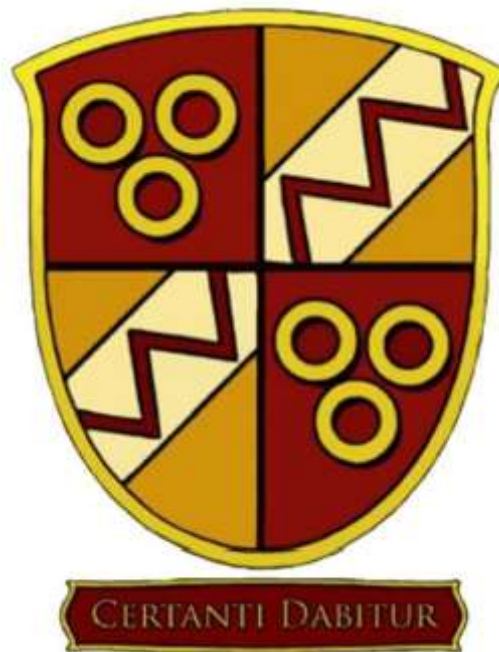


Data Retention Policy

The Oldershaw Academy



Approved by: Finance, Audit & Risk Committee

Date: April 2021

Policy owner: Data Manager

Last reviewed: February 2021

Next review due: March 2022

Contents

- 1. Introduction 2
- 2. Data protection 2
- 3. Retention schedule 3
- 4. Destruction of records 3
- 5. Archiving 3
- 6. Transferring information to other media 3
- 7. Responsibility and monitoring 4
- 8. Monitoring arrangements..... 4
- 9. Links to other policies..... 4

1. Introduction

The School has a responsibility to maintain its records and record keeping systems. When doing this, the School 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 School's current practice, the requirements of current legislation and best practice and guidance. It may be amended by the School 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 School may also vary any parts of this procedure, including any time limits, as appropriate in any case.

2. 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 School. The School's Data Protection Policy outlines its duties and obligations under the GDPR.

3. Retention Schedule (Appendix 1)

Information (hard copy and electronic) will be retained for at least the period specified in the attached retention schedule. When managing records, the School will adhere to the standard retention times listed within that schedule.

Paper records will be regularly monitored by the member of staff named in the Retention Policy Schedule at the back of this Policy.

Electronic records will be regularly monitored by the Data Manager and Network Manager

The schedule is a relatively lengthy document listing the many types of records used by the school and the applicable retention periods for each record type. The retention periods are based on business needs and legal requirements.

4. 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 School maintains a database of records which have been destroyed and who authorised their destruction. When destroying documents, the appropriate staff member should record in this list at least: -

- File reference (or other unique identifier)
- File title/description
- Number of files and
- Name of the authorising officer.

5. Record Keeping of Safeguarding

Any allegations made that are found to be malicious must not be part of the personnel records.

For any other allegations made, the School must keep a comprehensive summary of the allegation made, details of how the investigation was looked into and resolved and any decisions reached. This should be kept on the personnel files of the accused.

Any allegations made of sexual abuse should be preserved by the School for the term of an inquiry by the Independent Inquiry into Child Sexual Abuse. All other records (for example, the personnel file of the accused) should be retained until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer. Guidance from the Independent Inquiry Child Sexual Abuse states that prolonged retention of personal data at the request of an Inquiry would not contravene data protection regulation provided the information is restricted to that necessary to fulfil potential legal duties that a School may have in relation to an Inquiry.

Whilst the Independent Inquiry into Child Sexual Abuse is ongoing, it is an offence to destroy any records relating to it. At the conclusion of the Inquiry, it is likely that an indication regarding the appropriate retention periods of the records will be made.

6. 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 by the Data Manager. The appropriate staff member, when archiving documents should record in this list the following information: -

- File reference (or other unique identifier)
- File title/description
- Number of files and
- Name of the authorising officer.

7. 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 digital media or virtual storage centres (such as cloud storage). The lifespan of the media and the ability to migrate data where necessary should always be considered.

