



Information and Records Retention Policy

Document provenance

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| This policy was approved by Trustees as follows – | |
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Summary of changes at last review:

- n/a this is a new policy

Related documents:

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Information and Records Retention Policy

Introduction

- 1 This policy sets out a structured approach to reviewing and destroying records in relation to E-ACT (the **Trust**).
- 2 The retention period for each type of record is shown in the table below. In addition, data protection legislation makes it unlawful to keep the information when it is no longer needed for the purpose for which it is held. This requirement is uncertain and allows discretion and may vary according to the circumstances, but in practice it means that the Trust should promptly destroy the record once the retention period in the table below has been reached. Occasionally there may be special circumstances which mean that a record should be kept for longer (for example where there is a risk of litigation or a request from an outside body such as the Independent Inquiry into Child Sexual Abuse (IICSA) see below). The Trust should refer to its insurance policies and further legal advice should be sought in these circumstances.
- 3 Information must be securely deleted. This applies to paper records, electronic information and biometric information.
- 4 This policy does not apply to records connected with commercial activities.
- 5 Independent Inquiry into Child Sexual Abuse (**IICSA**):
 - 5.1 The IICSA has issued retention instructions to a range of institutions regarding records relating to the care of children. In light of this, we are advising schools to temporarily cease the routine destruction of those records which might be relevant to the Inquiry in case they are requested by the Inquiry or made subject to a disclosure order. This means that before destroying **any** document the Trust should consider if it contains information that may fall within the Inquiry's remit.
 - 5.2 The range of documentation which might need to be kept is wide. It will include any information linked to alleged or established child sexual abuse, whether by staff, volunteers or pupils with no limitation date. For example, a list of pupils who attended an overnight Academy trip or admission registers which show which pupils were at the Trust at a given time. As such, documents should be kept for longer than the retention periods listed in the policy if they concern information which might be relevant to the Inquiry. The Trust should therefore review the retention periods under **each** of the rows below in case they are relevant to IICSA.
 - 5.3 Please note that the Trust should keep this under review so that it recommences document destruction at the appropriate time.

