you are keeping records for child protection reasons, you do not necessarily need to get consent from the adults and/or children concerned

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 for 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.

Appendix 2 - Further sources of information

Find out more about recording concerns about a child on NSPCC Learning:

learning.nspcc.org.uk/child-abuse-and-neglect/recognising-and-responding-to-abuse/

Key legislation affecting the retention and storage of child protection records includes:

UK:

The Information Commissioner's Office provides a guide to the GDPR to help organisations comply with its requirements:

ico.org.uk/for-organisations/guide-to-the-general-data-protectionregulation-gdpr

England:

Data Protection Act 2018:

legislation.gov.uk/ukpga/2018/12/contents

Northern Ireland:

Data Protection Act 2018:

legislation.gov.uk/ukpga/2018/12/contents

Scotland:

Data Protection Act 2018:

legislation.gov.uk/ukpga/2018/12/contents

Guidance on Looked after children (Scotland) regulations 2009 and the Adoption and Children (Scotland) Act 2007:

gov.scot/Resource/Doc/344490/0114631.pdf

Wales:

Data Protection Act 2018:

legislation.gov.uk/ukpga/2018/12/contents

