



Retentions policy

Adoption and amendments to the Retentions Policy

Section	Trust Meeting or Committee
Whole document	Board of Directors, March 2019
Whole Document	Board of Directors, March 2021
Whole Document	Board of Directors, March 2022
Next review: 2023/24	

DOCUMENT RETENTION

1. INTRODUCTION

1.1. The main aim of this policy is to enable Kingsbridge Educational Trust (the Trust) to manage our hard and electronic records effectively and in compliance with data protection and other regulation. 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.

1.2. The Trust 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.

1.3. The table below sets out the main categories of information that we hold, the length of time that we intend to hold them, and the reason for this.

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

1.5. 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 Data Controller, 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. DOCUMENT RETENTION PERIOD

DOCUMENT CATEGORY	REASON	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
Documents of clear historical / archival significance	Data Protection regulation	Permanent if relevant data protection regulation provisions are met.
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 (IP) records and legal files re provision of service	Limitation Act 1980	Life of service provision or IP plus 6 years
Directors- Appointment		Life of appointment plus 6 years

Directors- Disqualification	Company Directors Disqualification Act 1986	Date of Disqualification plus 15 years
Directors- Termination of Office		Date of termination plus 6 years
Appointment of Trustees, Governors and Directors		Life of Appointment plus 6 years
Board of Directors Meeting Minutes	Companies Act 2006 Section 248	Minutes must be kept at least 10 years from the date of the meeting
Board of Directors Decisions		Date of the meeting plus a minimum of 10 years
Board of Directors Meeting: Annual Schedule of Business		Current year
Board of Directors Meeting: Procedures for conduct of meeting	Limitation Act Section 2	Date of procedures superseded plus 6 years
Minutes relating to any committees set up by the Board of Directors		Date of meeting plus a minimum of 10 years
Records relating to the management of the Annual General Meeting	Companies Act 2006 Section 248	Minutes must be kept for a minimum of 10 years
Agenda relating to Governing Body Meetings		One copy should be retained with the master set of minutes. All other copies can be disposed of.
Minutes of, and papers considered at, meetings of the Governing Body and its committees:		
Principal Set (Signed)		Life of academy
Inspection Copies		Date of meeting plus 3 years
Reports presented to Governing Body		Reports should be kept for a minimum of six years. However, if the minutes refer directly to individual reports, then the individual reports should be kept for the life of the Academy
Register of Gifts, Hospitality and Entertainment	Companies Act 2006	Life of the Academy plus 6 years
Insurance		
Employer's Liability Insurance	Employers' Liability (Compulsory Insurance Regulation) 1998	40 years
Policies	Commercial	6 years after lapse

Claims correspondence	Commercial	6 years after settlement
Health & Safety		
General records	Limitation Act 1980	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
Closed Circuit Television (CCTV)	Data Protection Act 2018	Maximum 31 Days, unless there is a specific reason to retain for longer.
COSHH	COSHH regulations 2002. Not applicable to records created under 1994-99 regulations.	40 years after year of creation.
Reporting of Accidents to Children	Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 section 8. Limitations Act 1980.	21 years from date of incident
Reporting of Accidents to Adults	Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 section 8. Limitations Act 1980.	Three years from date of incident
Fire Regulations Log	Fire Safety Order 2005	Six years from log of entry
Test and Trace (Covid-19)	21 Days	NHS Mandatory Requirement
Policy Statements	Limitations Act 1970	Three years from retirement of policy
Health and Safety Risk Assessments	Limitations Act 1970	Reviewed annually and if no longer required to be destroyed. If an incident has occurred the associated Health and Safety Risk Assessment should be retained for a period of three years and a copy kept in the incident folder.
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.
Lettings Records	Limitations Act 1980	Six years from creation of record.
Records of maintenance by Contractors	Limitations Act 1980 Building contracts requirements	Six years from completion of the works contract signed and 12 years from Deed.
Records and logs of maintenance by School or Trust Staff	Limitations Act 1980	Six years from creation of log/record.
Pension Records		
Records about employees and workers	For all categories see: Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk	Records must be kept for a minimum of six years (except for records of opt-outs which they must keep for four years).
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		
Tax and Finance		
Annual accounts and review (including transferred records on amalgamation)	Companies Act 2006 Charities Act 2011	Permanent record
Loans and grants	Requirement of the DFE Academies Financial Handbook and HMRC	12 years from last payment of loan or grant then review annually
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
Banking records / receipts book/sales ledger	Companies Act 2006 Charities Act 2011	6 years from transaction
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 Independent School Standards Regulations	Minimum 2 years from end of employment
HR files and training records	Limitation Act 1970 and Data Protection regulation	Maximum 6 years from end of employment
Records re working time inclusive of time sheets	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 start date of the role.
Pre-employment / volunteer vetting	ICO Employment Practice Code Independent School Standards Regulations	6 months
Right to Work	An employer’s guide to Right to Work Check (Home Office January 2019)	Evidence of RTW should be kept during employment and retain for the period as the personnel file post leaving for six years.
Disclosure & Barring Service checks	Single Central Record Requirements under For independent schools, (including academies and free schools and alternative provision academies and free schools): 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
Volunteer records		Undertake assessment to decide on retention period taking account of risk (e.g. safeguarding re work with children)
Allegation of a child protection nature against a member of staff including where the allegation is unfounded.	Keeping children safe in education. Statutory guidance for Schools and Colleges March 2015.	Until the persons normal retirement or 10 years from the date of allegation (whichever is longer)
Management Instruction	Operational purposes	12 months from date of Management Instruction

