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**Keeping Records of Child Protection and Welfare Concerns**

**Guidance for all Education Establishments in North East Lincolnshire**

This guidance is for early years settings, nurseries, schools, academies, special schools, pupil referral units, independent schools,

sixth-forms and further education colleges.

**North East Lincolnshire Local Safeguarding Children Board**

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1. Introduction

‘Working Together to Safeguard Children (2018)’reminds us that safeguarding children and young people is everyone’s responsibility. Well-kept records are an essential underpinning to good professional practice, enabling effective work across agency and professional boundaries.

This guidance is produced with the clear expectation that it will be followed by all educational establishments in North East Lincolnshire providing educational services to children and young people up to the age of 18 years. These establishments include early years settings, nurseries, schools, academies, special schools, pupil referral units, independent schools, sixth-forms and further education colleges.

The system of record keeping described in this guidance is to be followed by the educational establishment’s nominated child protection and safeguarding lead (often the child protection coordinator), to enable them to set up, maintain and demonstrate that their establishment has a record keeping system that supports effective safeguarding practice. The child protection and safeguarding lead is referred to as the safeguarding lead throughout this document.

The guidance has been written both to assist educational establishments to meet Ofsted inspection frameworks in safeguarding and to meet recommendations from a number of national and local serious case reviews. Serious case reviews have frequently identified that records of concerns and actions in a number of agencies including educational establishments have either not been made or that record keeping systems have been inconsistent, not evidenced, fragmented, poorly coordinated and / or organised.

Good record keeping is an important part of all education establishments’ accountability to children / young people and their families / carers and will assist safeguarding leads in meeting their key responsibility to respond appropriately to welfare concerns about children / young people. Records should be factual, accurate, relevant, up to date and auditable. They should support monitoring, risk assessment and planning for children / young people and enable informed and timely decisions about appropriate action to take.

2. Establishing a standard recording process

All staff members, irrespective of their role in the educational establishment, may find it helpful to use North East Lincolnshire’s SCP’s accompanying example Form 1 – file front sheet (child protection file) and Form 2 - child protection monitoring (audit and or chronology) record form as a basisto make contemporaneous records of concerns.

All staff members should be aware that details of their concerns may be shared with the child / young person, family members / carers and other professionals, for example at child protection conferences. In exceptional cases, they may be submitted as evidence in court proceedings or at a serious case review. It is essential that recordings differentiate between fact, allegation, observation and opinion.

It is vital that the safeguarding lead notifies the staff member reporting a concern how they intend to respond to it. Staff members need to feel empowered to seek clarification if concerns have not been reported to statutory agencies. If concerns remain, NELC’s children’s services should always be consulted.

3. Induction and training

Safeguarding children / young people and promoting their welfare is a whole organisation responsibility. All staff members must know when and how to record concerns.

As part of their induction, all new staff members should be given training on how to recognise child protection concerns and how to report and record concerns. Induction must include how to use the child protection incident/welfare concern form and the aide memoire. All staff members in the establishment should also be given refresher training to ensure that systems are put into practice robustly.

Establishments must ensure that all their staff members are aware of their legal responsibilities under the Data Protection Act 1998 for data processing, including accuracy, retention, disposal and subject access rights.

4. The safeguarding lead’s role

Ensuring all staff members know when and how to record concerns about a child / young person’s welfare, however small or apparently insignificant, is an essential part of the safeguarding lead’s role.

The safeguarding lead should ensure that staff members are given appropriate induction and refresher training and are supervised appropriately in carrying out these arrangements.

It is the safeguarding lead’s responsibility to decide what action needs to be taken in response to reported incidents or welfare concerns and ensure that a stand-alone file for children / young people with child protection or welfare concerns is maintained.

5. When and how to start a stand-alone child protection/welfare concerns file for a child / young person

Once a child protection incident/welfare concern has been raised with the safeguarding lead, a separate child protection/welfare file for the child / young person should be created. This file must be kept separate from the child / young person’s other records.

