

Name of Policy:	GCH Retention and Deletion Policy
Date of Policy:	Jan 2020
Policy written by:	MAH
Governor committee:	Strategy
Date Policy to be reviewed:	2 years

The Grey Coat Hospital Document Retention and Deletion Policy January 2020

1. INTRODUCTION

- 1.1. The main aim of this policy is to enable The Grey Coat Hospital Academy Trust to manage our 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 Grey Coat Hospital 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 2 of this policy sets out the destruction procedure for documents at the end of their retention period. The Data Protection Officer 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 Bursar 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 RETENTION PERIODS

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	Legal advice will 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
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	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	12 months from your notification of outcome of application
Pre-employment / volunteer vetting	ICO Employment Practice Code	6 months
Disclosure & Barring Service checks	Single Central Record Requirements under Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014	Only satisfactory / unsatisfactory result kept, to be retained for 6 months See https://www.gov.uk/government/publications/working-together-to-safeguard-children--2
Volunteer records		As above
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		
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. Review this 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
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 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
Special Educational needs		
SEN files	Limitation Act 1980	Usually 25 years from date of birth of the pupil unless specific 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
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 may change in future legislation
Other items e.g. curriculum related, photographs, video recordings	Case by case basis	Illustrate justification for retention
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.
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 SCHOOL RELATED INFORMATION	various	Please consult the IRMS toolkit for schools which is here: http://irms.org.uk/page/SchoolsToolkit
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2. DELETION OF DOCUMENTS

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

Confidential waste

2.2. Items will be shredded on the premises or sent for shredding by the contractor providing this service.

2.3. Anything that contains personal information will be treated as confidential.

2.4. Where deleting electronically, please refer to the IT Manager to ensure that this is carried out effectively.

Other documentation

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

Automatic deletion

2.6. 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 IT Manager.

Individual responsibility

2.7. 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:

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

2.7.2. Is there a legal requirement to keep this information or document for a set period? (Refer to Appendix 1 for more information)

2.7.3. 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?)

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

2.7.5. Is the document of historic or statistical significance?

2.8. If the decision is made to keep the document, this should be referred to the Bursar and reasons given.

