

Retention periods for records



Providers must be aware of their responsibilities under the General Data Protection Regulation (GDPR) (EU) 2016/679.

The table below sets out the requirements for retaining different types of records and information in relation to children and the management of the provision. It is acceptable to scan documents and keep them electronically in order to save space, as long as the scanned versions are as legible as the original. The files should be labeled with the destroy dates and those that contain confidential information should be password protected.

Where there are data protection issues owing to records containing personal data, paper records must be disposed of securely at the end of their life via confidential waste bins or cross-cut shredders.

| Children's records | Retention period | Status | Authority |
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| Children's records, including registers, medication records and accident records pertaining to children Note: children's learning and development records i.e. learning journeys are maintained by the setting and handed to parents when the child leaves. *If a concern is identified that legal action may be instigated, all relevant information will be retained until the child reaches the age of 25. | Records should be retained for a reasonable period of time after children have left the provision (e.g. three years) or until the next Ofsted inspection after the child has left the setting (whichever is soonest). Until child reaches age of 21 - or until the child reaches the age of 25 for child protection records, SEND records and health care plans. Records in relation to safeguarding concerns will also need to be kept in accordance with the Local Safeguarding Children Board's requirements. | Requirement | EYFS (given legal force by Childcare Act 2006) |
| Records of any reportable death, injury, disease or dangerous occurrence. | Three years from the date of the last entry (or, if the accident involves a child, then until the person reaches the age of 21). The setting will also need to consider whether it is necessary to keep the records for a longer period in light of the circumstances. | Requirement | The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI1995/3163) (as amended) |
| Safeguarding and welfare records (including written summary of information transferred to schools) which resulted in a Child Protection referral or Child In Need referral being made to the local authority. | Until the child reaches age 25 years, or for Looked After Children 75 years. | Requirement | Limitation Act 1980 |

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| Safeguarding and welfare records (including written summary of information transferred to school) which resulted in a referral being made to CAF or other early help support services referrals. | Six years from time referral made, or for Looked After Children 75 years. | Requirement | Limitation Act 1980 |
| Personnel records | Retention Period | Status | Authority |
| Personnel files and training records (including disciplinary records and working time records). | Six years after employment ceases. | Recommendation | Chartered Institute of Personnel and Development |
| Application forms and interview notes for unsuccessful candidates. | Six months to one year. | Recommendation | Chartered Institute of Personnel and Development |
| DBS information | Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. We will maintain on employee files the reference number, the date a check was obtained and who obtained it. | Requirement Requirement | Disclosure and Barring Service EYFS (given legal force by Childcare Act 2006) |
| Pay | Retention Period | Status | Authority |
| Wages/salary records (including overtime, bonuses and expenses). | Six years. | Requirement | Taxes Management Act 1970 |
| Statutory Maternity Pay (SMP) records. | Three years after the end of the tax year in which the maternity period ends. | Requirement | The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended |
| Statutory Sick Pay (SSP) records. | Six years after employment ceases. | Recommendation | Chartered Institute of Personnel and Development |
| Income Tax and National Insurance returns/records. | At least three years after the end of the tax year to which they relate. | Requirement | The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended |
| Redundancy details, calculations of payments, refunds, notification to secretary of state. | Six years from the date of redundancy. | Recommendation | Chartered Institute of Personnel and Development |

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| Parental leave records. | 18 years from the birth of the child. | Recommendation | Chartered Institute of Personnel and Development |
| National Minimum Wage records. | Three years after the end of the pay reference period following the one that the records cover. | Requirement | National Minimum Wage Act 1998 |
| Pension scheme and member records. | Six years (except for records of opt-outs which must be kept for four years). | Requirement | The Pensions Regulator |
| | 12 years from the ending of any benefit payable under the policy | Recommendation | Chartered Institute of Personnel and Development |
| Health and safety | Retention Period | Status | Authority |
| Staff accident records (for organisations with 10 or more employees). | Three years after the date of the last entry (there are separate rules for recording of accidents involving hazardous substances). | Requirement | Social Security (Claims and Payments) Regulations 1979 (SI 1979/628) |
| Records of any reportable death, injury, disease or dangerous occurrence. | Three years from the date of the last entry. | Requirement | The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended |
| Accident/medical records as specified by the Control of Substances Hazardous to Health regulations (COSHH) 1999 | 40 years from the date of the last entry. | Requirement | The Control of Substances Hazardous to Health regulations 1999 (COSHH) (SIs 1999/437 and 2002/2677) |
| Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees. | Permanently. | Recommendation | Chartered Institute of Personnel and Development |
| Financial Records | Retention Period | Status | Authority |
| Accounting records. | Three years for Private Companies | Requirement | Section 386 and 388 of the Companies Act |
| | Six years for Public Limited Companies. | | |
| | Six years for Charities. | | |

| Administration records | Retention period | Status | Authority |
|-------------------------------|--|----------------|---|
| Complaints records | At least three years from the date of the last record. | Requirement | Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006) |
| Insurance policies. | Permanently. | Recommendation | Information and Records Management Society |
| Minutes/minutes books. | Permanently | Recommendation | Chartered Institute of Personnel and Development |

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