

35. Record Keeping Policy

Version number	Dates produced & approved	Reason for production & revision	Author	Locations	Proposed next review date
V1.0	Nov 2017	Need information so paperwork is held for a long as is legally required.	K Coupe	Dropbox.com Website	2019/20
V2.0	Sept 2018	Reviewed & updated re. GDPR	K Coupe	Dropbox.com Website	2020
V3.0	06 Jan 2020	Inclusion of Trip/Outing consent forms, and update missing info in Children's Records column	K Coupe & E Sellers	Dropbox.com Website	Jan 2022
V4.0	15 Dec 2020	Updated re retention of Furlough records	K Coupe	Dropbox.com Website	December 2022
V5.0	25 Apr 2022	Updated as follows: <ul style="list-style-type: none"> • reference to CIPD document "Retention of HR Records" (29 Jul 20)"; • inclusion of list of associated policies & procedures as per GSCP section 175/157 safeguarding audit 2022 	K Coupe & J Powell	Dropbox.com Website	May 2024
V6-0	12 Oct 23	Confirmation that the Pre-school are not obliged to respond to Freedom of Information requests, as they are not a "public authority".	K Coupe	Dropbox.com Website	Oct 2025
V7.0	26 Feb 2024	References to certain paragraphs in the Early Years Foundation Stage updated.	K Coupe	Dropbox.com Website	Feb 2026
V7.1	24 April 2024	Freedom of Information section updated	K Coupe	Dropbox.com Website Hard Copy	April 2026

Statement of Intent

The Statutory Framework for the Early Years Foundation Stage (EYFS)¹ states that “records relating to individual children must be retained for a reasonable period of time after they have left the provision’. This policy sets out how long we keep documents such as registers, medication records and accident records, as well as child protection information and staffing records.

North Nibley Pre-school’s aim is to keep records and data confidential and locked up in the filing cabinet. Following Data protection policies and procedures.

Retention periods for records

Children’s Records	Retention Period	Status	Authority
Children’s records – including registers, medication records book, accident records and personal files pertaining to the children	Records should be retained for a reasonable period of time (eg. 3 years or until the next Ofsted inspection) after children have left the Pre-school	Requirement	Early Years Foundation Stage – Section 3 Safeguarding and Welfare Requirements (given legal force by Childcare Act 2006)
As above {particularly accident records}	Until the child reaches the age of 21, or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980/The statute of Limitations (Amendment) Act 1991. Normal limitation rules (which means that an individual can claim for negligently caused personal injury up to 3 years, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years old.
Attendance sheets	As above – retained for 3 years after the child/ren have left the Pre-school	Recommendation	Early Years Foundation Stage – Section 3 Safeguarding and Welfare Requirements (given legal force by Child Care Act 2006)
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date on which it happened	Requirement	The reporting of injuries, diseases and dangerous occurrence regulations 2013 (RIDDOR)

¹ See latest version para 3.80

Personnel Records	Retention Period	Status	Authority
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development
Parental Leave	18 years from the birth of the child	Recommendation	Chartered Institute of Personnel and Development (CIPD) factsheet "Retention of HR Records" 29 July 2020
Flexible working requests	18 months following any appeal. This is because a further request cannot be made for 12 months following a request plus allowing for a 6 month tribunal limitation period on top.	Recommended	Chartered Institute of Personnel and Development (CIPD) factsheet "Retention of HR Records" 29 July 2020
Application forms and interview notes (for unsuccessful candidates)	6 months to 1 year in case a claim is made for discrimination	Recommendation	Chartered Institute of Personnel and Development
Disclosures and Barring Service (DBS) check	6 months after leaving employment. Ongoing suitability forms should be kept up to date whilst the staff member is in employment. Recommended that these are kept with personnel records for 6 years after employment ceases.	Requirement	DBS Code of Practice The following basic information should be retained but a copy of the certificate should not be held on file: date of issue, the name of the company that processed the DBS, the name of the subject, the type of disclosure, the position for which the disclosure was requested, the unique reference number, and the details of the recruitment decision.
Right to work in the UK checks	2 years after employment ends	Recommended	Home Office recommended practice
Terms and conditions including offers, written	review 6 years after employment ceases or the terms are suspended	Recommended	Chartered Institute of Personnel and Development (CIPD) factsheet "Retention of

Personnel Records	Retention Period	Status	Authority
particulars, and variations			HR Records” 29 July 2020
Termination of employment, eg. early retirement, severance or death in service	At least 6 years although the ICO ² 's retention schedule suggests until the employee reaches 100!	Recommended	Chartered Institute of Personnel and Development (CIPD) factsheet “Retention of HR Records” 29 July 2020
First Aid Training All early years staff are Paediatric First Aid trained (as per EYFS para 3.29-3.32)	6 years after employment	Requirement	Health and Safety (First Aid) Regulations 1981
Child protection allegations against any member of the team (paid or unpaid): clear and comprehensive summary of allegations made, how allegations were followed up and resolved, action taken, decision reached.	At least until the person reaches normal retirement age, or 10 years if longer, in the person's confidential personnel file. Copy also given to the individual	Requirement	The National Society for the Prevention of Cruelty for Children (NSPCC)

Pay Records	Retention period	Status	Authority
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records, calculations, certificates (Mat B1s) or other medical evidence	3 years after the end of the tax year(s) in which the maternity period ends	Requirement	The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended, Maternity & Paternity Leave Regulations 1999
Statutory Sick Pay (SSP) records, calculations, certificates, self-certificates	Employers must keep sickness records to best suit their business needs. It is advisable to keep records for at least 6 months after the end of the period of sick leave in case	Recommendation	The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55), abolished the former obligation on employers to keep these records.

