



# Information and Records Retention Policy

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## Document provenance

This policy was approved by Trustees as follows –

Approver: Audit and Risk Committee

Date of Approval: June 2020

Executive Leadership Team (ELT) Owner:

Date of Review: June 2022

Chief Operating Officer

*Unless there are legislative or regulatory changes in the interim, this policy will be reviewed every two years. Should no substantive changes be required at that point, the policy will move to the next review cycle.*

### Summary of changes at last review:

- Change of CCTV storage retention from 90 days to 30 days in line with CCTV policy
- Inclusion of deletion of FOI and SAR information.
- New item 14 added: Retention of Communication Activities documents
- New item 15 added: Retention and disposal of Governance Documents

### Related policies and documents

- Data Protection Policy<sup>1</sup>
- CCTV Policy<sup>2</sup>
- Privacy Notices<sup>3</sup>

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<sup>1</sup> <https://insight.e-act.org.uk/policies/data-protection-policy-staff>

<sup>2</sup> <https://insight.e-act.org.uk/policies/cctv-policy>

<sup>3</sup> <https://www.e-act.org.uk/privacy-notice/>

# Information and Records Retention Policy

## 1. Introduction

- 1.1. This policy sets out a structured approach to reviewing and destroying records at E-ACT.
- 1.2. This policy does not apply to records connected with commercial activities.

## 2. Scope

- 2.1. This policy applies to all staff.

## 3. Legislation and regulation

- 3.1. The Data Protection Act 2018<sup>4</sup> and General Data Protection Regulations 2018<sup>5</sup> require businesses to set out how long they retain data and for what purpose, and retention periods are set out in statute.

## 4. Policy Statement

- 4.1. The retention period for each type of record is shown in the Table 1, Section 9 of this policy document. At the conclusion of the retention period information must be securely deleted. This applies to paper records, electronic information and biometric information.
- 4.2. Data protection legislation makes it unlawful to keep the information when it is no longer needed for the purpose for which it is held.
- 4.3. 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).

## 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 will 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

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<sup>4</sup> <https://www.gov.uk/government/collections/data-protection-act-2018>

<sup>5</sup> <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

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 Table 1 in case they are relevant to IICSA.

## **6. Training**

6.1. No specific training is required to follow this policy. Regional Operations Directors (RODS) will identify how the regions store data for the required period and observe the necessary timescales set out in Table 1.

## **7. Responsibilities**

7.1. The following responsibilities apply in relation to this policy:

- Trustees - the Audit and Risk Committee will approve the policy every two years unless legislation changes and we need to revise the policy before the stated two-year review date
- The Executive Leadership Team - will hold the Regional Directors to account for compliance with and monitoring of this policy
- Regional Operations Directors/Regional Education Directors -
- Headteachers – should ensure that all staff have declared annually that they have read and understood this policy and support staff should queries arise
- All staff - must adhere to the requirements of this policy.

## **8. Monitoring and compliance**

8.1. The monitoring and compliance with this policy will take place through the work of Regional Education and Regional Operations Directors who will report at the termly Regional Performance Boards (RPBs).

8.2. All employees are asked to annually declare that they have read, understood, and will comply with this Information Retention and Records Policy as part of their annual staff declaration.

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
1	<b>Pupils</b>			
1.1	Admission registers (however held)	Entry + 7 years	Retain in school for 7 years from entry. Transfer to the archives and SHRED/DELETE back-ups and copies	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	Date of birth + 25 years then review.	<p>Review for further retention in the case of contentious dispute.</p> <p>SHRED/DELETE</p> <p><b>Notes</b></p> <ol style="list-style-type: none"> <li>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</li> <li>2 Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority (<b>LA</b>)</li> <li>3 In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse (IICSA) 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 (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.</li> </ol>	No

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
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	<p>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</p> <p>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 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.</p>	Review for further retention in the case of contentious disputes SHRED/DELETE	Yes
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

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
<b>2</b>	<b>Pupil Files</b>			
2.1	Pupil files (including public examination scripts, marks and 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 (SARs) SHRED/DELETE <b>Notes</b> 1 When reviewing pupil files, the Trust should have regard to other applicable sections of this policy.	No
2.2	Internal examination scripts, marks and results	Scripts: Scripts from weekly or monthly tests: Keep until the end of the next term. Scripts from termly or yearly tests: Keep until the end of the next academic year. Marks and results: If the purpose of the test is to progress the child (either internally or externally) then keep marks and results in accordance with the retention periods and guidance set out in row 2.1 above. If the purpose of the test is for general internal assessment of academic performance then keep marks and results for the same period as the scripts themselves.	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 (SARs).	2.2

