



Southend East Community Academy Trust

## Record Retention and Deletion Policy

‘Strong Partnerships, Strong Community, Strong Trusts’

Status: Statutory

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At Trust Board on:

Signed by Trust/Committee Chair: \_\_\_\_\_

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## **Purpose of Policy**

The Trust has a responsibility to maintain its records and record keeping systems. When doing this, the Trust will take account of the following factors:

- The most efficient and effective way of storing records and information;
- The confidential nature of the records and information stored;
- The security of the record systems used;
- Privacy and disclosure; and
- Their accessibility.

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It does, however, reflect the Trust's current practice, the requirements of current legislation and best practice and guidance. It may be amended by the Trust from time to time and any changes will be notified to employees within one month of the date on which the change is intended to take effect. The Trust may also vary any parts of this procedure, including any time limits, as appropriate in any case.

Members of staff are expected to manage their current record keeping systems using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems.

The retention schedule refers to all information, regardless of the media in which they are stored.

## **Data Protection**

This policy sets out how long employment-related and pupil data will normally be held by us and when that information will be confidentially destroyed in compliance with the terms of the General Data Protection Regulation (GDPR) and the Freedom of Information Act 2000.

Data will be stored and processed to allow for the efficient operation of the Trust. The Trust's Data Protection Policy outlines its duties and obligations under the GDPR.

## **Destruction of Records**

Where records have been identified for destruction they should be disposed of in an appropriate way. All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.

All paper records containing personal information, or sensitive policy information should be shredded before disposal where possible. All other paper records should be disposed of by an appropriate waste paper merchant. All electronic information will be deleted.

The Freedom of Information Act 2000 requires the Trust to maintain a list of records which have been destroyed and who authorised their destruction. Members of staff should record at least:

- File reference (or another unique identifier);
- File title (or brief description).

## **Archiving**

Where records have been identified as being worthy of preservation over the longer term, arrangements should be made to transfer the records to the archives.

A database of the records sent to the archives is maintained. The appropriate staff member, when archiving documents should record in this list the following information:

- File reference (or other unique identifier);
- File title/description.

## Transferring Information to Other Media

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media such as microform or digital media. The lifespan of the media and the ability to migrate data where necessary should always be considered.

## Transfer of Records Between Trusts

When a student leaves the Trust, all records for the student should be transferred in a secure manner to the student's new Trust. If the records contain sensitive information (eg, child protection records) proof of receipt should be obtained. A record should be kept for tracking and auditing purposes only.

## All Staff

All staff are responsible for:

- Following procedures and guidance for managing, retaining and disposing of records;
- Only disposing of records in accordance with the requirements outlined in this policy (if authorised to do so);
- Ensuring that any proposed divergence from the records retention and disposal policies is authorised by the Headteacher.

## Employment Records

| Basic file description  | Statutory Provisions | Retention Period   | Action after retention period  |
|---|----------------------|--|--|
| Interview notes and recruitment records for unsuccessful candidates   |                      | Date of interview + 6 months   | DESTROY  |
| Pre-employment vetting information (including DBS checks)   | DBS guidelines       | Date of check  | DESTROY  |
| Staff personal file   |                      | Termination + 7 years  | DESTROY  |
| Disciplinary proceedings: <ol style="list-style-type: none"> <li>1. Oral warning</li> <li>2. First written warning</li> <li>3. Second written warning</li> <li>4. Final written warning</li> <li>5. Case not found</li> </ol> |                      | <ol style="list-style-type: none"> <li>1. Date of warning + 6 months</li> <li>2. Date of warning + 6 months</li> <li>3. Date of warning + 12 months</li> <li>4. Date of warning + 18 months</li> <li>5. DESTROY immediately at the conclusion of the case</li> </ol> | DESTROY  |
| Records relating to accident/injury at work   |                      | Date of incident + 12 years  | Review at the end of this period. In the case of serious accidents, a further retention period will need to be applied |
| Annual appraisal/assessment records   |                      | Current year + 5 years   | DESTROY  |