A separate child protection/welfare concerns file must be created regardless of whether formal child protection procedures have been initiated. For some children / young people this single record will be the only concern held for them over their time in the establishment. For others, further information may well be accumulated, often from a variety of sources, over time.

A stand-alone file for a child / young person must be started when:

* concerns for the child / young person and, consequently, records of these and actions are increasing; or
* the child / young person’s previous establishment has transferred the child protection file they maintained; or
* the child / young person has been referred to NELC children’s services; or
* the establishment has been made aware of the involvement of NELC children’s services with the child / young person or family; or
* the establishment is participating in multi-agency work to safeguard the child / young person.

If concerns relate to more than one child / young person from the same family at the establishment, a separate file for each child / young person should be created and cross-referenced to the files of other family members. Common records, e.g. child protection conference notes, should be duplicated for each file.

Establishments that no longer maintain paper records must ensure that they keep the electronic child protection/welfare concerns file separate from the child / young person’s general educational record.

It is also recommended that the child / young person’s general educational record is marked in some way to indicate the presence of this separate confidential file. A coloured sticker is one means of doing this for the paper record, or some form of flag for the electronic record.

6. What records should be included in a stand-alone child protection/welfare concerns file?

The following information must be kept in the stand-alone file, whether paper or electronic:

* File front sheet (child protection file)
* Child protection monitoring (audit and or chronology) forms
* Any child protection information received from the child / young person’s previous educational establishment
* Records of discussions, telephone calls and meetings with colleagues and other agencies or services
* Professional consultations
* All correspondence sent and received (emails and letters)
* Referral forms (sent to NELC Children’s Services, other external agencies or education-based services)
* Minutes or notes of all meetings, e.g. child protection conferences, core group meetings, etc., copied to the file of each child in the family, as appropriate
* Formal plans for or linked to the child / young person, e.g. child protection plans, Single Assessments (SA), etc.

7. Chronology of events for an individual child / young person

The importance of understanding concerns for a child / young person in the context of history, timelines and other known information cannot be underestimated. Chronologies are central to this process.

In addition to aiding assessment, a chronology will serve as an important record of the establishment’s actions and, when attached to an inter-agency referral form, can provide evidence for the reason for a referral. It will also enable the establishment to provide evidence to Ofsted of what actions have been taken and what responses the establishment had to any referrals.

A chronology must list specific and significant incidents, events and actions taken in relation to the child and, where appropriate, their family, with a brief explanation or cross-referenced to the relevant record within the file.

In addition to recording incidents and events, the chronology must record all significant and relevant contacts between the establishment and parents, whether it is face-to-face, by email or telephone, with a record of what was discussed and action taken in response.

The chronology should be stored at the front of the child / young person’s safeguarding file, alongside the front sheet, where it can be quickly accessed and viewed.

8. Secure storage, retention and disposal of records

All establishments have a duty to protect personal information under the Data Protection Act 1998. The eight principles of the Act must be adhered to when processing information about children / young people.

The child / young person’s child protection/welfare concerns file must be kept separate from all other records relating to the child / young person in the establishment.

Child protection records on paper must be stored in a locked cabinet with access only to those with direct safeguarding responsibility for children / young people in the establishment.

In the case of early years settings, child protection records may be securely stored off the premises, with prior agreement from Ofsted.

A senior person must be nominated to be responsible for holding the key to the locked cabinet in the absence of the safeguarding lead.

If the child protection/welfare concerns file is an electronic file, the establishment must ensure that access privileges to this separate file are limited to only those with safeguarding responsibilities in the establishment.

It is essential to ensure that the establishment’s leadership team knows the arrangements for access to records in the absence of the safeguarding lead. These arrangements should be stated in the establishment’s child protection policy in relation to how welfare concerns will be managed if the safeguarding lead is not available.

Child protection records must be retained by all educational establishments until the child / young person’s 25th birthday, unless the records are transferred to a new establishment when the child / young person leaves.

All child protection records retained by the establishment must be securely destroyed immediately after the retention period ends.

