



retention periods for records

an Early Years Alliance mini guide

Retention periods are usually dictated by legal requirements, or in their absence, by industry norms or the needs of the business. Under *General Data Protection Regulation (GDPR) (EU) 2016/679* privacy notices must be issued to data subjects (individuals whose data is held) to explain why their data is being collected, for how long it will be held and how it will be protected. The table below sets out the requirements and recommendations for retention periods of 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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| General children's records, including registers, medication records and accident records pertaining to children, parental permission forms for medication and activities, complaints records, and data for local authority funded children. Note: children's learning and development | Records should normally be retained for a reasonable period of time after children have left the provision. Providers need to make decisions about appropriate retention schedules. A retention period of three years, or until the next Ofsted inspection, after the child has left the setting as a minimum is recommended for most children. | Requirement | EYFS (given legal force by Childcare Act 2006) Data Protection Act 2018 and GDPR 2018. |

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| <p>records, i.e. learning journeys are maintained by the setting and handed to parents when the child leaves.</p> <p>*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.</p> | <p>If it is anticipated that legal action may be taken against the provider by the service user then relevant records should normally be retained until the subject reaches 21 years of age. or until the child reaches the age of 25 for child protection records, SEND records and health care plans.</p> <p>Records in relation to safeguarding concerns will also need to be kept in accordance with the Local Safeguarding Children Board's requirements.</p> | <p>Recommendation</p> | <p>Limitation Act 1980</p> <p>Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to three years after, or deliberately caused personal injury up to six years after the event) are postponed until the child reaches 18 years old.</p> |
| <p>Records of any reportable death, injury, disease or dangerous occurrence.</p> | <p>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).</p> <p>The setting will also need to consider whether it is necessary to keep the records for a longer period in light of the circumstances.</p> | <p>Requirement</p> | <p>The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI1995/3163) (as amended)</p> |
| <p>Safeguarding and welfare records (including copy of 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, or a child being subject to a CIN plan or child protection plan whilst attending the setting, or police referral.</p> | <p>Until the child reaches age 25 years, or for Looked After Children 75 years.</p> | <p>Requirement</p> | <p>Limitation Act 1980</p> |
| <p>Safeguarding and welfare concerns about possible abuse or neglect which resulted in a CAF or other early help support services referral being made (including copy of written information transferred to schools, or police referral).</p> | <p>Six years from time referral made, or for Looked After Children 75 years.</p> | <p>Requirement</p> | <p>Limitation Act 1980</p> |

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| Special Educational Needs records, including plans. | 25 years from the birth of the child. | Requirement | Education Act (1996) |
| Other records which may contain personal information of children or families, such as photographs or videos, website content, social media posts, texts and emails. | Retain records of photographic/video/audio-visual permissions given by parents for 21 years and six months. | Requirement | GDPR and Data Protection Act 2018 |
| 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. | Requirement | Disclosure and Barring Service |
| | We will maintain on employee files the reference number, the date a check was obtained and who obtained it. | Requirement | 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 (applies to current staff). | 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 |

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| | | | amended |
| Redundancy details, calculations of payments, refunds, notification to secretary of state (applies to leavers). | Six years from the date of redundancy. | Recommendation | Chartered Institute of Personnel and Development |
| 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 |

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| | Six years for Public Limited Companies. Six years for Charities. | | Act Charities Act 2011 section 131 |
| Administration records | Retention period | Status | Authority |
| Insurance policies. | Permanently. | Recommendation | Information and Records Management Society |
| Minutes/minutes books. | Permanently | Recommendation | Chartered Institute of Personnel and Development |

For further advice, please contact:

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