

Record Keeping

This practice guide aims to provide guidance on the legal and recommended retention periods for records kept by childminders in England and Wales

Supporting members to provide the highest standards of care and learning for children

This practice guidance is been developed for all early years and childcare practitioners

This guide covers:

- The different type of records that you may hold
 1. Operational (including Children's Records)
 2. Financial
 3. Employment
- The legal and recommended retention period for records
- Signposting for further advice

What do you need to do?

- Comply with the Statutory Framework for your country (see references below)
- As an early years and childcare practitioner in England or Wales, you are required to comply with the Data Protection Act 2018. The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR) and strengthens the requirement to be clear and transparent about the use of personal and sensitive data, keep records that are accurate, relevant and up-to-date and ensure all records are kept securely and for no longer than is necessary for the purpose.
- Check whether you need to register with the Information Commissioner's Office if storing any personal information in a digital format – e.g. photographs, development plans. Records stored in a digital format must be password protected.
- Review your data regularly, using the data protection audit tool and seek further advice as necessary



Records	Retention Period	Comment
<p>Operational Records</p> <p>PACEY recommend that operational records are kept for six years from the date of the record. This is the period in which a parent could bring a contractual claim.</p> <p>NOTE: Longer periods may apply to other claims, examples provided below. Please seek further legal advice for retention of relevant records.</p>		
<p>Children’s Records, including:</p> <ul style="list-style-type: none"> • Attendance register • Medication records • Parental permission forms • Complaints book • Contractual documentation • L/A data for funded places • Daily diaries 	<p>Standard cases - recommended: Six years after the child has left the setting.</p> <p>In Wales, the minimum retention period is three years from the last date the child attended the setting.</p> <p>Please note special circumstances below</p>	<p>Please refer to the Statutory Framework for the Early Years Foundation Stage (England) and the National Minimum Standards for Regulated Childcare(Wales)</p>
	<p>Special circumstances e.g.:</p> <ul style="list-style-type: none"> • serious complaint • issues of child protection • a child is badly injured • a child is on regular medication • a child has severe allergies • a child has a serious illness <p>Seek legal advice – see comment for further details</p>	<p>PACEY recommends that you take legal advice in special circumstances.</p> <p>We recommend retaining records until the child reaches 25 years of age, but after that period the records should be destroyed.</p> <p>You should also take advice about making and retaining copies, particularly if you are required to provide information to a third party.</p>

Records	Retention Period	Comment
<p>Other records, which may contain personal information or images of children or families</p> <ul style="list-style-type: none"> • Photographs/videos • Websites • Social media posts • Texts • Emails • Apps • Cloud storage 	<p>Keep photographic/video/audio-visual permissions given by parents on behalf of children for 21 years and six months.</p>	<p>Ensure you have up-to-date permission from parents to take and/or post online photos or videos. Use the PACEY sample templates and permission form guidance (Wales)</p> <p>Ensure you register with the Information Commissioner's Office if storing personal records/photos digitally.</p> <p>Ensure data is secured in line with data protection/confidentiality policy.</p>
<p>Records of any reportable death, injury, disease, dangerous occurrence, accident/incident records and risk assessments specific to a child</p>	<p>PACEY recommends that you keep the records until the child reaches 25 years of age.</p>	<p>Ensure that you keep full records of notifications made to statutory agencies.</p>
<p>Visitors' book</p>	<p>As a minimum, must be kept between inspection periods.</p> <p>Seek legal advice if a special circumstance, see above</p>	
<p>CIW documentation: Quality of Care reports (Wales) Ofsted Reports (England)</p>	<p>As a minimum, must be kept between inspection periods.</p>	<p>Avoid using children and families' personal details within the report. Keep for future reference as evidence of compliance and good practice</p>
<p>Risk assessments Infection Control Audit Tool (Wales only)</p>	<p>Standard cases – minimum three years from date recorded</p>	<p>Unless need to be kept following a special circumstance as above.</p>
<p>Data Protection Audit</p>	<p>Reviewed and updated annually.</p>	

Records	Retention Period	Comment
Financial Records		
Copy self-assessment forms and supporting records of income and expenditure, including: <ul style="list-style-type: none"> • bank statements • receipts • invoices • cash book • Accounts book/records 	Standard cases – five years following the self-assessment deadline of 31 January	If you have submitted a return which is not for a complete tax year you must retain the supporting documents until the sixth anniversary of the end of the period. If HMRC makes an enquiry into a return you have submitted you must keep the return until that enquiry is completed.
Insurance documents	Keep for six years after the year to which the information relates Seek legal advice if a special circumstance, see above	PACEY recommends that you keep a complete record of all insurance policies which you have taken out.

Childminders Employing Assistants and or Staff		
CVs, application forms and interview notes (unsuccessful candidates)	To be kept for no more than one year following the decision not to employ.	
CVs, application forms and interview notes (successful candidates)	Keep for six years following the cessation of employment	
DBS Check/Disclosure Information Essential details to be recorded from the original DBS certificate – i.e. Name, date of birth, reference number, date of issue and anything recorded on the certificate.	By law, the only details that can be kept for longer than six months are the date of the check, its reference number and the result. We recommend these details are kept for six years after the	Remember to destroy any detailed information within six months, retaining only the date of the check, its reference number and result for longer. Seek legal advice if special circumstances

	member of staff has left, in line with other staff records.	
Personnel files and training records (must contain all information for the staff employed, including application form, work history, references, supervision and appraisals, qualifications, disciplinary records, working time records and training records)	Six years after employment ceases	You must ensure that any sensitive information (e.g. sickness records) is kept in a secure place and separated out from non-sensitive information
Wage/salary records (including overtime, bonuses and expenses)	Six years after the end of the tax year to which the records relate	
Statutory maternity, adoption and paternity pay records	Three years after the end of the tax year in which the maternity period ends	
Statutory sick pay records	Three years after the end of the tax year to which the records relate	
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	Six years from the date of redundancy	

Reflective task

Review all records and storage arrangements to ensure they are kept in line with all statutory requirements and recommended practice. Ensure you comply with GDPR from May 2018 and the Regulatory Framework for your country.

Consider an example? E.g. a child has tripped and broken their arm, purely by accident, whilst on an outing to the park. What records would you need to keep and how long for?



References

Frameworks and Legislation

HMRC

Information Commissioners Office (2018) Guide to the General Data Protection Regulation

England:

Department for Education (2021) *Statutory Framework for the Early Years Foundation Stage*.

Wales:

Welsh Government (2010) *The Childminding & Day Care (Wales) Regulations 2010*

Welsh Government (2016) *National Minimum Standards for Regulated Child Care for children up to 12 years of age*

Additional Resources

[PACEY Legal Advice Line](#)

[Information Commissioners Office website](#)

PACEY Registering with the Information Commissioner's Office Factsheet

PACEY GDPR resources

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Across England and Wales we provide training, expert advice, help and peer support to practitioners and practical and impartial support and information for families and carers and those advising them. We represent the views and experiences of practitioners and champion their vital role in helping prepare children for a bright future.

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