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|-------------------------------------|---|--|-----------------------------------|
| 1 | Pupils | | | |
| 1.1 | Admission registers (however held) | Three years from the date of the last entry | Transfer to the archives and shred or delete copies and back-ups | Yes |
| 1.2 | Attendance registers (however held) | Three years from the date of the last entry | Review for further retention in the case of contentious dispute SHRED/DELETE including back-ups and copies | Yes |
| 1.3 | Child protection records | DOB of the pupil + 50 years | Review for further retention in the case of contentious dispute SHRED/DELETE Notes 1 Child protection information must be copied and sent under separate cover to the new school whilst the child is still under 18. Trusts should ensure secure transit and confirmation of receipt should be obtained 2 Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority (LA) 3 In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all schools are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been involved in, or have knowledge of child sexual abuse or child sexual exploitation; allegations | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|---|---|---|-----------------------------------|
| | | | (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. 50 years from the date of birth of the pupil involved should be a sufficient period of retention but this should be kept under review | |
| 1.4 | Biometric information (e.g. fingerprints to be used as part of an automated biometric recognition system) | For as long as the Trust requires the information for the individual's use of the automated biometric recognition system | This information must not be kept for longer than it is needed. The information must be destroyed if the pupil no longer uses the system including when they leave the Trust, where the parent or pupil withdraws consent or the pupil objects to its use | No |
| 1.5 | Medical records held by the Trust | DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident The 24 year period is based on the fact that once the child turns 18 years old they have a certain amount of time (known as a limitation period) in which | Review for further retention in the case of contentious disputes SHRED/DELETE | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|---|--|--|-----------------------------------|
| | | to bring claims against the Trust. The longest of these limitation periods is six years, albeit that some periods can be extended by the courts | | |
| 1.6 | Counselling records held by the Trust | DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident | Review for further retention in the case of contentious disputes SHRED/DELETE | No |
| 2 | Pupil files | | | |
| 2.1 | Pupil files (including public examination scripts, marks & results) | DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident | Review for further retention in the case of contentious disputes, for example, parental complaints, disciplinary matters, pupil exclusions, bullying incidents and subject access requests SHRED/DELETE Notes 1 When reviewing pupil files, the Trust should have regard to other applicable sections of this policy | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|---|---|--|-----------------------------------|
| | | | 2 Any examination certificates left unclaimed should be returned to the appropriate Examination Board | |
| 2.2 | Internal examination scripts, marks and results | <p>Scripts:</p> <p>Scripts from weekly or monthly tests: Keep until the end of the next term.</p> <p>Scripts from termly or yearly tests: Keep until the end of the next academic year.</p> <p>Marks & results:</p> <p>If the purpose of the test is to progress the child (either internally or externally) then keep marks & results in accordance with the retention periods and guidance set out in row 2.1 above.</p> <p>If the purpose of the test is for general internal assessment of academic performance then keep marks & results for the</p> | Keep for longer in accordance with the retention periods and guidance set out in row 2.1 above if risk of contentious disputes, for example, parental complaints, disciplinary matter, pupil exclusions, bullying incidents and subject access requests. | |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|----------|---|--|---|--|
| | | same period as the scripts themselves. | | |
| 2.3 | Special Educational Needs files, reviews and Individual Education Plans | DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident | Review for further retention in the case of contentious disputes SHRED/DELETE | No |
| 2.4 | Statement of Special Education Needs (SEN) and Education Healthcare (EHC) Plans | Statements of SEN (including appendices) and EHC Plans should never be retained once the pupil has left the Trust | SHRED/DELETE unless legal action pending The Statement / Plan belongs to the LA which makes and maintains the Statement / Plan | Yes |
| 2.5 | Letters authorising absence | Three years from the date of the last entry on the attendance register | SHRED/DELETE | No |
| 3 | Permissions | | | |
| 3.1 | Parental permission slips for Academy trips – where there has been no | Conclusion of the trip + three years | Review for further retention in the case of contentious disputes otherwise SHRED/DELETE | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|----------|---|---|---|--|
| | major incident, accident, injury or near miss involving anyone on the trip | | | |
