

General Welfare Requirement: Documentation

Providers must maintain records, policies and procedures required for the safe and efficient management of the settings and to meet the needs of the children.

Record keeping

5.7 Retention Periods for Records

Policy Statement for St Joseph's Pre-school

The Statutory Framework for the Early Years Foundation Stage (EYFS)¹ states that "records relating to individual children must be retained for a reasonable period of time after they have left the provision". This policy sets out how long we keep documents such as registers, medication records and accident records, as well as child protection information and staffing records.

St Joseph's Pre-school's aim is to keep records and data confidential and locked up in the filing cabinet. Following Data protection policies and procedures².

Children's Records

Children's records -including registers, medication record books, accident record books, personal files pertaining to the children.	Requirement: A reasonable period of time (eg. 3 years or until the next Ofsted inspection) after children have left the provision. <i>EYFS Welfare Requirement (given legal force by Childcare Act 2006)</i> Recommendation: Until the child reaches the age of 21, or until the child reaches the age of 24 for child protection records. <i>Limitation Act 1980</i> 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 of age.
Records of any reportable death, injury, disease or dangerous occurrence	Requirement: 3 years after the date the record was made. <i>The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)</i>

¹ See latest version para 3.80

² See Policy 5.4 Data Protection

Health and Safety Records

Records of any reportable death, injury, disease or dangerous occurrence.	Requirement: 3 years after the date the record was made. <i>RIDDOR</i>
Staff accident records (for organisations with 10 or more employees)	Requirement: 3 years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances). <i>Social Security (Claims and Payments) Regulations 1979</i>
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations	Requirement: 40 years from the date of the last entry. <i>The Control of Substances Hazardous to Health Regulations 2002 (COSHH)</i>
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Recommendation: Permanently. <i>Chartered Institute of Personnel and Development</i>
Health and Safety Representatives and employees' training	Requirement: 5 years after employment <i>Health and Safety (Consultation with Employees) Regulations 1996, Health and Safety Information for Employees Regulation 1989</i>

Personnel Records

Personnel files and training records (including disciplinary records and working time records)	Recommendation: Six years after employment ceases. <i>Chartered Institute of Personnel and Development</i>
Parental Leave	Recommendation: 18 years from the birth of the child <i>Chartered Institute of Personnel and Development (CIPD)</i>
Flexible working requests	Recommendation: 18 months following any appeal. This is because a further request cannot be made for 12 months following a request plus allowing for a 6 month tribunal limitation period on top. <i>Chartered Institute of Personnel and Development (CIPD)</i>
Application forms and interview notes (for unsuccessful candidates)	Recommendation: Six months to one year in case a claim is made for discrimination <i>Chartered Institute of Personnel and Development</i>
Disclosures and Barring Service (DBS) Check	Requirement: Six months after leaving employment. <i>DBS Code of Practice</i>

	<p>The following basic information should be retained but a copy of the certificate should not be held on file: date of issue, the name of the company that processed the DBS, the name of the subject, the type of disclosure, the position for which the disclosure was requested, the unique reference number, and the details of the recruitment decision taken.</p> <p>Ongoing suitability forms should be kept up to date whilst the staff member is in employment. Recommended that these are kept with personnel records for six years after employment ceases.</p>
Right to work in the UK checks	<p>Recommendation 2 years after employment ends <i>Home Office recommended practice</i></p>
Terms and conditions including offers, written particulars, and variations	<p>Recommendation: review 6 years after employment ceases or the terms are suspended <i>Chartered Institute of Personnel and Development (CIPD)</i></p>
Termination of employment, eg. early retirement, severance or death in service	<p>Recommendation: At least 6 years although the ICO³'s retention schedule suggests until the employee reaches 100! <i>Chartered Institute of Personnel and Development (CIPD)</i></p>
<p>First Aid Training</p> <p>All early years staff are Paediatric First Aid trained (as per EYFS para 3.29-3.32)</p>	<p>Requirement: 6 years after employment <i>Health and Safety (First Aid) Regulations 1981</i></p>
Child protection allegations against any member of the team (paid or unpaid): clear and comprehensive summary of allegations made, how allegations were followed up and resolved, action taken, decisions reached.	<p>Requirement: At least until the person reaches normal retirement age, or 10 years if longer, in the person's confidential personnel file. Copy also given to the individual. <i>National Society for the Prevention of Cruelty for children NSPCC</i></p>

Staff payroll records and information

Wage/salary records (including overtime, bonuses and expenses)	<p>Requirement: Six years plus the current year. <i>Taxes Management Act 1970</i></p>
Pension records	<p>Requirement: Six years plus the current year. <i>Pensions Scheme Act 2017 (original 1993)</i></p>

³ Information Commissioner's Office

	<i>The Pension Regulator - requires that there should be evidence that staff have been written to (either letter or email not just a discussion)</i>
Statutory Maternity Pay (SMP) records calculations, certificates (Mat B1s) or other medical evidence	Requirement: Three years after the end of the tax year to which they relate. <i>The Statutory Maternity Pay (General) Regulations 1986. (SI 1986/1960) as amended, Maternity & Paternity Leave Regulations 1999</i>
Statutory Sick Pay (SSP) records calculations, certificates, self-certificates	Recommendation: Employers must keep sickness records to best suit their business needs. It is advisable to keep records for at least 6 months after the end of the period of sick leave in case of a disability discrimination claim. However, if there is a personal injury claim, the limitation is 3 years. If there is a contractual claim for break of an employment contract, it may be safer to keep records for 6 years after the employment ceases. <i>The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55), abolished the former obligation on employers to keep these records.</i>
Income Tax and National Insurance returns/records	Requirement: At least three years after the end of the tax year to which they relate. <i>The Income Tax (Employments) Regulations 1993 (as amended)</i>
Redundancy details, calculations of payments, refunds, notifications to the Secretary of State	Recommendation: Six years from the date of redundancy. <i>Limitation Act 1980</i>
Pension records	Recommendation: 6 years plus the current year <i>Pension Scheme Act 2017 (original 1993)</i> <i>The Pension Regulator – requires that there should be evidence that staff have been written to (either letter or email not just a discussion)</i>
References	Recommendation: At least one year after the reference is given to meet the limitation period for defamation claims <i>Chartered Institute of Personnel and Development (CIPD)</i>
Working time records including overtime, annual holiday, jury service, time off for dependents etc.	Requirement: 2 years from date on which they were made

