

## RECORDS RETENTION POLICY

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### REVIEW

Last reviewed: May 2018  
To be reviewed: Every 3 years, or as the need arises.

Policies may be subject to review and revision at any time, notwithstanding that the next review date has not been reached. Review dates are for guidance only; all policies will remain in force until a review has taken place and been formally approved by the Trust.

## 1. INTRODUCTION

- 1.1. The main aim of this policy is to enable the Girls' Learning Trust (the "Trust") to manage 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.
- 1.2. The Trust is committed to the principles of data protection including the principle that information is only to be retained for as long as necessary for the purpose concerned. Further information can be found in the Trust Data Protection and Freedom of Information Policy (which can be found on the Trust and school websites).
- 1.3. Section 2 of this document sets out the main categories of information that we hold, the length of time that we intend to hold it and the reason for this.
- 1.4. Section 3 of this document sets out the destruction procedure for documents at the end of their retention period. The Data Protection Officer is responsible for ensuring that this is carried out appropriately, and will delegate this task to Trust / school staff, as appropriate. Any questions regarding this policy should be referred to the Data Protection Officer.
- 1.5. If a document or piece of information is reaching the end of its stated retention period, but you are of the view that it should be kept longer, please refer to the Data Protection Officer, who will make a decision as to whether it should be kept, for how long, and note the new time limit and reasons for extension.

## 2. DOCUMENT RETENTION PERIOD

| DOCUMENT CATEGORY                                                                                                                                                                                                                                            | LEGISLATION / REASONS FOR RETENTION      | RETENTION PERIOD                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>Corporate / Constitutional</b>                                                                                                                                                                                                                            |                                          |                                                                                                   |
| COMPANY RECORDS (Academy Trusts only)<br>Maintained schools should retain governance related documents in accordance with the IRMS Toolkit for Schools here:<br><a href="http://irms.org.uk/page/SchoolsToolkit">http://irms.org.uk/page/Schools Toolkit</a> |                                          |                                                                                                   |
| Company Articles of Association, Rules / bylaws                                                                                                                                                                                                              | Companies Act 2006<br>Charities Act 2011 | Permanent                                                                                         |
| Academy funding agreement and any supplemental agreements                                                                                                                                                                                                    | Charities Act 2011                       | Permanent                                                                                         |
| Trustee / director minutes of meetings and written resolutions                                                                                                                                                                                               | Companies Act 2006<br>Charities Act 2011 | Recommended at least 10 years (subject to the clause on historical / archival significance below) |

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| Members' meetings etc.<br>Minutes / resolutions                                      | Companies Act 2006<br>Charities Act 2011                                                                                             | Recommended at least 10 years                                                                                                                                                                                                                                                                                                                |
| Documents of clear historical /<br>archival significance                             | Data Protection regulation                                                                                                           | Permanent if relevant data<br>protection regulation provisions are<br>met. At the time of writing the Data<br>Protection Bill contains relevant<br>provisions but these are expected to<br>change as the Bill goes through the<br>parliamentary process. Legal advice<br>will be reviewed once the Data<br>Protection Act 2018 is published. |
| Contracts e.g. with suppliers or<br>grant makers                                     | Limitation Act 1980                                                                                                                  | Minimum length of contract term<br>plus 6 years                                                                                                                                                                                                                                                                                              |
| Contracts executed as deeds                                                          | Limitation Act 1980                                                                                                                  | Minimum length of contract term<br>plus 12 years                                                                                                                                                                                                                                                                                             |
| IP records and legal files re<br>provision of service                                | Limitation Act 1980                                                                                                                  | Recommended: Life of service<br>provision or IP plus 6 years                                                                                                                                                                                                                                                                                 |
| <b>Insurance</b>                                                                     |                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                              |
| Employer's Liability Insurance                                                       | Employers' Liability<br>(Compulsory Insurance<br>Regulation) 1998                                                                    | 40 years                                                                                                                                                                                                                                                                                                                                     |
| Insurance Policies                                                                   | Commercial                                                                                                                           | Minimum 3 years after lapse                                                                                                                                                                                                                                                                                                                  |
| Claims correspondence                                                                | Commercial                                                                                                                           | Minimum 3 years after settlement                                                                                                                                                                                                                                                                                                             |
| <b>Health and Safety / Medical</b>                                                   |                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                              |
| General records                                                                      | Limitation Act 1970                                                                                                                  | Minimum 3 years                                                                                                                                                                                                                                                                                                                              |
| Records re work with hazardous<br>substances (e.g. radioactive<br>sources, asbestos) | Control of Hazardous<br>Substances to Health<br>Regulations 2002                                                                     | Minimum 40 years. Recommend:<br>Permanent                                                                                                                                                                                                                                                                                                    |
| Accident /Incident records and<br>reports (not medical room<br>records)              | Reporting of Injuries Diseases<br>and Dangerous Occurrences<br>Regulations 1995                                                      | Minimum 14 years after last entry or<br>end of investigation (in line with<br>student records being held until the<br>25 <sup>th</sup> birthday)                                                                                                                                                                                             |
| <b>Premises / Property</b>                                                           |                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                              |
| Original title deeds                                                                 |                                                                                                                                      | Permanent / to disposal of property                                                                                                                                                                                                                                                                                                          |
| Leases                                                                               | Limitation Act 1980                                                                                                                  | Min. 12 years after lease has expired                                                                                                                                                                                                                                                                                                        |
| Building records, plans,<br>consents and certification and<br>warranties etc         | Limitations Act 1980                                                                                                                 | Min. 6 years after disposal or<br>permanent if of historical / archival<br>interest. Carry out review re: longer<br>retention, e.g. if possible actions<br>against contractors.                                                                                                                                                              |
| <b>Pension Records</b>                                                               |                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                              |
| <i>For all categories see:</i>                                                       | <i>Detailed Guidance for<br/>Employers: (April 2017)<br/><a href="http://pensionsregulator.gov.uk">pensions regulator.gov.uk</a></i> |                                                                                                                                                                                                                                                                                                                                              |

