



# Oaklands Junior School Data Retention Procedure



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Applies to:	The Corvus Learning Trust as a whole and to all schools in the Trust
Date Adopted by Local Governing Body:	23 <sup>rd</sup> February 2022

## Policy Statement:

This Procedure applies to the Corvus Learning Trust (CLT) as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the Communications Policy of CLT and the CLT Data Protection Policy.

CLT, including all the schools and services within the Trust, their Trustees, Governors and staff, must abide by this procedure.

This procedure is subject to the CLT Scheme of Delegation; if there is any ambiguity or conflict then the Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

If there is any question or doubt about the interpretation or implementation of this procedure, the Chief Executive Officer (CEO) should be consulted

## Data Retention Procedure

Purpose:	To enable CLT to manage records effectively and in compliance with data protection and other regulations. CLT collects, holds, stores and creates significant amounts of data and information and this procedure provides a framework for the retention and disposal of categories of information and documents
Responsibility for Approval:	Board of Trustees
Responsibility for Updating:	Board of Trustees
Related Policies/Guidance:	CLT TP2 - Data Protection Policy

## 1. Responsibilities, approval and application

It is the responsibility of the Local Governing Body (LGB) and Headteacher of each school, and the Board of Trustees and CEO for Trust Central Services, to ensure that their school/service and its staff adhere to this procedure. In implementing this procedure, the LGB, Headteacher and Trust staff must take account of any advice given to them by the CEO and/or Board of Trustees.

The person responsible for this policy is the CLT Data Protection Officer (DPO):

Phil Marshall

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In this policy references to CLT will be read as including the CLT Central Services and all schools in CLT.

In accordance with and pursuant to the Communications Policy of the CLT and the CLT Data Protection Policy, this CLT Data Retention Procedure applies to the CLT as a whole and to all the schools and service units in the Trust. CLT, including all the schools and services within the Trust, their Trustees, Governors and staff, must abide by this CLT Procedure.

If there is any question about the interpretation or implementation of this policy, the CLT DPO or CLT CEO should be consulted.

## 2. Introduction

- 2.1. The aim of this procedure is to enable CLT to manage records effectively and in compliance with data protection and other regulations. CLT collects, holds, stores and creates significant amounts of data and information and this procedure provides a framework for the retention and disposal of categories of information and documents.
- 2.2. CLT 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.
- 2.3. Section three of this procedure sets out the main categories of information that CLT holds, the length of time that we intend to hold them and the reason for this. CLT follows the Information and Records Management Society's information Toolkit for Schools 2016. Where a document is not shown in Section three, the guidance given in the toolkit should be followed.
- 2.4. Section four of this procedure sets out the destruction procedure for documents at the end of their retention period. The CLT DPO is responsible for ensuring that this is carried out appropriately and any questions regarding this policy should be referred to them.
- 2.5. If a document or piece of information is reaching the end of its stated retention period but there are reasons for wanting to retain it for longer, the matter should be referred to the CLT DPO, who will make a decision as to whether it should be retained, for how long, and note the new time limit and reasons for extension.

### 3. Document Retention Period

Document Category	Reason (Statutory Provision)	Retention Period
<b>Corporate / Constitutional</b>		
Company Articles of Association, Rules / bylaws	Companies Act 2006 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 Charities Act 2011	Permanent
Members' meetings etc. Minutes / resolutions	Companies Act 2006 Charities Act 2011	Permanent
Contracts e.g. with suppliers or grant makers	Limitation Act 1980	Length of contract term plus 6 years
Contracts executed as deeds	Limitation Act 1980	Length of contract term plus 12 years
IP records and legal files re provision of service	Limitation Act 1980	Life of service provision or IP plus 6 years
Employer's Liability Insurance	Employers' Liability (Compulsory Insurance Regulation) 1998	40 years
Policies	Commercial	3 years after lapse
Claims correspondence	Commercial	3 years after settlement

Document Category	Reason (Statutory Provision)	Retention Period
<b>Health &amp; Safety</b>		
General records	Limitation Act 1970	Minimum 3 years
Records re work with hazardous substances	Control of Hazardous Substances to Health Regulations 2002	Permanent
Accident books / records and reports	Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995	3 years after last entry or end of investigation
Medical Scheme documentation	Commercial	Permanent unless personal data is included
<b>Property</b>		
Original title deeds		Permanent / to disposal of property
Leases	Limitation Act 1980	12 years after lease has expired
Building records, plans, consents and certification and warranties etc	Limitations Act 1980	6 years after disposal or permanent if of historical / archival interest. Carry out review re:
<b>Pension Records</b>		
Records about employees and workers	For all categories see: Detailed Guidance for Employers: (April 2017) <a href="http://Pensionsregulator.gov.uk">Pensionsregulator.gov.uk</a>	
Records re the Scheme		
Records re active members and opt in / opt out		
Trust Deed / Rules and HMRC approvals		
Trustees' Minutes and annual accounts		
Policies including investment policies		