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
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 ( <b>SEN</b> ) and Education Healthcare ( <b>EHC</b> ) 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
<b>3</b>	<b>Permissions</b>			
3.1	Parental permission slips for Academy trips – where there has been no major incident, accident, injury or near miss involving anyone on the trip.	Conclusion of the trip + three years.	Review for further retention in the case of contentious disputes otherwise SHRED/DELETE	No
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	DOB of the pupil involved in the incident + 24 years; or six years from the date of the incident if the pupil was 18 years old at the date of the incident. 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.	Review for further retention in the case of relevance to contentious disputes. SHRED/DELETE	No

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
<b>4</b>	<b>Admissions</b>			
4.1	Admissions – if the admission is the successful	Admission + 1 year	SHRED/DELETE	No
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	Resolution of case + 1 year	Review for further retention in the case of relevance to contentious disputes. SHRED / DELETE	Yes
<b>5</b>	<b>Employment</b>			
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
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

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
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 working Time Regulations.	Two years after the relevant period	SHRED/DELETE	Yes
5.8	Payroll and wage records These include records of: <ul style="list-style-type: none"> <li>• Details of any overtime</li> <li>• Expenses</li> <li>• Benefits in kind</li> </ul>	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

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
5.10	Maternity / paternity records These include: <ul style="list-style-type: none"> <li>• Records regarding maternity/paternity payments made save for where those include payroll records</li> <li>• Maternity certificates showing the expected week of confinement.</li> </ul>	Three years after the end of the tax year in which the maternity/paternity pay period ends	SHRED/DELETE	Yes
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

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
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
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

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
<b>6</b>	<b>Health and safety information – employees</b>			
6.1	Reportable injuries, diseases and dangerous occurrences ( <b>RIDDOR</b> ) 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 control measures relating to substances hazardous to health under the Control of Substances Hazardous to Health ( <b>COSHH</b> ) regime	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
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

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
6.7	Records of examinations, tests and repairs carried out in respect of exhaust or respiratory protective equipment under the Control of Asbestos Regulations 2012 (CAR)	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
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
<b>7</b>	<b>Health and safety information – pupils</b>			
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
7.2	Reportable injuries, diseases and dangerous occurrences ( <b>RIDDOR</b> ) 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	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		years old at the date of the incident		
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
<b>8</b>	<b>Generic health and safety records</b>			
8.1	<p>Risk assessments, records of health and safety 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</p>	Three years (in the absence of a specific accident, incident, dangerous occurrence or notifiable disease)	Review for further retention in the case of enforcement action or contentious disputes. SHRED/DELETE	No

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
	evacuations and fire drills, fire safety risk assessments and fire safety policy / fire arrangements.			
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
<b>9</b>	<b>Insurance</b>			
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. Disease claims or where there have been allegations of abuse – indefinitely.	Review for further retention in the case of civil claims for disease or personal injury SHRED/DELETE	No

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
<b>10</b>	<b>Investigations, reviews and inquiries</b>			
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. External reports, reviews, investigations and inquiries for example inquests and public inquiries.	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 years old at the date of the incident.	SHRED/DELETE	No

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
<b>11</b>	<b>Alumni Records</b>			
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. For example, records relating to a reportable disease should be kept indefinitely .	SHRED/DELETE	No
<b>12</b>	<b>Material kept for archiving purposes in the public interest or for historical research purposes or statistical purposes</b>			
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

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
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 by an exceptionally gifted pupil.	Can be kept indefinitely subject to the comments below. Please note that this does not apply to more routine pupils' records. Routine work 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.	N/A	No
<b>13</b>	<b>CCTV, videos and photographs</b>			
13.1	CCTV footage	Up to 30 days	DELETE 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. CCTV footage may also be needed in relation to parental complaints, disciplinary matters, pupil exclusions, bullying incidents or health and safety	No

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
			<p>matters.            If a Subject Access Request (SAR) has been made for the footage it must be retained.            The Trust should consider the relevant limitation periods for claims being brought against the Trust and seek advice as necessary.</p>	
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
<b>14</b>	<b>Communication Activities</b>			
14.1	Staff Mailboxes and Outlook	12 months	Delete	No

No.	Record	Retention period	Action at the end of the retention period	Retention period required by law?
14.2	Staff internal in-boxes	12 months	Delete	No
14.3	Physical correspondence (scanned)	6 months	Delete	No
<b>15</b>	<b>Governance</b>			
15.1	Articles of Association	Indefinite until superseded		Yes
15.2	Memorandum of Understanding	6 years from End of Understanding	Destroy	Yes
15.3	Internal committee meeting minutes	6 years	Review	Yes
15.4	Minutes of Trustees meetings	For at least as long as the charity exists.		Yes
15.5	Minutes of AGM	For at least as long as the charity exists.		Yes
15.6	Agenda and papers for meetings	For at least as long as the charity exists.		Yes
15.7	Annual Report, accounts and financial documentary	6 years	Destroy	Yes, by AFH and HM Treasury