Retention Periods for Records

Operational			
Children's Records			
Records	**Retention Period**	**Status**	**Legislation, Guidance and Comments**
Children's records, including: • Attendance registers • Registration forms • Accident records • Medication records • Parental permission forms • Contractual documentation • LA data for funded places • Daily diaries	Records should be retained for a reasonable period of time after children have left the setting, for example 3 to 6 years. As best practice, it's recommended that children's registers are kept as per child protection guidelines (see below). They may need to be used in the future to prove if a child was or was not in your setting.	Requirement	Statutory Framework for the Early Years Foundation Stage Limitation Act – allows for a breach of contract to be brought within a period of 6 years. Normal limitation rules though, are postponed until a child reaches the age of 18 (age 25).
Children's records relating to safeguarding and welfare, including: • Serious complaints • Serious injuries or illnesses • Severe allergies • A child on regular medication	Until the child reaches 25 years of age or 75 for Looked After Children.	Recommendation	Information and Records Management Society 2019 Working Together to Safeguard Children Keeping Children Safe in Education Normal limitation rules though, are postponed until a child reaches the age of 18 (age 25).

Child Protection Records/File which resulted in a referral being made to the local authority, or a child being subject to a children in need plan or child protection plan whilst attending the setting, or police referral.	Until the child reaches 25 years of age or 75 for Looked After Children.	Requirement	Limitation Act
Child Protection Records/File about possible abuse or neglect which resulted in early help (Families in Focus) support services referral being made.	6 years from the time the referral was made or 75 for Looked After Children.	Requirement	Limitation Act
Other records which contain personal information or images of children, parents and carers • Photographs/videos • Websites • Social media posts • Texts • Emails • Apps • Cloud storage	You should keep these records for as long as you are still processing them, based on the consent, so that you can demonstrate your compliance in line with accountability obligations. This means when a child leaves and you are no longer processing these records for them, you don't have to keep them. The exception is if it relates to one of the other categories in this document.	Requirement	Data Protection Act 2018 and UK -GDPR ICO Ensure you have up to date permission from parents to take or post photos online. Registration with ICO (Information Commissioner's Office) may be required.
Records of any reportable death, injury, disease, dangerous occurrence, accident/incident records and risk assessments specific to a child	Until the child reaches 25 years of age. 3 years from the date on which it happened.	Recommendation Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) Ensure you keep full records of notifications made to statutory agencies.

			Check what you need to report to RIDDOR. The requirements are different for different sectors/settings.
Special Educational Needs Files, Education Health and Care Plans and Support Plans	Until the child reaches 25 + 6 years of age.	Recommendation	Limitation Act Information and Records Management Society's Toolkit www.irms.org.uk
Operational Administration			
Records	**Retention Period**	**Status**	**Legislation, Guidance and Comments**
Minutes of staff and room meetings	Date of meeting plus 3 years then review.	Recommendation	Information Management Toolkit for Schools 2019 There may be data protection issues if minutes refer to individual children and/or staff members.
Minutes of Governance meetings eg Trustees	Permanently	Recommendation	Chartered Institute of Personnel and Development
Records of parents' meetings	Date of meeting plus 6 years.	Recommendation	Information Management Toolkit for Schools 2019
Reports created by management, data and cohort analysis	Date of report plus 6 years.	Recommendation	Information Management Toolkit for Schools 2019
Visitor's book and signing in sheets	Current year plus 6 years.	Recommendation	Information Management Toolkit for Schools 2019
Newsletters and other items with short operational use	Current year plus 1 year.	Recommendation	Information Management Toolkit for Schools 2019
Action plans or improvement plans	Life of plan plus 3 years.	Recommendation	Information Management Toolkit for Schools 2019

Records relating to complaints made to and investigated by the setting	General complaints: current year plus 3 years or until Ofsted inspects. Serious complaints: current year plus 6 years. If negligence involved: current year plus 15 years. If child protection or safeguarding issues: current year plus 40 years.	Requirement Recommendation	Statutory Framework for the Early Years Foundation Stage Information Management Toolkit for Schools 2019
Employer liability insurance certificates	No legal requirement to keep out of date certificates but it is recommended to keep them permanently.		HSE - https://www.hse.gov.uk/pubns/hse40.pdf
Other Insurance documents	Recommendations for this varies, keep for a minimum of 7 years but ideally for as long as possible.		
Health and Safety			
Records	**Retention Period**	**Status**	**Legislation, Guidance and Comments**
Risk assessments	Life of risk assessment plus 3 years provided that a copy of the risk assessment is stored with the accident report if an accident/incident has occurred. 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	Information Management Toolkit for Schools 2019 Insurance