8. Emails

Emails accounts are not a case management tool in itself. Generally, emails may need to fall under different retention periods (for example, an email regarding a health and safety report will be subject to a different time frame to an email which forms part of a pupil record). It is important to note that the retention period will depend on the content of the email and it is important that staff file those emails in the relevant areas to avoid the data becoming lost.

9. Pupil Records

All Schools with the exception of independent schools, are under a duty to maintain a pupil record for each pupil. If a child changes schools, the responsibility for maintaining the pupil record moves to the next school. We retain the file for a year following transfer in case any issues arise as a result of the transfer.

10. Responsibility and Monitoring

The Data Manager has primary and day-to-day responsibility for implementing this Policy. The Data Protection Officer, in conjunction with the School is responsible for monitoring its use and effectiveness and dealing with any queries on its interpretation. The Data Protection Officer will consider the suitability and adequacy of this policy and report improvements directly to Management.

Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in creating, maintaining and removing records.

Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this Policy and are given adequate and regular training on it.

11. Monitoring Arrangements

This policy will be reviewed annually and approved by the Trust Board.

12. Links to Other Policies

- Data Protection

Retention Schedule

Appendix 1

| FILE DESCRIPTION | RETENTION PERIOD | STAFF |
|--|---|-------|
| Employment Records | | |
| All records leading up to the appointment of a new Principal | Date of appointment + 6 years. Secure disposal | Clerk |
| Job applications and interview records of unsuccessful candidates | Six months after notifying unsuccessful candidates, unless the school has applicants' consent to keep their CVs for future reference. In this case, application forms will give applicants the opportunity to object to their details being retained. Secure disposal | CSM |
| Job applications and interview records of successful candidates | 6 years after employment ceases. Secure disposal | CSM |
| Written particulars of employment, contracts of employment and changes to terms and conditions | 6 years after employment ceases. Secure disposal | CSM |
| Right to work documentation including identification documents | 6 years after employment ceases. Secure disposal | CSM |
| Immigration checks | Two years after termination of employment Secure disposal | CSM |
| DBS checks and disclosures of criminal records forms | As soon as practicable after the check has been completed and the outcome recorded (i.e. whether it is satisfactory or not) unless in exceptional circumstances (for example to allow for consideration and resolution of any disputes or complaints) in which case, <u>for no longer than 6 months</u> . | CSM |
| Change of personal details notifications | No longer than 6 months after receiving this notification | CSM |
| Emergency contact details | Destroyed on termination | CSM |
| Personnel and training records | While employment continues and up to six years after employment ceases. Secure disposal | CSM |
| Annual leave records | Six years after the end of tax year they relate to or possibly longer if leave can be carried over from year to year | CSM |
| Consents for the processing of personal and sensitive data | For as long as the data is being processed and up to 6 years afterwards | CSM |

| | | |
|--|---|-----|
| Staff Biometric Data (Electronic) | Deleted within 72 hours of consent being withdrawn Deleted within 72 hours of leaving | NM |
| Working Time Regulations: <ul style="list-style-type: none"> • Opt out forms • Records of compliance with WTR | <ul style="list-style-type: none"> • Two years from the date on which they were entered into • Two years after the relevant period | CSM |
| Disciplinary Records | <ul style="list-style-type: none"> • 6 years after employment ceases | CSM |
| Training records GDPR Training Records (Electronic) | 6 years after employment ceases or length of time required by the professional body. Secure disposal | DM |
| Staff Training where it relates to safeguarding or other child related training | Date of the training plus 40 years | CSM |
| Allegations of a child protection nature against a member of staff including where the allegation is founded | 10 years from the date of the allegation or the person's normal retirement age (whichever is longer). This should be kept under review. Malicious allegations should be removed. Secure disposal. These records must be shredded. | CSM |
| Annual appraisal / assessment records | Current year + 6 years. Secure disposal | CSM |
| Financial and Payroll Records | | |
| Pension records | 12 years | CFO |
| Retirement benefits schemes – notifiable events (for example, relating to incapacity) | 6 years from the end of the scheme year in which the event took place | CSM |
| Payroll and wage records | 6 years after end of tax year they relate to | CFO |
| Maternity/Adoption/Paternity Leave records | 3 years after end of tax year they relate to | CSM |
| Statutory Sick Pay | 3 years after the end of the tax year they relate to | CFO |
| National Insurance (schedule of payments) | Current year plus 6 year | CFO |
| Insurance | Current year plus 6 years | CFO |
| Current bank details | Until updated plus 3 years | CSM |
| Time sheets | Current year plus 3 years | CFO |
| Overtime | Current year plus 3 years | CFO |
| Employer's Liability Insurance Certificate | Closure of the school + 40 years. Secure disposal | CFO |
| Inventories of furniture and equipment | Current year + 6 years Secure disposal | FM |
| Burglary, theft and vandalism report forms | Current year + 6 years Secure disposal | FM |
| Annual Accounts | Current year + 6 years standard disposal | CFO |
| Loans and grants managed by the school | Date of last payment on the loan + 12 years. Secure disposal | CFO |

