



Data Retention Policy

**Elmwood Infant School
and Nursery**

REVIEWED JUNE 2021

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
- 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.

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 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 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.

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.

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.

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

We retain the Pupil's educational record whilst the child remains at the school. Once a pupil leaves the school, the file should be sent to their next school. The responsibility for retention then shifts onto the next school.

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

RESPONSIBILITY AND MONITORING

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.

RETENTION SCHEDULE - HR/PERSONNEL (OCTAVO)

Activity	Examples Record type	Purpose of processing data	Retention period ⁱ	Reason
Recruitment (special categories of data):	- Health checks - Equality Information	<ul style="list-style-type: none"> To assess an individual's suitability for work and to determine to whom to offer employment To comply with legislative and regulatory requirements For HR and business administration purposes For defence against potential legal claims 	<p>For unsuccessful job applicants:</p> <ul style="list-style-type: none"> At least 12 months after notifying candidates of the outcome of the recruitment process <p>For successful candidates</p> <ul style="list-style-type: none"> At least 12 months after notifying candidates of the outcome of the recruitment process. Not held in employment file 	GDPR Compliance with a legal obligation; performance of a contract; defence against potential legal claims.
Recruitment	<ul style="list-style-type: none"> Advertisement Job Description Person Specification Application Form References Interview Notes ID proof Signed Contract Offer Letter Required qualifications for work (if applicable) Permission to 	<ul style="list-style-type: none"> To assess an individual's suitability for work and to determine to whom to offer employment To comply with legislative and regulatory requirements For HR and business administration purposes For defence against potential legal claims 	<p>For successful candidates:</p> <ul style="list-style-type: none"> Included on HR file (see below for retention periods). <p>For unsuccessful candidates:</p> <ul style="list-style-type: none"> At least one year after notifying candidates about outcome of recruitment exercise (unless a Certificate of Sponsorship is issued in which case for the duration of the successful applicant's employment) 	GDPR: Performance of a contract; the purposes of the legitimate interests of the employer; defence against potential legal claims. Limitation Act 1980, and

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
	work in the UK - Test Results (if applicable)			audit purposes
Recruitment and Employment	- Disclosure and barring checks. - Criminal record checks	<ul style="list-style-type: none"> • To assess an individual's suitability for work and to determine to whom to offer employment. • To comply with legislative and regulatory requirements • For HR and business administration purposes • For defence against potential legal claims 	<ul style="list-style-type: none"> • Duration of employment plus 6 years for a record of the DBS reference number, the date the check was carried out and the decision whether to permit employment. 	Handling DBS Certificate Information Guidance 2012; audit purposes GDPR Compliance with a legal obligation; performance of a contract; defence against potential legal claims.
Equality monitoring (special categories of data obtained by consent)	- Age - Disability status - Marital status - Sexual orientation - Gender re-assignment - Ethnic Origin - Religion or belief	<ul style="list-style-type: none"> • Workforce monitoring and to comply with legislative and regulatory requirements (e.g. Public Sector Equality Duty)/Equality Act 2010 	<u>For employees:</u> <ul style="list-style-type: none"> • Duration of employment plus 6 years 	GDPR: Compliance with a legal

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
	- Gender			obligation; Employee has given explicit consent which can be withdrawn
Induction/Probation	- Induction Checklist - Probation Reports	<ul style="list-style-type: none"> • To maintain a record of the operation of performance management systems and performance improvement processes • For HR and business administration purposes • For defence against potential legal claims 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	<p>Limitation Act 1980, and audit purposes</p> <p>GDPR:</p> <p>Compliance with a legal obligation/performance of a contract; defence against potential legal claims.</p>
Employment: Changes to Terms	<ul style="list-style-type: none"> - Rewarding additional duties/ acting up - Secondments - Career 	<ul style="list-style-type: none"> • To maintain a record of employees' contractual and statutory rights and terms and conditions of employment • For HR and business administration purposes • For defence against potential legal claims 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	Limitation Act 1980, audit purposes and to allow

