



Oaklands Junior School Data Retention Procedure



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| Document ID: | CLT TP4 |
| Revision No.: | 1.0 |
| Trustees Approved Date: | 15 th January 2022 |
| Published Date: | 18 th January 2022 |
| Date of Next Review: | January 2025 (3 years) |
| Statutory/Non-Statutory: | Statutory |
| Public/Internal: | Public |
| Applies to: | The Corvus Learning Trust as a whole and to all schools in the Trust |
| Date Adopted by Local Governing Body: | 23 rd 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

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| 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

Tel: 01344 772658

Email: enquiries@Corvuslearningtrust.co.uk

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 |
|--|---|--|
| Corporate / Constitutional | | |
| 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 |
|--|--|--|
| Health & Safety | | |
| 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 |
| Property | | |
| 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: |
| Pension Records | | |
| Records about employees and workers | For all categories see: Detailed Guidance for Employers: (April 2017) Pensionsregulator.gov.uk | |
| 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 |
|--|---|--|---|
| Employees / Administration | | | |
| 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' https://www.gov.uk/government/publications/working-together-to-safeguard-children--2 |
| Volunteer records | | 6 years from end of volunteering arrangement - ie for formal volunteers, similar to staff |
| Pupils | | |
| 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 https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements |

| Document Category | Reason (Statutory Provision) | Retention Period |
|--|---|---|
| Child Protection Information in other files | See above | RETAIN UNTIL FURTHER RECOMMENDATIONS Subject to moratorium on destruction due to historic child abuse enquiry. See https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements |
| Special Educational Needs | | |
| 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 |
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| Parents | | |
| | 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. |
| Governance | | |
| 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. |
| Other school related information | | |
| Retention periods for other documents will be taken from the Information Records Management Society guidance for schools | | |

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.