

A Practical Guide to Record Keeping and Retention Periods

This practice guide provides guidance on the legal and recommended retention periods for records kept by Early Years and Childcare Settings.

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**London Borough
of Hounslow**

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Introduction

This toolkit has been created for the use of early years providers. The retention periods shown in this document can only be guidance and it is up to each individual setting whether they implement it after having undertaken a business risk analysis.

Maintaining and storing the records relating to their setting is the responsibility of the individual setting owner or charitable trustees.

Data Protection Act and UK General Data Protection Regulations

General Data Protection Regulation (GDPR) came into force and effect on 25th May 2018, and it replaced the Data Protection Act 1998. The United Kingdom General Data Protection Regulation (UK-GDPR) is the UK's domestic data privacy law that replaces the EU's GDPR after Brexit. The 'UK GDPR' sits alongside an amended version of the DPA 2018.

According to 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 up to date
- only kept for as long as is necessary

All settings are subject to the requirements of the Data Protection Act and the UK General Data Protection Regulations and will need to ensure that they have created a privacy notice.

The Early Years Foundation Stage

The Early Years Foundation Stage (EYFS) 2021 states that the legal requirements around record keeping are:

- 3.69 - Providers must maintain records and obtain and share information (with parents and carers, other professionals working with the child, the police, social services and Ofsted or the childminder agency with which they are registered, as appropriate) to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met. Providers must enable a regular two-way flow of information with parents and/or carers, and between providers, if a child is attending more than one setting. If requested, providers should incorporate parents' and/or carers' comments into children's records.
- 3.70 - Records must be easily accessible and available (these may be kept securely off the premises). Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them. Providers must be aware of their responsibilities under the Data Protection Legislation and where relevant the Freedom of Information Act 2000.
- 3.71 - Providers must ensure that all staff understand the need to protect the privacy of the children in their care as well the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the Data Protection Act.
- 3.72 - Records relating to individual children must be retained for a reasonable period of time after they have left the provision.

Guidance

Storage and Security

Physical records must be managed to ensure that they cannot be lost, damaged or destroyed. Records must be stored in the workplace in a way that does not cause a health and safety hazard. The area in which records are stored should be secured against intruders and have controlled access to the working space.

All records and associated information should be stored securely to maintain confidentiality whilst keeping information accessible to those authorised to see it.

The buildings or rooms chosen for records storage should be entirely weatherproof. Records should not be stored on the floor in case of flood. Storage areas should be regularly monitored and checked for any damage or emerging risks.

Electronic records should have appropriate security and access controls in place.

Responsibilities

Individuals responsible for the management of records must ensure that they:

- Manage the records consistently in accordance with the setting's policies and procedures.
- Properly document their actions and decisions.
- Hold personal information securely.
- Only share personal information appropriately and do not disclose it to any unauthorised third party.
- Dispose of records securely in accordance with the setting's Records Retention Schedule.

Planning

The UK GDPR requires early years providers to undertake a Data Protection Impact Assessment (DPIA) for a new project or system when the type of processing is likely to result in high risk. This could be because you're using a new technology or biometric data, or because the data is related to children.

The DPIA will help you with identifying data protection risks and will support you in demonstrating compliance with data protection laws. It is recommended that you carry out a DPIA for any new project that involves using personal data.

If the setting's DPIA identifies a high risk that cannot be mitigated, it must consult with the ICO. For more information on how to complete a DPIA, access the ICO website.

Disposal

Records will contain personal and confidential information and so must be destroyed securely after they have reached the end of their retention period. Electronic copies must be securely deleted, and hard copies disposed of as confidential waste.

Physical records should be disposed of in a way that ensures that personal information is not compromised. All records containing personal information should be shredded before disposal.

Information Sharing

It is likely that settings will need to share information with other organisations and individuals. Settings should be clear about what information they hold and with whom it can be shared. Other than when sharing information as part of a statutory requirement, you will require the consent of the individual concerned and in the case of sensitive personal data explicit consent of the data subject (or the individual with parental responsibility if it is a child's data). All this information should be included in a privacy notice.

