

# Data Retention Policy

## South Ossett Infants' Academy

<b>Approved by:</b>	Governing Body of SOIA	<b>Date:</b> 16 <sup>th</sup> September 2021
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<b>Last reviewed on:</b>	September 2021
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<b>Next review due by:</b>	September 2022
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South Ossett Infants' Academy recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the school. This document provides the policy framework through which this effective management can be achieved and audited.

## **Scope of the Policy**

This policy applies to all records created, received or maintained by staff at the school in the course of carrying out its functions.

- Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.
- A small percentage of the school's records will be selected for permanent preservation as part of the institution's archives and for historical research.

## **Responsibilities**

- The school has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The Headteacher has overall responsibility for this policy.
- The person responsible for records management in the school will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.
- Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the school's records management guidelines.

## **Relationship with Existing Policies**

This policy has been drawn up within the context of:

- Freedom of Information Policy.
- Data Protection Policy
- and with other legislation or regulations (including audit, equal opportunities and ethics) affecting the school.

## **Safe Disposal of Records**

Where records have been identified for destruction they will be disposed of in an appropriate way.

For example, we will shred paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

## **Transfer of Information**

Where lengthy retention periods have been allocated to records, members of staff may convert paper records to other media. The lifespan of the media and the ability to migrate data where necessary should always be considered.

## **Academy Closure**

Should the Academy close there will be records which will need to be stored until they work out their statutory retention periods.

Closures are often imposed on schools, therefore, at the time where records management needs to be considered, the staff at the school will be on different parts of the change management cycle.

The Academy will have records which will need to be assessed and either:

- Securely disposed of; or
- Stored securely until they reach the end of the statutory retention period; or
- Transferred to another organisation (for example the local authority, or where appropriate the successor body such as an Academy).

It is the responsibility of the Local Authority to seek legal advice before making any decision about the management of records relating to schools which have become Academies.

## **Retention Guidelines**

The following retention guidelines have been issued by the Management Society of Great Britain 'Retention Guidelines for Schools'. 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 Data Protection Act 1998\* and the Freedom of Information Act 2000. 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.

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\*The General Data Protection Regulation (GDPR) is due to be implemented on 25<sup>th</sup> May 2018 and retention periods have been reviewed to ensure compliance with the GDPR.

<b>Child Protection</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
Child Protection files	Yes	Education Act 2002, related guidance "Safeguarding Children in Education", 2015	Retain whilst the child remains at the primary school	PASS SECURELY TO NEW SCHOOL	Child Protection information must be sent under separate cover to new school and proof of transfer obtained. Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority. A copy of any chronology may be kept until the child reaches the age of 25.
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 guidance "Dealing with Allegations of Abuse against Teachers and Other Staff" November 2005	Until the person's normal retirement age or 10 years from the date of the allegation whichever is the longer then REVIEW. Note allegations that are found to be malicious should be removed from personnel files. If found they are to be kept on the file and a copy provided to the person concerned	DESTROY	The following is an extract from "Safeguarding Children and Safer Recruitment in Education" p60:  "Record Keeping 5.10 It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. And it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer."

<b>Governors</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
Principal set Minutes (signed)	No		Permanent	Retain in school for 6 years from date of meeting	Transfer to Archives
Inspection copies	No		Date of meeting + 3 years	DESTROY	
Agendas	No		Date of meeting	DESTROY	
Reports	No		Date of report + 6 years	Retain in school for 6 years from date of meeting	Transfer to Archives
Annual Parents' meeting papers	No		Date of meeting + 6 years	Retain in school for 6 years from date of meeting	Transfer to Archives
Instruments of Government	No		Permanent	Retain in school	Transfer to Archives when the school has closed
Trusts and Endowments	No		Permanent	Retain in school whilst operationally required	Transfer to Archives
Action Plans	No		Date of action plan + 3 years	DESTROY	It may be appropriate to offer to the Archives
Policy documents	No		Expiry of policy	Retain in school whilst policy is operational	Transfer to Archives
Complaints files	Yes		Date of resolution of complaint + 6 years	Retain in school for the first six years Review for further retention in the case of contentious disputes DESTROY routine complaints	
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 years	DESTROY	Transfer to Archives

