

# Record Retention and Deletion

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<b>Authorised By:</b>	Board of Trustees
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## **Version Control**

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## Contents

<b>Section</b>		<b>Page</b>
1	Background	4
2	The purpose of the retention schedule	4
3	The benefits of a retention schedule	5
4	Maintaining and Amending the Retention Schedule	5
5	What to do with Records Once They Have Reached the End of their Administrative Life	5
5.1	Destruction of records	5
5.2	Transfer of records to the Archives	6
5.3	Transfer of information to other media	6
5.4	Transfer of information between schools	6
6	All staff	6
7	References and Links with other Policies	7
Retention schedules		
Appendix 1	Governance (Board of Trustees, Board of Members and committees incl. Local Advisory Boards)	8
Appendix 2	Management	11
Appendix 3	Pupils	12
Appendix 4	Curriculum	14
Appendix 5	Personnel	15
Appendix 6	Health & Safety	17
Appendix 7	Administrative	19
Appendix 8	Finance	20
Appendix 9	Property	21
Appendix 10	LEA(s)	22
Appendix 11	DfE	23

## 1. Background

This record retention and deletion policy contains recommended retention periods for the different record series created and maintained by Eden Academy Trust in the course of our business. The schedule refers to all information regardless of the media in which it is stored.

Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the General Data Protection Regulations (GDPR), Data Protection Act 2018 (DPA) and the Freedom of Information Act 2000 (FOI).

Managing record series using these retention guidelines will be deemed to be “normal processing” under the legislation mentioned above. If record series are to be kept for longer or shorter periods than laid out in this document the reasons for this need to be documented.

This policy will be reviewed at intervals of no less than three years, or exceptionally, if required by changes in Data Protection, Freedom of Information or other relevant legislation.

## 2. The Purpose of the Retention Schedule

Under the Freedom of Information Act 2000, schools are required to maintain a retention schedule listing the record series which the school creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use.

Members of staff are expected to manage their current record keeping systems using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems.

The retention schedule refers to all information, regardless of the media in which they are stored.

### **3. Benefits of a Retention Schedule**

There are several benefits which arise from the use of a complete retention schedule:

- a. Managing records against the retention schedule is deemed to be “normal processing” under the General Data Protection Regulations, Data Protection Act 2018 and the Freedom of Information Act 2000. Provided members of staff are managing records using the retention schedule they cannot be found guilty of unauthorised tampering with files once a freedom of information request or a data subject access request has been made.
- b. Members of staff can be confident about destroying information at the appropriate time.
- c. Information which is subject to Freedom of Information and Data Protection legislation will be available when required.
- d. The school is not maintaining and storing information unnecessarily.

### **4. Maintaining and Amending the Retention Schedule**

Where appropriate the retention schedule should be reviewed and amended to include any new record series created and remove any obsolete record series.

### **5. What to do with Records Once They Have Reached the End of their Administrative Life**

#### **5.1. Destruction of records**

Where records have been identified for destruction they should be disposed of in an appropriate way. All records containing personal information, or sensitive policy information should be shredded before disposal (if possible). Any other records should be bundled up and disposed of to a wastepaper merchant or disposed of in other appropriate ways.

The Freedom of Information Act 2000 requires the school to maintain a list of records which have been destroyed and who authorised their destruction.

Members of staff should record at least:

- File reference (or another unique identifier)
- File title (or brief description)
- Number of files
- The name of the authorising officer

This could be kept in an Excel spreadsheet or other database format.

### **5.2. Transfer of records to the Archives**

Where records have been identified as being worthy of permanent preservation, arrangements should be made to transfer the records to the Archives.

### **5.3. Transfer of information to other media**

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media such as microform or digital media. The lifespan of the media and the ability to migrate data where necessary should always be considered.

### **5.4. Transfer of information between schools**

When a child leaves the school all records for the child should be transferred in a secure manner to the child's new school. If the records contain sensitive information (e.g. child protection records) proof of receipt should be obtained. All data held by the school should then be deleted including all paper records and data stored electronically. A record should be kept for tracking and auditing purposes only.

## **6. All Staff**

Everyone is responsible for:

- Following procedures and guidance for managing, retaining and disposing of records
- Only disposing of records in accordance with the requirements outlined in this policy (if authorised to do so).

Ensuring that any proposed divergence from the records retention and disposal policies is authorised by the School Head.

## 7. References and Links with other Policies

- General Data Protection Regulations 2016/679
- Data Protection Act 2018
- Article 8, The Human Rights Act 1998
- Freedom of Information Act 2000
- Code of Practice on Records Management (under Section 46 of the Freedom of Information Act 2000)
- EAT Attendance Policy
- EAT Disciplinary Policy and Procedure
- EAT Capability Policy and Procedure
- EAT Complaints Policy
- EAT Data Protection Policy

**Appendix 1: Retention Schedule – Governance (Board of Trustees, Board of Members and committees incl. Local Advisory Boards)**