9. Transfer of child protection/welfare concerns records

When children young people transfer between key stages i.e. early years to primary, primary to secondary, secondary to college and / or in year movement within or out of the local area and records of child protection/welfare concerns exist, these should be sent to the receiving establishment as soon as possible. This transfer should be arranged separately from the main educational file in line with Department of Education guidance. Guidance is available on this in the accompanying NELC document – Form 3 - Information Sharing in respect of transfer of children / young people between education establishments and FORM 4 Handover Record – Child Protection File.

Records of child protection/welfare concerns must be passed directly to the safeguarding lead or another authorised person in the receiving establishment under confidential cover.

If the child / young person is the subject of a child protection plan at the time of transfer, the safeguarding lead must speak to their counterpart at the receiving establishment before arranging for the records to be transferred.

Paper or electronic records containing child protection information must be transferred in the most secure method available to the establishment. If posting paper records, it should be by signed-for delivery to a named individual. Electronic records must only be transferred by a secure electronic transfer mechanism or after the information has been encrypted.

If a child / young person subject to a child protection plan leaves the establishment and the child/ young person’s new placement is not known, the child / young person’s key worker from NELC children’s services must be contacted to discuss how records should be transferred.

Where records of child protection/welfare concerns have been kept for children of statutory school age, and details of the receiving education establishment is not known, establishments should follow the North East Lincolnshire Children’s Services Children Missing Education (CME) procedure and access the ‘Lost Pupil Database’ section of the ‘School to School’ secure data transfer service, which can be used to track missing children and trace previous education establishments.

10. Information sharing

When there is a concern that a child / young person is at risk of significant harm, all information held by the establishment must be shared with NELC’s Children’s Services, police and health professionals. Section 47 of the Children Act 1989 and sections 10 and 11 of the Children Act 2004 empower all agencies to share information in these circumstances. If safeguarding leads are in doubt, they should consult the relevant NELC children’s services duty team.

On occasions when safeguarding concerns exist for a child / young person in the context of a family situation and siblings attend other educational establishments or the children / young people are known to other agencies, it may be appropriate for the safeguarding lead to consult with, on a confidential basis, their counterpart from other establishments or other agencies to share and jointly consider concerns. If in any doubt about the appropriateness of this process, advice can be sought from the relevant NELC children’s services duty team.

It is good practice to seek consent from the child / young person or their parent / carer before sharing information. Children over the age of 12 years are considered to have the capacity to give or withhold consent to share their information unless there is evidence to the contrary. Therefore, it is good practice to seek their views. If the young person is over 16, they should be involved in decision-making about information sharing, unless they do not have the capacity to give consent.

However, consent should not be sought, or the child / young person or family informed that their information will be shared, if doing so would:

* place a person (the child / young person, family or another person) at risk of significant harm.
* prejudice the prevention, detection or prosecution of a crime; or
* lead to unjustified delay in making enquiries about allegations of significant harm to a child / young person or serious harm to an adult.

Consent should not be sought if the establishment is required to share information through a statutory duty, e.g. section 47 of the Children Act 1989 as discussed above, or court order.

Information from records may be shared at child protection conferences and for serious case reviews.

Staff members’ access to information on the child protection file should be on a need-to-know basis and decided case by case. Generally, the closer the staff member’s day-to-day contact with the child / young person is, the more likely that they would need to know an outline of the child / young person’s case. The establishment should have a well-understood policy about who should have direct access to the child/ young person’s records and what other staff members need to be aware of an outline of the case. The child / young person’s and family members’ confidentially should be respected as far as possible, but the child / young person’s welfare is paramount.

Cases of alleged abuse that result in court proceedings may require the establishment to disclose their records, either through the police or NELC children’s services.

In all court cases, a requesting solicitor or other third party should be advised that a witness summons or subpoena should be obtained. In these situations, it is strongly suggested that legal advice is sought.

The establishment should share only the information necessary for the purpose and understand the limits of any consent given, especially if the information has been provided by a third party.

Records, suitably anonymised, may also be requested for use in disciplinary proceedings.

Under no circumstances should the establishment’s governors or trustees be given details of individual cases. Governors or trustees may, however, be provided with a report at the end of the academic year, outlining the number of cases dealt with and other statistics which do not identify individual children / young people.