Document Category		Reason (Statutory Provision)	Retention Period
<b>Employees / Administration</b>			
Payroll / Employee / Income Tax and NI records: P45; P6; P11D; P60, etc.		Taxes Management Act 1970 / IT (PAYE) Regulations	6 years from end of current year
Maternity pay	Statutory Maternity Pay Regulations	3 years after the end of the tax year	
Sick pay	Statutory Sick Pay (General) Regulations	3 years after the end of the tax year	
National Minimum wage records	National Minimum Wage Act	3 years after the end of the tax year	
Foreign national ID documents	Immigration (Restrictions on Employment) Order 2007	Minimum 2 years from end of employment	
	Independent School Standards Regulations		
HR files and training records		Limitation Act 1970 and Data Protection regulation	6 years from end of employment
Records re working time		Working Time Regulations 1998 as amended	2 years
Job applications (CVs and related materials re unsuccessful applicants)		ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976	6 months from your notification of outcome of application

Document Category	Reason (Statutory Provision)	Retention Period
Pre-employment / volunteer vetting	ICO Employment Practice Code Independent School Standards Regulations	6 months
Disclosure & Barring Service checks	Single Central Record Requirements under Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014;	Record only satisfactory / unsatisfactory result and delete other information. If copy is kept, not to be retained beyond 6 months See further DfE statutory Guidance ' Working Together to safeguard children'  <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>
Volunteer records		6 years from end of volunteering arrangement - ie for formal volunteers, similar to staff
<b>Pupils</b>		
Educational Record	Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context.  Data Protection regulation	25 years from date of birth if this is the final school; 6 years otherwise
Child Protection information (on child's file)	"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  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>

Document Category	Reason (Statutory Provision)	Retention Period
Child Protection Information in other files	<b>See above</b>	RETAIN UNTIL FURTHER RECOMMENDATIONS  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>
<b>Special Educational Needs</b>		
SEN files	Limitation Act 1980	Usually 25 years from date of birth of the pupil. If kept longer show good justification.
Education Health and Care Plans	Special Educational Needs and Disability Regulations 2014  Children and families Act 2014, part 3	25 years from date of birth of the pupil
Statements of Special Educational Needs (now historic)	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)
Attendance registers	Pupil Registration Regulations 2006 Regulation 14	3 years from when the register entry was made if made in paper registers  For computerised registers retain until 3 years after the end of the school year during which the entry was made. This applies to every back up copy.
Other items e.g. curriculum related, photographs, video recordings	Case by case basis	Usually, for the duration that the pupil is at the school, but subject to case by case justification.

Document Category	Reason (Statutory Provision)	Retention Period
<b>Parents</b>		
	Pupil registration Regulations 2006 For basic name and contact details.  Otherwise usually operational in accordance with the statutory functions of the school	Usually, for the duration that the parent has a pupil at the school. Otherwise, subject to case by case justification.
<b>Governance</b>		
Agendas for Governing Body meetings		One copy to be permanently retained.
Minutes of Governing Body meetings		Signed set to be permanently retained.
Reports presented to the Governing Body		6 years.
Action plans created and administered by the Governing Body		Life of the plan + 3 years
Records relating to complaints dealt with by Governing Body		Date of the resolution of the complaint + 6 years.
<b>Other school related information</b>		
Retention periods for other documents will be taken from the <a href="#">Information Records Management Society guidance for schools</a>		

### 4. Deletion of Documents

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

#### 4.1. Confidential Waste

This should be made available for collection in the confidential waste bins or sacks located around the school.

Anything that contains personal information should be treated as confidential.

Where deleting electronically, please refer to DPO to ensure that this is carried out effectively.

#### 4.2. Other documentation

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

#### 4.3. Automatic deletion

Certain information will be automatically archived by the computer systems. To retrieve any information, or prevent this happening in a particular circumstance, the CLT DPO must be advised and their consent obtained.

#### 4.4. Individual responsibility

4.4.1. Much of the retention and deletion of documents will be automatic, but any individual faced with a decision about a specific document, should ask themselves the following:

4.4.2. Has the information come to the end of its useful life?

4.4.3. Is there a legal requirement to keep this information or document for a set period? (Refer to Appendix 1 for more information)

4.4.4. Would the information be likely to be needed in the case of any legal proceedings? In particular, is it potentially relevant to an historic child abuse enquiry? (Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?)

4.4.5. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?

4.4.6. Is the document of historic or statistical significance?

4.4.7. If the conclusion is that the document should be retained, this must be referred to CLT DPO with the reasons and their consent must be obtained.