All requests for access to personal information should be dealt with in line with the requirements laid down in the Data Protection Act and UK The General Data Protection Regulations.

Closure of setting

If the childcare organisation has to close for any reason, it is recommended that the setting contacts their legal advice line through their insurance and seek advice from Information Commissioning Office in relation to storing records.

Operational

Children's records				
Records	Retention Period	Status	Statutory Provisions and Comments	Disposal
Children's records, including: <ul style="list-style-type: none"> • Attendance register • Accident record books • Parental permission forms • Contractual documentation • LA data for funded places • Daily diaries 	<p>Records should be retained for a reasonable period of time after children have left the setting. Standard cases- recommended: six years after the child has left the setting.</p> <p>As best practice it is recommended that children's registers are kept as per child protection guidelines (25 years). They may need to be used in the future to prove if a child was or was not in your setting.</p>	Requirement	<p>Statutory Framework for the Early Years Foundation Stage, 2021.</p> <p>Data Protection Act and UK GDPR</p>	Secure Disposal
Children's medication records	DOB + 22 years	Recommendation	Limitation Act 1980 (Section 11)	Secure Disposal
Children's records related to Welfare & Safeguarding: <ul style="list-style-type: none"> • A child is seriously injured • A child is on regular medication • A child has severe allergies • A child has a serious illness 	<p>Until the child reaches 25 years of age. For Looked After Children 75 years.</p>	Recommendation	<p>Limitation Act 1980, The Statue of Limitations (Amendment) Act 1991 (Section 2)</p> <p>Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years old.</p>	Secure Disposal

			<p>Working Together to Safeguard Children, April 2020</p> <p>Keeping Children Safe in Education, 2021</p> <p>Information Management Toolkit for Schools, Information and Records Management Society (IRMS, 2019)</p>	
Safeguarding and welfare records (including copy of written summary of information transferred to schools) which resulted a referral being made to the local authority, or a child being subject to a CIN plan or child protection plan whilst attending the setting, or police referral.	Until the child reaches 25 years of age. For Looked After Children 75 years.	Requirement	Limitation Act	Secure Disposal
Records of safeguarding and welfare concerns about possible abuse or neglect which resulted in early help support services referral being made (including copy of written information transferred to schools, or a police referral).	Six years from time referral made, or for Looked After Children 75 years.	Requirement	Limitation Act	Secure Disposal

<p>Other records, which may contain personal information or images of children, parents and carers</p> <ul style="list-style-type: none"> • Photographs/ videos • Websites • Social media posts • Texts • Emails • Apps • Cloud storage 	<p>Keep photographic/ video/ audio visual permissions given by parents and carers for 21 years and 6 months.</p>	<p>Recommendation</p>	<p>Ensure you have up to date permission from parents to take or post online photos.</p> <p>Registration with ICO is a requirement if storing personal records/ photos digitally.</p> <p>Ensure data is secured in line with data protection and confidentiality policy.</p>	<p>Secure disposal (if these records are retained electronically any back up copies should be destroyed at the same time).</p>
<p>Records of any reportable death, injury, disease, dangerous occurrence, accident/ incident records and risk assessments specific to a child.</p>	<p>Until the child reaches 25 years of age.</p>	<p>Recommendation</p>	<p>Ensure you keep full records of notifications made to statutory agencies.</p> <p>Statutory provision: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)</p>	<p>Secure disposal</p>
<p>Special Educational Needs Files, Education Health and Care Plans and Support Plans</p>	<p>Until the child reaches 25 years of age</p>	<p>Recommendations</p>	<p>Limitation Act 1980</p>	<p>Secure Disposal</p>

Operational Administration				
Records	Retention Period	Status	Statutory Provisions and Comments	Disposal
Minutes of staff and room meetings	Date of meeting plus 3 years then review.	Recommendation	Information Management Toolkit for Schools, 2019 There may be data protection issues if minutes refer to individual children and staff members.	Secure disposal
Records of parents' meetings	Date of meeting + 6 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal
Reports created by management, data and cohort analysis	Date of meeting plus 3 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal or shredded
Correspondence created by management	Date of meeting plus 3 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal or shredded
Visitor's book and Signing in Sheets	Current year plus 6 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal
Records relating to the creation and distribution of circulars to staff.	Current academic year + 1 year	Recommendation	Information Management Toolkit for Schools, 2019	Standard disposal
Records relating to the creation and publication of the setting's prospectus and brochure	Current year plus 3 years	Recommendation	Information Management Toolkit for Schools, 2019	Standard disposal
Newsletters and other items with short operational use	Current year plus 1 year	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal or shredded

