

# Retention periods for records



Providers must be aware of their responsibilities under the Data Protection Act 1998 (EYFS, 3.69).

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
Children's records - including registers, medication record books and accident record books pertaining to the children	A reasonable period of time after children have left the provision - individual providers should determine how long to retain records relating to individual children.	Requirement	Statutory Framework for the Early Years Foundation Stage 2017 (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, 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	Recommendation	Limitation Act 1980  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	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)

<b>Personnel records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Application forms and interview notes for unsuccessful candidates	6 months to a year	Recommendation	Chartered Institute of Personnel and Development (CIPD)
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	CIPD
	Records of unfounded allegations of a child protection nature must be kept until the person's normal retirement age or 10 years after the date of the allegation; allegations found to be malicious must be removed from personnel files.	Requirement	Keeping Children Safe in Education, DfE 2016
DBS check information	Original DBS disclosures: a maximum of 6 months  Providers must be able to show Ofsted they have kept a record of DBS disclosures and the DBS Code of Practice permits them to retain the following details: the date of issue of the certificate; the name of the subject; the type of certificate requested; the position for which the certificate was requested; the unique reference number; details of the recruitment decision taken.	Recommendation	Disclosure and Barring Service/Ofsted

<b>Personnel records (cont'd)</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
<i>Pay</i>			
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986
Parental leave records	5 years from the birth/adoption of the child or 18 years if the child receives a disability allowance	Recommendation	CIPD
Statutory Sick Pay (SSP) records	6 years after employment ends	Recommendation	CIPD
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 (as amended)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation	CIPD
National Minimum Wage Records	3 years after the end of the pay reference period following the one that the records cover	Requirement	National Minimum Wage Act 1998
Pensions scheme and member records	6 years from the automatic enrolment staging date	Requirement	The Pensions Regulator
	12 years from the ending of any benefit payable under the policy	Recommendation	CIPD

<b>Personnel records (cont'd)</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
<i>Health and Safety</i>			
Staff accident records (for organisations with 10 or more employees)	3 years after the date of the last entry in the book (separate rules govern 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 the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	CIPD
	For the life of the assessment plus 3 years	Recommendation	Information and Records Management Society (IRMS)
<b>Financial records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Accounting records (e.g. cash books, invoices, receipts)	3 years from the end of the financial year for private and charitable companies, 6 years for public limited companies	Requirement	Companies Act 2006
	6 years for charities	Requirement	Charities Act 2011

<b>Administration records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Employers' liability insurance records	For as long as possible	Recommendation	Health and Safety Executive
Visitors books/signing in sheets	The current year plus 6 years	Recommendation	IRMS
Policy documents	For the life of the policy/setting plus 3 years	Recommendation	IRMS
Complaints	At least 6 years after the date of resolution of the complaint	Recommendation	IRMS
Minutes/minute books	At least 10 years from the date of the meeting for companies	Requirement	Companies Act 2006
	At least 6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012
	Permanently	Recommendation	CIPD

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