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| Records about employees and workers                                         |                                                                                                 | Minimum 6 years (as for tax & finance)                   |
| Records re the Scheme                                                       |                                                                                                 | Minimum 6 years (as for tax & finance)                   |
| Records re active members and opt in / opt out                              |                                                                                                 | Minimum 6 years (as for tax & finance)                   |
| Trust Deed / Rules and HMRC approvals                                       |                                                                                                 | Not applicable as the Trust doesn't run it's own scheme. |
| Trustees' Minutes and annual accounts                                       |                                                                                                 | Not applicable as the Trust doesn't run it's own scheme. |
| Policies including investment policies                                      |                                                                                                 | Not applicable as the Trust doesn't run it's own scheme. |
| <b>Tax and Finance</b>                                                      |                                                                                                 |                                                          |
| Annual accounts and review (including transferred records on amalgamation)  | Companies Act 2006<br>Charities Act 2011                                                        | Minimum 6 years<br>Recommended: permanent record         |
| Tax and accounting records                                                  | Finance Act 1998<br>Taxes Management Act 1970                                                   | Minimum 6 years from end of relevant tax year            |
| Information relevant for VAT purposes                                       | Finance Act 1998 and<br>HMRC Notice 700/21                                                      | Minimum 6 years from end of relevant period              |
| Banking records / receipts book/sales ledger                                | Companies Act 2006<br>Charities Act 2011                                                        | Minimum 6 years from transaction                         |
| <b>Payroll Information</b>                                                  |                                                                                                 |                                                          |
| Payroll / Employee / Income Tax and NI records:<br>P45; P6; P11D; P60, etc. | Taxes Management Act 1970<br>/ IT (PAYE) Regulations                                            | 6 years from end of current year                         |
| Maternity pay                                                               | Statutory Maternity Pay Regulations                                                             | 6 years after the end of the tax year                    |
| Sick pay                                                                    | Statutory Sick Pay (General) Regulations                                                        | 6 years after the end of the tax year                    |
| National Minimum wage records                                               | National Minimum Wage Act                                                                       | 6 years after the end of the tax year                    |
| <b>Employee / Administration</b>                                            |                                                                                                 |                                                          |
| Foreign national ID documents                                               | Immigration (Restrictions on Employment) Order 2007<br>Independent School Standards Regulations | Minimum 6 years from end of employment                   |
| HR working files, contract of employment and training records               | Limitation Act 1970 and Data Protection regulation                                              | Minimum 6 years from end of employment                   |
| Performance appraisal information (pay awards)                              |                                                                                                 | Minimum 3 years on a rolling basis                       |

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| Job applications (CVs and related materials re unsuccessful applicants)                   | ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976                                                                                                                                             | 6-12 months from the notification of outcome of application                                                                                                                                                                                                                                                                                                                                               |
| Pre-employment / volunteer vetting                                                        | ICO Employment Practice Code<br>Independent School Standards Regulations                                                                                                                                                                                         | 6-12 months                                                                                                                                                                                                                                                                                                                                                                                               |
| Disclosure & Barring Service checks                                                       | Single Central Record Requirements under<br><br>• 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. | Record only satisfactory / unsatisfactory result and delete other information once confirmed that the information is satisfactory. See further DfE statutory Guidance 'Working Together to safeguard children'<br><a href="https://www.gov.uk/government/publications/working-together-to-safeguard-children--2">https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</a> |
| Single Central Record                                                                     |                                                                                                                                                                                                                                                                  | 6 years from the end of employment (using archive function)                                                                                                                                                                                                                                                                                                                                               |
| Trustees, members & governors                                                             |                                                                                                                                                                                                                                                                  | 6 years from the end/termination of appointment to the governing body                                                                                                                                                                                                                                                                                                                                     |
| Volunteer records                                                                         |                                                                                                                                                                                                                                                                  | 6 years from the end of involvement at the Trust / school                                                                                                                                                                                                                                                                                                                                                 |
| <b>Students</b>                                                                           |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Educational Record (including student working files and attendance correspondence)</b> | Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context.<br>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.<br><br>Practical coursework (such as artwork) will be kept until 1 <sup>st</sup> January following a public exam.                                              |
| <b>Child Protection information (on child's file)</b>                                     | "Keeping children safe in education: Statutory guidance for schools and colleges September 2016"; "Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children February 2017"                       | RETAIN UNTIL FURTHER RECOMMENDATIONS<br><br>Subject to moratorium on destruction due to historic child abuse enquiry. See <a href="https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements">https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements</a>                                                   |

