**Solihull Local Authority Records Retention Guidance**

[Statutory framework for the early years foundation stage](https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2): Setting the standards for learning, development andcare for children from birth to five. Published: 31st March 2021. Effective: 1st September 2021

**Information and records**

3.69. Providers must maintain records and obtain and share information (with parents and carers, other professionals working with the child, the police, social services and Ofsted or the childminder agency with which they are registered, as appropriate) to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met65. Providers must enable a regular two-way flow of information with parents and/or carers, and between providers, if a child is attending more than one setting. If requested, providers should incorporate parents’ and/or carers’ comments into children’s records.

3.70. Records must be easily accessible and available (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 them66. Providers must be aware of their responsibilities under the Data Protection Legislation67 and where relevant the Freedom of Information Act 2000.

3.71. Providers must ensure that all staff understand the need to protect the privacy of the children in their care as well the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the Data Protection Act68.

3.72. Records relating to individual children must be retained for a reasonable period of time after they have left the provision 69.

**Information about the child**

3.73.Providers must record the following information for each child in their care: full name; date of birth; name and address of every parent and/or carer who is known to the provider (and information about any other person who has parental responsibility for the child); which parent(s) and/or carer(s) the child normally lives with; and emergency contact details for parents and/or carers.

***65*** *Guidance on sharing information with relevant services when there are safeguarding concerns is available via:* [*https://www.gov.uk/government/publications/safeguarding-practitioners-informationsharing-advice*](https://www.gov.uk/government/publications/safeguarding-practitioners-informationsharing-advice)

***66*** *The National Cyber Security Centre (NCSC) has published helpful guidance on cyber security:* [*https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-your-settings*](https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-your-settings)

***67*** *This includes the Data Protection Act 2018 and General Data Protection Regulation 2018 see:* [*https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation*](https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation)*.*

***68*** *The Data Protection Act 2018 (DPA) gives parents and carers the right to access information about their child that a provider holds. However, the DPA also sets out specific exemptions under which certain personal information may, under specific circumstances, be withheld from release. For example, a relevant professional will need to give careful consideration as to whether the disclosure of certain information about a child could cause harm either to the child or any other individual. It is therefore essential that all providers/staff in early years settings have an understanding of how data protection laws operate. Further guidance can be found on the website of the Information Commissioner’s Office at: https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/*

***69*** *Individual providers should determine how long to retain records relating to individual children.*

**Information for parents and carers**

3.74.Providers must make the following information available to parents and/or carers:

* how the EYFS is being delivered in the setting, and how parents and/or carers can access more information
* the range and type of activities and experiences provided for children, the daily routines of the setting, and how parents and carers can share learning at home
* how the setting supports children with special educational needs and disabilities
* food and drinks provided for children
* details of the provider's policies and procedures (all providers except childminders (see paragraph 3.3) must make copies available on request) including the procedure to be followed in the event of a parent and/or carer failing to collect a child at the appointed time, or in the event of a child going missing at, or away from, the setting
* staffing in the setting; the name of their child’s key person and their role; and a telephone number for parents and/or carers to contact in an emergency

*Updated November 2022*

**Local Authority Guidance**

A retention schedule documents the length of time for which records needs to be retained and the action that should be taken when records reach the end of the retention period. Where records are to be destroyed, they should be disposed of in an appropriate way. All records containing personal sensitive information should be shredded, pulped or deleted to ensure they are destroyed, and information cannot be retrieved.

The following table contains local authority suggestions for guidance. Settings can choose whether to use this suggested guidance or make decisions based on an alternative source of information. Professional organisations offer guidance and often policy guides.

|  |  |  |
| --- | --- | --- |
| Records  | Suggested retention period | Notes: unless specified this guidance is taken from The Records Management Society Guidance {Early Years Provision} |
| Accident and injury -children | Until the child is 25 y/o |  |
| Individual child records : name, address, date of birth, etc | Until the child is 25 y/o where the child has special educational needs. Records relating to individual children where there are no identified SEN should be retained for a reasonable period of time (for example three years) after the children have left the provision. | EYFS ‘reasonable time’ |
| Interview notes for Staff Recruitment  | Date of interview + 6months for unsuccessful candidates. Successful candidate information should be added to their Personnel file. | Solihull Safer Recruitment policy Guidance |
| Medicines- records of medicinal product administered | Until the child is 25 y/o |  |
| Registers | Date of last entry + 3 yearsIf the information may be required for a child protection case - keep until the closure of the setting + 50 years. |  |
| Safeguarding concern records | Setting closure + 50 years |  |
| Staff personnel files and records | For those who have a DBS because they have contact [often alone] with children -25 years after employment endsOr for those who are not in unsupervised contact with children -7 years eg last year of employment +6y |  |
| NB The child’s portfolio of work and observations  | Sent home with the child – some samples may be retained for self-evaluation and to demonstrate compliance with EYFS guidelines – with permission.  |  |
|  |  | *Recommendations – Individual providers should determine how long to retain records* |

17th May 2018

Solihull Early Years and Education Improvement Service and Solihull Information Governance Team