



RETENTION PERIODS FOR RECORDS POLICY

SMARTIES PRE SCHOOL & OUT OF SCHOOL CLUB

POLICY STATEMENT

We recognise that by efficiently managing our records, we will be able to comply with legal and regulatory obligations and to contribute to the effective overall management of Smarties Preschool & Out of School Club. Records provide evidence for protecting the legal rights and interests of Smarties, and provide evidence for demonstrating performance and accountability.

This policy applies to all records created, received or maintained by staff of Smarties in the 'course of carrying out our functions. Records are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created or received, and then stored, in hard copy or electronically.

Procedures

We have a responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Registered Person (Committee).

The person responsible for records management in Smarties will give guidance about good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely way. They will also monitor compliance with this policy by surveying at least annually to check if records are stored securely and can be accessed appropriately.

Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance With the Smarties records management guidelines.

The following is a list of required and recommended retention records for records which Smarties will follow.

CHILDRENS RECORDS

- Children's records - including registers, registration forms, medication record books and accident record books pertaining to the children
 - Requirement - Records should be retained for a reasonable period of time (for example 3 years) after children have left the provision (Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)) Individual Providers should determine how long to retain records relating to children.
 - Recommendation - Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records (Limitation Act 1980/The Statute of Limitations (Amendment) Act 1991. Norma/ limitation rules (which mean that an individual can claim for negligently caused persona/ injury up to 3 years after, or deliberately caused persona/ injury up to 6 years after the event) are postponed until a child reaches 18 years old)
- Records of any reportable death, injury, disease or dangerous occurrence Requirement - 3 years after the date on which it happened (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (S/ 1995/3163)



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PERSONNEL RECORDS

- Personnel files and training records (including disciplinary records and working time records)
 - Recommendation - 6 years after employment ceases (Chartered Institute of Personnel)
- Application forms and interview notes (for unsuccessful candidates)
 - Recommendation - 6 months to 1 year (Chartered Institute of Personnel)
- DBS Check/Disclosure information
 - Requirement - Until the date of Ofsted inspection (Criminal Record Bureau Organisations that are subject to Ofsted inspections are entitled to retain Disclosure certificates until the date of inspection, after which only the following basic information may be retained and the Disclosures should be securely destroyed in line with the DBS Code of Practice: the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure, the details of the recruitment decision taken)
- Wage/salary records (including overtime, bonuses and expenses)
 - Requirement- 6 years (Taxes Management Act 1970)
- Statutory Maternity Pay (SMP) records
 - Requirement - 3 years after the end of the tax year in which the maternity period ends (The Statutory Maternity Pay (General) Regulations 1986)
- Statutory Sick Pay (SSP) records
 - Requirement - 3 years after the end of the tax year to which they relate (The Statutory Sick Pay (General) Regulations 1982)
- Income tax and National Insurance returns/records
 - Requirement - At least 3 years after the end of the tax year to which they relate (The Income Tax (Employments) Regulations 1993)
- Redundancy details, calculations of payments, refunds, notification to the Secretary of State
 - Recommendation - 6 years from the date of redundancy (Chartered Institute of Personnel)

HEALTH AND SAFETY RECORDS

- Staff accident records (for organisations with 10 or more employees)
 - Requirement - 3 years after the date of the last entry (there are separate rules for the recording of accidents involving hazardous substances) (Social Security (Claims and Payments) Regulations 1979 (SI 1979/628))
- Records of any reportable death, injury, disease or dangerous occurrence
 - Requirement - 3 years after the date on which it happened (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (S/ 1995/3163))
- Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)1999
 - Requirement - 40 years from the date of the last entry (The Control of Substances Hazardous to Health Regulations 1999 (COSHH) (S/ 1999/437))
- Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees
 - Recommendation - Permanently (Chartered Institute of Personnel)



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FINANCIAL RECORDS

- Accounting records
 - Requirement – 3 years for private companies, 6 years for public limited companies 6 years for charities (Section 221 of the Companies Act 1985 Charities Act 1993)
 - Sales Contracts 6 years after agreement ends
 - Purchasing Contracts 6 years after agreement ends
 - Stock Inventories 10 years
 - Published Accounts Permanently
 - Taxation Returns Permanently
 - External Audit Reports Permanently
 - Cheques 6 years
 - Bank Statements 6 years
 - Cash Statements 6 years
 - Deeds of Covenant 12 years after final payment
 - Primary Salaries & Wages Records 7 years
 - Expense Accounts 7 years
 - Pension Scheme Records Permanently
 - Year-end BCR (electronic) 6 years
 - In-Year BCR's (electronic) 3 years
 - Funding Forms (completed parent/carer declaration) 6 years
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 - **General**
 - Insurance Policies (Excluding Liability) 6 years after lapse
 - Liability Insurance Policies Permanently / Indefinitely
 - Insurance Claims 6 years after settlement
 - Insurance Schedules 10 years
 - Committee/Preschool Meeting Minutes Permanently

More detailed information on retention of financial records is provided in Finance in Early Years Settings (Ref: A078) Pre-school Learning Alliance

ADMINISTRATION RECORDS

- Complaints record book
 - Requirement – At least 3 years from the date of the last record (Early Years
 - Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)
- Insurance liability documents
 - Requirement – 40 years from date of issue (The Employers' Liability (Compulsory Insurance) Regulations 1998)
- Minutes/minute books
 - Recommendation – Permanently (Chartered Institute of Personnel)



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PROCEDURE FOR STORING RECORDS OFF-SITE

Ofsted regulates all provisions in accordance with the Early Years Foundation Stage and the Registration requirements of the Childcare Register (Annex C). Section 3.69 advises that records must be easily accessible and available (with prior agreement from Ofsted or the childminder agency with which they are registered, these may be kept securely off the premises).

Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them. Providers must be aware of their responsibilities under the Data Protection Act (DPA) 1998 and where relevant the Freedom of Information Act 2000.

Further information can be found on the website of the Information Commissioners Office at www.ico.gov/for_organisations/data_protection.aspx

Email Ofsted to inform them and wait for a response.

The provider or Nominated Individual would need to send the request in writing to for the attention of the regulatory team. This request can be emailed to enquires@ofsted.gov.uk, faxed to 0300 123 3159 or posted to:

Regulatory Team
Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

In any request, they will need to know the following:

- Which records you wish to keep off premises
- How they are kept confidential
- How you have risk assessed their storage and transportation
- How will you ensure records are only accessible to those who have a right or professional need to see them

In terms of keeping children's records off site please advise:

- why you are not able to organise for staff to update records on the premises How will you keep children's identity private
- Confirm the records will contain no images of children
- What will you do if the staff member is sick or leaves without returning the records



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Once Ofsted have given permission to keep records off-site:

- Ensure that all staff and parents are fully aware of the arrangements and that they have been approved by Ofsted. Inform parents of the security measures in place e.g. Computer – for example, password protection and virus protection are both used or paper – for example, locks on cupboards where written data is stored or an alarm on the house and explain how the data is transported there.
- Ensure that written agreements are in place and signed by staff and parents
 1. Update confidentiality agreements
- Update staff code of conduct:
- Demonstrate how the records are kept secure 'off site' (for example family members not having access if the records are brought home)
- Consider using locked box/case /cupboard with key fob, security code access

This policy was adopted on:

135/11/2022

Date to be reviewed:

15/11/2025

Name of signatory:

Victoria Hutter

Role of signatory:

Chairman of the Committee

Signed:

15/11/2022