Accident records relating to individuals who are over 18 at the time of the incident eg staff, volunteers or parents	3 years after the last entry in the book or when the record was made if made on an individual form. For a book, this means that if it takes 5 years to complete, the book must be retained for a further 3 years from the last entry. Completed records must be kept secure with restricted access.	Requirement	Social Security (Claims and Payments) Regulations 1979 Regulation 25 Social Security Administration Act 1992 Section 8 Limitation Act Data protection Act 2018 and UK GDPR
Accident records relating to individuals who are under 18 at the time of the incident eg staff, students or volunteers (not children attending the setting)	Date of birth plus 22 years or date any insurance claim or compensation payment is made plus 6 years (whichever is the longer).	Requirement	Limitation Act
Health records for Control of Substances Hazardous to Health (COSHH)	Date of incident plus 40 years	Requirement	Control of Substances Hazardous to Health Regulations 2002
COSHH risk assessments and registers	3 years	Recommendation	COSHH Insurance
Records relating to any reportable death, injury, disease or dangerous occurrence (RIDDOR) – for adults and staff	Records should be kept for a minimum of 3 years from the date of the incident.	Requirement	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
Fire log books	Current year plus 3 years.	Recommendation	Information Management Toolkit for Schools 2019
Employment			

Recruitment			
All records leading up to the appointment of a new member of staff – unsuccessful candidates	Date of employment of successful candidate plus 6 months to 1 year.	Recommendation	Information Management Toolkit for Schools 2019 Chartered Institute of Personnel and Development
All records leading up to the appointment of a new member of staff – successful candidates	All relevant information should be added to the staff personnel file.	Recommendation	Information Management Toolkit for Schools 2019 Chartered Institute of Personnel and Development
Pre-employment vetting information – DBS checks	The setting should not keep copies of DBS certificates. If it does, the copy must NOT be retained for more than 6months. We will maintain on employee files the reference number, the date a check was obtained and who obtained it.	Recommendation Requirement	Gov.uk DBS Update Service Employers Guide EYFS (given legal force by Childcare Act 2006)
Pre-employment vetting information – evidence providing the right to work in the UK	To be added to the staff personnel file.		An Employer's Guide to Right to Work Checks (Home Office)
Staff Management			
Personnel files and training records (must contain all information for the staff employed, including application form, references, supervision and appraisals, qualifications, disciplinary	6 years after employment ceases.	Recommendation	Chartered Institute of Personnel and Development Limitation Act

records, working time records and training records).			
Timesheets	Current year plus 6 years.	Recommendation	Information Management Toolkit for Schools 2019
Wage/salary records (including overtime, bonuses and expenses)	6 years after the end of the tax year to which the records relate.	Requirement	Taxes Management Act 1970 Income and Corporation Taxes 1988
Statutory maternity, adoption and paternity pay records	Current year plus 3 years.	Requirement	Statutory Maternity Pay Regulations
Statutory sick pay records	3 years after the end of the tax year to which the records relate.	Requirement	The Statutory Sick Pay Regulations
Sickness absence monitoring	Where sickness pay is not paid – current year plus 3 years. Where sickness pay is paid – current year plus 6 years (because it becomes a financial record).	Requirement	Information Management Toolkit for Schools 2019 Sickness records are categorised as sensitive data. There is a legal obligation under statutory sick pay to keep records for sickness monitoring. Sickness records should be kept separate from accident records.
Redundancy details, calculations of payments and refunds.	6 years from the date of redundancy.	Recommendation	Information Management Toolkit for Schools 2019 Chartered Institute of Personnel and Development
Management of Disciplinary and Grievance Processes			
Allegation of a child protection nature against a member of staff	Until the person's normal retirement age or 10 years from the date of the allegation, whichever is the longer.	Requirement	Working Together to Safeguard Children Keeping Children Safe in Education

	Note: allegations of a malicious nature should be removed from personnel files.		
Disciplinary Proceedings	Oral and first written warning – date of warning plus 6 months. Second written warning – date of warning plus 12 months. Final warnings – date of warning plus 18 months. 6 years after employment ceases. Note: The ACAS Code of Practice on Disciplinary and Grievance Procedures recommends that the employee should be told how long a disciplinary warning will remain current. However, this does not mean that the data itself should be destroyed at the end of the set period. At the end of the effective period for the warning, while the warning will not remain active in relation to future disciplinary matters, a record of what has occurred will be kept.	Recommendation	Information Management Toolkit for Schools 2019 Chartered Institute of Personnel and Development

Financial			
Financial Records			
Accounting Records	6 years	Requirement	Gov.uk Section 386 and 388 of the Companies Act Charities Act 2011 section 131
Copy of self-assessment forms and supporting records of income and expenditure (for self-employed only)	5 years after the self-assessment deadline of 31st January.	Requirement	Gov.uk

The Limitation Act 1980/ Statute of Limitations (Amendment) Act 1991 - You will see either the age of 25 on some information around record keeping. This is due to the fact that an individual can claim for negligently caused personal injury up to 3 year after the event or for deliberately caused personal injury up to 6 years after the event. However, for children, this is postponed until a child reaches 18 years old - 18 + 6 years.