² Information Commissioner's Office

Pay Records	Retention period	Status	Authority
	<p>of a disability discrimination claim.</p> <p>However, if there is a personal injury claim, the limitation is 3 years.</p> <p>If there is a contractual claim for break of an employment contract, it may be safer to keep records for 6 years after the employment ceases.</p>		
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of redundancy	Recommendation	Chartered Institute of Personnel and Development
Pension records	6 years plus the current year	Requirement	Pension Scheme Act 2017 (original 1993) The Pension Regulator – requires that there should be evidence that staff have been written to (either letter or email not just a discussion)
References	At least one year after the reference is given to meet the limitation period for defamation claims	Recommended	Chartered Institute of Personnel and Development (CIPD) factsheet “Retention of HR Records” 29 July 2020
Working time records including overtime, annual holiday, jury service, time off for dependents etc.	2 years from date on which they were made	Requirement	The Working Time Regulations 1998 (SI 1998/1833)
Furlough records <ul style="list-style-type: none"> - each furlough agreement; - record of hours worked/not worked 	a minimum of 5 years	Requirement	ACAS guidance (link)

Health & Safety Records	Retention Period	Status	Authority
Staff accident records (for organisations with 10 or more employees)	3 years after the date of the last entry (there are separate rules for 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 of which it happened	Requirement	The reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR ³)
Accident/medical records as specified by the control of Substances Hazardous to Health Regulations (COSHH) 2002	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Assessments under Health & Safety Regulations and records of consultations with safety representative and committees	Permanently	Recommended	Chartered Institute of Personnel and Development (CIPD)
Health and Safety Representatives and employees' training	5 years after employment	Requirement	Health and Safety (Consultation with Employees) Regulations 1996, Health and Safety Information for Employees Regulation 1989

Financial Records	Retention Period	Status	Authority
Accounting records	6 years for charities 6 years for CIO ⁴ s 6 years for public limited companies 3 years from the end of the financial year for private companies	Requirement	Charities Act 2011 CIO (General) Regulations 2012 Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006

³ The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

⁴ Charitable Incorporate Organisations

Financial Records	Retention Period	Status	Authority
Income tax and National Insurance returns, income tax records and correspondence with HMRC	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, eg by The Income Tax (Employments) (Amendment No 6)
Invoices for capital items (eg. buildings/vehicles)	10 years	Requirement	Charities Act 2011 Companies Act 2006 and HMRC
Nursery Education Funding Forms (including Extended Hours Declaration Forms)	Minimum of 6 years	Requirement	Gloucestershire County Council Provider Agreement
Local Authority Provider Agreement	6 years	Recommendation	Gloucestershire County Council
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

Administration records	Retention period	Status	Authority
Complaints record book	At least 3 years from the date of the last record	Requirement	Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)
Employers' Insurance liability documents	No legal requirement to keep copies of out-of-date certificates since 2008. Recommendation is to keep a complete record	Recommendation	Health and Safety Executive
Fire Warden Training	6 years after employment	Requirement	Fire Precautions (Workplace) Regulations 1997
Minutes/Minute books	10 years from date of meeting for companies	Requirement	Companies Act 2006
	6 years from date of meetings for CIOs	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012
	Permanently	Recommendation	Chartered Institute of Personnel and Development (CIPD)

Administration records	Retention period	Status	Authority
Other Insurance certificates	No legal requirement to keep copies of out-of-date certificates since 2008. Recommendation to keep complete record.	Recommendation	Health and Safety Executive
Subject Access Requests (GDPR/DPA)	1 year following completion of the request	Requirement	Data Protection Act 2018
Trip/Outing consent forms	No legal requirement 12 months from date of trip.	Recommendation	PATA advise to keep forms for 12 months, unless there had been an issue, ie. accident/incident, on the trip/outing

Closing the setting

In the unlikely event of North Nibley Pre-school closing, the setting will contact Gloucestershire County Council in relation to storing records and seek advice from the Information Commissioner's Office website (www.ico.org.uk) with regards to Data Protection.

General Data Protection Regulations (GDPR) (May 2018)/DPA 2018

GDPR follows the principle that information must not be kept for any longer than is necessary for a particular purpose. However, other statutory requirements must be observed, particularly in the case of information relating to children. In general, we will

- review the length of time we keep personal data;
- consider the purpose or purposes we hold the information for in deciding whether (and for how long) to retain it;
- securely delete information that is no longer needed; and
- update, archive or securely delete information if it goes out of date.

Freedom of Information Act 2000 (FOIA)

The FOIA enables individuals and organisations to access information from public authorities. Charities are not "public authorities" and so are not directly subject to FOIA's requirements⁵. If a genuine FOIA request is received, rather than a GDPR Subject Access Request (SAR), the enquirer will be informed that North Nibley Pre-school is not obliged to provide the information. If known, we will direct the enquirer to any publicly available sources or a public authority that may have access to it. However, North Nibley Pre-school would be required to comply with any requests for personal data under the data protection legislation.

⁵ Part IV Schedule 1 of the legislations includes maintained schools and nursery schools, not Charity pre-schools, thus section 43 re "public authorities" does not apply.

Associated policies and procedures

- No 11 : Health and safety
- No 18 : Employment and staffing
- No 36 : Data collection and information sharing
- No 37 : E-Safety
- No 41 : Data Subject Access Requests
- No 45 : Cloud Storage
- No 46 : Financial controls