



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
<p>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.</p>	<p>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.</p>	Requirement	<p>EYFS (given legal force by Childcare Act 2006)</p> <p>Data Protection Act 2018 and GDPR 2018.</p>
<p>Note: children's learning and development 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>	Recommendation	<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</p>

	Records in relation to safeguarding concerns will also need to be kept in accordance with the Local Safeguarding Children Board's requirements.		after the event) are postponed until the child reaches 18 years old.
Records of any reportable death, injury, disease or dangerous occurrence.	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). The setting will also need to consider whether it is necessary to keep the records for a longer period in light of the circumstances.	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI1995/3163) (as amended)
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.	Until the child reaches age 25 years, or for Looked After Children 75 years.	Requirement	Limitation Act 1980
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).	Six years from time referral made, or for Looked After Children 75 years.	Requirement	Limitation Act 1980
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 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
Risk assessments	As civil claims for injury can be made up to three years after an incident, risk assessments should be kept for at least that period.	Recommendation	RSA insurance
Financial Records	Retention Period	Status	Authority
Accounting records.	Three years for Private Companies Six years for Public Limited Companies. Six years for Charities.	Requirement	Section 386 and 388 of the Companies 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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