



## **Record Retention Policy**

## Version History

Version	Date	Responsible	Changes
2020/08	Aug 2020	JMB	Rebrand
2021/03	March 2021	JMB	Include data collected for specific events, data held for asymptomatic self-testing
2023/11	Nov 2023	JMB	In line with EYS Review Feb 2023

# Cambusbarron Village Nursery

## Record Retention Policy

All Early Learning and Childcare (ELC) settings need to hold records about children to meet The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 "Scottish Statutory Instruments" and must have policies and procedures in place regarding the retention and storage of that information.

Record retention schedules are key to effective record management and set out the recommended period for which different records should be kept in accordance with legal, audit and operational requirements.

We only keep your data for as long as is necessary. Where you have consented to us using your details for direct marketing, we will keep such data until you notify us otherwise and/or withdraw your consent.

Information that is kept about someone by an organisation will not be shared with anyone else unless the person gives their consent for it to be shared. Confidentiality may only be broken if it avoids or reduces the risk of harm to a person. Regulatory requirements from governing bodies supersede the requirements of the regulation. So, for example, we may be required to share records which relate to concerns about a child's welfare and safety, and/or concerns about possible risks posed by people working or volunteering with children.

Document	Retained for
<b>Administration</b>	
AGM Minutes	No legal obligation for a CIC but for historical record keep samples at regular intervals for as long as the group exists.
Ordinary Committee Meeting Minutes	6 Years
Financial/Accounting Records (Bank statements, receipts, invoices, cash book, account book/records)	Statutory retention period : current year in addition to previous 6 years
Income tax and NI returns, income tax records and correspondence with HMRC	Statutory retention period : Not less than 3 years after the end of the financial year.
National minimum wage records	Statutory retention period : 3 years after the end of the pay reference period following the one that the records cover.
Coronavirus furlough records	Statutory retention period : 6 years for furlough records including amounts claimed, claim period per employee, reference number and calculations. For flexible furlough - usual and actual hours worked
Payroll wage/salary records (also overtime, bonuses, expenses)	Statutory retention period: 6 years from the end of the tax year to which they relate
Statutory Maternity Pay records including Mat B1s (also shared parental, paternity and adoption records)	Statutory retention period: 3 years after the end of the tax year in which the maternity period ends
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	Recommended period: 6 years from the date of redundancy.

Statutory Sick Pay (SSP) records, calculations, certificates, self-certificates, occupational health reports. Also COVID-19-related SSP records such as the dates off sick	Recommended period: The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation to keep these records. Although there is no longer a specific statutory retention period, employers must keep sickness records to best suit their business needs. Six months after the end of the period of sick leave is sensible in case of a disability discrimination claim. For personal injury claims, the limitation is 3 years. If there's a contractual claim for breach of an employment contract, then keep records for 6 years after the employment ceases. Employers should keep a record of SSP paid due to COVID-19 as HMRC may request records
--	---

## Children's Records

Attendance, Accident record books, parental permission forms, contractual documentation, LA data for funded places, daily diaries	Records should be retained for a reasonable period after children have left the setting. Standard cases-recommended: six years after the child has left the setting.
Enrolment Forms	Records should be retained for a reasonable period after children have left the setting. Standard cases-recommended: six years after the child has left the setting.
Special Educational Needs Files, Education Health and Care Plans and Support Plans	Recommended period: Until the child reaches 25 years of age
Other records which may contain personal information or images of children. parents and carers Photographs/videos, Websites, Social medial posts Texts Emails Apps Cloud storage	Recommended period: Keep photographic/ video/ audio visual permissions given by parents and carers for 21 years and 6 months.
Child protection files should be passed on to any new school the child attends and kept until they are 25 years old	This is 7 years after they reach the school leaving age For Looked After Children 75 years
Toothbrushing information	5 years

## Health and Safety Records

Insurance Information/Certificates	6 years
Employers Insurance Liability Certificate	Statutory retention period: 40 years
Accident and Incident Reports	Statutory retention period: Required 3 years from date of entry, however, recommended permanently (Health & Safety at Work Act 1974 S7)
Health & Safety policy documents (old and revised copies)	Permanently Health & Safety at Work Act (1974 S2(3))
Accident reporting records relating to individuals who are under 18 years of age at the time of the incident	Statutory retention period: Date of birth + 22 years or date any insurance claim or compensation payment is made + 6 years whichever is the longer
First Aid Training	Statutory retention period: 6 years after employment

Health and Safety representatives and employees' training	Statutory retention period: 5 years after employment
<b>Employment Records (include records held for volunteers)</b>	
Employment Records Personnel files and training records (including disciplinary and working time records)	6 years plus the current years records  Recommended period: 6 years after employment ceases but may be unreasonable to refer to expired warnings after two years have elapsed.
Terms and conditions including offers, written particulars, and variations	Recommended period: Review 6 years after employment ceases or the terms are superseded
Recruitment application forms and interview notes (for unsuccessful candidates)	Recommended period: 6 months to a year. Because of the time limits in the Equality Act, relating to advertising of vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicants' documents will transfer to the personnel file
Disclosure information (eg PVG scheme records, PVG scheme record updates, Standard and Enhanced disclosures). Only date of issue, name of subject, disclosure type, position for which disclosure was requested, unique reference number of disclosure, recruitment decision will be retained.	Disclosure information will only be held for as long as it is needed. See Secure Handling, Use, Storage and Retention of Disclosure Information Policy.
Whistleblowing documents	Statutory retention period: 6 months following the outcome (if a substantiated investigation). If unsubstantiated, personal data should be removed immediately
Driving offences	Recommended period: Must be removed once the conviction is spent under the Rehabilitation of Offenders Act 1974
Flexible working requests	Recommended period: 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
Pension records	Recommended period: 12 years after the benefit ceases
References	Recommended period: At least one year after the reference is given to meet the limitation period for defamation claims
Right to work in the UK checks	Recommended period: Home Office recommended practice is 2 years after employment ends
<b>General</b>	
Records held for organisation of specific events	Duration of the event

#### References/Source

Early Years Scotland Retention Period for Documents updated February 2023

[Records that all registered care services \(except childminding\) must keep and guidance on notification reporting](https://www.cipd.co.uk/knowledge/fundamentals/people/hr/keeping-records-factsheet#7766)  
https://www.cipd.co.uk/knowledge/fundamentals/people/hr/keeping-records-factsheet#7766

<https://learning.nspcc.org.uk/research-resources/briefings/child-protection-records-retention-storage-guidance>

[https://www.careinspectorate.com/images/documents/2611/Rcds%20services\(except%20cm\)%20must%20keep%20and%20guidance%20on%20notification%20reporting%20\(300420\).pdf](https://www.careinspectorate.com/images/documents/2611/Rcds%20services(except%20cm)%20must%20keep%20and%20guidance%20on%20notification%20reporting%20(300420).pdf)

<https://scvo.scot/support/running-your-organisation/governance/guidance-and-templates/record-keeping>

<https://www.legislation.gov.uk/ukpga/1973/52>

<https://www.oscr.org.uk/managing-a-charity/trustee-duties/>

[https://www.mygov.scot/sharing-personal-information#:~:text=General%20Data%20Protection%20Regulation%20\(GDPR,can%20and%20cannot%20be%20used](https://www.mygov.scot/sharing-personal-information#:~:text=General%20Data%20Protection%20Regulation%20(GDPR,can%20and%20cannot%20be%20used)

<https://www.legislation.gov.uk/ukpga/1974/37/introduction>