| 3.2 | Parental permission slips for Academy trips – where there has been a major incident, accident, injury or near miss involving anyone on the trip | <p>DOB of the pupil involved in the incident + 24 years; or</p> <p>Six years from the date of the incident if the pupil was 18 years old at the date of the incident</p> <p>The permission slips for all pupils on the trip may need to be retained to show that the rules had been followed for all pupils</p> | <p>Review for further retention in the case of relevance to contentious disputes.</p> <p>SHRED/DELETE</p> | No |
| 4 | Admission department | | | |
| 4.1 | Admission documents including enrolment forms | Six years from date of leaving the Trust | <p>Review for further retention in the case of contentious disputes</p> <p>SHRED/DELETE</p> | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|---|--|--|--|
| 4.2 | Admissions documents relating to applicants who did not join the Trust | One year (subject to requirements for admission appeal documents – 4.3 below), If there is a risk that parents or a pupil might bring a claim against the Trust then the documents should be retained in line with 4.3. | SHRED/DELETE | No |
| 4.3 | Documents relating to admission appeal proceedings | At least two years | Review for further retention in the case of relevance to contentious disputes. SHRED / DELETE | Yes |
| 5 | Employment | | | |
| 5.1 | Employment or personnel records including contracts of employment, changes to terms and condition, disciplinary matters, grievance procedures | For at least six years after date of termination of employment For at least 12 years after date of termination if any of the documents were signed as a deed | If on a date no earlier than six years after the termination date there has been no recent contact from the relevant individual and no apparent breach of contract claim, dispose securely of documentation unless any child protection concerns. Records of anyone with child protection concerns (even if not proved) should be retained | No |
| 5.2 | Single central register (SCR) | Indefinitely either on an archive SCR or within the personnel file. | Review whether further retention is necessary. If so, these reasons must be documented. If not SHRED/DELETE | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|--|--|--|--|
| 5.3 | Records and documents relating to membership of and contributions to the Teachers' Pension Scheme | Indefinitely | Review whether further retention is necessary. Decisions in relation to the Teachers' Pension Scheme may have ramifications beyond six years, and may be queried at any time by members and the Teachers' Pension Scheme | No |
| 5.4 | Employment references received and references provided | For a period longer than six years | Keep for so long as a reference may be required in future - potentially up until the employee's normal retirement age Consider whether any recent reference requests for the relevant individual If none, SHRED/DELETE | No |
| 5.5 | Employment reference where an individual's employment ended for a safeguarding reason or where safeguarding was outstanding at the time of termination | At least until the person has reached normal retirement age or for a period of ten years from the date of the allegation if that is longer | Consider whether any recent reference requests for the relevant individual or new concerns raised by social services or other agencies If none, SHRED/DELETE | Yes |
| 5.6 | Working time opt-out forms | Two years from the date on which they were entered into | SHRED/DELETE | Yes |
| 5.7 | Records to show compliance with the | Two years after the relevant period | SHRED/DELETE | Yes |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|------|---|--|--|--|
| | Working Time Regulations | | | |
| 5.8 | Payroll and wage records These include records of: •Details of any overtime •Expenses •Benefits in kind | Six years from the financial year end in which payments are made | SHRED/DELETE | Yes |
| 5.9 | PAYE Records | Three years in addition to the current year (However it may be sensible to keep them for six years as they may fall within the definition of payroll and wage records) | SHRED/DELETE | Yes |
| 5.10 | Maternity / paternity records These include: •Records regarding Maternity / paternity payments made save for | Three years after the end of the tax year in which the maternity/paternity pay period ends | SHRED/DELETE | Yes |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|------|---|--|---|--|
| | where those include payroll records •Maternity certificates showing the expected week of confinement | | | |
| 5.11 | Sickness records required for the purposes of Statutory Sick Pay (SSP) | During employment and for a period of three years after employment has ended | SHRED/DELETE | Yes |
| 5.12 | Records in relation to hours worked and payments made to workers | For a period of three years beginning with the last day of the following month to which the records relate | SHRED/DELETE | Yes |
| 5.13 | Consents for the processing of personal data and sensitive personal data (known as special category personal data under the GDPR) | For as long as the data is being processed and up to six years afterwards. | SHRED/DELETE | Yes |
| 5.14 | Disclosure and Barring Service (DBS) checks and disclosures | Dispose of securely after the recruitment process unless assessed as relevant to ongoing employment relationship. Once | Enter DBS certificate number, date, initials on Single Central Register SHRED/DELETE | Yes |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|------|--|---|--|--|