| | | |
|--|--|-------|
| Pupil Premium Fund Records | Date pupil leaves the school plus 6 years | CFO |
| Student Grant applications | Current year + 3 years Secure disposal | CFO |
| All records relating to the creation and management of budgets including the Annual Budget statement and background papers | Life of the budget + 3 years Secure disposal | CFO |
| Invoices, receipts, order books and requisitions, delivery notices | Current financial year + 6 years Secure disposal | CFO |
| Records relating to the collection and banking of monies | Current financial year + 6 years Secure disposal | CFO |
| Records relating to the identification and collection of debt | Current financial year + 6 years Secure disposal | CFO |
| All records relating to the management of contracts under seal | Last payment on the contract + 12 years Secure disposal | CFO |
| All records relating to the management of contracts under signature | Last payment on the contract + 6 years Secure disposal | CFO |
| Records relating to the monitoring of contracts | Current year + 2 years Secure disposal | CFO |
| Agreements and Administration Paperwork | | |
| Register of Attendance at full Trust Board Meetings | Date of last meeting plus 6 years | Clerk |
| Agendas for Trust Board meetings | One copy should be retained with the master set of minutes. All other copies can be disposed of secure disposal | Clerk |
| Minutes of Trust Board meetings Principal Set (signed) | PERMANENT | Clerk |
| Inspection Copies | Date of meeting + 3 years, If these minutes contain any sensitive, personal information they must be shredded. | Clerk |
| Reports presented to the Trust Board | Reports should be kept for a minimum of 6 years. However, if the minutes refer directly to individual reports then the reports should be kept permanently. Secure disposal or retain with the signed set of the minutes. | Clerk |
| Instruments of Government including Articles of Association | Permanent. These should be retained in the school whilst the school is open and then offered to County Archives Service when the school closes. | Clerk |
| Trusts and Endowments managed by the Trust Board | Permanent. These should be retained in the school whilst the school is open and then offered to County Archives Service when the school closes. | Clerk |
| Action plans created and administered by the Trust Board | Life of the action plan + 3 year. Secure disposal. | Clerk |
| Policy documents created and administered by the Trust Board | Until replaced. (The School should consider keeping policies relating to safeguarding, child protection or other pupil related issues such as exclusion until the IICSA has issued its recommendations) Secure disposal | Clerk |

