

Record Keeping

5.6 Retention Periods for Records

Policy Statement for St Joseph's Out of School Club

The Statutory Framework for the Early Years Foundation Stage (EYFS) 2017¹ 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.

St Joseph's Out of School Club's aim is to keep records and data confidential and locked up in the filing cabinet. Following Data protection policies and procedures².

Children's Records

Children's records -including registers, medication record books, accident record books, personal files pertaining to the children.	Requirement: A reasonable period of time (eg. 3 years or until the next Ofsted inspection) after children have left the provision. <i>EYFS Welfare Requirement (given legal force by Childcare Act 2006)</i> Recommendation: Until the child reaches the age of 21, or until the child reaches the age of 24 for child protection records. <i>Limitation Act 1980</i> 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	Requirement: 3 years after the date the record was made. <i>The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)</i>

Health and Safety Records

Records of any reportable death, injury, disease or dangerous occurrence.	Requirement: 3 years after the date the record was made. <i>RIDDOR</i>
Staff accident records (for organisations with 10 or more employees)	Requirement: 3 years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances). <i>Social Security (Claims and Payments) Regulations 1979</i>
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations	Requirement: 40 years from the date of the last entry. The Control of Substances Hazardous to Health Regulations 2002 (COSHH)

¹ See para 3.72

² See Policy 5.4 Data Protection

Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Requirement: Permanently. <i>Chartered Institute of Personnel and Development</i>
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Personnel Records

Personnel files and training records (including disciplinary records and working time records)	Recommendation: Six years after employment ceases. <i>Chartered Institute of Personnel and Development</i>
Application forms and interview notes (for unsuccessful candidates)	Recommendation: Six months to one year in case a claim is made for discrimination <i>Chartered Institute of Personnel and Development</i>
Disclosures and Barring Service (DBS) Check	Requirement: Six months after leaving employment. <i>DBS Code of Practice</i> 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 taken. 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 six years after employment ceases.
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, decisions reached.	Requirement: 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. <i>National Society for the Prevention of Cruelty for children NSPCC</i>

Staff payroll records and information

Wage/salary records (including overtime, bonuses and expenses)	Requirement: Six years plus the current year. <i>Taxes Management Act 1970</i>
Pension Records	Requirement: Six years plus the current year. <i>Pensions Scheme Act 2017 (original 1993)</i> <i>The Pension Regulator - requires that there should be evidence that staff have been written to (either letter or email not just a discussion)</i>
Statutory Maternity Pay (SMP) records	Requirement: Three years after the end of the tax year to which they relate.

	<i>The Statutory Maternity Pay (General) Regulations 1986)</i>
Statutory Sick Pay (SSP) records	Requirement: Three years after the end of the tax year to which they relate. <i>The Statutory Sick Pay (General) Regulations 1986</i>
Income Tax and National Insurance returns/records	Requirement: At least three years after the end of the tax year to which they relate. <i>The Income Tax (Employments) Regulations 1993 (as amended)</i>
Redundancy details, calculations of payments, refunds, notifications to the Secretary of State	Recommendation: Six years from the date of redundancy. <i>Limitation Act 1980</i>

Financial records

Accounting records	Requirement: Six years for charities <i>Charities Act 2011</i> Six years for CIOs <i>CIO (General) Regulations 2012</i> Six years for public limited companies. Three years from the end of the financial year for private companies. <i>Companies Act 2006</i>
Invoices for capital items (eg. buildings/vehicles)	Requirement: Ten years. <i>Charities Act 2011, Companies Act 2006 and HMRC</i>
Nursery Education Funding forms (including Extended Hours Declaration forms)	Recommendation: Six years <i>Gloucestershire County Council Provider Agreement</i>

Administration Records

Minutes/minute books	Requirement: Ten years from date of meeting for companies. <i>Companies Act 2006</i> Requirement: Six years from date of meeting for CIOs <i>The Charitable Incorporated Organisations (General) Regulations 2012</i> Recommendation: Permanently <i>Chartered Institute of Personnel and Development</i>
Complaints record book	Requirement: At least three years from the date of the last record. <i>Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)</i>
Employers' liability insurance records	Recommendation: No legal requirement to keep copies of out-of-date certificates since 2008.

³ Charitable Incorporated Organisations

	Recommendation is to keep complete record. <i>Health and Safety Executive</i>
Other insurance certificates	Recommendation: No legal requirement to keep copies of out-of-date certificates since 2008. Recommendation is to keep complete record. <i>Health and Safety Executive</i>

Closing Settings

In the unlikely event of St Joseph's Out of School Club 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 and Freedom of Information.

General Data Protection Regulations (GDPR) (May 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

Version Number	Author	Purpose of change	Date
1.0	NP and HS	Updating policies	23.01.2023