| | of criminal record forms | the conviction is spent, should be deleted unless it is an excluded profession. | | |
| 5.15 | Immigration checks | Throughout employment and then retained for two years after the termination of employment | SHRED/DELETE | Yes |
| 5.16 | Recruitment records of unsuccessful candidates | Six months after notifying unsuccessful candidates | SHRED/DELETE | No |
| 5.17 | Personnel and training records | Whilst employment continues and up to six years after employment ceases | SHRED/DELETE | No |
| 5.18 | Annual leave records | Six years or possibly longer if leave can be carried over from year to year | SHRED/DELETE | No |
| 5.19 | Collective / workforce agreements | Permanently or six years after the agreement comes to an end | SHRED/DELETE | No |
| 5.20 | Works Council minutes | Permanently | N/A | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|----------|---|---|--|--|
| 5.21 | An Employee's bank details | Until last payment made | SHRED/DELETE | No |
| 5.22 | Records of advances for season tickets and loans to employees | Whilst employment continues and up to six years after repayment | SHRED/DELETE | No |
| 5.23 | Death Benefit Nomination and Revocation Forms | Whilst employment continues and up to six years after payment of benefit | SHRED/DELETE | No |
| 6 | Health and safety information - employees | | | |
| 6.1 | Reportable injuries, diseases and dangerous occurrences (RIDDOR) reports or own record | Three years from the date of record If disease - indefinitely (recommended) | Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE | Yes |
| 6.2 | First aid / accident book entry | Three years from the date of injury or last record in the book If disease - indefinitely | Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE | Yes |
| 6.3 | Records of maintenance, examination and test | Five years | Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE | Yes |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|--|---|--|--|
| | control measures relating to substances hazardous to health under the Control of Substances Hazardous to Health (COSHH) regime | | | |
| 6.4 | Health records for licensable asbestos work | At least 40 years from the date of the last entry | Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE | Yes |
| 6.5 | Medical surveillance certificate for licensable asbestos work | At least four years from the date it was issued | Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE | Yes |
| 6.6 | Records of air monitoring for asbestos | Where a health record is required at least 40 years from the date of the last entry In other cases at least five years from the date of the last entry | | Yes |
| 6.7 | Records of examinations, tests and repairs carried out in respect of exhaust or respiratory protective | Five years | Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE | Yes |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|----------|--|---|--|--|
| | equipment under the Control of Asbestos Regulations 2012 (CAR) | | | |
| 6.8 | Examination / report of defect for power presses | Two years | Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE | Yes |
| 6.9 | Records of water testing | Five years from the date of the last entry | Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE | Yes |
| 7 | Health and safety information - pupils | | | |
| 7.1 | Accident reports including first aid / accident book | DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident | Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|---|--|--|-----------------------------------|
| 7.2 | Reportable injuries, diseases and dangerous occurrences (RIDDOR) reports or own record | Minimum statutory retention period is at least 3 years but, we recommend that the record is kept for DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident | Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE | Yes |
| 7.3 | Incident investigations and reports, risk assessments and other relevant documents where there has been an accident or incident | DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident | Review for further retention in the case of enforcement action or civil claims for personal injury SHRED/DELETE | No |
| 8 | Generic health and safety records | | | |
| 8.1 | Risk assessments, records of health and safety | Three years (in the absence of a specific accident, incident, | Review for further retention in the case of enforcement action or contentious disputes | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|--|--|--|--|--|
| | <p>arrangements, copies of policies and procedures</p> <p>General records of health and safety auditing and monitoring including fire risk assessments, electrical testing, PAT testing and gas appliance testing</p> <p>Training records and copies of instructions or information</p> <p>Maintenance logs and / or records of plant and / or equipment plus safety manuals / notices / instructions</p> <p>Records of emergency evacuations and fire drills, fire safety risk assessments and fire safety policy / fire arrangements</p> | <p>dangerous occurrence or notifiable disease)</p> | <p>SHRED/DELETE</p> | |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----|--|---|---|--|
| 8.2 | Copies of documents, including health and safety files, prepared pursuant to the Construction (Design and Management) Regulations 2015 | Records should be retained for the life of the building to inform on future construction projects at the Trust site | SHRED/DELETE | N/A |
| 9 | Insurance | | | |