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|--|---|--|---------|
| Allegation of a child protection nature against a member of staff, including where the allegation is unfounded | Employment Practices Code: Supplementary Guidance 2.13.1 (Records of Disciplinary and Grievance) Education Act 2002 | Until the person's normal retirement age, or 10 years from the date of the allegation if that is longer. | DESTROY |
| Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995                           |   | Current year + 6 years   | DESTROY |
| Payroll records  | PAYE  | Current year + 3 years   | DESTROY |

## Pupil Records

| Basic file description           | Statutory Provisions   | Retention Period   | Action after retention period  |
|----------------------------------|--|--|--|
| Admission Records                |  | 1 year from date of admission                                  | DESTROY  |
| Admission Registers              |  | 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.  |
| Pupil files                      |  | 6 years after end of academic year                             | DESTROY  |
| Attendance registers             |  | Date of register + 3 years                                     | DESTROY<br>[If these records are retained electronically any backup copies should be destroyed at the same time] |
| Letters authorising absence      |  | Date of absence + 2 years                                      | DESTROY  |
| Child Protection files           | Education Act 2002 S175, related guidance Safeguarding Children in Education, September 2004 | DOB + 25 years   | DESTROY  |
| Examination results<br>1. Public |  | 1. Year of examinations + 6 years<br>2. Current year + 5 years | DESTROY  |

|   |  |                        |  |
|---|--|------------------------|--|
| 2. <i>Internal examination results</i>                                  |  |                        |  |
| Any other records created in the course of contact with pupils          |  | Current year + 3 years | Review at the end of 3 years and either allocate a further retention period or DESTROY |
| Statement or EHCP maintained under The Education Act 1996 - Section 324 | Special Educational Needs and Disability Act 2001 Section 1  | DOB + 30 years         | DESTROY unless legal action is pending   |
| Proposed statement/EHCP or amended statement/EHCP                       | Special Educational Needs and Disability Act 2001 Section 1  | DOB + 30 years         | DESTROY unless legal action is pending   |
| Advice and information to parents regarding educational needs           | Special Educational Needs and Disability Act 2001 Section 2  | Closure + 12 years     | DESTROY unless legal action is pending   |
| Accessibility Strategy  | Special Educational Needs and Disability Act 2001 Section 14 | Closure + 12 years     | DESTROY unless legal action is pending   |

## Finance

| Basic file description   | Statutory Provisions  | Retention Period                        | Action after retention period                                |
|--|-----------------------|---|--|
| 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 |
| Contracts  |                       | 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  |

|  |                       |                        |         |
|--|-----------------------|------------------------|---------|
| Debtors' Records   | Limitation Act 1980   | Current year + 6 years | DESTROY |
| Applications for free school meals, travel, uniforms etc |                       | Whilst child at school | DESTROY |
| Student grant applications                               |                       | Current year + 3 years | DESTROY |
| Free school meals registers                              | Financial Regulations | Current year + 6 years | DESTROY |
| Petty cash books   | Financial Regulations | Current year + 6 years | DESTROY |

## Management Plans

| Basic file description   | Statutory Provisions | Retention Period                 | Action after retention period |
|--|----------------------|----------------------------------|-------------------------------|
| Minutes of the Senior Leadership Team and other internal administrative body meetings                  |                      | Date of meeting + 5 years        | DESTROY                       |
| Reports made by the Headteacher or the Senior Leadership Team  |                      | Date of report + 3 years         | DESTROY                       |
| Records created by senior staff and other members of staff with administrative responsibilities        |                      | Closure of file + 6 years        | DESTROY                       |
| Correspondence created by senior staff and other members of staff with administrative responsibilities |                      | Date of correspondence + 3 years | DESTROY                       |
| Professional development plans   |                      | Closure + 6 years                | DESTROY                       |
| School development plans   |                      | Closure + 6 years                | DESTROY                       |

## Governors

| Basic file description    | Statutory Provisions | Retention Period              | Action after retention period                  |
|---------------------------|----------------------|-------------------------------|--|
| Minutes                   |                      | Date of meeting + 6 years     | DESTROY  |
| Agendas                   |                      | Date of meeting + 6 years     | DESTROY  |
| Reports                   |                      | Date of report + 6 years      | DESTROY  |
| Instruments of Government |                      | Permanent                     | Retain in school whilst school is open         |
| Trusts and Endowments     |                      | Permanent                     | Retain in school whilst operationally required |
| Action Plans              |                      | Date of action plan + 3 years | DESTROY  |

|   |  |   |  |
|---|--|---|--|
| Policy documents  |  | Current version plus previous five versions | Retain in school whilst policy is operational (this includes if the expired policy is part of a past decision making process)              |
| Complaints files  |  | Date of resolution of complaint + 6 years   | Retain in school for the first six years<br>Review for further retention in the case of contentious disputes<br>Destroy routine complaints |
| Annual Reports required by the Department for Education | Education (Governors' Annual Reports) (England) (Amendment) Regulations 2002.SI 2002 No 1171 | Date of report + 10 years                   |  |