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Agendas	There may be data protection issues if the meeting is dealing with confidential issues relating to staff		Date of the meeting + 3 school years	One copy should be retained on the central system then secure disposal
<p>Minutes</p> <p><i>Principal (signed) set</i></p> <p><i>Inspection copies</i></p>	<p>There may be data protection issues if the meeting is dealing with confidential issues relating to staff. Where this is the case discussions, decisions and actions are recorded separately in a set of Confidential minutes</p> <p>Only non-confidential minutes should be made available for inspection</p>		<p>Permanent</p> <p>Date of the meeting + 3 school years</p>	<p>Retain in Academy office or school as appropriate</p> <p>Retain on the central system, then secure disposal</p>
Reports presented to the Board or committee	There may be data protection issues if the meeting is dealing with confidential issues relating to staff		Date of the meeting + 6 school years	Retain on the central system, then secure disposal



Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Instruments of Government (Articles of Association + Governance Charter, incl. the scheme of delegation)	No		Permanent	Retain on the central system
Trusts and endowments	No		Permanent	Retain in the Academy office
Action plans created and administered by the Academy Board	No		Life of the plan + 3 school years	Secure disposal
Policy documents	No		Expiry of policy	Retain on central system and in school whilst policy is operational (this includes if the expired policy is part of a past decision-making process)
Records relating to complaints	Yes		Date of resolution of complaint + 6 school years	Retain in the Academy office or school as appropriate, for the first 6 years. Review for further retention in the case of contentious disputes. Destroy routine complaints

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Annual Reports required by the Department for Education and Skills	No	Education (Governors' Annual Reports) (England) (Amendment Regulations 2002 SI 2002 No. 1171	Date of report + 10 school years	Secure disposal
Proposals concerning the change of status of a maintained school including Specialist Status Academy and Academies	No		Current year + 3 school years	Secure disposal

## Appendix 2: Retention Schedule – Management

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Minutes of the Senior Management Team <sup>1</sup> and other internal administrative bodies	Yes		Date of meeting + 5 years	Retain in the Academy office or school as appropriate for 5 years from meeting
Reports made by the Head or the management team	Yes		Date of report + 3 years	Retain in the Academy office or school as appropriate for 3 years from meeting
Records created by Heads, Deputy Heads and other members of staff with administrative responsibilities	Yes		Closure of file + 6 years	Destroy
Correspondence created by Heads, Deputy Heads and other members of staff with administrative responsibilities	No		Date of correspondence + 3 years	Destroy
Professional development plans	Yes		Closure + 6 years	Destroy
School development plans	No		Closure + 6 years	Review

<sup>1</sup> Applies to SMT's in the schools plus Academy Trust Cabinet

### Appendix 3: Retention Schedule – Pupils

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Admission Registers	Yes		Date of last entry in the book (or file) + 6 years	Retain in the school for 6 years from the date of the last entry.
Attendance registers	Yes		Date of register + 3 years	Destroy If these records are retained electronically any back-up copies should be destroyed at the same time
Pupil files <i>Primary</i>  <i>Secondary</i>	Yes		Retain for the time which the pupil remains at the primary school  DOB of the pupil + 25 years	Transfer to the secondary school (or other primary school) when the child leaves the school.  Destroy
Special Educational Needs files, reviews and Individual Education Plans	Yes		Closure + 35 years	Destroy
Child Protection files	Yes	Education Act 2002 S175, related guidance Safeguarding Children in Education, September 2019	DOB + 25 years	Destroy

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Letters authorising absence	No		Date of absence + 2 years	Destroy
Examination results <i>Public</i>	Yes			
	No		Year of examinations + 6 years	Destroy
<i>Internal</i>	Yes		Current year + 5 years	Destroy
Any other records created in the course of contact with pupils	Yes/No		Current year + 3 years	Review at the end of 3 years and either allocate a further retention period or Destroy
Statement maintained under The Education Act 1996 - Section 324	Yes	Special Educational Needs and Disability Act 2001 Section 1	DOB + 30 years	Destroy unless legal action is pending
Proposed statement or amended statement	Yes	Special Educational Needs and Disability Act 2001 Section 1	DOB + 30 years	Destroy unless legal action is pending
Advice and information to parents regarding educational needs	Yes	Special Educational Needs and Disability Act 2001 Section 2	Closure + 12 years	Destroy unless legal action is pending
Accessibility Strategy	Yes	Special Educational Needs and Disability Act 2001 Section 14	Closure + 12 years	Destroy unless legal action is pending

## Appendix 4: Retention Schedule – Curriculum

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Curriculum development	No		Current year + 6 years	Destroy
Curriculum returns	No		Current year + 3 years	Destroy
School syllabus	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or Destroy
Schemes of work	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or Destroy
Timetable	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or Destroy
Class record books	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or Destroy
Examination results	Yes		Current year + 6 years	Destroy
SATS records	Yes		Current year + 6 years	Destroy

