Oak Wood School

# Data Retention Policy

**Data Retention Policy**

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
- Accessibility of records and record keeping systems.

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.

## Data Protection

This policy sets out how long employment-related and pupil data will normally be held by the School and when that information will be confidentially destroyed in compliance with the terms of the UK General Data Protection Regulation (UK 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 UK GDPR.

## Retention Schedule

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.

The retention schedule refers to all records regardless of the media (e.g., paper, electronic, microfilm, photographic etc) in/on which they are stored. All records will be regularly monitored by the Director of Finance and Operations.

**Destruction of Records**

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.

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 wastepaper 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 the following: -

- File reference (or other unique identifier);
- File title/description;
- Number of files;
- Name of the authorising officer;
- Date destroyed or deleted from system; and
- Person(s) who undertook destruction.

**Retention of Safeguarding Records**

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. In 2022 the Independent Inquiry into Child Sexual Abuse (IICSA) concluded and published their final report, leaving a recommendation that all records relating to child sexual abuse should be retained for a period of 75 years.

The ICO has not currently produced guidance or frameworks regarding retention as recommended by the inquiry. Until this has been produced, records will still be retained for a prolonged period as recommended initially by IISCA in order to fulfill potential legal duties that a school may have in relation to the inquiry or any further guidance.

## 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 Director of Finance and Operations. 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.

## 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.

## Transferring Information to Another School

If we are a pupil's final school of compulsory education, we will retain the pupil record for the full retention period as specified in this policy. However, if a pupil transfers to another school before completion of their compulsory education. the file should be sent to their next school. The responsibility for retention then shifts onto the next school. We retain the file for a year following transfer in case any issues arise as a result of the transfer.

We may delay destruction for a further period where there are special factors such as potential litigation.

## Responsibility and Monitoring

The Director of Finance and Operations 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.

## 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.

**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.

**Retention Schedule**

| FILE DESCRIPTION | RETENTION PERIOD |
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| **Employment Records** | |
| 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 |
| Job applications and interview records of successful candidates | Added to staff personnel file and retained in line with that record (6 years after employment ceases) |
| Written particulars of employment, contracts of employment and changes to terms and conditions | Added to staff personnel file and retained in line with that record 6 years after employment ceases. |
| Right to work documentation including identification documents and immigration checks | Kept separately from personnel file and retained for 2 years after employment ceases. **Employer's guide to right to work checks: 21 June 2024** |
| DBS checks and disclosures of criminal records forms | DBS certificates should be destroyed 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, for no longer than 6 months |

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| Change of personal details notifications | No longer than 6 months after receiving this notification |
| Emergency contact details | Destroyed on termination |
| Personnel records | While employment continues and up to six years after employment ceases (Limitation Act 1980) |
| 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 |
| Consents for the processing of personal and sensitive data | For as long as the data is being processed and up to 6 years afterwards |
| Working Time Regulations:<br>• Opt out forms<br>• Records of compliance with WTR | • Two years from the date on which they were entered into<br>• Two years after the relevant period |
| Disciplinary records | 6 years after employment ceases (Limitation Act 1980) |
| Grievance records | 6 years after employment ceases (Limitation Act 1980) |
| Training | 6 years after employment ceases (Limitation Act 1980) or length of time required by the professional body |
| Staff training where it relates to safeguarding or other child related training | Date of the training plus 40 years (This retention period reflects that the IICSA may wish to see training records as part of an investigation) |
| Annual appraisal/assessment records | Current year plus 3 years |
| Professional Development Plans | Life of the plan or plan superseded + 6 years |
| Allegations of a child protection nature against a member of staff including where the allegation is unfounded | 10 years from the date of the allegation or the person's normal retirement age |

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| | (whichever is longer). This should be kept under review.<br>Malicious allegations should be removed. |
| **Financial and Payroll Records** | |
| Pension records | 12 years |
| 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 |
| Payroll and wage records | 6 years after end of tax year they relate to (Taxes Management Act 1970; Income and Corporation Taxes 1988) |
| Maternity/Adoption/Paternity Leave records | 3 years after end of tax year they relate to (Statutory Maternity Pay (General) Regulations 1986 (SI1986/1960), revised 1999 (SI1999/567)) |
| Statutory Sick Pay | 3 years after the end of the tax year they relate to (Taxes Management Act 1970; Income and Corporation Taxes 1988) |
| Current bank details | Until updated plus 3 years (Taxes Management Act 1970; Income and Corporation Taxes 1988) |
| Bonus Sheets | Current year plus 3 years (Taxes Management Act 1970; Income and Corporation Taxes 1988) |
| Time sheets/clock cards/flexitime | Current year plus 3 years (Taxes Management Act 1970; Income and Corporation Taxes 1988) |
| Pupil Premium Fund records | Date pupil leaves the provision plus 6 years |