## Management

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Log books of activity in the school maintained by the Head Teacher	Yes		Date of last entry in the book + 6 years	Retain in the school for 6 years from the date of the last entry.	Transfer to the Archives
Minutes of the Senior Management Team and other internal administrative bodies	Yes		Date of meeting + 5 years	Retain in the school for 5 years from meeting	Transfer to the Archives
Reports made by the Head Teacher or the management team	Yes		Date of report + 3 years	Retain in the school for 3 years from meeting	Transfer to the Archives
Records created by Head Teachers, Deputy Head Teachers and other members of staff with administrative responsibilities	Yes		Current academic year + 6 years then review	DESTROY	
Correspondence created by Head Teachers, Deputy Head Teachers and other members of staff with administrative responsibilities	Yes		Date of correspondence + 3 years	DESTROY	
Professional development plans	Yes		Life of the plan + 6 years	DESTROY	
School development plans	No		Life of the plan + 3 years	DESTROY	
Admissions – if the admission is successful	Yes	School Admissions Code Statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels December 2014	Date of admission + 1 year	DESTROY	
Admissions – if the appeal is unsuccessful	Yes	School Admissions Code Statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels December 2014	Resolution of case + 1 year	DESTROY	

<b>Pupils</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
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.	Transfer to the Archives
Attendance registers	Yes		Date of register + 3 years	DESTROY	
Pupil's Educational Record required by The Education (Pupil Information England) Regulations 2005	Yes	The Education (Pupil Information) (England) Regulations 2005 SI 2005 No. 1437	Retain whilst the child remains at the primary school	The file should follow the pupil when he/she leaves the primary school. This will include: to another primary school to a secondary school or to a pupil referral unit. If the pupil dies whilst at primary school the file should be returned to the Local Authority to be retained for the statutory retention period. If the pupil transfers to an independent school, transfers to home schooling or leaves the country the file should be returned to the Local Authority to be retained for the statutory retention period. Primary Schools do not ordinarily have sufficient storage space to store records for pupils who have not transferred in the normal way. It makes more sense to transfer the record to the Local Authority as it is more likely that the pupil will request the record from the Local Authority	
Special Educational Needs files, reviews and Individual Education Plans	Yes	Limitation Act 1980 (Section 2)	DOB of the pupil + 25 years	REVIEW NOTE: This retention period is the minimum retention period that any pupil file should be kept. Some authorities choose to keep SEN files for a longer period of time to defend themselves in a "failure to provide a sufficient education" case. There is an element of business risk analysis involved in any decision to keep the records longer than the minimum retention period and this should be documented.	
Absence books			Current year + 6 years	DESTROY	
Public examination results	No		Year of examinations + 6 years	DESTROY	
Internal examination results	Yes		This information should be added to the pupil file		

<b>Pupils</b>				
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
Any other records created in the course of contact with pupils	Yes		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	SEN and Disability Act 2001 Section 1	DOB of the pupil + 25 years (This would normally be retained in the pupil file)	DESTROY unless legal action is pending
Advice and information to parents regarding educational needs	Yes	SEN and Disability Act 2001 Section 2	DOB of the pupil + 25 years (This would normally be retained in the pupil file)	DESTROY unless legal action is pending
Accessibility Strategy	Yes	Special Educational Needs and Disability Act 2001 Section 14	DOB of the pupil + 25 years (This would normally be retained in the pupil file)	DESTROY unless legal action is pending
Children's SEN Files	Yes	SEN and Disability Act 2001 Section 1	DOB of pupil + 25 years then review – it may be appropriate to add an additional retention period in certain cases	DESTROY unless legal action is pending
Parental permission slips for school trips – where there has been no major incident	Yes		Conclusion of the trip	DESTROY
Parental permission slips for school trips – where there has been a major incident	Yes	Limitation Act 1980	DOB of the pupil involved in the incident + 25 years The permission slips for all pupils on the trip need to be retained to show that the rules had been followed for all pupils	DESTROY
Records created by schools to obtain approval to run an Educational Visit outside the Classroom.	No	Outdoor Education Advisers' Panel National Guidance specifically Section 3 "Legal Framework and Employer Systems" and Section 4 - "Good Practice".	Date of visit + 14 years	DESTROY



