



Data Protection - AFA Record Retention Schedule

This document should be viewed alongside AFA's Data Protection Policy, which will provide a full overview of the management of data by AFA Fostering.

Please note, we will keep information for the periods stated below (depending on the category) and will then be scheduled for deletion. The process is that this will be placed on review and subsequently deleted, which may take approximately 6 months as part of your due diligence.

DOCUMENT	RETENTION PERIOD	EXTRA INFORMATION	SOURCE
Sickness/Sick Pay	6 Years	Although it is no longer a statutory requirement to keep SSP records, it is recommended that records are kept for a period of 6 years after employment ceases in case of any dispute over payment of SSP or HMRC enquiry	The Statutory Sick Pay (General) Regulations 1982 (SI 1982/894) as amended – section 13. The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55).
Maternity Leave/Pay	At least 3 years after the end of the tax year to which they relate.	Statutory	The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.
Paternity Leave/Pay	At least 3 years after the end of the tax year to which they relate	Statutory	Statutory Paternity Pay and Leave: employer guide – www.gov.uk
Shared Parental Leave/Pay	At least 3 years after the end of the tax year to which they relate	Statutory	The Shared Parental Leave Regulations 2014 (SI 2014/3050) Shared Parental Leave and Pay: employer guide – www.gov.uk
Wages/Salary/PAYE	6 years recommended after the end of the tax year to which they relate	Statutory	Taxes Management Act 1970 (SI 1970/9) – section 34 PAYE and Payroll for Employers – www.gov.uk
Pensions – Worker/ Jobholder and Pension Scheme Records	Minimum of 6 years 4 years for opt-out records	Records that must be kept by law under the new employer duties with possibility of dispute recommend keeping longer (ICO employees until age 100yrs)	The Pensions Regulator - Detailed Guidance for Employers – Publication 9 Keeping Records (April 2016)

DOCUMENT	RETENTION PERIOD	EXTRA INFORMATION	SOURCE
Applications Forms and Interview notes for unsuccessful candidates	6 months	Not statutory. Keep in case of discrimination challenge.	ACAS guidance
DBS Disclosures/DBS Certificate	Evidence of DBS checks being carried out to be kept - the date of issue of certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken. Certificates - no longer than necessary.	Check with Regulating Authority, before destroying. Need to retain for audits CQC/OFSTED/CSSIW, safeguarding audits as appropriate. Always review before destroying with reference to any serious incident/ safeguarding retention	Revised Code of Practice for Disclosure and Barring Service Registered Persons November 2015
Personnel Files including training records, disciplinary records and redundancy	6 years after employment ceased or 75 th Birthday (whichever is soonest) if a summary has been made. This may need to be longer if risk of safeguarding or incident involvement.	Review and consider transfer to a Place of Deposit, possibly summarise. Review before destructions with reference to any serious incident retentions.	Records Management Code of Practice for Health and Social Care July 2016 Information Governance Alliance (IGA)
General Operating Policies & Procedures	From creation for the life of the organisation plus 6 years	Review and consider transfer to a Place of Deposit	Information Governance Alliance (IGA)
Training Records	6 years after employment ceases	Not statutory	www.businesslink.gov.uk
Medical Certificates	4 years recommended	Not statutory	www.businesslink.gov.uk
Disciplinary	6 years after employment	Certain disciplinary records have lapsed time.	www.acas.org.uk
Redundancy	6 years from the date of Redundancy	Not statutory	www.acas.org.uk
Recruitment and eligibility to work in the UK	Throughout the period of working and at least 3 years after employment finishes.	Copies of all relevant documents should be retained.	www.businesslink.gov.uk
Duty Rosters	6 years after the year to which they relate	Review and if no longer needed destroy	Information Governance Alliance (IGA) Appendix 3

DOCUMENT	RETENTION PERIOD	EXTRA INFORMATION	SOURCE
Accounting documents for a Public Limited Company and those Ltd by Guarantee	6 years	To cover the time limit for bringing any civil legal action against you, including national minimum wage claims and contractual claims.	The Companies Act 2006 (SI 2006/46) – section 388
Accounting documents for a Private Limited Company	At least retain for 6 years from the date on which they are made or completion of related HMRC investigation.	At least retain for 6 years from the date on which they are made or completion of related HMRC investigation.	The Companies Act 2006 (SI 2006/46) – Section 388. www.gov.uk/running-a-limited-company/company-and-accounting-records
Tax Records	At least retain for 6 years minimum from the end of the Tax accounting period May need to keep records longer in certain circumstances or potential dispute	HMRC can charge a penalty if company tax records not kept.	The Income Tax (Employments) Regulations 1993 (SI1993/744) as amended for example by The Income Tax (Employments) (Amendment No 6) Regulations 1996 (SI1996/2631)
Children's Files	Any paperwork relating to the child provided to Foster Parents by the Local Authority/Education/Health are returned to the responsible authority at the end of the arrangement and the electronic file held by AFA are archived with Charms and retained until 7 years following the child turning 18 years old. Unless the child or the Local Authority request this is removed sooner. The Local Authority have a duty to hold all returned children's data for at least 75 years from the date of birth of the child to whom it relates or the last date of entry.	CQC Essential Standards of Quality and Safety- recommends 80yrs. page 173	Data Protection Act 2018 UK GDPR The Children's Homes Regulations 2001 Regulation 28(3) Fostering Regulations 2011 National Minimum Standards The Care Planning, Placement and Care Review (England) Regulations 2010 Regulation 50.

