

**RECORDS RETENTION**

**POLICY**

**Version Control**

|  |
| --- |
| **Scope: Applicable to all Trust Schools** |
| Date to Board: | 10/07/2024 |
| Review date: | Summer Term 2025 |
| Union Consultation Date: | N/A |
| Statutory or non-statutory: | Non-Statutory  |
| Author/Reviewer: | Catherine Cox - TEO |

1. **INTRODUCTION**
	1. The main aim of this policy is to enable Equals Trust to manage our records effectively and in compliance with data protection and other regulation. 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.
	2. Equals 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.
	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.
	4. For information, the Appendix sets out the legal requirements for certain categories of document. Where we have decided to keep information longer than the statutory requirement, this has been explained in the table at Section 2.
	5. Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Trust Executive Officer shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.
	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 The Trust Executive 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**

This table is recommended. It covers the main categories of documents with a legal or commercial requirement to keep them for a set period, relevant to charities generally. Appendix 1 allows us to create a table in accordance with our specific needs. As long as we can justify the length of time, we can choose how long to keep records, and we can amend this policy at any time. However we should never deliberately delete or destroy anything in order to avoid disclosure in response to a Subject Access Request.

|  |  |  |
| --- | --- | --- |
| **DOCUMENT TYPE** | **LEGISLATION / REASONS FOR RETENTION** | **REQUIREMENT** |
| COMPANY RECORDS   |  |  |
| Company Articles of Association, Rules / bylaws | Companies Act 2006Charities Act 2011 | Permanent |
| Academy funding agreement and any supplemental agreements | Charities Act 2011 | Permanent |
| Trustee / director minutes of meetings and written resolutions | Companies Act 2006Charities Act 2011 | Recommended at least 10 years |
| Members’ meetings etc.Minutes / resolutions | Companies Act 2006Charities Act 2011 | Recommended at least 10 years |
| Documents of clear historical / archival significance | Data Protection regulation | Permanent if relevant data protection regulation provisions are met. At the time of writing the Data Protection Bill contains relevant provisions but these are expected to change as the Bill goes through the parliamentary process. Legal advice should be obtained once the Data Protection Act 2018 is published. |
| 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 |
| IP records and legal files re provision of service | Limitation Act 1980 | Recommended: Life of service provision or IP plus 6 years |
| **TAX AND FINANCE** |  |  |
| Annual accounts and review (including transferred records on amalgamation) | Companies Act 2006Charities Act 2011 | Minimum 6 yearsRecommended: permanent record |
| Tax and accounting records | Finance Act 1998Taxes Management Act 1970 | 6 years from end of relevant tax year |
| Information relevant for VAT purposes | Finance Act 1998 and HMRC Notice 700/21 | Minimum 6 years from end of relevant period |
| Banking records / receipts book/sales ledger | Companies Act 2006Charities Act 2011 | 6 years from transaction |
| **EMPLOYEE / ADMINISTRATION** | See generally ICO Employment Practices Code |  |
| Payroll / Employee / Income Tax and NI records:P45; P6; PIID; 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 2007Independent School Standards Regulations | Minimum 2 years from end of employment |
| HR files and training records | Limitation Act 1970 and Data Protection regulation | Maximum 6 years from end of employment  |
| 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) Disability Discrimination Act 1995 & Race Relations Act 1976 | Recommended: 6-12 months from your notification of outcome of application |
| Pre-employment / volunteer vetting | ICO Employment Practice CodeIndependent School Standards Regulations | 6 months |
| Disclosure & Barring Service checks | Single Central Record Requirements under • for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007); • 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 and • for non-maintained special schools: Regulation 3 and paragraph 7 of Part 1 and paragraph 18 of Part 2 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015.  | 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’<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2> |
| Volunteer records |  | Undertake assessment to decide on retention period taking account of risk (e.g. safeguarding re work with children) |
| **INSURANCE** |  |  |
| 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 |
| **HEALTH & SAFETY / MEDICAL** |  |  |
| General records | Limitation Act 1970 | Minimum 3 years |
| Records re work with hazardous substances | Control of Hazardous Substances to Health Regulations 2002 | Up to 40 years. Recommend: Permanent |
| Accident books / records and reports | Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995 | 3 years after last entry or end of investigation |
| Medical Scheme documentation  | Commercial | Permanent unless personal data is included |
| **PREMISES / PROPERTY** |  |  |
| 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 | Limitations Act 1980 | 6 years after disposal or permanent if of historical / archival interest. Carry out review re: longer retention, e.g. if possible actions against contractors |
| **PENSION RECORDS** | For all categories see:Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk   |  |
| Records about employees and workers |  |
| Records re the Scheme |  |
| Records re active members and opt in / opt out |  |
| Trust Deed / Rules and HMRC approvals |  |
| Trustees’ Minutes and annual accounts |  |
| Policies including investment policies |  |
| **PUPILS** |  |  |
| **Educational Record** | Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context.Data Protection regulation | 25 years from date of birth if this is the final school of the child but the pupil file should follow the pupil so it is likely to be difficult to justify the need for retention once the file has been passed to the pupil’s new school |
| **Child Protection information (on child’s file)** | “Keeping childrensafe in educationStatutory guidancefor schools andcolleges September 2016”;“Working together tosafeguard children. Aguide to inter-agencyworking to safeguardand promote thewelfare of childrenFebruary 2017” | RETAIN UNTIL FURTHER RECOMMENDATIONS – File should follow the child to their next school in their entiretySubject to moratorium on destruction due to historic child abuse enquiry. See<https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements> |
| **Child Protection Information in other files** | “Keeping childrensafe in educationStatutory guidancefor schools andcolleges September 2016”;“Working together tosafeguard children. Aguide to inter-agencyworking to safeguardand promote thewelfare of childrenFebruary 2017” | RETAIN UNTIL FURTHER RECOMMENDATIONSSubject to moratorium on destruction due to historic child abuse enquiry. See<https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements>  |
| **Special Educational needs** |  |  |
| **SEN files** | Limitation Act 1980 | Usually 25 years from date of birth of the pupil. If kept longer show good justification. File should follow the child to their next school in their entirety. |
| **Education Health and Care Plans** | Special Educational Needs and Disability Regulations 2014Children and families Act 2014, part 3 | 25 years from date of birth of the pupil. File should follow the child to their next school in their entirety. |
| **Statements of Special Educational Needs (now historic)** | Originally under Special Educational Needs and Disability Regulations 2001 | 25 years from date of birth of pupil. File should follow the child to their next school in their entirety. |
| **Attendance registers** | Pupil Registration Regulations 2006Regulation 14 | 3 years from when the register entry was made if made in paper registersFor computerised registers retain until 3 years after the end of the school year during which the entry was made. This applies to every back up copy.The difference in retention periods as between manual and computerised registers has probably come about in error but this is what the Regulations say. |
| **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. |
| **PARENTS** | Pupil Registration Regulations 2006For 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 / ALUMNAE AND THEIR PARENTS** |  | No legal clarity at present. Seek further advice when the Data Protection Act 2018 is in final form ( likely to be April 2018) |
| **OTHER SCHOOL RELATED INFORMATION** | various | Please consult the IRMS toolkit for schools which is here:<http://irms.org.uk/page/SchoolsToolkit> |