| | | |
|--|---|-----------|
| Records relating to complaints dealt with by the Trust Board | Major complaints: current year plus 6 years If negligence involved: current year plus 15 years If child protection of safeguarding issues: current year plus 40 years | Clerk |
| Records relating to the terms of office of serving Governors, including evidence of appointment | Date appointment ceases plus 6 years | CSM |
| Register of business interests | Date appointment ceases plus 6 years | CSM |
| Records related to the training required and received by Governors | Date appointment ceases plus 6 years | Clerk |
| Records relating to the Clerk of a Trust Board | Date upon which appointment ceases plus 6 years | CSM |
| Governor Personnel Files | Date of appointment plus 6 years | CSM |
| Annual Reports created under the requirements of the Education (Governor's Annual Reports) (England) (Amendment) Regulations 2002 | Date of report + 10 years. Secure disposal. | Clerk |
| Minutes of Senior Management Team meetings and the meetings of other internal administrative bodies | Date of the meeting + 3 years then review. Secure disposal | CEO |
| Reports and records created by the Principal or the Management Team | Date of the report + a minimum of 3 years then review. Secure disposal | CEO |
| Correspondence created by the Principal, deputy head teachers, heads of year and other members of staff with administrative responsibilities | Current year + 3 years. Secure disposal | PA/Clerk |
| Professional Development Plans | Life of the plan + 6 years. Secure disposal | SLT |
| Collective workforce agreements and past agreements that could affect present employees | Permanently | PA |
| School Development Plans | Life of the plan + 3 years. Secure disposal | CEO |
| Trade union agreements | 10 years after ceasing to be effective | PA |
| Visitors Book and Signing In Sheets (paper) InVentry data (electronic) | 6 years. Secure disposal Up to a Year | RAD NM |
| Newsletters and circulars to staff, parents and pupils | 1 year and 1 copy may be archived | CO |

| | | |
|---|---|-----|
| Health and Safety Records | | |
| Health and Safety consultations | Permanently | FM |
| Health and Safety Risk Assessments | 3 years from the life of the risk assessment | FM |
| Health and Safety Policy Statements | Life of Policy plus 3 years | CSM |
| Any records relating to any reportable death, injury, disease or dangerous occurrence | Date of incidence plus 3 years provided that all records related to the incident are held on personnel file | CSM |
| Accident reporting for individuals who are under 18 at the time of the incident | Accident book should be retained 3 years after last entry in the book | CSM |
| Accident reporting for individuals who are over 18 at the time of the incident | Accident book should be retained 3 years after last entry in the book | CSM |
| Fire precaution log books | Current year plus 3 years | FM |
| Medical records and details of: - <ul style="list-style-type: none"> • control of lead at work • employees exposed to asbestos dust • records specified by the Control of Substances Hazardous to Health Regulations (COSHH) | 40 years from the date of the last entry made in the record | FM |
| Records of tests and examinations of control systems and protection equipment under COSHH | 5 years from the date on which the record was made | FM |
| Property Management | | |
| Title deeds of properties belonging to the school | Permanent These should follow the property unless the property has been registered with the Land Registry | CEO |
| Plans of property belong to the school | These should be retained whilst the building belongs to the school and should be passed onto any new owners if the building is leased or sold | FM |
| Leases of property leased by or to the school | Expiry of lease + 6 years Secure disposal | CEO |
| Records relating to the letting of school premises | Current financial year + 6 years Secure disposal | CFO |
| All records relating to the maintenance of the school carried out by contractors | Current year + 6 years Secure disposal | FM |
| All records relating to the maintenance of the school carried out by school employees including maintenance log books | Current year + 6 years Secure disposal | FM |
| Temporary and Casual Workers | | |
| Records relating to hours worked and payments made to workers | 3 years | CFO |