<b>Curriculum</b>				
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
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
Mark 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
Record of homework set	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
Pupils' work	No		Where possible pupils' work should be returned to the pupil at the end of the academic year if this is not the school's policy then 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
SATS records	Yes		The SATS results should be recorded on the pupil's educational file and will therefore be retained until the pupil reaches the age of 25 years. The school may wish to keep a composite record of all the whole year SATs results. These could be kept for current year + 6 years to allow suitable comparison.	DESTROY
PAN reports	Yes		Current year + 6 years	DESTROY
Value added records	Yes		Current year + 6 years	DESTROY

<b>Staff records</b>				
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
Timesheets, sick pay	Yes	Financial Regulations	Current year + 6 years	DESTROY
Staff Personal files	Yes		Termination + 6 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 + 6 months	DESTROY
Disciplinary proceedings:	Yes	Where the warning relates to child protection issues then retain until the person's normal retirement age, or 10 years from the date of the allegation, whichever is the longer. If the disciplinary proceedings relate to a child protection matter please contact your safeguarding children officer for further advice.		
• oral warning			Date of warning + 6 months	DESTROY
• written warning – level one			Date of warning + 6 months	DESTROY
• written warning – level two			Date of warning + 12 months	DESTROY
• final warning			Date of warning + 18 months	DESTROY
• case not found			If child protection related then retain until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer. Otherwise shred immediately at the conclusion of the case	DESTROY
Records relating to accident/injury at work	Yes		Date of incident + 12 years In the case of serious accidents, a further retention period will need to be applied	DESTROY
Annual appraisal/assessment records	No		Current year + 5 years	DESTROY
Salary cards	Yes		Last date of employment + 85 years	DESTROY
Maternity pay records	Yes	Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960), revised 1999	Current year, + 3yrs	DESTROY
Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995	Yes		Current year + 6 years	DESTROY
Proofs of identity collected as part of the process of checking "portable" enhanced DBS disclosure	Yes		Where possible these should be checked and a note kept of what was seen and checked. If it is felt necessary to keep copy documentation then this should be placed on the member of staff's personal file.	

<b>Recruitment</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
All records leading up to the appointment of a new member of staff – unsuccessful candidates	Yes		Date of appointment of successful candidate + 6 months	DESTROY	
All records leading up to the appointment of a new member of staff – successful candidate	Yes		All the relevant information should be added to the staff personal file (see above) and all other information retained for 6 months	DESTROY	
Pre-employment vetting information – DBS Checks	No	DBS Update Service Employer Guide June 2014: Keeping children safe in education. July 2015 (Statutory Guidance from Dept. of Education) Sections 73, 74	The school does not have to keep copies of DBS certificates. If the school does so the copy must NOT be retained for more than 6 months		
Proofs of identity collected as part of the process of checking “portable” enhanced DBS disclosure	Yes		Where possible these should be checked and a note kept of what was seen and what has been checked. If it is felt necessary to keep copy documentation then this should be placed on the member of staff’s personal file (see above)		
Pre-employment vetting information – Evidence proving the right to work in the United Kingdom <sup>4</sup>	Yes	An employer’s guide to right to work checks (Home Office May 2015)	Where possible these documents should be added to the Staff Personal File (see above), but if they are kept separately then the Home Office requires that the documents are kept for termination of Employment plus not less than two years		

<b>Health and Safety</b>				
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
Accessibility Plans		Disability Discrimination Act	Current year + 6 years	DESTROY
Records relating to accident/injury at work	Yes		Date of incident + 12 years In the case of serious accidents, a further retention period will need to be applied	DESTROY
Accident Reporting	Yes	Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980		
Adults	Yes		Date of incident + 7 years	DESTROY
Children	Yes		DOB of child + 25 years	DESTROY
COSHH			Current year + 10 years (where appropriate an additional retention period may be allocated)	DESTROY
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 become in contact with asbestos			Last action + 40 years	DESTROY
Fire Precautions log books			Current year + 6 years	DESTROY

<b>Administrative</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
Employer's Liability certificate			Closure of the school + 40 years	DESTROY	
Inventories of equipment and furniture			Current year + 6 years	DESTROY	
School brochure or prospectus	Yes		Current year + 3 years		DESTROY
Newsletters			Current year + 1 year	Review to see whether a further retention period is required	DESTROY
Visitors' book			Current year + 6 years	Review to see whether a further retention period is required	DESTROY
PTA/Old Pupils Associations			Current year + 6 years	Review to see whether a further retention period is required	DESTROY