1. **DELETION OF DOCUMENTS**
	1. When a document is at the end of its retention period, it should be dealt with in accordance with this policy.

**Confidential waste**

* 1. This should be shredded, made available for collection in the confidential waste bins or sacks located around the office.
	2. Anything that contains personal information should be treated as confidential.
	3. Where deleting electronically, please refer to The Trust Executive Officer to ensure that this is carried out effectively.

**Other documentation**

* 1. Other documentation can be deleted or placed in recycling bins where appropriate.

**Automatic deletion**

* 1. 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 Trust Executive Officer.

**Individual responsibility**

* 1. Much of the retention and deletion of documents will be automatic, but when faced with a decision about an individual document, you should ask yourself the following:
		1. Has the information come to the end of its useful life?
		2. Is there a legal requirement to keep this information or document for a set period? (Refer to Appendix 1 for more information)
		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?)
		4. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?
		5. Is the document of historic or statistical significance?
	2. If the decision is made to keep the document, this should be referred to The Trust Executive Officer and reasons given.

**APPENDIX 1**

Appendix 1 allows us to create a table in accordance with our specific needs. As long as we can justify the length of time, we can choose how long to keep records, and we can amend this policy at any time. However we should never deliberately delete or destroy anything in order to avoid disclosure in response to a Subject Access Request.

|  |  |  |
| --- | --- | --- |
| **DOCUMENT CATEGORY** | **RETENTION PERIOD** | **REASON** |
| **Corporate / Constitutional** |  |  |
|  |  |  |
| **Insurance** |  |  |
|  |  |  |
| **Health & Safety** |  |  |
|  |  |  |
| **Property** |  |  |
|  |  |  |
| **Pension Records** |  |  |
|  |  |  |
| **Tax and Finance** |  |  |
|  |  |  |
| **Employees / Administration** |  |  |
|  |  |  |
| **Pupils** |  |  |
|  |  |  |
| **Parents** |  |  |
|  |  |  |
| **Alumni / Alumnae** |  |  |
|  |  |  |