| Pupil Records | | |
|---|--|--------------------------|
| All records relating to the creation and implementation of the School Admissions' Policy | Life of the policy + 3 years then review. Secure disposal | Clerk |
| Admissions records | 1 year from the date of admission. Secure disposal | DM |
| Proof of address supplied by parents as part of the admissions process | Current year plus 1 year | DM |
| Supplementary Information form including additional information such as religion, medical conditions etc. For successful admissions | This information should be added to the pupil file. Secure disposal | DM |
| Admissions register (historical document) | Entries to be preserved for three years from date of entry. May be kept permanently as often schools receive enquiries from past pupils to confirm the dates they attended the school. Secure disposal | DM |
| Correspondence relating to any absence authorized or unauthorised | Current academic year + 2 years. Secure disposal | APL |
| School Meals Registers (Electronic) | Current year + 3 years | NM |
| Free School Meals Registers | Current year + 6 years | RAD |
| Pupil Record | The Education (Pupil Information) (England) Regulations 2005 SI 2005 No. 1437 Limitation Act 1980 (Section 2) Date of Birth of the pupil + 25 years | DM |
| Special Educational Needs files, reviews and individual education plans (this includes any statement or EHCP and all advice and information shared regarding educational needs) | Limitation Act 1980 (Section 2). Until the child turns 31. Then REVIEW. NOTE: This retention period is the minimum retention period that any pupil file should be kept. | SENCO |
| Child protection information held in separate files | "Keeping children safe in education Statutory guidance for schools and colleges March 2015" "Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children March 2015" DOB of the child + 25 years then review This retention period was agreed in consultation with the Safeguarding Children Group on the understanding that the principal copy of this information will be found on the Local Authority Social Services record. SECURE DISPOSAL – these records MUST be shredded | DSL |
| Allegations of Sexual Abuse | For the time period of an inquiry by the Independent Inquiry into Child Sexual Abuse | VP Inclusion / CEO |
| Examination Results (Schools Copy) | Current year + 6 years Secure disposal | EO |

| | | |
|---|---|---------|
| SATS Results | 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 will keep a composite record of all the whole years results. current year + 6 years to allow suitable comparison Secure disposal | EO |
| Examination Papers (Electronic Word Processed) | The examination papers should be kept until any appeals/validation process is complete. Secure disposal | EO |
| Examination Certificates | 2 Years after student date of leaving Secure disposal | EO |
| Examinations Paperwork: Registers, Seating Plans, Incident Records, Remark and Access to Script Consent Forms | Retained until the deadline of the close of Review of Marking period for the Series. | EO |
| Timetable | Review these records at the end of each year and allocate a further retention period or Secure Disposal Minimum Current year + 1 year. | DM |
| Class Record Books | | Teacher |
| Mark Books | | Teacher |
| Record of homework set | | Teacher |
| Pupils' Work | Where possible pupils' work should be returned to the pupil at the end of the academic year. Where this is not possible Secure Disposal | Teacher |
| Self-Evaluation Forms | Current year + 6 years Secure disposal | CEO |
| Schemes of Work | Current year + 1 year | HOD |
| Published Admission Number (PAN) Reports | Current year + 6 years Secure disposal | Clerk |
| Records created by schools to obtain approval to run an Educational Visit outside the Classroom | Outdoor Education Advisers' Panel National Guidance website http://oeapng.info specifically Section 3 - "Legal Framework and Employer Systems" and Section 4 - "Good Practice". Date of visit + 10 years. Secure disposal | EVC |
| Parental consent forms for school trips where there has been no major incident | End of the trip or end of the academic year (subject to a risk assessment carried out by the school) Secure disposal | EVC |
| Parental permission slips for school trips – where there has been a major incident | Limitation Act 1980 (Section 2). DOB of the pupil involved in the incident + 25 years. The permission slips for all the pupils on the trip need to be retained to show that the rules had been followed for all pupils | EVC |
| Consents relating to school activities as part of GDPR compliance (for example, consent to be sent circulars or mailings) | Consent will last while the pupil attends the school | CO |

| | | |
|------------------------------------|---|----|
| Photographs and Video Footage | This information will not be kept for longer than is necessary and will be reviewed on a regular basis. Select images may also be kept for longer for example to illustrate history of the school. Photographs on the Academy website may be retained for up to 2 years after a pupil has left the Academy. Secure Disposal | CO |
| Student Photographic Consent Forms | Up to 6 Years after Date of Leaving | CO |
| School Census Returns | Current year + 5 years | DM |
| Other Records | | |
| Email in Deleted Items Folder | Automatically deleted after 15 days | NM |
| Emails over 3 years old. | Automatically deleted | NM |
| CCTV | Overwritten after 2 weeks | NM |
| Privacy Notices | Until replaced plus 6 years | DM |