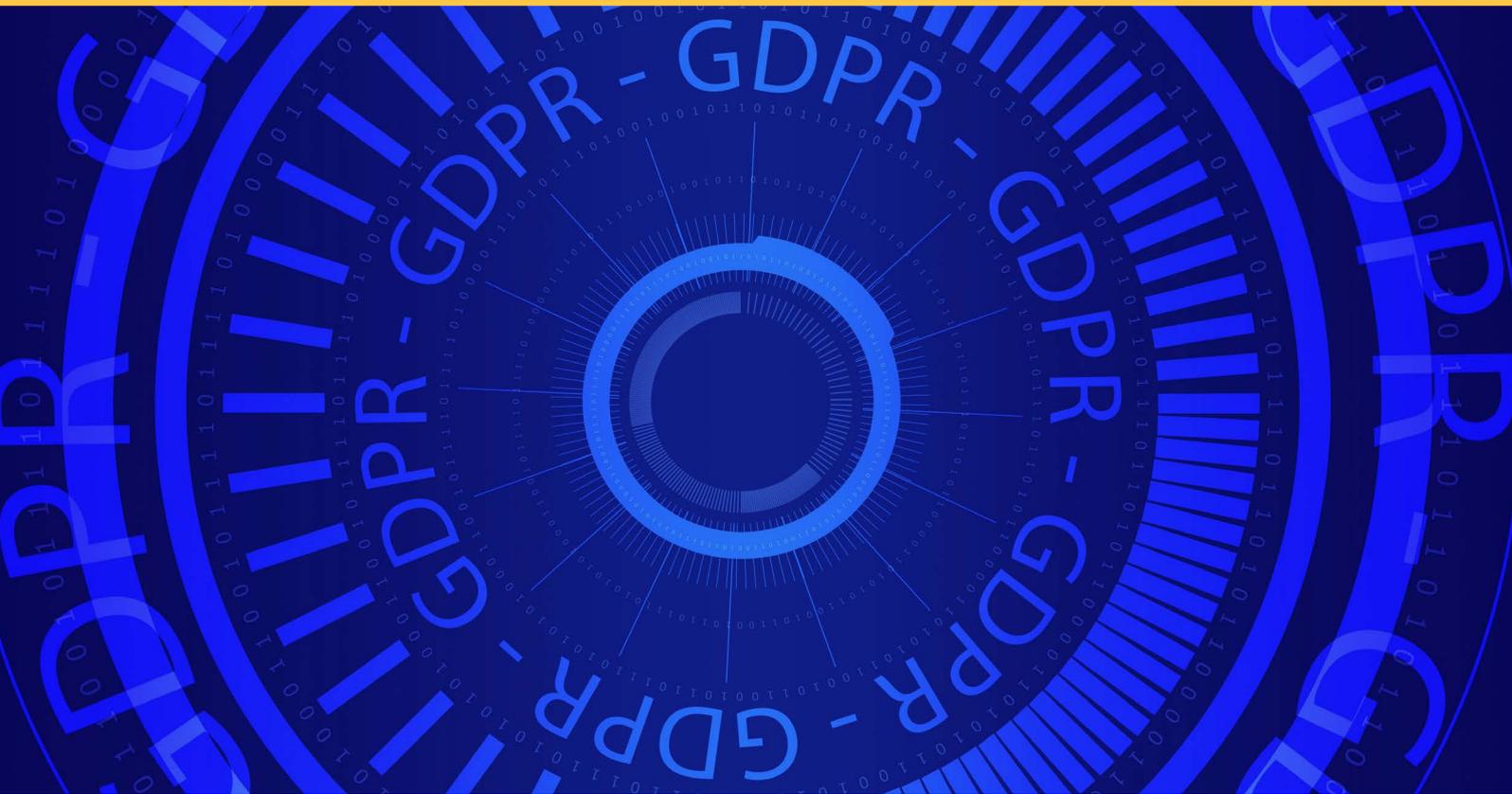


Herefordshire Records Management

A Practical Guide to Record Keeping and Retention Periods



This practice guide aims to provide guidance on the legal and recommended retention periods for records kept by Early Years Providers.