DOCUMENT	RETENTION PERIOD	EXTRA INFORMATION	SOURCE
Litigation Records including documents related to any form of litigation	Review 10 years from closure of case	Review and consider transfer to a Place of Deposit Where a legal action has commenced, keep as advised by Legal Representatives	Information Governance Alliance (IGA)
Complaints Case Files including accident/incident reports	Review 10 years from closure of incident. If the organisation has a contract with Government Department or Agencies, retain records of complaints and incidents for at least 6 years after contract end. The incident is not closed until all subsequent processes have ceased including litigation	Review and if no longer needed destroy. The file must not be kept on the client file; a separate file must be maintained.	Information Governance Alliance (IGA) Section: 9 Corporate Governance
Incidents, events or occurrences including those requiring notification to the Care Quality Commission	Review after 20 years from date of the incident, event or occurrence	Review and consider transfer to a Place of Deposit	Information Governance Alliance (IGA)

DOCUMENT	RETENTION PERIOD	SOURCE
Foster Parent Files	<p>A record must be kept in relation to each Foster Parent, covering the Foster Parent's assessment and approval, children, and other matters as set out in regulation 30. This includes Foster Parents who have temporary approval under the 2010 Regulations. The records must be kept for at least 10 years after the Foster Parent's approval ends.</p> <p>The fostering service must keep a register of Foster Parents, covering the information set out in regulation 31. This information about Foster Parents should be retained for at least 10 years after their approval has ended. The Service must also keep a register of children living with Foster Parents and include the information set out in Schedule 2 of the Regulations. This should be kept for 15 years after the date of the last entry (regulation 22). They must also keep a register of Foster Parents, containing the information set out in regulation 31.</p> <p>All records of the service must be kept under conditions of confidential and secure storage so as to prevent their loss or destruction (standards 26 and 27). Premises must be suitable to enable secure storage of records, both paper and electronic.</p> <p>There is also a requirement to keep records relating to people who do not go on to be approved as Foster Parents, and to retain these records for a minimum 3 years (regulation 32).</p> <p>Records must be kept securely and not disclosed to any person unless required by law or Court Order EXCEPT in the case of sharing information with another fostering service to support the assessment of a person's suitability to foster (Reg 32(6)) as specified in the Statutory Guidance.</p>	<p>Fostering Regulations 2011</p> <p>UK GDPR</p> <p>Fostering Services: National Minimum Standards: Standards 26, 27 Underpinning Legislation.32 Retention and Confidentiality of Records.</p> <p>Statutory Guidance on Assessment and Approval of Foster Parents</p>

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Contract	6 years	All legislative retention periods should be checked against Legislation. gov.uk A risk assessment should be undertaken before being destroyed	www.nationalarchives.gov.uk Public Service Contract Regulations 1993 Public supply contract regulations 1995
Contracts under seal	12 years	Public Service Contract Regulations 1993 Public Supply Contract Regulations 1995	www.nationalarchives.gov.uk
Employer's Liability	The requirements to retain compulsory Employer's Liability Certificates for 40 years ceased on 1 October 2008, however it is advised to continue to keep this in case of claims.	Tracing Code of Practice includes a commitment from insurers to keep Employers' Liability records for 60 years.	Employers' Liability (Compulsory Insurance) Act 1969 - A Brief Guide for Employers Code of Practice for Tracing Employers' Liability Insurance Policies - Now superseded by ELTO Employers Liability Tracing Office.
Health Records for Hazardous Substances (e.g. Chemicals)	Workplace exposure for identifiable employees Minimum 40 years from the date of the last entry COSHH does not cover lead, asbestos, radioactive substances as these have specific regulations; however, the retention period of 40 years is the same	Good practice as a personal liability claim can be brought	The Control of Substances Hazardous to Health (COSHH) Regulations 1999 and 2002 (as amended) (SI 1999/437 and SI 2002/2677)
Accident Books Accident Records / Reports Record of any Reportable Injury, Disease or Dangerous Occurrence Regulations (RIDDOR)	Minimum 3 years from the date on which the entry was made. Potentially, these would need to relate to medical are record timescales and should be kept in case of potential legal or safeguarding claim.	HSE Information Sheet Reporting injuries, diseases and dangerous occurrences in health and social care http://www.hse.gov.uk/pu	The Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) Regulations 2013 (SI 2013/1471) Provision 12: Recording and Record-Keeping.

<i>DOCUMENT</i>	<i>RETENTION PERIOD</i>	<i>SOURCE</i>
Maintenance of Premises, Electrical Testing, Fire Safety, Water Safety, Medical Gas Safety, Storage and Transport	3 years	Essential Standards of Quality & Safety (March 2010)
Maintenance of Equipment, Purchasing of medical devices and medical equipment	11 years	Essential Standards of Quality & Safety (March 2010)

Schedule updated July 2022

Version 1.6