11. Children / young people’s and parents / carers’ access to child protection files

Under the Data Protection Act 1998, any child / young person who has a child protection file has a right to access it. The Education (Pupil Information) (England) Regulations 2005 give parents / carers the right see their child’s school records. However, neither the child / young person nor the parent / carer has an automatic right to see all the information held in child protection records. Information can be withheld if disclosure:

* could cause serious harm or is likely to cause serious harm to the physical or mental health or condition of the child / young person or another person; or
* could reveal that the child / young person or another person has been a subject of or may be at risk of child abuse, and the disclosure is not in the best interests of the child / young person; or
* is likely to prejudice an ongoing criminal investigation; or
* the information about the child / young person also relates to another person who could be identified from it or the information has been given by another person who could be identified as the source, unless the person has consented to the disclosure or the person providing the information is an employee of the establishment or the local authority.

It is best practice to make reports available to the child / young person or their parents / carers unless the exceptions described above apply. If an application is made to see the whole record, advice should be sought from the child’s social worker.

The establishment’s report to the child protection conference should be shared with the child / young person, if old enough, and parent / carer(s) at least two days before the conference.

When disclosing information, all third-party information must be removed, or consent sought for its disclosure from the person concerned. For example, all identifying information about other children / young people or members of the public who have shared information about the child / young person must be removed before disclosing information.

12. Quality assurance of child protection/welfare concerns records

The safeguarding lead should audit the establishment’s children protection/welfare concerns files regularly to ensure that procedures are being followed and adequate records are being kept.

The audit should include a check of the following:

* The file’s front sheet has all the details correctly recorded
* The file is correctly cross-referenced to other family members’ files or to the child / young person’s other files, if appropriate
* The child/ young person’s general educational file is appropriately marked or flagged
* The chronology is up to date and complete, and includes all incidents as well as all significant and relevant contacts with parents and the establishment’s actions in response
* All records and notes are typed or legibly hand-written
* Incident dates (including year), time and place are fully recorded
* A factual and correct outline of every incident, concern or disclosure
* Opinions, if given are substantiated
* Clear names and job titles of staff members involved, and names, job titles and signatures of the people completing forms
* Notes of actions taken, information shared (what, with whom and when)
* Copies of referrals and letters sent
* Copies of minutes or notes of meetings, e.g. child protection conferences, core group meetings, etc., copied to the file of each child in the family as appropriate.

In addition to checking that the file is complete and has full and up-to-date records, the safeguarding lead should also assess the robustness of risk assessment and decision-making by all staff members involved.

Any strengths and shortfalls should be discussed with the appropriate staff members and any learning should form a part of induction and training.

Under the Local Safeguarding Children Board Regulations 2006, one of the functions of local safeguarding children partnerships (SCPs) is monitoring and evaluating the effectiveness of the work of all board partners to safeguard and promote the welfare of children / young people, and advising them on ways to improve. In compliance with this legal duty, NEL SCP may request audits from time to time of child protection files maintained by educational establishments in North East Lincolnshire.

Appendix A Prompt for recording concerns

**Child Protection Incidents Or Welfare Concerns**

**Recording Details Prompt For Staff**

The purpose of this document is to act as a simple prompt for staff raising an incident or welfare concern for passing on to the safeguarding lead.

All staff members have an important role to play in helping to identify welfare concerns and possible indicators of abuse or neglect at an early stage.

For some children/young people a one-off serious incident or concern may occur and you will have no doubt that this must be immediately recorded and reported. Most often, however, it is the accumulation of a number of small incidents, events or observations that provide the evidence of harm being caused to a child/young person.

It is vital that any concern you have for a child/young person’s welfare, however, small is recorded and passed to the safeguarding lead.