Retention schedule for private, voluntary and independent Early Years Settings

This retention schedule contains recommended retention periods for the different records created and maintained by Private, Voluntary and Independent Early Years Settings in the course of their business.

The schedule refers to all information regardless of the media in which it is stored.

Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the General Data Protection Regulations and Data Protection Act 2018.

Managing record series using these retention guidelines will be deemed to be “normal processing” under the legislation mentioned above. If records are to be kept for longer or shorter periods than laid out in this document the reasons for this need to be documented.

The template and content for this schedule have been provided by the Records Management Society of Great Britain, and tailored to the local requirements of Private, Voluntary and Independent Early Years Settings.

This schedule should be reviewed on a regular basis.

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This guide covers:

- The different types of records you may hold:
 1. Operational (including Children's Records)
 2. Financial
 3. Employment
 4. Health and Safety Records
 5. Administration records
 6. Property records
- The legal and recommended retention period for records.
- Signposting for further advice.

1. The purpose of the retention schedule

A retention schedule documents the length of time for which records need to be retained, and the action which should be taken when records reach the end of their retention period.

Members of staff are expected to manage their records using the retention schedule, and when creating new classes of records, to ensure that the new record class is added to the schedule.

This retention schedule refers to all information, regardless of the media in which it is stored.

2. Benefits of a retention schedule

There are a number of benefits which arise from the use of a complete retention schedule:

- a. Managing records against the retention schedule is deemed to be “normal processing” under the General Data Protection Regulations and Data Protection Act 2018. Provided members of staff are managing records using the retention schedule they cannot be found guilty of unauthorised destruction of files once a data subject access request has been made.
- b. Members of staff can be confident about destroying information at the appropriate time.
- c. Information which is subject to Data Protection legislation will be available when required.
- d. The setting is not maintaining and storing information unnecessarily, and thus has optimum storage space for records.

3. Maintaining and amending the retention schedule

Where appropriate the retention schedule should be reviewed and amended to include any new record class created, and to remove any obsolete record series.

4. What to do with records once they have reached the end of their administrative life

4a Destruction of records

Where records have been identified for destruction they should be disposed of in an appropriate way. All records containing personal information, or sensitive commercial or policy information should be disposed of using shredding, or pulping with a confidential waste company.

It is good practice to maintain a list of records which have been destroyed and who authorised their destruction. Members of staff should list:

- File reference (if used)
 - File title or brief description
 - Number of files
 - The name of the authorising officer
 - The date of destruction
- For example: Copy invoices 1998 – 2002 (3 box files)

4b Transfer of records to the Archives

Where records have been identified as being worthy of permanent preservation, arrangements should be made to transfer the records to the Archives.

4c Transfer of records to storage

Consider keeping electronic records and document scanning of paper records as an alternative to storing paper records.

Where records are not needed on a regular basis, but still need to be retained for some time until they reach the end of their retention period, they can be stored in the Modern Records Unit. There is an annual charge for this, though any advice on storage whether in the Modern Records Unit or not is free. Please contact the Records Management Service for more information.

In the retention schedule, where “Retain in the setting for first year after file closure, then transfer to storage” is given, this means to keep the records readily available, perhaps within any administration area, for a year, and then to transfer them to a secure place of storage, which could include the Modern Records Unit or another area within the setting itself if there is space.

5. Useful Contacts

Records Management Service
Modern Records Unit
Merchant House
Burcott Road
Hereford
HR4 9LW
Tel: (01432) 260112
Email: mru@herefordshire.gov.uk

Herefordshire Archives and Record Centre,
Fir Tree Lane,
Rotherwas,
Hereford
HR2 6LA
Tel: (01432) 260750

6. Retention Schedule

Records	Retention Period	Comment	Action at the end of the administration life of the record
Operational Records			
Admission registers	Date of last entry in the book (or file) + 25 years.	After that period the records should be destroyed.	Retain in the setting then transfer to storage.
Children's Records including: Attendance register. Medication records. Parental permission forms. Complaints book. Contractual documentation. L/A data for funded children. Daily Diaries	Standard cases – recommended: six years after the child has left the setting. Special circumstances e.g.: 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. Seek legal advice – see comment for further details.	Standard cases – after that period the records should be destroyed unless legal action is pending. Special circumstances - recommend you take legal advice in special circumstances. Recommend retaining records until the child reaches 25 years of age , but after that period the records should be destroyed. You should also take legal advice about making and retaining copies, particularly if you are required to provide information to a third party.	

