

Summary

This factsheet intends to give guidelines to those in the Church of England for the retention of safeguarding records in response to the Independent Inquiry into Child Sexual Abuse. For the purpose of this guidance safeguarding records includes:

- **Allegations/Concerns:** Any information that relates to allegations of abuse by church officers¹ or Any information that relates to a concern around a risk of potential harm to a child or adult e.g. referral information, advice and guidance offered to Parishes, case files and records
- **Risk Assessments:** Any information that relates to risk assessments and managing risk in church settings
- **Employment:** Any information that relates to the recruitment, support and training of clergy, church employee's and church workers in line with Safer Recruitment Practice Guidance (including information from the Disclosure and Barring Service)
- **Discipline:** Any information that relates to disciplinary action in relation to a member of the clergy/church officer or employee e.g. clergy personal (blue) files, supervision files, personnel files, clergy discipline measure, legal aid
- Any information that relates to the safeguarding leadership and governance and development of local safeguarding practices and policy e.g. minutes of safeguarding panel, policy development, minutes of Diocesan Synod, training deliver records, Quality Assurance processes and outcomes etc.

This guidance covers:

- The requirements of the Independent Inquiry into Child Sexual Abuse
- The requirements of the *Data Protection Act 1998*² insofar as it relates to safeguarding
- What types of records to keep and how long to keep them for

Please note that the information detailed in this note is for guidance only. It can only ever be of general application. It does not constitute legal advice and may not suit your own particular purposes. For legal advice on which you can rely you should contact your own legal adviser(s).

For additional guidance please see the [Joint Practice Guidance on Safeguarding Records May 2015](#) which this is designed to accompany. It is intended that for ease of use, this guidance will be incorporated into future editions of the practice guidance.

¹ A "Church Officer" is anyone appointed by or on behalf of the Church to a post or role, whether they are ordained or lay, paid or unpaid

² Wherever terms or terminology is used which may not be familiar the term will be shown in italics and a definition or description will be found in the Glossary and Definitions section at the end of this factsheet.

Independent Inquiry into Child Sexual Abuse (IICSA)

In March 2105 the UK Government announced the establishment of an inquiry into child sexual abuse by state and non-state organisations, chaired by Justice Goddard. At the outset of the Inquiry organisations within the scope of the Inquiry were asked with regard to their records and record keeping “to ensure that everything of potential relevance to the Inquiry is retained”.

Queries have been raised about whether prolonged retention of records might contravene the 1998 Act. The Inquiry has consulted with the Information Commissioner’s Office and issued further guidance on document retention: *‘Retention Instructions and Data Protection requirements’* which confirms not only that prolonged retention of records necessary for the Inquiry would not contravene the 1998 Act but goes further in stating that *‘Under Section 21 of the Inquiries Act 2005 the Inquiry has the power to order the production of documents. Failure to comply with such an order without reasonable excuse is an offence punishable by imprisonment (Section 35 of the Inquiries Act 2005). It is also an offence for a person, during the course of an Inquiry, to destroy, alter or tamper with evidence that maybe relevant to an Inquiry, or deliberately to do an act with the intention of suppressing evidence or preventing it being disclosed to the Inquiry’*.

This request supersedes any existing *retention schedules*. Any records which may be relevant to the Inquiry should **NOT BE DESTROYED** but must be retained and then should be reviewed after the Inquiry is complete. Relevant material will include:

- Case work related files
- Case work related referral/enquiries/support and advice
- Risk assessments and agreements
- Quality Assurance information e.g. audits, data returns, action and improvement plans
- Files relating to Education establishments, recruitment and safeguarding
- HR Staff files non clergy: current and leavers
- HR Staff files: Employment tribunal cases
- HR Staffing reviews; HR Staffing reviews (Diocesan Bishop's Staff)
- Clergy Personal (blue) files: current and leavers
- Clergy discipline: Discipline case files
- Files on appointments to councils, committees and other bodies
- Files and papers relating to Subject Access Requests
- Safeguarding leadership and governance e.g. Diocesan Synod, Diocesan Safeguarding Panel, Board of Education e.g. meeting agenda and minutes
- DBS checks, referrals , update schedules and risk assessments
- Any separate records of allegations/concerns in relation to Church Officers.

If in doubt consult the Church of England National Safeguarding Team.

What type of records to keep and how long to keep them

Please note that any records which may be relevant to the Inquiry should **NOT BE DESTROYED AND MUST BE RETAINED.**

Please note that some of the retention periods in this guidance note may differ from the guidance in previous record management toolkits to Parishes, Diocese and Cathedrals. They reflect the changing requirements in the light of non-current (historic) abuse cases and plans are progressing to update and align them. In addition the December 2015 House of Bishops have agreed to a review and update of retention advice in the House of Bishops Clergy Files Guidance 13 March 2013.