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| National Insurance (schedule of payments) | Current year plus 6 years (Taxes Management Act 1970; Income and Corporation Taxes 1988) |
| Insurance | Current year plus 6 years (Taxes Management Act 1970; Income and Corporation Taxes 1988) |
| Overtime | Current year plus 3 years (Taxes Management Act 1970; Income and Corporation Taxes 1988) |
| Annual accounts | Current year plus 6 years |
| Loans and grants managed by the School | Date of last payment on loan + 6 years if the loan is under 10,000 or date of last payment on loan + 12 years if the loan is over 10,000 |
| All records relating to the creation and management of budgets | Life of the budget plus 3 years |
| Invoices, receipts, order books and requisitions, delivery notices | Current financial year plus 6 years |
| Student Grant applications | Current year plus 3 years |
| Pupil Premium Fund records | Date pupil leaves the provision or school plus 6 years |
| School fund documentation (including but not limited to invoices, cheque books, receipts, bank statements etc). | Current year plus 6 years |
| Free school meals registers (where the register is used as a basis for funding) | Current year plus 6 years |
| School meal registers and summary sheets | Current year plus 3 years |
| **Agreements and Administration Paperwork** | |

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| Collective workforce agreements and past agreements that could affect present employees | Permanently |
| Trade union agreements | 10 years after ceasing to be effective |
| Strategic Plan or School Development Plans | Life of plan or until plan superseded + 3 years. If major changes are made to the plan then an archive copy of previous plans should be retained |
| Visitor Signing-in Records | 6 years |
| Newsletters and circulars to staff, parents and pupils | 1 year (and the School may decide to archive one copy) |
| Minutes of Senior Management Team meetings | Date of the meeting plus 3 years or as required |
| Reports created by the Head Teacher or the Senior Management Team. | Date of the report plus a minimum of 3 years or as required |
| Records relating to the creation and publication of the school prospectus | Current academic year plus 3 years |
| **Health and Safety Records** | |
| Health and Safety consultations | Permanently |
| Health and Safety Risk Assessments | Life of the risk assessment plus 3 years |
| Health and Safety Policy Statements | Life of policy plus 3 years |
| Any records relating to any reportable death, injury, disease or dangerous occurrence | Date of incident plus 3 years provided that all records relating to the incident are held on personnel file |
| Accident reporting records relating to individuals who are under 18 years of age at the time of the incident | Until the child reaches the age of 21. (Limitations Act 1980) |
| Accident reporting records relating to individuals who are over 18 years of age at the time of the incident | Date of last entry in the accident book + 3 years but if there is possibility of negligence allegation then date of |

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| | incident + 15 years or date of settlement + 6 years. (Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980) |
| Fire precaution logbooks | Current year plus 6 years |
| Medical records and details of: -<br>• control of lead at work<br>• employees exposed to asbestos dust<br>• 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 (Control of Substances Hazardous to Health Regulations (COSHH); Control of Asbestos at Work Regulations) |
| Records of tests and examinations of control systems and protection equipment under COSHH | 5 years from the date on which the record was made |
| **Temporary and Casual Workers** | |
| Records relating to hours worked and payments made to workers | 3 years |
| **Governing Body Documents** | |
| Instruments of government | For the life of the School. Consult local archives before disposal |
| Meetings schedule | Current year |
| Minutes – principal set (signed) | Date of meeting + 10 years |
| Agendas – principal copy | Where possible the agenda should be stored with the principal set of the minutes |