## Appendix 5: Retention Schedule – Personnel<sup>2</sup>

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Timesheets, sick pay	Yes	Financial Regulations	Current year + 6 years	Destroy
Staff Personal files	Yes		Termination + 7 years	Destroy
Interview notes and recruitment records	Yes		Date of interview + 6 months	Destroy
Pre-employment vetting information (including DBS checks)	No	DBS guidelines	Date of check	Destroy
Allegation of a child protection nature against a member of staff, including where the allegation is unfounded	Yes	Employment Practices Code: Supplementary Guidance 2.13.1 (Records of Disciplinary and Grievance) Education Act 2002	Until the persons normal retirement age, or 10 years from the date of the allegation if that is longer.	Destroy
Disciplinary proceedings: <i>Management discussion</i>	Yes		Date of meeting + 6 months <sup>3</sup>	Destroy A record of the informal meeting is not held on the employee's personal file, but will be retained by the Head for the period specified and must be weeded on expiry

<sup>2</sup> In line with the Trust's HR policies

<sup>3</sup> In line with the Trust's Disciplinary Policy and Procedures

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
<i>Written warning</i>			Date of warning + 12 months <sup>4</sup>	Destroy This must be weeded from the staff member's personnel file on expiry
<i>Final written warning</i>			Date of warning + 24 months <sup>5</sup>	Destroy This must be weeded from the staff member's personnel file on expiry
<i>Case not found</i>			Destroy immediately at the conclusion of the case	
Records relating to accident/injury at work	Yes		Date of incident + 12 years	Review at the end of this period. In the case of serious accidents, a further retention period will need to be applied
Annual appraisal/assessment records	No		Current year + 5 years	Destroy
Maternity pay records	Yes	Statutory Maternity Pay (General)	Current year + 3yrs	Destroy
Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995	Yes		Current year + 6 years	Destroy

<sup>4</sup> In line with the Trust's Disciplinary Policy and Procedures

<sup>5</sup> In line with the Trust's Disciplinary Policy and Procedures



## Appendix 6: Retention Schedule – Health & Safety

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Accessibility Plans		Disability Discrimination Act	Current year + 6 years	Destroy
Accident Reporting		Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980		
<i>Adults</i>	Yes		Current year + 3 years	Destroy
<i>Children</i>	Yes		DOB + 25 years <sup>6</sup>	Destroy
COSHH			Current year + 10 years	Review and where appropriate an additional retention period may be allocated
Incident reports	Yes		Current year + 20 years	Destroy
Policy Statements			Date of expiry + 1 year	Destroy
Risk Assessments			Current year + 3 years	Destroy
Process of monitoring of areas where employees and persons are likely to have come in contact with asbestos			Last action + 40 years	Destroy

<sup>6</sup> A child may make a claim for negligence for 7 years from their 18<sup>th</sup> birthday. To ensure that all records are kept until the pupil reaches the age of 25 this retention period has been applied

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Process of monitoring of areas where employees and persons are likely to have come in contact with radiation			Last action + 50 years	Destroy
Fire Precautions logbooks			Current year + 6 years	Destroy

## Appendix 7: Retention Schedule – Administrative

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Employer's Liability certificate			Permanent whilst the school is open	Destroy if the school closes
School brochure/prospectus			Current year + 3 years	
Circulars (staff/parents/pupils)			Current year + 1 year	Destroy
Newsletters, ephemera			Current year + 1 year	Review to see whether a further retention period is required
Visitors' book			Current year + 2 years	Review to see whether a further retention period is required

## Appendix 8: Retention Schedule – Finance

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Annual Accounts		Financial Regulations	Current year + 6 years	
Loans and grants		Financial Regulations	Date of last payment on loan + 12 years	Review to see whether a further retention period is required
Contracts				
Copy orders			Current year + 2 years	Destroy
Budget reports, budget monitoring etc.			Current year + 3 years	Destroy
Invoice, receipts and other records covered by the Financial Regulations		Financial Regulations	Current year + 6 years	Destroy
Annual Budget and background papers			Current year + 6 years	Destroy
Debtors' Records		Limitation Act 1980	Current year + 6 years	Destroy
Applications for free school meals, travel, uniforms etc			Whilst child at school	Destroy
Student grant applications			Current year + 3 years	Destroy
Free school meals registers	Yes	Financial Regulations	Current year + 6 years	Destroy
Petty cash books		Financial Regulations	Current year + 6 years	Destroy

## Appendix 9: Retention Schedule – Property

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Title Deeds			Permanent	These should follow the property
Plans			Permanent	Retain in school whilst operational then
Maintenance and contractors		Financial Regulations	Current year + 6 years	Destroy
Leases			Expiry of lease + 6 years	Destroy
Lettings			Current year + 3 years	Destroy
Burglary, theft and vandalism report forms			Current year + 6 years	Destroy
Maintenance logbooks			Last entry + 10 years	Destroy
Contractors' Reports			Current year + 6 years	Destroy

## Appendix 10: Retention Schedule – LEA(s)

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
Transfer sheets	Yes		Current year + 2 years	Destroy
Attendance returns	Yes		Current year + 1 year	Destroy
Circulars from LEA			Whilst operationally required	Review to see whether a further retention period is required

## Appendix 11: Retention Schedule – DfE

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period (operational)	Action at the end of the administrative life of the record
OFSTED reports and papers			Replace former report with any new inspection report	Review to see whether a further retention period is required
Returns			Current year + 6 years	Destroy
Circulars from DfE			Whilst operationally required	Review to see whether a further retention period is required