Solihull Local Authority Records Retention Guidance

**Statutory framework for the early years foundation stage: Setting the standards for learning, development and care for children from birth to five .Published: 3 March 2017. Effective: 3 April 2017**

Information and records

3.68. 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 met. 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.

3.69. 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.

3.70. 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 DPA55.

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

Information about the child

3.72. 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.

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The Data Protection Act 1998 (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: www.ico.gov.uk/for\_organisations/data\_protection.aspx

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

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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.

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| 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 years  If 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 ends  Or 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* |

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