



ATLAS Multi Academy Trust

Records Retention Policy

Trust sub-committee: Resources Committee

Co-ordinator: ATLAS Executive Team

Last Reviewed: Spring 2019

Next Review: Spring 2021

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

Signed by.....
Margaret Chapman (Executive Head Teacher)

Signed by.....
Rachael Kenningham (Chair of ATLAS Board of Directors)

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| 1 | INTRODUCTION |
| 1.1 | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Trust Business Manager shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.</p> <p>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 Business Manager</p> |

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| | 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 | REQUIREMENT |
| Corporate / Constitutional | | |
| Company Articles of Association, Rules / bylaws | Permanent | Companies Act 2006 Charities Act 2011 |
| 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 | Recommended at least 10 years |
| Members' meetings etc. Minutes / resolutions | Companies Act 2006 Charities Act 2011 | Recommended at least 10 years |
| 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 |
| IP records and legal files re provision of service | Limitation Act 1980 | Recommended: 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 |
| Records re work with hazardous substances | Control of Hazardous Substances to Health Regulations 2002 | Permanent |
| Accident 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 |
| Property | | |

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| Asbestos register | Control of Asbestos at Work Regulations 2006 | Permanent |
| Service Records | Good practise | For the life span of the equipment |
| Construction – design and management programmes | Construction (Design and Management) Regulations 2007 | Permanent |
| DDA Audit | Disability Discrimination Act 1995 and 2005 and BS8300 | Permanent |
| 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 (April 2017) pension regulator |
| Records re the Scheme | As per the guidance for employers (April 2017) pension regulator | As per the guidance for employers (April 2017) 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 (April 2017) pension regulator |
| Trust Deed / Rules and HMRC approvals | As per the guidance for employers (April 2017) pension regulator | As per the guidance for employers (April 2017) pension regulator |
| Trustees' Minutes and annual accounts | As per the guidance for employers (April 2017) pension regulator | As per the guidance for employers (April 2017) pension regulator |
| Policies including investment policies | As per the guidance for employers (April 2017) pension regulator | As per the guidance for employers (April 2017) pension regulator |

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| 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; 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 | 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 | | |
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| 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 welfare of children February 2017" | RETAIN UNTIL FURTHER RECOMMENDATIONS |
| 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) |

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| 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 details. | 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. | |
| 3.2 | <p>Confidential waste</p> <p>This should be made available for collection in the confidential waste sacks available from the Site Team.</p> <p>Anything that contains personal information should be treated as confidential.</p> <p>Where deleting electronically, please refer to the Trust Network Manager to ensure that this is carried out effectively.</p> | |
| 3.3 | <p>Other documentation</p> <p>Other documentation can be deleted or placed in recycling bins where appropriate.</p> | |
| 3.4 | <p>Automatic deletion</p> <p>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</p> | |
| 3.5 | <p>Individual responsibility</p> <p>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:</p> <ul style="list-style-type: none"> • 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 | |

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| | <p>information contentious, does it relate to an incident that could potentially give rise to proceedings?)</p> <ul style="list-style-type: none">• 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? <p>If the decision is made to keep the document, this should be referred to the Trust Business Manager and reasons given.</p> |
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APPENDIX

| DOCUMENT TYPE | LEGISLATION / REASONS FOR RETENTION | REQUIREMENT |
|--|---|--|
| COMPANY RECORDS | | |
| 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 | Recommended at least 10 years |
| Members' meetings etc. Minutes / resolutions | Companies Act 2006 Charities Act 2011 | Recommended at least 10 years |
| Documents of clear historical / archival significance | Data Protection regulation | Permanent if relevant data 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 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 |
| IP records and legal files re provision of service | Limitation Act 1980 | Recommended: Life of service provision or IP plus 6 years |
| 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 |
| EMPLOYEE / ADMINISTRATION | See generally ICO Employment Practices Code | |
| 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 |

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| 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 | 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. If copy is kept, not to be retained beyond 6 months See further DfE statutory Guidance 'Working Together to safeguard children' 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 re work with children) |
| 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 / MEDICAL | | |
| General records | Limitation Act 1970 | Minimum 3 years |
| 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 |
| Medical Scheme documentation | Commercial | Permanent unless personal data is included |
| PREMISES / PROPERTY | | |

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| 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 | For all categories see: | |
| Records about employees and workers | Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk | |
| 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 | | |
| 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 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 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 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 |

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| | welfare of children 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 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. |
| 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) |

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| OTHER | | |
| OTHER SCHOOL RELATED INFORMATION | various | Please consult the IRMS toolkit for schools which is here: http://irms.org.uk/page/Schools Toolkit |



ATLAS Multi Academy Trust

Equality Impact Analysis

When reviewing all Trust policies, the following Equality Impact Analysis (EIA) should be undertaken to ensure fairness of the new proposals/policy and to identify any action needed to redress any potential discrimination, positively promoting equal opportunities, improved access and participation for all.

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| Title of Policy: | Records Retention Policy |
| Date: | Spring 2019 |
| EIA carried out by: | P O'Neill |
| EIA reviewed by: | Resource Committee |

| 1. Identify the aims and objectives of the policy, what will be the proposed change and how will it be implemented | |
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| <ul style="list-style-type: none"> • Policy contains information about: Overall aims and objectives? What is the proposed change? Who is intended to benefit from the proposal and in what way? Outcomes of the policy? How will it be put into practice and who is responsible for this? | <p>To comply with GDPR changes as advised by Stone King – legal representation for schools within the ATLAS MAT</p> |

| 2. Assessment of Impact? <i>To include impact of policy, any plans needed to mitigate any negative impact, equality issues to be addressed</i> | | |
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| Characteristic | Group | Effect/Impact |
| <ul style="list-style-type: none"> • Age • Disability • Gender reassignment • Marriage/civil partnership • Pregnancy/Maternity • Race • Religion or Belief • Sex • Sexual orientation | | <p>Children over 13 are responsible under law for their personal data.</p> |

| 3. Consultation | |
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| <ul style="list-style-type: none"> • New policy contains information about: Policy audience, expected actions and outcomes | <p>Privacy notices updates and available on school websites</p> |

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| <p>Consultation and communication process</p> <p>Accessibility for all</p> <p>Fair access to the consultation process</p> <p>Lessons learnt from previous consultation, if appropriate</p> | |
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| 4. Decision | |
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| <ul style="list-style-type: none"> Should the new proposal/policy be agreed and any impacts identified following consultations? What reasonable adjustments are required? | No Issues or adjustments required |

| 5. Action Planning | |
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| <ul style="list-style-type: none"> Any actions identified to address inequality for different groups? Any actions identified to promote equality and diversity? Where are these actions recorded and who is responsible for them? | None |

| 6. Monitoring and Review | |
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| <ul style="list-style-type: none"> When will the impact assessment be reviewed? Who is responsible? | In line with policy review date |

| 7. Publication of the results of the impact assessment | |
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| <ul style="list-style-type: none"> Results of EIA are published – where and when? The results are kept as a public record of the EIA – where and when? | With policy |