

Retention of Records

The purpose of this document is to support your childcare organisation with archiving documentation and retention periods. The table includes retention period for staffing records e.g. personal records, disclosure and barring checks etc. children's records e.g. accident, incident, medication forms, registers and safeguarding records etc. Business and charity documentation e.g. accounts, PAYE information etc.

The Statutory Framework for Early Years Foundation Stage (EYFS) 2017 states that "records relating to individual children must be retained for a reasonable period of time after they have left the provision". (3.71)

The childcare organisation also needs to comply with legislative requirements

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Note:

- The front sheet (page1) is for information, to save resources you do not need to print off.

Early Years Improvement Team – November 2017

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Retention Periods for Records

Children's Records	Retention Period	Status	Authority
Children's records - including registers, medication record books and accident record books pertaining to the children	Records should be retained for a reasonable period of time (for example 3 years) after children have left the provision	Requirement	Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)
	Until the child reaches the age of 21 or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980, The Statute of Limitations (Amendment) Act 1991 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.
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date on which it happened	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

Personnel Records	Retention Period	Status	Authority
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development
Application forms and interview notes (for unsuccessful candidates)	1 year	Recommendation	Chartered Institute of Personnel and Development
Disclosure Barring Check (This includes everyone working, volunteering (including management committees), and people living on the premises within the childcare organisation)	6 years after employment ceases <i>(Do not keep the disclosure document, make a note of the 5 relevant pieces of information as detailed in Authority column)</i>	Requirement	DBS Code of Practice: Retain the following after certificate is destroyed – <ul style="list-style-type: none"> • the date of issue of a Disclosure • the name of the subject • the type of Disclosure requested • the position for which the Disclosure was requested • the unique reference number of the Disclosure • the details of the recruitment decision taken
Child Protection – Allegation against anyone involved within the childcare organisation (paid or unpaid) (store in person’s confidential file and a copy given to the individual)	Retained on file, including people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer.	Requirement	Children Act 1989/2004 Guidelines set by LSCB Records of the allegation must be clear and comprehensive, detailing: <ul style="list-style-type: none"> • Any allegations made • Details of how allegations were followed up and resolved • Any action taken • Decisions reached

Pay	Retention Period	Status	Authority
Wage/salary records (including overtime, bonuses and expenses)	7 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year in which the maternity period ends	Requirement	The Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Sick Pay (General) Regulations 1982
Income tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after the employment ends	Recommendation	Chartered Institute of Personnel and Development

Health and Safety	Retention Period	Status	Authority
Staff accident records (for organisations with 10 or more employees)	3 years after the date of the last entry (there are separate rules for the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date on which it happened	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
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 1999/2002 (COSHH)
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	3 years from the end of the financial year for private companies. 6 years for public limited companies 6 years for charities	Requirement	Section 386 of the Companies Act 2006 Charities Act 1993/2006

Administration Records	Retention Period	Status	Authority
Complaints record book	At least 3 years from the date of the last record. (Until next inspection as must be made available to Ofsted or relevant childminder agency)	Requirement	Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)
Insurance liability documents	40 years from date of issue	Requirement	Health and Safety Executive
Minutes/minute books	10 years from the date of the meeting for companies 6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement Requirement	Companies act 2006 The Charitable Incorporated Organisations (general) Regulations 2012

Note:

Child protection – All documents relating to child protection i.e. referrals, contact with social care of SSCB (including LADO) for 24 years.

Closure - If the childcare organisation has to close for any reason, it is recommended that the nursery contact their legal advice line through their insurance, and seek advice from the Information Commissioning Office (www.ico.org.uk) in relation to storing records.