Unfounded Disciplinary Action	Operational purposes	4 months from the date of allegation unless related to safeguarding
Disciplinary Proceedings Level 1 – Oral and Written Warning	Employment Practices Code and supplementary guidance	Six months from date of warning
Disciplinary Proceedings Level 2- Written Warning	Employment Practices Code and supplementary guidance	A year from date of warning
Disciplinary Proceedings Final Warning	Employment Practices Code and supplementary guidance	18 months from date of warning
Disciplinary Proceedings- Case not found	Employment Practices Code and supplementary guidance	Dispose at conclusion unless related to safeguarding
Pupils		
Educational Record	Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context. Data Protection regulation	The file must follow the pupil when he/she leaves the school this will include: <ul style="list-style-type: none"> To another primary/secondary school Transition from a primary to a secondary school 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 Secondary Pupil the record is retained until the pupil reaches 25 years of age
Child Protection information (on child’s file)	“Keeping children safe in education Statutory guidance for schools and colleges September 2018”; “Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children July 2018”	RETAIN UNTIL FURTHER RECOMMENDATIONS Subject to moratorium on destruction due to historic child abuse enquiry.

Child Protection Information in other files	“Keeping children safe in education Statutory guidance for schools and colleges September 2018”; “Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children July 2018”	RETAIN UNTIL FURTHER RECOMMENDATIONS Subject to moratorium on destruction due to historic child abuse enquiry.
Special Educational needs		
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.
Other items e.g. curriculum related, photographs, video recordings	Case by case basis	Look at why you are processing this and how long you need it for. Make sure you have a good justification for keeping it as long as you do. Set out the items and the justification.
Parents		
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.

3. DELETION OF DOCUMENTS

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

Confidential waste

3.2. This should be made available for collection in the confidential waste bins or sacks located around the Trust and its Schools. The Data Controller (CFO@ket.education) will periodically contact schools to arrange for confidential waste to be collected and destroyed.

3.3. Anything that contains personal information should be treated as confidential.

3.4. Where deleting electronically, please refer to the Trust Manager ICT (TMICT) cbradbury@ket.education to ensure that this is carried out effectively.

Other documentation

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

Automatic deletion

3.6. 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 TMICT.

Individual responsibility

3.7. 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:

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

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

3.7.3. 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?)

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

3.7.5. Is the document of historic or statistical significance?

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

Deletion and Retention of data stored as email for more information please see Trust ICT policy

4.1. Email must only be retained for as long as stipulated in the Kingsbridge Educational Trust ICT Policy.

4.2. Email services have an operational function and are not provided for the storage or filing of documents and as such emails must be reviewed and dealt with promptly.

- 4.3. Emails that contain information that exists elsewhere on the academy's systems must be deleted within the period stated in the Kingsbridge Educational Trust ICT policy.
- 4.4. Information that is attached to or contained within emails is subject to a retention period as detailed within section 2 of this document

Deletion and Retention of user accounts, including email and other third-party services

- 5.1. Network accounts
 - 5.1.1. Will be locked as soon as the user leaves the employment of the Trust or its academies.
 - 5.1.2. A decision on the retention of data should be decided within 90 days. The files and emails should be moved to the required appropriate storage during this time.
- 5.2. Third Party Services
 - 5.2.1. A list of the third party access should already be known for each user or should be able to be ascertained quickly.
 - 5.2.2. All third party access should be removed immediately upon the user leaving the Trust.

Kingsbridge Educational Trust
March 2022