**What should you do if you have concerns?**

* You must pass concerns to the safeguarding lead, or another designated person in the safeguarding lead’s absence, as soon as possible after they are identified and, where possible, before the child leaves for the day. It is important that the child is not sent home at the end of the day without taking the right protective action.
* The safeguarding lead is responsible for referring child protection concerns to NELC children’s services. Although the timing of referrals is based on perceived risk, it is expected that referrals will be made usually within one working day of recognition of risks. It is important, therefore, that the safeguarding lead is made aware of concerns as soon as possible.
* In the first instance, you could pass concerns to the safeguarding lead verbally, but you must follow this in writing. All concerns must be recorded on separately.
* Do not keep your own system to note concerns. Ensure concerns are written down and passed to the safeguarding lead. This is to ensure proper communication, collation, and storage of information.

**What is a child protection or welfare concern and when should you record and report it?**

When there are any concerns that might indicate possible abuse or neglect, the concerns need to be recorded and passed to the safeguarding lead.

For example (this is not an exhaustive list):

* Physical presentation of the child
* Marks on the child’s body or physical injuries
* Unusual or different behaviour
* Behaviour not appropriate to the child’s age or development
* Mood changes
* Statements, stories or drawings from the child
* Missing from the establishment or non-attendance without a reasonable explanation
* Information from others, including siblings, parent who does not have residence, friends, other children, members of the public, etc.
* Concerning parental behaviour towards the child
* Concerning letters, telephone calls or contacts from the parent to the establishment
* Direct disclosure or allegation made by the child

**What should you record?**

1. Basic information

* Full name and date of birth of child/young person
* Your name and job title
* Date (include year!) and time of incident
* Full details of all other people involved

2. Details of incident giving rise to concern.

Use the list above as a guide and record as much information as possible. Pay particular attention to:

* Visible injuries or marks
* General demeanour and appearance
* Changes in behaviour and mood or changes in classroom functioning
* Response to sport and physical education
* Relationships with peers and adults
* Statements made by the child, comments, stories, drawings
* Parental behaviour, interest and comments
* Patterns of non-attendance
* Hearsay and nagging doubts you have about the child’s safety and welfare
* Please ensure the information is factual and your opinions are substantiated.
* The child/young person’s own words are used when recording a direct disclosure.
* You do not examine the child/young person specifically for any physical marks or injuries - only do what you would normally do as part of your duties. Record only what you can see.
* All the actions you have taken are recorded.
* The details are legible before you pass the record to the safeguarding lead.

**Actions for the safeguarding lead**

1. When a child protection incident/welfare concern is passed to you:

* Check that the information is sufficiently detailed.
* Check that it has been dated and signed by the staff member who reported the concern.
* If a body map has been completed or there are any other documents referred to in the record, ensure these are attached and are, where appropriate, dated and signed.

2. Record your response or action to every welfare concern form passed to you. The level of detail of this record will clearly depend on the nature and seriousness of the concern but may include:

* Requests to staff for monitoring specific aspects of the child/young person’s presentation, behaviour, attendance, etc.
* Discussions and telephone calls, with colleagues, children/young people and parents, with a record of full names and dates
* Professional consultations and requests for information with a record of who was consulted (full name and job title) and dates consulted
* Letters sent and received

3. Record the outcomes of any responses or action you took, with dates, for example:

* Single Assessment started
* Referral sent to NELC children’s services or the police contacted
* Whether or not parental consent was obtained for sending the referral and the reason for referring without consent, i.e. the child/young person is at risk of significant harm
* Contact from NELC children’s services or police in response to the referral, including contact with the child
* Strategy discussion or meeting under child protection procedures and the establishment’s involvement, if invited, e.g. who took part, when and outcomes
* Referral sent to other agencies and contact from other agencies in response to referral, including contact with the child/young person
* Appointments for child/young person with other agencies

4. Update the chronology and observations

Update the chronology with brief details of the incident, the response and outcomes. Update observations or diary records with full details.

5. Update the child/young person’s file as new documents are produced or received

File all copies of referrals sent, letters sent and received, minutes of strategy discussions and child protection conferences and all other relevant documents in the child/young person’s file. Update the front sheet, if necessary.

6. Cross-reference to files for other children/young people in the family

Update the chronology in each child/young person’s file and ensure that relevant documents are copied across to each file.