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| <b>Child Protection Information in other files</b>                        | “Keeping children safe in education Statutory guidance for schools and colleges September 2016”; “Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children February 2017” | RETAIN UNTIL FURTHER RECOMMENDATIONS<br><br>Subject to moratorium on destruction due to historic child abuse enquiry. See <a href="https://www.iicsa.org.uk/sites/default/files/retention-instructions-and-data-protection-requirements.pdf">https://www.iicsa.org.uk/sites/default/files/retention-instructions-and-data-protection-requirements.pdf</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>SEN files</b>                                                          | Limitation Act 1980                                                                                                                                                                                                                       | Usually 25 years from date of birth of the pupil. If kept longer show good justification.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Education Health and Care Plans</b>                                    | Special Educational Needs and Disability Regulations 2014<br>Children and families Act 2014, part 3                                                                                                                                       | 25 years from date of birth of the pupil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Statements of Special Educational Needs (now historic)</b>             | Originally under Special Educational Needs and Disability Regulations 2001                                                                                                                                                                | 25 years from date of birth of pupil unless passed to new school (usually on the pupil’s file)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Attendance registers</b>                                               | Pupil Registration Regulations 2006<br>Regulation 14                                                                                                                                                                                      | <p>The regulations say:</p> <ul style="list-style-type: none"> <li>• For paper registers, 3 years from when the register entry was made</li> <li>• For computerised registers, until 3 years after the end of the school year during which the entry was made. This applies to every back up copy.</li> </ul> <p>The difference in retention periods as between manual and computerised registers is thought to have come about in error but this is what the Regulations say.</p> <p>In practice, we will hold both paper &amp; computerised records for 3 years after the end of the school year during which the entry was made. Please note: at date of publication, there is no functionality in SIMS to bulk delete. Records will therefore be archived until the SIMS functionality is updated.</p> |
| <b>Other items e.g. curriculum related, photographs, video recordings</b> | Case by case basis                                                                                                                                                                                                                        | Depends on the nature of the items and how long the Trust/school needs it for.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| <b>Selective entrance test (SET) results and appeals data (selective schools admissions)</b> | Verification of eligibility (records of the test score) in the event of a mid-term resit.                                                                                           | <p>Entrance Exam Papers (hard copy) – Max. 1 year</p> <p>Entrance Exam Results (spreadsheet) – Max 5 years from the year that entry was due to Year 7</p> <p>Mid-Term Test Papers (hard copy) – Max 1 year</p> <p>Appeal documents – Max 1 year</p> |
| <b>Admissions data and scholarship assessments (non-selective schools admissions)</b>        | Verification of eligibility to take a place at the school                                                                                                                           | Until admissions process complete, and either converted to Student Record or disposed of if place at school not taken up.                                                                                                                           |
| <b>Parents/Carers</b>                                                                        |                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| <b>Parent/Carer information</b>                                                              | <p>Pupil Registration Regulations 2006</p> <p>For basic name and contact details.</p> <p>Otherwise usually operational in accordance with the statutory functions of the school</p> | Generally embedded in student data records and held until 25 <sup>th</sup> birthday (as for students)                                                                                                                                               |
| <b>Alumni / Alumnae</b>                                                                      |                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| <b>Former students</b>                                                                       |                                                                                                                                                                                     | No legal clarity at present. Seek further advice when the Data Protection Act 2018 is in final form (likely to be April 2018)                                                                                                                       |
| <b>Other School Related Information</b>                                                      | Various                                                                                                                                                                             | <p>Please consult the IRMS toolkit for schools which is here:</p> <p><a href="http://irms.org.uk/page/SchoolsToolkit">http://irms.org.uk/page/SchoolsToolkit</a></p>                                                                                |

### 3. DELETION OF DOCUMENTS

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

#### **Confidential waste**

- 3.2. This should be made available for collection in the confidential waste bins or sacks located around the office or shredded.
- 3.3. Anything that contains personal information should be treated as confidential.
- 3.4. Where deleting electronically, please refer to the Trust IT Team to ensure that this is carried out effectively.

#### **Other documentation**

- 3.5. Other documentation can be deleted or placed in recycling bins where appropriate.

#### **Automatic deletion**

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

#### **Individual responsibility**

- 3.7. 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:
  - 3.7.1. Has the information come to the end of its useful life?
  - 3.7.2. Is there a legal requirement to keep this information or document for a set period? (refer to Section 2 for more information)
  - 3.7.3. Would the information be likely to be needed in the case of any legal proceedings? In particular, is it potentially relevant to an historic child abuse enquiry? (Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?)
  - 3.7.4. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?
  - 3.7.5. Is the document of historic or statistical significance?
- 3.8. If the decision is made to keep the document, this should be referred to the Data Protection Officer and reasons given.