

ATLAS Multi Academy Trust

Records Retention Policy

Trust sub-committee: Resources Committee

Co-ordinator: ATLAS Executive Team

Last Reviewed: Spring 2023 Next Review: Spring 2025

St Albans Girls' School: Beech Hyde Primary School and Nursery: The Adeyfield Academy

Mag

Signed by:

Margaret Chapman

Executive Head Teacher

Signed by:

Rachael Kenningham

Chair of ATLAS Board of Directors

1 INTRODUCTION

The main aim of this policy is to enable the Trust to manage its 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.

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.

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.

For information, the Appendix sets out the legal requirements for certain categories of document. Where we have decided to keep information longer than the statutory requirement, this has been explained in the table at Section 2.

Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Trust COO 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 Trust COO 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.

DOCUMENT CATEGORY REASON REQUIREMENT	2 DOCUMENT RETENTION PERIOD			
Company Articles of Association, Rules / bylaws	DOCUMENT CATEGORY	REASON	REQUIREMENT	
Association, Rules / bylaws Academy funding agreement and any supplemental agreements Trustee / director minutes of meetings and written resolutions Members' meetings and written Companies Act 2006 Minutes / resolutions Documents of clear historical / archival significance Companies Act 2011 Documents of clear historical / archival significance Contracts e.g. with suppliers or grant makers Contracts e.g. with suppliers or grant makers Contracts evecuted as deeds Limitation Act 1980 Limitation Act 1980 Length of contract term plus 12 years Contracts evecuted as deeds Limitation Act 1980 Length of contract term plus 6 years Companies Act 2011 Permanent if relevant data protection regulation provisions are met Length of contract term plus 6 years Limitation Act 1980 Length of contract term plus 12 years Limitation Act 1980 Length of contract term plus 6 years Limitation Act 1980 Length of contract term plus 6 years Limitation Act 1980 Accommended: Life of service provision or IP plus 6 years Limitation Act 1980 Policies Commercial Commercial Commercial Syears after lapse Commercial Accident records Limitation Act 1970 Minimum 3 years Permanent Minimum 3 years Permanent Accident records and reports Regulations 2002 Accident records and reports Regulations 1995 Medical Scheme documentation Property Asbestos register Control of Asbestos at Work Regulations 2006 Service Records Construction – design and Management) Regulations 2007 DDA Audit DISABILITY DISCRIPTION Act 1980 Permanent	Corporate / Constitutional			
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Emergency lighting	Electricity at Work Regulations 1989	Permanent
Fire Risk Assessments, alarm and fire detection system	Regulatory Reform (Fire Safety) Order 2005	Permanent
Gas Safety inspection and certificates	The Gas Safety (Installations and Use) Regulations 1998	Permanent
Lifts and hoists	Lift Operations and Lifting Equipment Regulations 1998 (LOLER)	Permanent
Legionnaires risk assessment	The Control of Legionella Bacteria in Water Systems Approved Code of Practice	Permanent
Pension Records		
Records about employees and workers	As per the guidance for employers (April 2017) pension regulator	As per the guidance for employers pension regulator
Records re the Scheme	As per the guidance for employers (April 2017) pension regulator	As per the guidance for employers pension regulator
Records re active members and opt in / opt out	As per the guidance for employers (April 2017) pension regulator	As per the guidance for employers pension regulator
Trust Deed / Rules and HMRC approvals	As per the guidance for employers (April 2017) pension regulator	As per the guidance for employers pension regulator
Trustees' Minutes and annual accounts	As per the guidance for employers (April 2017) pension regulator	As per the guidance for employers pension regulator
Policies including investment policies	As per the guidance for employers (April 2017) pension regulator	As per the guidance for employers pension regulator
Tax and Finance		
Annual accounts and review (including transferred records on amalgamation)	Companies Act 2006 Charities Act 2011	Minimum 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
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; PIID; 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	National Minimum Wage Act	3 years after the end of the tax
records		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	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	Recommended: 6-12 months from your 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 Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014	Record only satisfactory / unsatisfactory result and delete other information.
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 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 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
Child Protection Information in other files	"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	RETAIN UNTIL FURTHER RECOMMENDATIONS