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| Agendas – additional copies | Date of meeting |
| Policy documents created and administered by the governing body | Until replaced |
| Register of attendance at full governing board meetings | Date of last meeting in the book plus 6 years |
| Annual Reports created under the requirements of the Education (Governors Annual Reports) (England) (Amendment) Regulations 2002 | Date of report plus 10 years |
| Records relating to complaints made to and investigated by the governing body or head teacher | Major complaints: current year plus 6 years.<br>If negligence involved: current year plus 15 years.<br>If child protection or safeguarding issues are involved then: current year plus 40years. If the complaint relates to child sexual abuse, then indefinitely. (Based on recommendations left by the IICSA, will be reviewed upon publication of ICO guidance) |
| Correspondence sent and received by the governing body or head teacher | General correspondence should be retained for current year plus 3 years |
| Records relating to the terms of office of serving governors, including evidence of appointment | Date appointment ceases plus 6 years except where there have been allegations concerning children. In this case retain for 25 years. |
| Register of business interests | Date appointment ceases plus 10 years<br>(<br>Companies Act 2006) |
| Records relating to the training required and received by governors | Date appointment ceases plus 6 years |
| Records relating to the appointment of a clerk to the governing body | Date on which clerk appointment ceases plus 6 years |
| Governor personnel files | Date appointment ceases plus 6 years |

| **Pupil Records** | |
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| Details of whether admission is successful/unsuccessful | 1 year from the date of admission/non-admission (School Admissions Code Statutory Guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels) |
| Proof of address supplied by parents as part of the admissions process | Current year plus 1 year (School Admissions Code Statutory Guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels) |
| Admissions register | Entries to be preserved for six years from date of entry (Working together to improve school attendance, Section, 36, 2024 Statutory guidance) |
| Pupil Record, including non-child protection safeguarding records. | Primary – Whilst the child attends the School (The Education (Pupil Information) (England) Regulations 2005, The Pupil Information (Wales) Regulations 2011)<br>Secondary – until the child reaches the age of 25 (Limitation Act 1980, Section 2) |
| Attendance Registers | Six years from the date of entry (Working together to improve school attendance, Section 36, 2024 Statutory guidance) |
| Correspondence relating to any absence (authorised or unauthorised) | Current academic year plus 2 years (Education Act 1996, Section 7) |

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| Special Educational Needs files, reviews and Education, Health and Care Plan, including advice and information provided to parents regarding educational needs and accessibility strategy | Primary school - whilst the child attends the school.<br>Secondary - Date of birth of the pupil plus 31 years (Education, Health and Care Plan is valid until the individual reaches the age of 25 years – the retention period adds an additional 6 years from the end of the plan).<br>(Children and Family's Act 2014; Special Educational Needs and Disability Act 2001) |
| Child protection information (to be held in a separate file). | DOB of the child plus 25 years then review. If aspects of the record relate to child sexual abuse, then these records should be retained indefinitely. (Based on recommendations left by the IICSA, will be reviewed upon publication of ICO guidance) |
| Exam results (pupil copy) | This information should be added to the pupil file and retained in line with that record. |
| Examination results (school's copy) | Current year plus 6 years |
| Allegations of sexual abuse | If the complaint relates to child sexual abuse, then indefinitely. (Based on recommendations left by the IICSA, will be reviewed upon publication of ICO guidance) |
| Records relating to any allegation of a child protection nature against a member of staff | Until the accused normal retirement age or 10 years from the date of the allegation (whichever is the longer) |

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| | (Retention period informed by the guidance of KCSIE) |
| Consents relating to school activities as part of UK GDPR compliance (for example, consent to be sent circulars or mailings) | Evidence of consent will be retained whilst the pupil attends the school, or until withdrawn, whichever the shorter. |
| Pupil's work | Where possible, returned to pupil at the end of the academic year (provided the School have their own internal policy to this effect). Otherwise, the work should be retained for the current year plus 1 year |
| Mark books | Current year plus 1 year |
| Schemes of work | Current year plus 1 year |
| Timetable | Current year plus 1 year |
| Class record books | Current year plus 1 year |
| Record of homework set | Current year plus 1 year |
| Photographs of pupils | For the time the child is at the School and for a short while after.<br>Please note select images may also be kept for longer (for example to illustrate history of the school) |
| 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) |
| Parental permission slips for school trips where there has been a major incident | Date of birth of the pupil involved in the incident plus 25 years. Permission slips for all the pupils on the trip should be retained to demonstrate the rules had been followed for all pupils |
| **Other Records** | |

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| Emails | 1 year |
| CCTV | 30 days |
| Privacy notices | Until replaced plus 6 years |
| Inventories of furniture and equipment | Current year plus 6 years |
| All records relating to the maintenance of the School carried out by contractors or employees of the school | Whilst the building belongs to the school |
| Records relating to the letting of school premises | Current financial year plus 6 years |
| Records relating to the creation and management of Parent Teacher Associations and/or Old Pupils Associations | Current year plus 6 years then review |
| Referral forms | While the referral is current |
| Contact data sheets | Current year then review, if contact is no longer active then destroy |