Action plans or improvement plans	Life of plan plus 3 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal or shredded
Records relating to complaints made to and investigated by Provider.	Serious complaints: current year + 6 years. If negligence involved: current year + 15 Years. If child protection or safeguarding issues are involved: current year + 40 years.	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal or shredded
Privacy Notice which is sent to parents as part of GDPR compliance.	Until superseded + 6 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal or shredded
Health and Safety				
Records	Retention Period	Status	Statutory Provisions and Comments	Disposal
Risk assessments	Life of risk assessment + 3 years provided that a copy of the risk assessment is stored with the accident report if an incident has occurred.	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal
Records relating to accident/injury at work	Date of incident plus 12 years. In the case of serious accidents, a further retention period will need to be applied.	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal
Accident reporting records relating to individuals who are over 18 years of age at the time of the incident.	3 years after last entry in the book. This means that, if it takes 5 years to complete, the book must be retained for a further 3 years from the last entry. Completed pages must be kept secure with restricted access. Data Protection Act 2018 and UK GDPR.	Requirement	Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980 (Section 11)	Secure disposal

Accident reporting records relating to individuals who are under 18 years of age at the time of the incident	Date of birth + 22 years or date any insurance claim or compensation payment is made + 6 years whichever is the longer.	Requirement	Limitation Act 1980 (Section 11)	Secure disposal
Control of Substances Hazardous to Health (COSHH)	Date of incident plus 40 years	Requirement	Control of Substances Hazardous to Health Regulations 2002	Secure disposal
Records relating to any reportable death, injury, disease or dangerous occurrence (RIDDOR)	Records should be kept for a minimum of 3 years from the date of the incident.	Requirement	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations	Secure disposal
Fire log books	Current year plus 3 years.	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal

Employment

Recruitment				
Records	Retention Period	Status	Statutory Provisions and Comments	Disposal
All records leading up to the appointment of a new member of staff- unsuccessful candidate	Date of appointment of successful candidate plus 6 months to one year.	Recommendation	Information Management Toolkit for Schools, 2019 Chartered Institute of Personnel and Development.	Secure disposal
All records leading up to the appointment of a new member of staff- successful candidate	All relevant information should be added to the staff personal file.	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal

<p>Pre-employment vetting information- DBS checks</p> <p>Essential details to be recorded from the original DBS certificate: Name, DOB, Reference Number, Date of issue, details of whom obtained it and anything recorded on the certificate.</p>	<p>The setting does not have to keep copies of DBS certificates. If so, the copy must NOT be retained for more than 6 months (without consent being given by employer).</p> <p>Application forms, references and other documents – for the duration of the employee’s employment+ 7 years.</p>	<p>Recommendation</p>	<p>DBS Update Service Employer Guide.</p> <p>Keeping Children Safe in Education guidance, 2021.</p> <p>Statutory Framework for the Early Years Foundation Stage, 2021.</p>	<p>Secure Disposal</p>
<p>Proof of identity collected as part of the process of checking ‘portable’ enhanced DBS disclosure</p>	<p>Where possible these should be checked and a note kept of what was seen and what has been checked. If it is necessary to keep a copy of the documentation, then this should be placed on the Staff Personal File.</p>	<p>Recommendation</p>	<p>Information Management Toolkit for Schools, 2019</p>	<p>Secure disposal</p>
<p>Pre-employment vetting information- Evidence providing the right to work in the UK</p>	<p>To be added to the Staff Personal File.</p> <p>If they are kept separately then the Home Office requires that the documents are kept for termination of employment + not less than 2 years</p>	<p>Recommendation</p>	<p>An employer’s guide to right to work checks (Home Office)</p>	<p>Secure Disposal</p>
<p>Operational Staff Management</p>				
<p>Records</p>	<p>Retention Period</p>	<p>Status</p>	<p>Statutory Provisions and Comments</p>	<p>Disposal</p>
<p>Personnel Files and training records (must contain all information for the staff employed, including application form, work history, references, supervision and appraisals,</p>	<p>Termination of Employment plus 7 years</p> <p>Ensure that any sensitive information is kept in a secure place and separated out from non-sensitive information.</p>	<p>Requirement</p>	<p>Limitation Act 1980 (Section 2)</p> <p>Chartered institute of personnel and development</p>	<p>Secure disposal</p>