<b>School Meals</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
Free School Meals Registers	Yes		Current year + 6 years	DESTROY	
School Meals Summary Sheets	Yes		Current year + 3 years	DESTROY	

<b>Finance</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
Annual Accounts		Financial Regulations	Current year + 6 years	DESTROY	
Loans and grants		Financial Regulations	Date of last payment on loan + 12 years	Review to see whether a further retention period is required	Transfer to Archives (The appropriate archivist will then take a sample for permanent preservation)
Contracts under seal			Contract completion date + 12 years	DESTROY	
Contracts under signature			Contract completion date + 6 years	DESTROY	
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	
Order books and requisitions			Current year + 6 years	DESTROY	
Delivery Documentation			Current year + 6 years	DESTROY	
Debtors' Records		Limitation Act 1980	Current year + 6 years	DESTROY	
School Fund – Cheque books			Current year + 3 years	DESTROY	
School Fund – Paying in books			Current year + 6 years then review	DESTROY	
School Fund – Ledger			Current year + 6 years then review	DESTROY	
School Fund – Invoices			Current year + 6 years then review	DESTROY	
School Fund – Receipts			Current year + 6 years	DESTROY	
School Fund – Bank statements			Current year + 6 years then review	DESTROY	
School Fund – School Journey books			Current year + 6 years then review	DESTROY	
Applications for free school meals, travel, uniforms etc	Yes		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	
Contracts monitoring records			Current year + 2 years	DESTROY	

<b>Property</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
Title Deeds			Permanent	Permanent these should follow the property unless the property has been registered at the Land Registry	Offer to Archives if the deeds are no longer needed
Plans			Permanent	Retain in school whilst operational	Offer to Archives
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 log books			Last entry + 10 years	DESTROY	
Contractors' Reports			Current year + 6 years	DESTROY	

<b>Department for Education</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
OFSTED reports and papers	No		Replace former report with any new inspection report	Review to see whether a further retention period is required	Transfer to Archives
Returns	No		Current year + 6 years	DESTROY	
Circulars from Department for Education	No		Whilst operationally required	Review to see whether a further retention period is required	Transfer to Archives

<b>Local Authority</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
Secondary transfer sheets (Primary)	Yes		Current year + 2 years	DESTROY	
Attendance returns	Yes		Current year + 1 year	DESTROY	
Circulars from LA			Whilst required operationally	Review to see whether a further retention period is required	Transfer to Archive

<b>Other Records - Administration</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>		
<b>Financial Records</b>					
Financial records – accounts, statements, invoices, petty cash etc	No		Current year + 6 years		
<b>Insurance</b>					
Insurance policies – Employers Liability	No	Employers Liability Financial Regulations	The policies are kept for a minimum of 6 years and a maximum of 40 years depending on the type of policy		
Claims made against insurance policies – damage to property	Yes		Case concluded + 3 years		
Claims made against insurance policies – personal injury	Yes		Case concluded + 6 years		
<b>Human Resources</b>					
Personal Files - records relating to an individual's employment history	Yes**	Limitation Act 1980 (Section 2)	Termination + 6 years then review		
Annual appraisal/ assessment records	Yes		Current year + 5 years		
Pre-employment vetting information (including DBS checks)	No	DBS guidelines	Date of check + 6 months		
Staff training records – general	Yes		Current year + 2 years		
Training (proof of completion such as certificates, awards, exam results)	Yes		Last action + 7 years		
Premises files (relating to maintenance)	No		Cessation of use of building + 7 years then review		
Risk Assessments	No		Current year + 3 years		
Staff training records – general	Yes		Current year + 2 years		
Training (proof of completion such as certificates, awards, exam results)	Yes		Last action + 7 years		
<b>Premises and Health and Safety</b>					
Premises files (relating to maintenance)			Cessation of use of building + 7 years then review		
Risk Assessments			Current year + 3 years		

\*\*For Data Protection purposes the following information should be kept on the file for the following periods:

All documentation on the personal file	Duration of employment
Pre-employment and vetting information	Start date + 6 months
Records relating to accident or injury at work	Minimum of 12 years
Annual appraisal/assessment records	Minimum of 5 years

Records relating to disciplinary matters (kept on personal files)

- oral warning 6 months
- first level warning 6 months
- second level warning 12 months
- final warning 18 months