| 9.1 | Insurance certificates and schedules of cover | Indefinitely | N/A | No |
| 9.2 | Correspondence with insurers related to specific accidents or incidents | Three years generally If the incident involved a pupil - DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident | Review for further retention in the case of civil claims for disease or personal injury SHRED/DELETE | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----------|--|--|--|---|
| | | Disease claims or where there have been allegations of abuse - indefinitely | | |
| 10 | Investigations, reviews and inquiries | | | |
| 10.1 | Documents relevant to IICSA | Indefinitely | Review once the Inquiry has been completed. | No - unless the Academy has received a formal notice from IICSA |
| 10.2 | Internal reports and investigations into accidents / incidents Copies of reports submitted to external agencies / regulators such as Ofsted, Health and Safety Executive, Local Authority, Education and Skills Funding Agency etc External reports, reviews, investigations and inquiries for example | Where the investigation / inquiry / report has been necessitated as a result of a specific incident, these documents are stored centrally for at least three years where there is a risk of enforcement action and / or criminal prosecution and / or a civil claim. Where this relates to pupil DOB +21 years); or Three years from the date of an incident which may become contentious if the pupil was 18 | SHRED/DELETE | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----------|--|---|--|--|
| | inquests and public inquiries | years old at the date of the incident. | | |
| 11 | Alumni records | | | |
| 11.1 | We recommend that alumni should be treated as employees for the purposes of health and safety records. Although this is not strictly necessary, (some of the health and safety requirements relating to employees do not apply to alumni), treating them the same can be considered good practice and may be more straightforward to implement in practice | As set out in section 6 above | As set out in section 6 above | No |
| 11.2 | General alumni correspondence, membership forms etc | Six years after the last time the individual contacted the Trust This is subject to any longer retention period set out above. | SHRED/DELETE | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|------|--|---|--|--|
| | | For example, records relating to a reportable disease should be kept indefinitely . | | |
| 12 | Material kept for archiving purposes in the public interest or for historical research purposes or statistical purposes | | | |
| 12.1 | Records which do not contain personal data, for example, old photographs of Trust buildings, title deeds etc | Can be kept indefinitely | N/A | No |
| 12.2 | Records relating to a number of pupils, or the Trust generally, such as old class photographs, lists of pupils attending the Trust in any given year, Trust prospectuses, newspaper cuttings etc | Can be kept indefinitely | N/A | No |
| 12.3 | Records concerning specific pupils kept for a valid reason. For example, a poem written | Can be kept indefinitely subject to the comments below. Please note that this does not apply to more routine pupils' records. Routine work | N/A | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|-----------|-------------------------------------|---|--|--|
| | by an exceptionally gifted pupil. | produced by pupils should not be kept for longer than the retention period set out in section 2.1 above unless the Trust has a specific reason for keeping it and that decision can be justified. Discuss with the DPO if further clarification is required | | |
| 13 | CCTV, videos and photographs | | | |
| 13.1 | CCTV footage | Up to 90 days | <p>DELETE</p> <p>Review for further retention if the recording may be required for any reason such as in relation to an incident or accident involving any person.</p> <p>CCTV footage may also be needed in relation to parental complaints, disciplinary matters, pupil exclusions, bullying incidents or health and safety matters.</p> <p>If a subject access request has been made for the footage it must be retained.</p> <p>The Trust should consider the relevant limitation periods for claims being brought against the Trust and seek advice as necessary.</p> | No |

| | Record | Retention period | Action at the end of the retention period | Retention period required by law? |
|------|---|---|--|--|
| 13.2 | Photographs of pupils for internal administration purposes e.g. to identify the pupil or photographs used on security passes | These photographs should be retained for as long as they are required for the purpose for which they were taken. | SHRED/DELETE Review for further retention in the case of relevance to contentious disputes. | No |
| 13.3 | Photographs or videos of pupils taken for promotional purposes e.g. photographs for use in the Trust prospectus or a video of pupils on the Trust's website | These photographs and videos should be retained for as long as they are required for the purpose for which they were taken. | SHRED/DELETE Review for further retention in the case of relevance to contentious disputes. | No |
| 13.4 | Photographs or videos of pupils used as part of the curriculum e.g. a video of a drama lesson/ performance or as part of an art project | These photographs and videos should be retained for as long as they are required for the purpose for which they were taken. | SHRED/DELETE Review for further retention in the case of relevance to contentious disputes. | No |