

# Document Retention Policy



**Approved**

Trust Board

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**Next review due by:**

Autumn 2023

## DOCUMENT RETENTION

### 1. INTRODUCTION

1.1. The main aim of this policy is to enable the trust to manage our records effectively and in compliance with data protection and other statutory regulations. As an organisation we collect, hold, store and create significant amounts of data and information and this policy provides a framework of retention and disposal of categories of information and documents.

1.2. The trust is committed to the principles of data protection including the principle that information is only to be retained for as long as necessary for the purpose concerned.

1.3. The table below sets out the main categories of information that we hold, the length of time that we intend to hold them, and the reason for this.

1.4. For information, the 'statutory basis' sets out the legal requirements for certain categories of document. Where we have decided to keep information longer than the statutory requirement, the timescales have been recorded in the table at Section 2.

1.5. Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Data Protection Officer shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.

1.6. If a document or piece of information is reaching the end of its stated retention period, but you are of the view that it should be kept longer, please refer to the Data Protection Officer, who will make a decision as to whether it should be kept, for how long, and note the new time limit and reasons for extension.

### 2. DOCUMENT RETENTION PERIOD

Document Type	Statutory basis for retention	Retention Period
<b>Company Records</b>		
Company Articles of Association, Rules & Bylaws	Companies Act 2006, Charities Act 2011	Permanent
Academy funding agreement and any supplemental agreements	Charities Act 2011	Permanent
Trustee / director minutes of meetings and written resolutions	Companies Act 2006, Charities Act 2011	10 years
Members' meetings etc. Minutes / resolutions	Companies Act 2006, Charities Act 2011	10 years
Documents of clear historical/archival significance	Data Protection regulation	Permanent unless supplied to Local Authority archives
Contracts e.g. with suppliers or grant makers	Limitation Act 1980	Length of contract term plus 6 years
Contracts executed as deeds	Limitation Act 1980	Length of contract term plus 12 years

Intellectual property (IP) records and legal files re. provision of service	Limitation Act 1980	Life of service provision or IP plus 6 years
<b>Local Governing Bodies</b>		
Agendas of meetings of local governing bodies and their committees (a single master copy of)		10 years from date of meeting <i>*this is a timescale advised by the IRMS, but is not a statutory requirement.</i>
Minutes of, and papers considered at, meetings of local governing bodies and their committees		10 years from date of meeting <i>*this is a timescale advised by the IRMS, but is not a statutory requirement.</i>
<b>Tax &amp; Finance</b>		
Annual accounts and review (including transferred records on amalgamation)	Companies Act 2006, Charities Act 2011	6 years minimum
Tax and accounting records	Finance Act 1998, Taxes Management Act 1970	6 years from end of relevant tax year
Information relevant for VAT purposes	Finance Act 1998, HMRC Notice 700/21	6 years from end of relevant period
Banking records / receipts book/sales ledger	Companies Act 2006, Charities Act 2011	6 years from transaction
<b>Employee/Administration</b>		
Payroll / Employee / Income Tax and NI records: P45; P6; P11D; P60, etc	Taxes Management Act 1970 / IT (PAYE) Regulations	6 years from end of current year
Maternity pay	Statutory Maternity Pay Regulations	3 years after the end of the tax year
Sick pay	Statutory Sick Pay (General) Regulations	3 years after the end of the tax year
National Minimum wage records	National Minimum Wage Act	3 years after the end of the tax year
Foreign national ID documents	Immigration (Restrictions on Employment) Order 2007 Independent School Standards Regulations	Minimum 2 years from end of employment
HR files and training records	Limitation Act 1980 and Data Protection regulation	6 years from end of employment (unless relevant to IICSA)
Declarations of pecuniary and other Interests	Limitation Act 1980 and Data Protection regulation	6 years from end of employment/term of office
Annual appraisal / assessment records		Current year + 5 years
Records re working time	Working Time Regulations 1998 as amended	2 years

Job applications (CVs and related materials re. unsuccessful applicants)	ICO Employment Practices Code (Recruitment & Selection) Equality Act 2010 & Race Relations Act 1976	6 months from your notification of outcome of application
Pre-employment / volunteer vetting	ICO Employment Practices Code Independent School Standards Regulations, Home Office May 2015.	6 months
Disclosure & Barring Service checks	Single Central Record Requirements under • for independent schools, (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014; • for colleges: Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006;46	Record only satisfactory / unsatisfactory result and delete other information. If copy is kept, not to be retained beyond 6 months. See further DfE statutory Guidance 'Working Together to safeguard children' <a href="https://www.gov.uk/government/publications/working-together-to-safeguard-children--2">https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</a>
Volunteer records		6 years from end of engagement
<b>Disciplinary Proceedings</b>		
Oral warning		Date of warning + the period for which the warning is active (as specified in the warning). Where the warning relates to child protection issues, it must be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation.
Written warning – level 1		Date of warning + the period for which the warning is active (as specified in the warning). Where the warning relates to child protection issues, it must be retained at least until the

		person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation
Written warning – level 2		Date of warning + the period for which the warning is active (as specified in the warning). Where the warning relates to child protection issues, it must be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation
Final Warning		Date of warning + the period for which the warning is active (as specified in the warning). Where the warning relates to child protection issues, it must be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation
<b>Insurance</b>		
Employer's Liability Insurance	Employers' Liability (Compulsory Insurance Regulation) 1998	40 years
Policies	Commercial	3 years after lapse
Claims correspondence	Commercial	3 years after settlement
<b>Health &amp; Safety / Medical</b>		
General records	Limitation Act 1980	Minimum 3 years
Records re. working with/control of hazardous substances (COSHH)	Control of Hazardous Substances to Health Regulations 2002	40 years
Records re. reportable death, injury, disease or dangerous occurrence to (RIDDOR)	Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995	3 years after the date of incident, plus record on personnel file
Accident books (or equivalent)	Reporting of Injuries Diseases and Dangerous	3 years after last entry or end of investigation

