

Eastwood Park Academy Trust

EPAT

Believe Succeed Together

Records Retention Policy

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| Date Reviewed | June 2020 |
| Date Ratified by Trust | July 2020 |

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1.0 Introduction

The main aim of this policy is to enable Eastwood Park Academy Trust (EPAT) to manage its records effectively and in compliance with data protection and other regulations. 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.

EPAT 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.

The table in section 2.0 sets out the main categories of information that we hold, the length of time that we intend to hold them, and the reason(s).

Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Data Protection Officer (DPO) shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.

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 DPO, 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.

2.0 Document Retention Period

| Document Category | Legislation/Reason for Retention | 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. | At least 10 years. |
| Members' meetings etc. Minutes/resolutions. | Companies Act 2006. Charities Act 2011. | At least 10 years. |
| Documents of clear historical/archival significance. | Data Protection Regulation. | Legal advice should be obtained once the Data Protection Act 2018 is published. |
| 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. |
| Intellectual Property records and legal files re provision of service. | Limitation Act 1980. | Life of service provision or IP plus 6 years. |
| Insurance | | |
| 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. |
| Health & Safety | | |
| General records. | Limitation Act 1970. | Minimum 3 years. |

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| Records re work with hazardous substances. | Control of Hazardous Substances to Health Regulations 2002. | Up to 40 years. Recommend: Permanent. |
| Accident books/records and reports. | Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995. | 3 years after last entry or end of investigation. |
| 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: longer retention, e.g. if possible actions against contractors. |
| Pension Records | | |
| Records about employees and workers. | For all categories see: Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk | 6 years. |
| Records re the scheme. | | 6 years. |
| Records re active members and opt in/opt out. | | 6 years. Opt out notices 4 years. |
| Trust Deed/Rules and HMRC approvals. | | 6 years. |
| Tax and Finance | | |
| Annual accounts and review (including transferred records on amalgamation). | Companies Act 2006. Charities Act 2011. | Minimum current + 6 years. Recommended: permanent record. |
| Tax and accounting records. | Finance Act 1998. Taxes Management Act 1970. | 6 years from end of relevant tax year. |
| Information relevant for VAT purposes. | Finance Act 1998 and HMRC Notice 700/21. | Minimum 6 years from end of relevant period. |

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| Banking records/receipts book/sales ledger. | Companies Act 2006 Charities Act 2011 | 6 years from transaction |
| Employees/ Administration | | |
| E-mails. | The Data Retention (EC Directive) Regulations 2009 | 3 years. |
| 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 Independent School Standards Regulations. | Minimum 2 years from end of employment. |
| 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. | 12 months from notification of outcome of application. |
| Pre-employment/ volunteer vetting. | ICO Employment Practice Code. Independent School Standards Regulations. | 6 months. |
| Disclosure & Barring Service checks. | Single Central Record Requirements under <ul style="list-style-type: none"> For maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 | 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'. |

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| | (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007); | https://www.gov.uk/government/publications/working-together-to-safeguard-children--2 |
| Volunteer records. | | Undertake assessment to decide on retention period taking account of risk (e.g. safeguarding work with children). |
| Pupils | | |
| Educational Record. | Pupil Information Regulations 2005 (maintained schools only) | 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. |
| Child Protection information (on child's file). | Keeping Children Safe in Education. Working Together to Safeguard Children. | 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 |
| Child Protection Information in other files. | Keeping Children Safe in Education. Working Together to Safeguard Children. | 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 | | |

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| SEN files | Limitation Act 1980 | 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. The difference in retention periods as between manual and computerised registers has probably come about in error but this is what the Regulations say. |
| Off-site Educational Visits | | |
| Records created by academy to obtain approval to run an off-site visit / trip. | Outdoor Education Advisers' Panel National Guidance http://oeapng.info Section 3 – Legal Framework and Employer Systems and Section 4 – Good Practice. | Date of visit + 14 years (Primary) Date of visit + 10 years (Secondary) |
| Parental consent forms for trips where there has been no major incident. | | Conclusion of trip. |
| Parental consent forms for trips where there has been a major incident. | Limitation Act 1980 (Section 2). | DOB of the pupil involved in the incident + 25 years. Permission slips for ALL pupils on the trip will need to be retained to show that the rules had been followed for all pupils. |

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| Other items e.g. photographs, video recordings. | Case by case basis. | Up to 5 years. Otherwise subject to case by case justification. |
| Parents | | |
| Parents | <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> | Usually, for the duration that the parent has a pupil at the school. Otherwise subject to case by case justification. |
| Alumni / Alumnae | | |
| Alumni | | Further advice to be sought once the Data Protection Act 2018 is published. |

3.0 Deletion of Documents

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

3.1 Confidential Waste

This should be made available for collection in sealed waste sacks/boxes by the Site Manager. Waste should be clearly marked 'CONFIDENTIAL WASTE' and will be stored securely until shredded.

Once a year, confidential waste will be shredded on site by a commercial shredding company. A member of staff must be present during the shredding process and the company must issue a Certificate of Destruction.

Anything that contains personal information should be treated as confidential.

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

3.2 Other Documentation

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

3.3 Automatic Deletion

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 DPO.

3.4 Individual Responsibility

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:

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

Is there a legal requirement to keep this information or document for a set period?

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?

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

Is the document of historic or statistical significance?

If the decision is made to keep the document, this should be referred to the DPO and reasons given.