

Access, Storage and Retention of Records Policy

At **Brentwood Day Nursery** we have an open access policy in relation to accessing information about the nursery and parents' own children. This policy is subject to the laws relating to data protection and document retention and should be used in conjunction with the Data protection and confidentiality policy and the GDPR privacy notice.

Parents are welcome to view the policies and procedures of the nursery, which govern the way in which the nursery operates. These may be viewed at any time when the nursery is open, simply by asking the nursery manager or by accessing the files on the nursery website. The nursery manager or any other relevant staff member will also explain any policies and procedures to parents or use any other methods to make sure that parents understand these.

Parents are also welcome to see and contribute to all the records that are kept on their child. However, we must adhere to data protection laws and, where relevant, any guidance from the relevant agencies for child protection.

As we hold personal information about staff and families, we are registered under data protection law with the Information Commissioner's Office. A copy of the certificate can be viewed on the notice board in the entrance area. Parent, child and staff information is stored securely according to the requirements of data protection registration, including details, permissions, certificates and photographic images. We will ensure that staff understand the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality.

We are required under legislation to keep certain records about children, parents and also staff members. Due to this legislation, we are required to keep this information for a set amount of time. Below is a brief overview of the information we keep and for how long. This policy should be used in conjunction with the Data protection and confidentiality policy and the GDPR privacy notice.

Nursery records and documentation that are not required to be kept are deleted or destroyed in line with the current data protection laws and our GDPR privacy notice which can be found in our policies and procedures.

If parents have a specific deletion or retention request regarding any data that we hold, please raise a query in writing and we will respond formally to your request.

This policy will be reviewed annually and amended according to any change in law and/or legislation.

Signed on behalf of the nursery

<i>RL Austin</i>

Staff folder (including all records)	Kept for 6 years (as includes personnel files, training records, and any disciplinary records and it is stipulated that they are kept for 6 years after employment ceases). In the case of an allegation against a staff member we follow the LA guidance on this who follow the DfE guidance regarding the length of time records of allegations are retained. "The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer". The information about an allegation (even if unfounded) is retained for this period to enable accurate information to be given in response to any future request for a reference from an employer. It will provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation that did not result in a criminal conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, an allegation resurfaces after a period of time.
DBS certificates	6 months – but all information from the certificate is recorded within the staff essential records and kept for 6 years after their employment ceases.
Children's folder including all records	We follow the Local Authority procedures for retention period. All the children's records are kept until they are 9 years old as we have many returning children in the school holidays. At this point all records are destroyed other than accident and incident forms which are kept for 21 years. The children's online journal registration (observations and planning) will be removed 1 month after leaving, but if on child protection register the information will be backed up for 24 years along with the incident and accident forms. Entry and end point development assessments are kept within the child's folder. Information and assessments about individual children are either given to parents when the child leaves or to the next setting or school that the child moves to (with parents' permission). This is stipulated by the Statutory Framework for the Early Years Foundation Stage and the Limitation Act 1980. Parents have 60 days to download their children's journals etc from EY
Children with safeguarding records, cause for concern or on child protection register	We will retain the children's records for 24 years. We will pass these on to the child's new educational establishment, e.g. school, as stipulated by the Local Authority safeguarding board
Records relating to individual children	e.g. care plans, speech and language referral forms: We will pass these on to the child's next school or setting following our Local Authority's protocols for transition and sharing of sensitive records. The documents are kept until they are 9 years old, as above. See above for child related to safeguarding, cause for concern or on child protection register
Photo's images and videos	These are deleted from all devices as soon as they have been used for the purpose intended (EY, display) and from social media platforms once they have left
Records of any reportable death, injury, disease or dangerous occurrence (for children) (RIDDOR):	As these incidents could result in potential negligence claims, or evolve into a more serious health condition, we keep records until the child reaches the age of 21 years and 3 months. Types of accidents include fractures, broken limbs, serious head injuries, hospitalisation
Records of any reportable death, injury, disease or dangerous	3 years as stipulated by The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

occurrence (for staff):	
Staff accident records	3 years (unless its COSHH – see below) as stipulated by Social Security Regulations 1979
Accident/medical records related to COSHH (for staff and children)	40 years
Unsuccessful candidates	1 year
Visitor signing in book	Up to 24 years as part of the child protection trail
Complaints book/log	At least 3 years from the date of the last record or suggested default timeline is 7 years
Office meeting minutes	Permanently as stipulated by the Chartered Institute of Personnel and Development
Risk assessments	It is recommended that they are kept for at least 3 years just in case there is a claim that needs to be backdated.
Insurance certificates	40 years from the date insurance commences
Accountancy records including all funding records for children	HMRC and employment law is six years and 11 months for business records and staff wages etc. Some revert to the default timeline of seven years to avoid confusion and ensure compliance
Minutes and resolutions for limited companies for accountancy	HMRC states to retain for 10 years
Wage/salary records	6 years as stipulated by Taxes Management Act 1970
Statutory maternity pay	3 years after the end of the tax year to which they relate, as stipulated by The Statutory Maternity Pay Regulations 1986
Statutory Sick Pay records	3 years after the end of the tax year to which they relate, as stipulated by The Statutory Sick Pay Regulations 1982
Income tax and National Insurance records	3 years after the end of the tax year to which they relate, as stipulated by The Income Tax Regulations 1993
Redundancy details, calculations or payments, refunds, notification to the Secretary of State	6 years after employment ends as stipulated by Chartered Institute of Personnel and Development

*Some insurers stipulate a timeline for retaining information in case of tribunals, complaints from parents etc and we inform them of our retention records at the time of contract enrolment

Signed on behalf of the nursery
<i>RL Austin</i>