Appendix B – Child protection and safeguarding FAQs

**1.Why is recording important?**

We have a statutory duty to promote the wellbeing and safety of every child/young person who attends every establishment This is a task for all of us, irrespective of our different roles. Depending on what we do, we may observe children/young people in a range of settings and activities throughout the day. Children/young people may show or tell us that something is wrong in a variety of ways. We all have an important role to play in helping to identify welfare concerns for children/young people and possible indicators of abuse or neglect at an early stage.

For some children/young people a one-off serious incident or concern will come to your attention and you will have no doubt that you must immediately record and report this. Most often, however, it is the accumulation of a number of small incidents, events or observations – the pieces in the jigsaw puzzle - that provide the evidence that a child/young person is being harmed. It is vital, therefore, that any concern you have for a child/young person’s welfare, however small, is recorded and passed to the safeguarding lead.

**2. What is a child protection incident/welfare concern?**

As a general rule, anything that you consider unusual or out of the ordinary about the child/young person constitutes a concern. Mostly these will arise in one or more of the following areas (this is not an exhaustive list):

* The child’s behaviour changes or a particular behaviour is observed
* The child has a physical injury
* The child tells you something has happened to them
* The child’s physical presentation
* You receive information from or observe unusual behaviour in a parent

**3. Why can’t I just pass on my concern verbally?**

In the first instance, you pass concerns to the safeguarding lead verbally, and then follow this up in writing.

It is important that the person who has the concern gives a first-hand account of this so that there is a clear and accurate record of what has been seen, heard, etc. A record written by you will ensure that there is no misinterpretation of your concern or that it can be overlooked or forgotten.

**4. How and what do I record?**

Use whatever form/document is appropriate to your establishment for recording concerns. There is also an aide memoire or prompt that will guide you in recording details if a standard form is not available.

Once you have recorded a concern, you must pass it to the safeguarding lead. You should not use any other recording system. If you are in any doubt, ask your safeguarding lead.

**5. What happens to the record once I’ve written it?**

One of the main purposes of recording is to make sure that the safeguarding lead is able to respond properly to concerns about children/young people. They will decide what action is necessary in response to your concern. Actions the safeguarding lead take will, of course, depend on how serious and urgent the concern is. These can range from a decision to keep a close eye on the child/young person to referring the child / young person to NELC children’s services so that they can undertake an assessment of the child / young person’s safety.

The concern document you have completed will be kept by the safeguarding lead in a confidential file.

**6. Who will see this? Will parents see my record?**

Information relating to children / young people’s protection and welfare will be shared on a strict need-to-know basis, and in line with the North East Lincolnshire Local Safeguarding Board’sChild Protection and Safeguarding Procedures that we have a duty to work within. Neither the parent/carer nor the child / person has an automatic right of access to all child protection records. The actual record you make will not be shared with parents, if doing so could cause serious harm or is likely to cause serious harm to the physical or mental health or condition of the child / young person or anyone else.

One of the most common responses by the safeguarding lead to concerns raised by staff will be to share these with parents with the purpose of working with them to understand and address the issue of concern. The details of your record, therefore, may be disclosed to parents/carers. Sometimes your concern will be one of many. If the safeguarding lead is worried that talking to parents might create a risk to any staff member’s safety they will not do this, but seek the advice of colleagues in NELC children’s services.

Concerns need to be recorded in a way appropriate for sharing, so that if they are asked to be released, perhaps at a child protection conference or by a court, the record is a fair and factual account of the incident or event.

**7. Will the record be destroyed once the issue is addressed or the child / young person leaves the educational establishment?**

No. Past concerns for children / young people and what happened in response to these can be very important information for staff members who may have concerns for the child / young person at a later time.

The Department of Education has specific guidance for educational establishments on retention and transfer of safeguarding records. The safeguarding lead is responsible for passing these on under confidential cover to their counterpart in the child/young person’s new educational establishment when the child/young person leaves us. The last establishment to hold the child/young person’s records has to keep them until the child/young person is 25 years old.