

Personnel Record Keeping Requirements for past, current and future staff members

General

An up-to-date and accurate personnel file must be kept for each member of staff, which includes the following records:

- The name, position, qualifications and experience of the person in charge and of every other person, including volunteers and students working in the service (Regulation 14 (1) *Child Care (Pre-School Services) (No 2) Regulations 2006*).
- Proof of identity and that the person is over 18 years (ID card, driving licence or passport)
- Proof of satisfactory Garda Vetting, and / or Police Vetting. (*You are required to document all your efforts as you seek to acquire police vetting and particularly in relation to their employment in early years services*).
- Two validated references, including a reference from the most recent place of employment. (*In order to validate the two references you are required to telephone or otherwise make contact with the referees. This process and information should be documented and kept on file*).
- Verification of qualifications
- Investigation of any gaps in employment

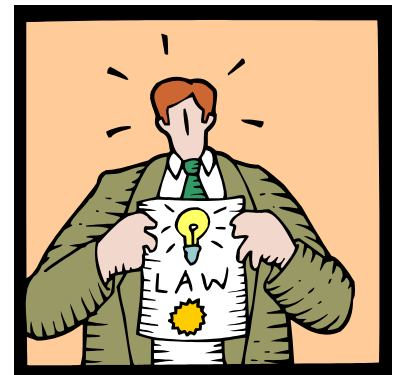
Adapted from National Standards for Pre-School Services (DOHC 2010) Section 5.4 pg. 10.

Records for Recruitment and Selection

Legal stipulations are that: All records relating to 'Recruitment and Selection' should be retained for at least 12 months. This is necessary due to the fact that under the three main pieces of legislation outlined on the next page - a person may lodge a claim within six months of an alleged grievance, which can be extended to twelve months in exceptional cases.

Recruitment and Selection information to be retained should include the following:

- Copy of Advertisement
- Applications
- Short listing notes and report
- Short listing scores
- Interview notes for all members of the selection panel and report



NB: Childcare providers should always seek legal advice as to the length of time for which records should be retained.

- **Interview scores**
- **References**
- **Any other documentation relating to the recruitment and selection process e.g. copies of candidates qualifications.**

Legislation

Recruitment and selection in Ireland is governed by four main pieces of legislation, namely: The Child Care (Pre-School Services) (No 2) Regulations 2006, the Employment Equality Act, 1998-2008, the Data Protection Act, 1988-2003 and the Freedom of Information Act, 1997 -2003.

Child Care (Pre-School Services) (No 2) Regulations 2006

Regulations 8 and 14 outline childcare providers obligations and best practice in the areas of recruitment, selection and record keeping.

Employment Equality Acts, 1998-2008

The Employment Equality Acts 1998-2008 prohibit discrimination on nine distinct grounds. These are: gender, civil status, family status, sexual orientation, religious belief, age (+16), disability, race and membership of the Traveller community.

Data Protection Acts, 1988-2008

The Data Protection Acts, 1988-2008 legally protect information recorded on computer about individuals, and information held in manual files created after 1st July 2003. It places a requirement on employers to adhere to certain data quality principles when processing personal information. As highlighted above it is very important that you adhere to this legislation during your recruitment and selection process.

Freedom of Information Acts, 1997 -2003.

The Freedom of Information Acts, 1997 -2003 confers on individuals a legal right to access their own personal information held by you. Individuals who are employed or who have been recruited or selected under government funding managed by Pobal may make a request to Pobal for access to their recruitment records in accordance with the terms of the Act.

General Record Keeping Requirements.

It is safe to say that all records relating to your business must be kept for twelve months. However, the following records must be kept for longer periods of time:

- All Accident/Incident records/books should be retained indefinitely.

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- All daily attendance register books should be retained indefinitely.
- All Medicine Consent Forms should be retained indefinitely.
- All complaints/grievances should be retained indefinitely.
- Records relating to the Persons Employment Act (1996) must be retained for three years.
- Records of Carers Leave, parental Leave and Force Majeure Leave must be retained for eight years.
- There is no time limit to the length of time a case can be brought about under the Minimum Notice and Terms of Employment Act 1973 – 2005 and so these records should be retained indefinitely.

NOTICE OF TERMINATION TO BE GIVEN BY EMPLOYER

Period of Service	Notice Required
Between 13 weeks and 2 years	1 weeks notice
More than 2 years but less than 5 years	2 weeks notice
More than 5 Years but less than 10 years	4 weeks notice
More than 10 years but less than 15 years	6 weeks notice
15 years or more	8 weeks notice

Breaks

Rest breaks during the working day

As an employer you must ensure that your employees do not work for any more than 4.5 hours without a break of 15 minutes. If the hours of work are greater than six hours an employee’s total rest break entitlement is 30 minutes, which can include the 15 minute break already referred to. Rest breaks must not be given at the end of the working day. The breaks outlined above are the absolute minimum and most companies would provide for longer breaks. Such breaks are unpaid.

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Details and verification of processed Garda Vetting, Police Clearance and Qualifications for staff/volunteers & students

Name of Pre-School /Early Years Service: _____ *Type:* _____ *Date:* _____

Name	Application/ CV on file Y/N	Interview Date	Identity Check? How?	Qualification & awarding body & date of certification copy in file	Date Reference 1 Received	Date Reference 1 Verified	Date Reference 2 Received	Date Reference 2 Verified	Garda Vetting applied for Y/N Date	Processed Garda Vetting on file Y/N? Date	Police clearance on file? Y/N? Date of it?	Position	Start Date

This table shows at a glance the dates on which a person submitted a CV/Application going right through the chronological process of references and vetting and the start date of their job.

Declaration: I the proprietor/person carrying on a pre-school/early year’s service believes the above to be true and correct:

Signed: _____ **Print Name:** _____ **Date:** _____

Received by Inspector: Signed: _____ **Print Name:** _____ **Date:** _____

Adapted from: *Questions and Answers on Management and Staffing in early Years / pre-school services giving particular attention to: Employee References, Qualifications and Garda Vetting (HSE: 9/1/2013).*

Reference: Regulation 8 & Regulation 14, (Explanatory Guide to Child Care Pre-school Regulations 2006)