Records	Retention Period	Comment	Action at the end of the administration life of the record
Operational Records			
<p>Other records which may contain personal information or images of children or families.</p> <p>Photographs/videos. Websites. Social media posts. Texts. Emails. Apps. Cloud storage.</p>	<p>Keep photographic/video/audio-visual permissions given by parents on behalf of children for 21 years and 6 months.</p>	<p>After that period the records should be destroyed</p> <p>Ensure you have up-to-date permission from parents to take and /or post online photos or videos.</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 relating to individual children e.g. Special Educational Needs files, reviews, Individual Education Plans, Care Plans, Early Help Assessments, speech and language referral forms, EHC Plans, attainment records.</p>	<p>These would usually be passed on to the child's next school or setting.</p> <p>DOB of the child + 35 years.</p>	<p>After that period the records should be destroyed unless legal action is pending.</p>	

Records	Retention Period	Comment	Action at the end of the administration life of the record
Operational Records			
<p>Accidents reportable to Ofsted and other organisations such as RIDDOR. Records of any reportable death, injury, disease, dangerous occurrence (for children).</p>	<p>As these incidents could result in potential negligence claims, or evolve into a more serious health condition, records must be kept until the child reaches the age of 21 years and 3 months.</p> <p>Types of Accidents: Fractures, broken limbs, serious head injuries, hospitalised.</p>	<p>After that period the records should be destroyed unless legal action is pending.</p>	<p>Retain in the setting for one year after file closure, then transfer to storage.</p>
<p>Accidents and pre-existing injuries forms.</p>	<p>If relevant to child protection it is recommended these are kept for the recommended Local Safeguarding Children Boards retention period until the child/young person has reached 25 years. As best practice it is recommended that registers relating to any child protection records are kept as per child protection guidelines. They may need to be used in the future to prove if a child was or was not attending your setting.</p>	<p>After that period the records should be destroyed unless legal action is pending.</p>	<p>Retain in the setting for the first year after file closure, then transfer to storage.</p>

Records	Retention Period	Comment	Action at the end of the administration life of the record
Operational Records			
Safeguarding Records and Cause for Concern forms.	It is recommended these are kept for the recommended Local Safeguarding Children Boards retention period until the child/young person has reached 25 years old.	After that period the records should be destroyed unless legal action is pending.	
Visitors' book.	As a minimum this must be kept between inspection periods. Seek legal advice if a special circumstance, see above.	After that period the records should be destroyed unless legal action is pending.	Destroy, or transfer to Herefordshire Record Office for future historical research.
Records relating to Looked After Children.	It is recommended you retain records for 25 years after closure.	After that period the records should be destroyed unless legal action is pending.	Retain in the setting for one year after file closure, then transfer to storage.
Any other records created in the course of contact with a child.	Current year + 3 years.	Review at the end of 3 years and either allocate a further retention period or destroy.	
Exclusions and Appeals.	25 years after last action.	After that period the records should be destroyed unless legal action is pending.	Retain in the setting then transfer to the child's primary school.

Records	Retention Period	Comment	Action at the end of the administration life of the record
Operational Records			
Risk assessments.	Minimum of 7 years from the date recorded unless need to be kept following a special circumstance as above.	After that period the records should be destroyed unless legal action is pending.	
Ofsted Reports.	As a minimum this must be kept between inspection periods.	After that period review to see whether it is still required.	Transfer to Herefordshire Record Office.
Data protection audit.	It is recommended you review and update annually and retain records for 6 years from the date of the audit.	After that period the records should be destroyed unless legal action is pending.	