Description – Case work and allegations/concerns/risk assessments	Record Keeping	Retention
Records of child or adult protection incident or concerns within a Parish/Diocese/Cathedral etc. or family where the church either reports concerns or is involved in supporting and monitoring a child adults or families . This includes risk assessments and ‘ agreements’	It is essential that a record of any safeguarding allegations and concerns, and how these are handled-how the information was followed up; actions taken; decisions reached and eventual outcomes - should be kept.	70 years after last contact with the individual concerned.
Records that relate to safeguarding concerns/allegations about Church Officers (paid or unpaid (excluding clergy)- including details of how these are handled, followed up, actions taken, decisions reached and eventual outcome	It is essential that a record of any safeguarding allegations and concerns, and how these are handled-how the information was followed up; actions taken; decisions reached and eventual outcomes - should be kept.	75 years after employment ceases
Description-Children and Young Peoples activities	Record Keeping	Retention
Records of any children’s activities, Sunday school/junior church/youth club/choirs and related safety risk assessment		50 years after the activity ceases
Description - Employment	Record Keeping	Retention
Clergy personnel records – where there are no safeguarding allegations and investigations	See Guidance from the House of Bishops dated 13 March 2013 ⁵	Current guidance states 20 years from the date of the cleric’s death. In the light of recent non-current abuse cases longer retention periods maybe advised

⁵ For full details of all records in this context please see HoB guidance.

Safeguarding Records Retention

Clergy Personal records where there are safeguarding allegations and investigations regardless of the findings	See Guidance from the House of Bishops dated 13 March 2013	Current guidance states 50 years from the date of the cleric's death. In the light of recent non-current abuse cases longer retention periods maybe advised
Personnel records relating to lay workers who do not work with children and vulnerable adults		6 years after employment ceases
Personnel records relating to lay workers whose role involves contact with children and vulnerable adults including applications, references, disciplinary matters, job descriptions, training and termination documentation. It should include all documentation concerning allegations, investigations and risk assessments regardless of the findings		75 years after employment
Disclosure and Barring Services (DBS) disclosures obtained as part of a vetting and/or employment process	DBS certificate is not allowed to be retained for longer than 6 months, it is permissible to keep a record of the date of the check; the name of the person; the type of certificate requested and its reference number; the position for which the certificate was requested; and the actions taken. If such records are stored on a central register a cross reference must be held on the file of the individual concerned.	DBS certificate – 6 months after issued
Record of a Cleric's criminal record check history	See Guidance from the House of Bishops dated 13 March 2013	50 years from the date of the Church Officer's death
Evidence of clergy personal file being independently scrutinised under the Past Cases Review Protocol – including a note of any action resulting	See Guidance from the House of Bishops dated 13 March 2013	50 years from the date of the cleric's death
Record of Clergy Current Status Letters	See Guidance from the House of Bishops dated 13 March 2013	50 years from the date of the cleric's death

Description - Discipline	Record Keeping	Retention
Record of Clergy Discipline Measure complaint including copies of the complaint, report on preliminary scrutiny, respondent's answer, supporting evidence, letter recording bishop's decision	See Guidance from the House of Bishops dated 13 March 2013	Current guidance states 20 years from date of cleric's death. In the light of recent non-current abuse cases longer retention periods maybe advised

Storage & Disposal of records

Advice on secure storage and disposal of records is available in the current guidance notes for parishes, dioceses, Bishops and Cathedrals and so is not repeated here.

Glossary and Definitions

Records management and data protection involves some specific terminology with which it's important to be familiar. In particular:

- **Data Protection Act 1998** - this provides a framework to ensure that personal data is processed correctly. There are several specific terms associated with the Data Protection Act, which are defined in the factsheet "Data Protection".
- **Freedom of Information Act 2000 (FOI)** - Regulates public access to official information held by public bodies. It gives everyone the right to ask for information held by a public body and, unless exempt, to be told whether the information is held to be provided with the information. This law generally does not apply to the various bodies that comprise the Church of England.
- **Personal data** is, broadly, any information about a living individual which is capable of identifying that individual. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. It can apply to data held in manual or electronic form.
- **Records** - Recorded information held in any format, created or received by an organisation in the course of its business and retained as evidence of its activities. Formats can include, for example, paper, electronic files, photos, videos, DVDs, audio-guides and CDs. Throughout their use records can be described as passing through various stages in a lifecycle. Stages include creation, use, maintenance, storage, access and eventual destruction or archiving.
- **Retention Schedules** are a list of record series created and received across an organisation, with the requirements for how long they should be kept and what action to take at the end of this period. A designated retention period is decided by taking into account legal, administrative, business and historical considerations. It is best practice for the record series to be arranged under the functions and activities which your office undertakes. The retention schedule should be reviewed regularly to ensure that it still relevant and up to date.
- **Sensitive personal data** is personal data relating to an individual's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health condition, sexual life, alleged or actual criminal activity and/or criminal record.

Factsheets available in the records management toolkit

Free to download, the Church of England publishes a number of Document Management Guides.

- What is records management
- Organising your records
- Looking after your paper records
- Looking after your electronic records
- Looking after your emails
- Looking after your multimedia records
- Agreements with record offices
- Access to records
- Data protection
- Copying and copyright
- Glossary
- Chapter and Verse - The Care of Cathedral Records
- Cherish or Chuck – The Care of Episcopal Records
- Save or Delete - The Care of Diocesan Records
- Keep or Bin - The Care of your Parish Records

Further guidance

For further guidance please contact the Church of England Record Centre:

Address: 15 Galleywall Road, South Bermondsey, London, SE16 3PB.

Telephone: 020 7898 1030

Email: archives@churchofengland.org

First published January 2016