



Hullbridge Childminders
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Retention Policy

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Under the new General Data Protection Regulations (GDPR) all early years and childcare settings are required to have transparency on the way they collate, store and use any personal information pertaining to the children in their care and families. Parents have the right to ask that personal data is destroyed or deleted once they have left the setting providing that deleting the information does not impact on Ofsted and legal regulations. Please refer to our Privacy and Confidentiality Policy for details of how I process and store information.

Part of the GDPR regulations require us to inform children and their families of how long we will retain the information we process.

Once a child leaves the setting, we will delete contact telephone numbers from our phones if requested.

We will delete any text messages, WhatsApp, messenger, messages if requested.

Other data for example, photographs, will be deleted as soon as the child leaves unless written permission is obtained in which case it will be kept securely and only used for the reason stated on the permission form, such as, for a website.

Full details of the information stored, and the retention periods are below:

Children's Records

- Children's records - records should be retained for a reasonable period of time (for example three years) after children have left the provision.
- Records relating to individual children e.g., care plans, EHCP, speech and language referral forms - These would usually be passed on to the child's next school or setting.
- Accidents and pre-existing injuries forms - If relevant to child protection is recommended these are kept for the recommended Local Safeguarding Children Partnerships retention period until the child/young person has reached 25 yrs.
- Registers - 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 in your setting.
- Safeguarding Records and Cause for Concern forms - Must be kept for the recommended Local Safeguarding Children Partnerships retention period until the child/young person has reached 25 years.



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- Accidents reportable to Ofsted/Agency and other organisations such as RIDDOR / Records of any reportable death, injury, disease or dangerous occurrence (for children) - As these incidents could result in potential negligence claims, or evolve into a more serious health condition, records should be kept until the child reaches the age of 21 years and 3 months. Type of Accidents: Fractures, broken limbs, serious head injuries, hospitalised.
- Observation, planning and assessment records of children - As good practice it is recommended that you keep planning since the last inspection so there is a paperwork trail if Ofsted/Agency would like to see it. These can be stored on a data file and do not necessarily need to be in paper form. You may also choose to keep these as evidence of development or improvements as part of your self-evaluation.
- Learning journeys - 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).

Personnel records

- Personnel files and training records (including disciplinary records and working time records) - HMRC and employment law is 6 years and 11 months for business records and staff wages etc. Defaulting to 7 years can help avoid confusion and ensure compliance.
- Application forms and interview notes (for unsuccessful candidates) - the average is between 6 months to one year
- Redundancy details, calculations of payments, refunds, notification to the Secretary of State - HMRC and employment law is 6 years and 11 months for business records and staff wages etc. Defaulting to 7 years can help avoid confusion and ensure compliance.
- Allegations against staff records (whether founded or not) – Keep a clear and comprehensive summary of details of how allegations were followed up and resolved, any action taken, and decisions reached. These should be kept in an individual's personnel file, a copy given to them and kept until normal retirement age or for 10 years, whichever is longer.

Health and Safety Records (not related to children)

- Risk Assessments - Recommended that these should be kept for at least three years, just in case there is a claim that needs to be backdated. Although minimal, claims can go



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back for several years, so it is best practice to keep the risk assessments and management plans and then archive them.

- Records of any reportable death, injury, disease or dangerous occurrence (for staff) - Three years after the date the record was made.
- Staff accident records (for organisations with 10 or more employees) - Three years after the date the record was made.
- Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH) - 40 years from the date of the last entry.
- Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees - Permanently.
- Accounting records - HMRC and employment law is 6 years and 11 months for business records and staff wages etc. Defaulting to 7 years can help avoid confusion and ensure compliance.

Administration Records

- Complaints record book - At least three years from the date of the last record or revert to the default timeline of 7 years.
- Visitors/signing in book - No official guidance but would recommend 24 years as part of the child protection trail.
- Ltd companies' minutes and resolutions - HMRC states to retain for 10 years.
- Insurance certificates - 40 years from the date insurance commences or is renewed.

Further information:

<https://www.gov.uk/data-protection>

<https://www.gov.uk/government/publications/data-protection-act-2018-overview>

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

Data Protection Act (1998)

General Data Protection Regulation (Regulation (EU) 2016/679)

Limitation Act (1980)

Health and Safety Executive - Reporting injuries, diseases and dangerous occurrences in health and social care

Freedom of Information Act (2000)