### Health and Safety Records

| Basic file description   | Statutory Provisions          | Retention Period  | Action at the end of the administrative life of the record |
|--|-------------------------------|---|--|
| Accessibility Plans  | Disability Discrimination Act | Current year + 6 years                                      | DESTROY  |
| Accident Reporting<br>1. Adults<br>2. Children   | Limitation Act 1980           | 1. Current year + 3 years<br>2. DOB + 25 years <sup>1</sup> | DESTROY  |
| COSHH  |                               | Current year + 10 years                                     | Review   |
| Incident reports   |                               | 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 come in contact with <b>asbestos</b> |                               | Last action + 40 years                                      | DESTROY  |

<sup>1</sup> A child may make a claim for negligence for 7 years from their 18<sup>th</sup> birthday. To ensure that all records are kept until the pupil reaches the age of 25 this retention period has been applied.

|   |  |                        |         |
|---|--|------------------------|---------|
| Process of monitoring of areas where employees and persons are likely to have come in contact with <b>radiation</b> |  | Last action + 50 years | DESTROY |
| Fire Precautions log books  |  | Current year + 6 years | DESTROY |

## Administration Paperwork

| Basic file description                 | Statutory Provisions | Retention Period                    | Action at the end of the administrative life of the record   |
|--|----------------------|-------------------------------------|--|
| Employer's Liability certificate       |                      | Permanent whilst the school is open | DESTROY once the school has closed                           |
| Inventories of equipment and furniture |                      | Current year + 6 years              | DESTROY  |
| School brochure/prospectus             |                      | Current year + 3 years              | DESTROY  |
| Circulars (staff/parents/pupils)       |                      | Current year + 1 year               | DESTROY  |
| Newsletters, ephemera                  |                      | Current year + 1 year               | Review to see whether a further retention period is required |
| Visitors' book                         |                      | Current year + 2 years              | Review to see whether a further retention period is required |

## Property

| Basic file description                     | Statutory Provisions  | Retention Period          | Action at the end of the administrative life of the record |
|--|-----------------------|---------------------------|--|
| Title Deeds                                |                       | Permanent                 | These should follow the property                           |
| Plans                                      |                       | Permanent                 | Retain in school whilst operational then                   |
| 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  |



## Local Education Authority (LEA)

| Basic file description              | Statutory Provisions | Retention Period              | Action at the end of the administrative life of the record   |
|-------------------------------------|----------------------|-------------------------------|--|
| Secondary transfer sheets (Primary) |                      | Current year + 2 years        | DESTROY  |
| Attendance returns                  |                      | Current year + 1 year         | DESTROY  |
| Circulars from LEA                  |                      | Whilst operationally required | Review to see whether a further retention period is required |

## Department for Education (DfE)

| Basic file description    | Statutory Provisions | Retention Period                                     | Action at the end of the administrative life of the record   |
|---------------------------|----------------------|--|--|
| OFSTED reports and papers |                      | Replace former report with any new inspection report | Review to see whether a further retention period is required |
| Returns                   |                      | Current year + 6 years                               | DESTROY  |
| Circulars from DfE        |                      | Whilst operationally required                        | Review to see whether a further retention period is required |

## E Mail Communication

| Basic file description                   | Statutory Provisions | Retention Period   | Action at the end of the administrative life of the record |
|--|----------------------|--------------------|--|
| Meetings – including minutes of meetings |                      | 3 months to 1 year | DESTROY  |
| Agendas                                  |                      | 3 months to 1 year | DESTROY  |
| Information shared between SECAT schools |                      | 3 months to 1 year | DESTROY  |
|  |                      |                    |  |
|  |                      |                    |  |