Records	Retention Period	Comment	Action at the end of the administration life of the record
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Operational Records

<p>Observation, planning and assessment records of children.</p>	<p>As good practice it is recommended that you keep planning since the last inspection so there is a paperwork trail if the inspector would like to see it. These can be stored on a data file and do not necessarily need to be in paper form.</p> <p>You may also choose to keep a copy of some of these as evidence of how/if these have been developed/improved over time as evidence for self-evaluation and continuous improvement.</p> <p>Usually information and assessments about individual children would either be given to parents when the child leaves or the next setting/school that the child moves to (with parents' permission).</p>	<p>Records should be retained for 3 years after children have left the provision. After that period the records should be destroyed.</p>	
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Records	Retention Period	Comment	Action at the end of the administration life of the record
Financial Records			
<p>Copy of self-assessment forms and supporting records of income and expenditure, including:</p> <ul style="list-style-type: none"> Bank statements. Bank paying-in slips. Bank reconciliation. Receipts. Invoices. Petty cash book. Accounts book/ records. Cheque books and counterfoils. Cancelled cheques. Returned cheques. Order books and requisitions. Credit notes. Delivery notes. Annual accounts summary report. Budget records. Debtors accounts. Grant claim letters. Loans. 	<p>Standard cases – 5 years following the self-assessment deadline of 31 January.</p>	<p>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.</p> <p>If HMRC makes an enquiry into a return you have submitted you must keep the return until that enquiry is completed.</p>	<p>Destroy.</p>
<p>Record of closing ledgers.</p>	<p>Current year + 7 years.</p>		<p>Destroy.</p>
<p>Insurance documents.</p>	<p>Standard cases – keep for 6 years after the year to which the information relates.</p> <p>Seek legal advice if a special circumstance, see above.</p>	<p>The Local Authority recommends that you keep a complete record of all insurance policies which you have taken out.</p>	<p>Review to see whether still required.</p>

Records	Retention Period	Comment	Action at the end of the administration life of the record
Personnel Records			
Personnel files and training records (including disciplinary records, Professional development records, annual appraisal records and working time records).	HMRC & employment law is 6 years and 11 months for business records and staff wages etc. Some revert to the default timeline of 7 years to avoid confusion and ensure compliance.	After that period the records should be destroyed.	Retain in the setting for the first year, then transfer to storage.
Application forms and interview notes (for unsuccessful candidates).	You can state your own timeline here however, the average is between 6 months to 1 year. Ensure it is written in your Data Protection Policy or inform candidates on your application form so they are fully aware of your procedures for retaining and destroying their personal information.	After that period the records should be destroyed.	
Redundancy details, calculations of payments, refunds, notification to the Secretary of State.	HMRC & employment law is 6 years and 11 months for business records and staff wages etc. Some revert to the default timeline of 7 years to avoid confusion and ensure compliance.	After that period the records should be destroyed.	

Records	Retention Period	Comment	Action at the end of the administration life of the record
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Disciplinary Proceedings

Oral warning.	Date of warning + 6 months.	After that period the records should be destroyed.	
Written warning.	Level 1 - Date of warning + 6 months. Level 2 - Date of warning + 12 months.	After that period the records should be destroyed.	
Final warning.	Date of warning + 18 months.	After that period the records should be destroyed.	
Case not found.		If child protection related such information should be retained on file, including people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years from the date of the allegation if that is longer.	

Records	Retention Period	Comment	Action at the end of the administration life of the record
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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.	After that period the records should be destroyed.	
CVs, application forms and interview notes (successful candidates).	Keep for 6 years after employment ceases.	After that period the records should be destroyed.	

Records	Retention Period	Comment	Action at the end of the administration life of the record
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Childminders Employing Assistants and/or staff

<p>DBS check/Disclosure Information.</p> <p>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.</p>	<p>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.</p> <p>The Local Authority recommend these details are kept for six years after the member of staff has left, in line with other staff records.</p>	<p>After that period the records should be destroyed.</p>	
<p>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).</p>	<p>Keep for 6 years after employment ceases.</p> <p>You must ensure that any sensitive information (e.g. sickness records) is kept in a secure place and separated out from non-sensitive information.</p>	<p>After that period the records should be destroyed.</p>	
<p>Wage/salary records (including overtime, bonuses and expenses).</p>	<p>Keep for 6 years after the end of the tax year to which the records relate.</p>	<p>After that period the records should be destroyed.</p>	
<p>Statutory maternity, adoption and paternity pay records.</p>	<p>Three years after the end of the tax year in which the maternity period ends.</p>	<p>After that period the records should be destroyed.</p>	

Records	Retention Period	Comment	Action at the end of the administration life of the record
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Childminders Employing Assistants and/or staff

Statutory sick pay records.	Three years after the end of the tax year to which the records relate.	After that period the records should be destroyed.	
Redundancy details, calculations of payments, refunds, notification to the Secretary of State.	Six years from the date of redundancy.	After that period the records should be destroyed.	