	Occurrences Regulations 1995	
Records re. accident reports	Social Security (Claims and Payments) Regulations 1979, Social Administration Act 1992	
Records of medicines administered to children		For as long as the child is a pupil at the school (not forwarded to the pupil's next school)
Records of major incidents on school trips (should include permission slips for all students)	Limitation Act 1980	25 years from date of birth of pupil(s) involved.
Medical Scheme documentation	Commercial	Permanent unless personal data is included
<b>Premises/ Property</b>		
Original title deeds		Permanent / to disposal of property
Leases	Limitation Act 1980	12 years after lease has expired
Building records, plans, consents and certification and warranties, etc.	Limitation Act 1980	6 years after disposal or permanent if of historical / archival interest.
<b>Pensions Records</b>		
Records about employees and workers	For all categories see: Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk	6 years
Records re. the Scheme	For all categories see: Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk	6 years
Records re active members and opt in / opt out	For all categories see: Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk	6 years
<b>Pupil Information</b>		
Educational Record	Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context. Data Protection regulation	25 years from date of birth unless passed to new school
Attendance registers	Pupil Registration Regulations 2006 Regulation 14	3 years from when the register entry was made if made in paper registers For

		computerised registers retain until 3 years after the end of the school year during which the entry was made. Note: The difference in retention periods as between manual and computerised registers has probably come about in error, but this is what the Regulations say.
Correspondence relating to absence (letters from school, communications from guardians etc)	Education Act 1996 Section 7	Current academic year + 2 years
Parent Details	Pupil Registration Regulations 2006 For basic name and contact details. Otherwise usually operational in accordance with the statutory functions of the school	Usually, for the duration that the parent has a pupil at the school. Otherwise subject to case by case justification.
Alumni and their parents	Data protection regulation	For as long as there is an active relationship
Child Protection information (on child's file)	"Keeping children safe in education Statutory guidance for schools and colleges - September 2019"; "Working together to safeguard children. A guide to interagency working to safeguard and promote the welfare of children - July 2018"	RETAIN UNTIL FURTHER RECOMMENDATIONS Subject to moratorium on destruction due to historic child abuse enquiry. See <a href="https://www.iicsa.org.uk/document/guidance-note-retentioninstructions-and-dataprotection-requirement">https://www.iicsa.org.uk/document/guidance-note-retentioninstructions-and-dataprotection-requirement</a>
Child Protection Information in other files	"Keeping children safe in education Statutory guidance for schools and colleges - September 2019"; "Working together to safeguard children. A guide to interagency working to safeguard and promote the welfare of children - July 2018"	RETAIN UNTIL FURTHER RECOMMENDATIONS Subject to moratorium on destruction due to historic child abuse enquiry. See <a href="https://www.iicsa.org.uk/document/guidance-note-retentioninstructions-and-dataprotection-requirement">https://www.iicsa.org.uk/document/guidance-note-retentioninstructions-and-dataprotection-requirement</a>
Special Educational Needs		

SEN files	Limitation Act 1980	Usually 25 years from date of birth of the pupil + 6 years.
Education Health and Care Plans	Special Educational Needs and Disability Regulations 2014 Children and families Act 2014, part 3	Usually 25 years from date of birth of the pupil + 6 years.
Statements of Special Educational Needs (now historic)	Originally under Special Educational Needs and Disability Regulations 2001	Usually 25 years from date of birth of the pupil + 6 years.
<b>Other</b>		
Other items e.g. curriculum related, photographs, video recordings	Case by case basis	Look at why you are processing this and how long you need it for. Make sure you have a good justification for keeping it as long as you do. Set out the items and the justification.

### 3. DESTRUCTION OF DOCUMENTS

3.1. When a document is at the end of its retention period, it should be dealt with in accordance with this policy.

#### **Confidential waste**

3.2. Any data in which sensitive, personal or confidential information is identifiable should be considered confidential waste and destroyed in accordance with the 'confidential waste' processes outlined below.

3.3. Any physical data – for example, hard copies of documents – should be destroyed via the following methods:

3.3.1. stored in confidential waste bins or sacks located around the site, to be collected by confidential waste disposal services.

3.3.2. shredded using the equipment provided on site and disposed of in recycling bins where appropriate.

3.4. Any electronic data – for example, digital copies of documents – should be destroyed by deleting electronically. Any data should be cleared from the digital files, the 'waste bin' on the device, and from any back-up systems. Please refer to the Head of IT to ensure this is carried out effectively.

#### **Other documentation**

3.5. Other (non-confidential) documentation can be deleted or placed in recycling bins where appropriate.

#### **Automatic deletion**



3.6. Certain information will be automatically archived by the computer systems, details of which are set out below. Should you want to retrieve any information, or prevent this happening in a particular circumstance, please contact the Head of IT.

#### **Individual responsibility**

3.7. Much of the retention and deletion of documents will be carried out in accordance with the retention policy and procedures, but when faced with a decision about an individual document, you should consider the following:

3.7.1. Has the information come to the end of its useful life?

3.7.2. Is there a legal requirement to keep this information or document for a set period? (Refer to Section 2 for more information)

3.7.3. Would the information be likely to be needed in the case of any legal proceedings? In particular, is it potentially relevant to an historic child abuse enquiry? (Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?)

3.7.4. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?

3.7.5. Is the document of historic or statistical significance?

3.8. If the decision is made to keep the document in opposition to the retention policy, this should be referred to the Data Protection Officer and rationale should be recorded.