	welfare of children February	
	2017"	
Special Educational needs		
SEN files	Limitation Act 1980	Usually 25 years from date of birth of the pupil.
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.
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	Usually, for the duration that the parent has a pupil at the school. Otherwise subject to
	details.	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.		
	3.2	Confidential waste		
		This should be made available for collection in the confidential waste sacks available		
		from the Site Team.		
		Anything that contains personal information should be treated as confidential.		
		Where deleting electronically, please refer to the Trust Network Manager to ensure		
		that this is carried out effectively.		
	3.3	Other documentation		
		Other documentation can be deleted or placed in recycling bins where appropriate.		
	3.4	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 Trust Network		
		Manager		

3.5 *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? (Refer to Appendix 1 for more information)
- 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 Trust COO and reasons given.

APPENDIX

DOCUMENT TYPE	LEGISLATION / REASONS FOR RETENTION	REQUIREMENT
COMPANY RECORDS		
Company Articles of	Companies Act 2006	Permanent
Association, Rules / bylaws	Charities Act 2011	
Academy funding agreement	Charities Act 2011	Permanent
and any supplemental		
agreements		
Trustee / director minutes of	Companies Act 2006	Recommended at least 10 years
meetings and written	Charities Act 2011	
resolutions		
Members' meetings etc.	Companies Act 2006	Recommended at least 10 years
Minutes / resolutions	Charities Act 2011	
Documents of clear historical	Data Protection regulation	Permanent if relevant data
/ archival significance		protection regulation provisions
		are met. At the time of writing
		the Data Protection Bill contains
		relevant provisions but these are
		expected to change as the Bill
		goes through the parliamentary
		process. Legal advice should be
		obtained once the Data
		Protection Act 2018 is published.
Contracts e.g. with suppliers	Limitation Act 1980	Length of contract term plus 6
or grant makers		years
Contracts executed as deeds	Limitation Act 1980	Length of contract term plus 12 years
IP records and legal files re	Limitation Act 1980	Recommended: Life of service
provision of service		provision or IP plus 6 years
TAX AND FINANCE		
Annual accounts and review	Companies Act 2006	Minimum 6 years
(including transferred records	Charities Act 2011	Recommended: permanent
on amalgamation)		record
Tax and accounting records	Finance Act 1998	6 years from end of relevant tax
	Taxes Management Act 1970	year
Information relevant for VAT	Finance Act 1998 and	Minimum 6 years from end of
purposes	HMRC Notice 700/21	relevant period
Banking records / receipts	Companies Act 2006	6 years from transaction
book/sales ledger	Charities Act 2011	
EMPLOYEE /	See generally ICO Employment	
ADMINISTRATION	Practices Code	
Payroll / Employee / Income	Taxes Management Act 1970 /	6 years from end of current year
Tax and NI records:	IT (PAYE) Regulations	
P45; P6; PIID; P60, etc.		
Maternity pay	Statutory Maternity Pay	3 years after the end of the tax
	Regulations	year
Sick pay	Statutory Sick Pay	3 years after the end of the tax
	(General) Regulations	year
National Minimum wage	National Minimum Wage Act	3 years after the end of the tax
records		year
	<u>.i</u>	