Records	Retention Period	Comment	Action at the end of the administration life of the record
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Risk Assessments

Risk Assessments.	There is no set guidance for this, but we would recommend that you should keep the assessments for at least three years, just in case there is a claim that needs to be backdated. Although there is low exposure for things like industrial diseases and asbestos related conditions in childcare, those with older premises may have asbestos and therefore claims can go back for a number of years, so it is best practice to keep the risk assessments and management plans and then archive them.	After that period the records should be destroyed.	
Records of any reportable death, injury, disease or dangerous occurrence (for staff).	Three years from the date the record was made.	After that period the records should be destroyed.	
Staff accident records (for organisations with 10 or more employees).	Three years from the date the record was made (there are separate rules for the recording of accidents involving hazardous substances).	After that period the records should be destroyed.	

Records	Retention Period	Comment	Action at the end of the administration life of the record
Risk Assessments			
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH).	Forty years from the date of the last entry.	After that period the records should be destroyed.	
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees.	Permanently.		
Fire Precaution log books.	Current year + 6 years.	After that period the records should be destroyed.	Retain in the setting for first year after file closure, then transfer to storage.
Accounting records.	HMRC & employment law is 6 years and 11 months for business records and staff wages etc. Some revert to the default timeline of 7 years to avoid confusion and ensure compliance.	After that period the records should be destroyed.	

Records	Retention Period	Comment	Action at the end of the administration life of the record
Administration Records			
Complaints record book.	At least 6 years from the date of the last record or revert to the default timeline of 7 years.	Retain in the setting for the first year after file closure, then transfer to storage.	Retain in the setting for the first year after file closure, then transfer to storage.
Visitors/signing in book.	As a minimum this must be kept between inspection periods. Seek legal advice if a special circumstance, see above.	After that period the records should be destroyed unless legal action is pending.	Destroy, or transfer to Herefordshire Record Office for future historical research.
Limited Companies Minutes and Resolutions.	HMRC states to retain for 10 years.	After that period the records should be destroyed.	
Closing nurseries.	It is recommended that the nursery contact their Local Authority in relation to storing records and seek advice from the Data Protection and Freedom of Information website: ico.org.uk		
Inventories of equipment and furniture.	Current year + 6 years.	Destroy.	Retain in the setting for the first year after file closure, then transfer to storage.
Setting brochure/prospectus.	Current year + 3 years.		Destroy, or transfer to Herefordshire Record Office for future historical research.

Records	Retention Period	Comment	Action at the end of the administration life of the record
Property Records			
Title Deeds.	Permanent.	These should follow the property.	
Plans.	Permanent.	Retain in the setting whilst operational.	
Maintenance and contractors records: Maintenance log books. Contractors Reports.	Current year + 6 years.	Destroy.	
Leases.	Expiry of lease + 6 years.	Destroy.	
Lettings.	Current year + 3 years.	Destroy.	
Condition survey report.	Retain until superseded by next Condition Report.	Destroy.	

Further information

- Advisory booklet – personal data and record keeping <https://goo.gl/pSRqVy>
- Data Protection Act (1998) <https://goo.gl/brW8VA>
- General Data Protection Regulation (Regulation (EU) 2016/679) <https://goo.gl/wbgP8v>
- Limitation Act (1980) <https://goo.gl/qpazSh>
- Health and Safety Executive - Reporting injuries, diseases and dangerous occurrences in health and social care <https://goo.gl/eWDi9q>
- Freedom of Information Act (2000) <https://goo.gl/ir66R6>
- HMRC
- The Early Years Foundation Stage

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