qualifications, disciplinary records, working time records and training records).			Under GDPR any member of staff can request 'the right to be forgotten' but as you have an obligation to keep this data, you should not erase it until the 7-year retention period has expired, GDPR 2018.	
Timesheets	Current year plus 6 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal
Wage/ Salary records (including overtime, bonuses, expenses)	6 years after the end of the tax year to which the records relate.	Recommendation	Information Management Toolkit for Schools, 2019 Taxes Management Act 1970 Income and Corporation Taxes 1988	Secure Disposal
Statutory maternity, adoption and paternity pay records	Current year + 3 years	Requirement	Statutory Maternity Pay Regulations 1986, revised 1999	Secure Disposal
Sickness absence monitoring	Sickness records are categorised as sensitive data. There is a legal obligation under statutory sickness pay to keep records for sickness monitoring. Sickness records should be kept separate from accident records. Where sickness pay is not paid then current year + 3 years, whilst if sickness pay is made then it becomes a financial record and current year + 6 years applies.	Requirement	Information Management Toolkit for Schools, 2019	Secure Disposal
Statutory sick pay records	3 years after the end of the tax year to which the records relate	Requirement	Information Management Toolkit for Schools, 2019	Secure Disposal

Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of redundancy	Recommendation	Information Management Toolkit for Schools, 2019	Secure Disposal
Professional development plans	These should be held on the individual's personnel record. If not, then termination of employment + 6 years.	Recommendation	Information Management Toolkit for Schools, 2019	Secure Disposal
Management of Disciplinary and Grievance Processes				
Records	Retention Period	Status	Statutory Provisions and Comments	Disposal
Allegation of a child protection nature against a member of staff	Until the person's normal retirement age or 10 years from the date of the allegation whichever is the longer. Note: allegations that are found to be malicious should be removed from personnel files.	Requirement	Working Together to Safeguard Children, 2020 Keeping Children Safe in Education, 2021	Secure disposal These records must be shredded
Disciplinary Proceedings	Date of warning plus 6 months for oral and first written warning. For second written warning, date of warning plus 12 months. Final warnings, date of warning plus 18 months. Six years after employment ceases. Note: The ACAS code of practice on disciplinary and grievance procedures recommends that the employee should be told how long a disciplinary warning will	Recommendation	Information Management Toolkit for Schools, 2019 Chartered Institute of Personnel and Development Children Act	Secure disposal If warnings are placed in personal files, then they must be weeded from the file.

	<p>remain current. However, this does not mean that the data itself should be destroyed at the end of the set period.</p> <p>At the end of the effective period for the warning, while the warning will not remain active in relation to future disciplinary matters, a record of what has occurred will be kept.</p>			
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Financial

Financial Records				
Records	Retention Period	Status	Statutory Provisions and Comments	Disposal
Employer Liability Insurance Certificates	Closure of setting plus 40 years	Requirement	Information Management Toolkit for Schools, 2019	Secure disposal
Inventories of furniture and equipment	Current year + 6 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal
Insurance documents	6 years after the year to which the information relates	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal
Self-assessment forms and supporting records of income and expenditure, including: <ul style="list-style-type: none"> • Bank statements • Receipts • Invoices • Cash book • Account book/ records 	Current financial year plus 6 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal

All records relating to the maintenance of the setting carried out by contractors.	Current year plus 6 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal
Pupil Premium Fund records	Date child leaves the provision + 6 years	Recommendation	Information Management Toolkit for Schools, 2019	Secure disposal