Foreign national ID	Immigration (Restrictions on	Minimum 2 years from end of
documents	Employment) Order 2007	employment
documents	Independent School Standards	employment
	Regulations	
HR files and training records	Limitation Act 1970 and Data	Maximum 6 years from end of
	Protection regulation	employment
Records re working time	Working Time Regulations 1998	2 years
	as amended	
Job applications (CVs and	ICO Employment Practices Code	Recommended: 6-12 months
related materials re	(Recruitment & Selection)	from your notification of
unsuccessful applicants)	Disability Discrimination Act	outcome of application
	1995 & Race Relations Act 1976	
Pre-employment / volunteer	ICO Employment Practice Code	6 months
vetting	Independent School Standards	
D: 1 0 D : 6 :	Regulations	
Disclosure & Barring Service	Single Central Record	Record only satisfactory /
checks	Requirements under Part 4 of	unsatisfactory result and delete
	the Schedule to the Education	other information. If copy is
	(Independent School Standards) Regulations 2014;	kept, not to be retained beyond 6 months See further DfE
	Regulations 2014;	
		statutory Guidance 'Working Together to safeguard children'
		https://www.gov.uk/governmen
		t/publications/working-
		together-to-safeguard-children
		2
Volunteer records		Undertake assessment to decide
		on retention period taking
		account of risk (e.g. safeguarding
		re work with children)
INSURANCE		
Employer's Liability Insurance	Employers' Liability	40 years
	(Compulsory Insurance	
	Regulation) 1998	
Policies	Commercial	3 years after lapse
Claims correspondence	Commercial	3 years after settlement
HEALTH & SAFETY / MEDICAL	1:	Addition to 2
General records	Limitation Act 1970	Minimum 3 years
Records re work with hazardous substances	Control of Hazardous Substances to Health	Up to 40 years. Recommend: Permanent
nazardous substances		Permanent
Accident books / records and	Regulations 2002 Reporting of Injuries Diseases	3 years after last entry or end of
reports	and Dangerous Occurrences	investigation
Teports	Regulations 1995	mive stigation
Medical Scheme	Commercial	Permanent unless personal data
documentation		is included
PREMISES / PROPERTY		- 110.0000
Original title deeds		Permanent / to disposal of
3		property
Leases	Limitation Act 1980	12 years after lease has expired
Building records, plans,	Limitations Act 1980	6 years after disposal or
consents and certification and		permanent if of historical /
warranties etc		archival interest. Carry out
		review re: longer retention, e.g.

		if possible actions against
		contractors
PENSION RECORDS	For all categories see:	
Records about employees and		
workers		
Records re the Scheme		
Records re active members	Detailed Guidance for	
and opt in / opt out	Employers: (April 2017)	
Trust Deed / Rules and HMRC	pensions regulator.gov.uk	
approvals		
Trustees' Minutes and annual		
accounts		
Policies including investment		
policies		
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 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	"Keeping children	RETAIN UNTIL FURTHER
(on child's file)	safe in education	RECOMMENDATIONS
	Statutory guidance	
	for schools and	Subject to moratorium on
	colleges September 2016";	destruction due to historic child
	"Working together to	abuse enquiry. See
	safeguard children. A	https://www.iicsa.org.uk/docum
	guide to inter-agency working to safeguard	ent/guidance-note-retention- instructions-and-data-
	and promote the	protection-requirements
	welfare of children	protection-requirements
	February 2017"	
Child Protection Information	"Keeping children	RETAIN UNTIL FURTHER
in other files	safe in education	RECOMMENDATIONS
	Statutory guidance	Subject to moratorium on
	for schools and	destruction due to historic child
	colleges September 2016";	abuse enquiry. See
	"Working together to	https://www.iicsa.org.uk/docum
	safeguard children. A	ent/guidance-note-retention-
	guide to inter-agency	instructions-and-data-
	working to safeguard	<u>protection-requirements</u>
	and promote the	
	welfare of children	
CDECIAL EDITION CONTROL OF CONTRO	February 2017"	
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	Special Educational Needs and	25 years from date of birth of
Plans	Disability Regulations 2014	the pupil

	Children and families Act 2014, part 3	
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.
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 AND ALUMNI		
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.
ALUMNI / ALUMNAE AND THEIR PARENTS		No legal clarity at present. Seek further advice when the Data Protection Act 2018 is in final form (likely to be April 2018)
OTHER		
OTHER SCHOOL RELATED INFORMATION	various	Please consult the IRMS toolkit for schools which is here: http://irms.org.uk/page/SchoolsToolkit