	<i>The Working Time Regulations 1998 (SI 1998/1833)</i>
Furlough records; <ul style="list-style-type: none"> - each furlough agreement; - record of hours worked/not worked 	Recommendation: minimum of 5 years ACAS guidance (link)

Financial records

Accounting records	Requirement: Six years for charities <i>Charities Act 2011</i> Six years for CIO ⁴ s <i>CIO (General) Regulations 2012</i> Six years for public limited companies. Three years from the end of the financial year for private companies. <i>Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006</i>
Income tax and National Insurance returns, income tax records and correspondence with HMRC	Requirement: At least 3 years after the end of the tax year to which they relate <i>The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, eg by The Income Tax (Employments) (Amendment No 6)</i>
Invoices for capital items (eg. buildings/vehicles)	Requirement: Ten years. <i>Charities Act 2011, Companies Act 2006 and HMRC</i>
Nursery Education Funding forms (including Extended Hours Declaration forms)	Recommendation: Six years <i>Gloucestershire County Council Provider Agreement</i>
Local Authority Provider Agreement	Recommendation: 6 years <i>Gloucestershire County Council</i>
National minimum wage records	Requirement: 3 years after the end of the pay reference period following the one that the records cover <i>National Minimum Wage Act 1998</i>

Administration Records

Minutes/minute books	Requirement: Ten years from date of meeting for companies. <i>Companies Act 2006</i> Requirement: Six years from date of meeting for CIOs
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⁴ Charitable Incorporated Organisations

	<p><i>The Charitable Incorporated Organisations (General) Regulations 2012</i></p> <p>Recommendation: Permanently <i>Chartered Institute of Personnel and Development</i></p>
Complaints record book	<p>Requirement: At least three years from the date of the last record. <i>Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)</i></p>
Employers' liability insurance records	<p>Recommendation: No legal requirement to keep copies of out-of-date certificates since 2008. Recommendation is to keep complete record. <i>Health and Safety Executive</i></p>
Fire Warden Training	<p>Requirement: 6 years after employment <i>Fire Precautions (Workplace) Regulations 1997</i></p>
Other insurance certificates	<p>Recommendation: No legal requirement to keep copies of out-of-date certificates since 2008. Recommendation is to keep complete record. <i>Health and Safety Executive</i></p>
Subject Access Requests (GDPR/DPA)	<p>Requirement 1 year following completion of the request <i>Data Protection Action 2008</i></p>
Trip/Outing consent forms	<p>Recommendation: No legal requirement</p> <p>12 months from date of trip. <i>PATA advise to keep forms for 12 months, unless there had been an issue, ie. accident/incident, on the trip/outing</i></p>

Closing the Setting

In the unlikely event of St Joseph's Pre-school closing, the setting will contact Gloucestershire County Council in relation to storing records and seek advice from the Information Commissioner's Office website (www.ico.org.uk) with regards to Data Protection⁵.

⁵ St Joseph's Pre-school pays an annual subscription to the ICO to be listed on their Data Protection Register. The Pre-school's reference number in this respect is ZB019647

General Data Protection Regulations (GDPR) (May 2018)

GDPR follows the principle that information must not be kept for any longer than is necessary for a particular purpose. However, other statutory requirements must be observed, particularly in the case of information relating to children. In general, we will

- review the length of time we keep personal data;
- consider the purpose or purposes we hold the information for in deciding whether (and for how long) to retain it;
- securely delete information that is no longer needed; and
- update, archive or securely delete information if it goes out of date.

Freedom of Information Act 2000 (FOIA)

The FOIA enables individuals and organisations to access information from public authorities. Charities are not “public authorities” and so are not directly subject to FOIA’s requirements. If a genuine FOIA request is received, rather than a GDPR Subject Access Request (SAR), the enquirer will be informed that St Joseph’s Pre-School is not obliged to provide the information. If known, we will direct the enquirer to any publicly available sources or a public authority that may have access to it.

Associated Policies and Procedures

- 1.5 Information Sharing
- 1.12.1 E-Safety
- 1.17 Administering Medicines
- 3.6 Recording and reporting of accidents
- 4.10.2 Financial Controls
- 5.4 Data Protection
- 5.5 Data Subject Access Requests
- 5.9 Cloud Computing Services

Version Number	Author	Purpose of change	Date
1.0	K Coupe	Comply with GDPR	19/09/2018
2.0	K Coupe	Updated re. retention period for furlough records	28/01/2021 Cttee by email
3.0	K Coupe	Updated with reference to CIPD document “Retention of HR Records” (29 Jul 20)	01/07/2021 Cttee Mtg
4.0	K Coupe	<ul style="list-style-type: none">• Confirmation that the setting are not obliged to respond to Freedom of Information requests, as they are not a “public authority”.• Inclusion of “Associated Policies and Procedures” section as per EY Safeguarding Audit s175/157 2023	06/11/2023 Cttee Mbr (S Webb)

Version Number	Author	Purpose of change	Date
5.0	K Coupe	References to certain paragraphs in the Early Years Foundation Stage updated.	14/01/2024 Cttee Mbr (G Ind)