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
and Conditions	<ul style="list-style-type: none"> - progression - Job evaluation outcome letter, any appeal letters and new role profile - Market Supplements outcome letter/ confirmation - Flexible working application, outcome letter; appeals letter - Shift allowance - Compulsory Car user - Salary protection letter - Opt out letter of working time agreement - Letter confirming end of contract - Letter making a fixed term contract permanent - Annual Leave purchase salary sacrifice form/agreement 			<p>time limits for claims.</p> <p>GDPR</p> <p>The performance of a contract/legitimate interests of the employer/legal obligations; defence against potential legal claims.</p>
Disciplinary &	<ul style="list-style-type: none"> - Warning or dismissal letter 	<ul style="list-style-type: none"> • To maintain a record of the operation and outcome of disciplinary and grievance 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	Limitation Act 1980, for

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
Employee Complaints	<ul style="list-style-type: none"> - Appeal letters and outcome 	<p>procedures</p> <ul style="list-style-type: none"> • For HR and business administration purposes • For defence against potential legal claims 		<p>audit purposes. and to allow for time limits for claims</p> <p><u>GDPR:</u></p> <p>Performance of a contract, legitimate interests of the employer; defence against potential legal claims.</p>
Disciplinary documentation where concerns about staff (paid or unpaid) who work with children or vulnerable adults, for example allegations, convictions, disciplinary action, inappropriate behaviour towards children and young people or	<ul style="list-style-type: none"> - Letter to DBS reporting unsuitability of a worker to work with children - Warning and/or dismissal letters relating to protection of children or vulnerable adults - Appeal letters and outcome relating to the protection of children or 	<ul style="list-style-type: none"> • To maintain a record of the operation of disciplinary and grievance procedures and their outcome • For HR and business administration purposes • For defence against potential legal claims • For compliance with legal obligations with regard to safeguarding children. • In the legitimate interest of the school and as a body with statutory responsibilities for safeguarding vulnerable adults. 	<ul style="list-style-type: none"> • Until the person's normal retirement age or 10 years from the date of allegation whichever is the longer. • <i>Note: allegations that are found to be malicious are to be removed from the HR file. If found, they are to be kept on file and a copy provided to the person concerned.</i> 	<p>For concerns and allegations relating to children</p> <p>Keeping Children Safe in Education 2018</p>

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
vulnerable adults For example where an employee has breached the code of conduct a record of the behaviour, the action taken and the outcome should be recorded.	vulnerable adults. <ul style="list-style-type: none"> - Concerns about the behaviour of an adult who was working with children or vulnerable adults where s/he behaved in a way that has harmed or may have harmed a child. - Concerns relating to a staff member committing a criminal offence relating to a child or vulnerable adult. - Concerns relating to behaviour of an adult that indicate s/he is unsuitable to work with children or vulnerable adults. 			GDPR: Legitimate interests of the employer; compliance with a legal obligation with regard to children and young people defence against potential legal claims.
Leavers	<ul style="list-style-type: none"> - Resignation letter - Dismissal letter - Termination letter - Leaver form - Ill-health retirement certificate 	<ul style="list-style-type: none"> • For HR and business administration purposes • For defence against potential legal claims • May also be necessary for compliance with legal obligations 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	Limitation Act 1980- GDPR:

Activity	Examples Record type	Purpose of processing data	Retention period	Reason
				Legitimate interests of employer; performance of an employment contract; defence against potential legal claims.
Maternity /Paternity	<ul style="list-style-type: none"> - Maternity Confirmation Letter - Adoption Leave Letter - Paternity Leave confirmation letter - Parental Leave letter 	<ul style="list-style-type: none"> • To maintain a record of the operation of absence procedures • To ensure that employees receive statutory and contractual sick pay or other pay entitlements (such as maternity or other family-related pay) and benefits • To meet health and safety obligations • For HR and business administration purposes 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	GDPR: Legitimate interests of employer/performance of an employment contract/legal obligations; defence against potential legal claims.
Payroll	<ul style="list-style-type: none"> - Records of salary and other payments - Records of deductions from pay. - Records of and confirmation of overpayments and underpayments 	<ul style="list-style-type: none"> • To pay employees and make appropriate tax payments • For HR and business administration, and financial planning purposes • For defence against potential legal claims 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	GDPR Legitimate interests of employer/ performance of an employment contract/ legal obligations; defence

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
	including confirmation of repayment terms			against potential legal claims.
Performance/ Capability	<ul style="list-style-type: none"> - Capability Formal outcome letters - Appeal letters and outcome 	<ul style="list-style-type: none"> • To maintain a record of the operation of performance management systems and performance improvement processes • For HR and business administration purposes • For defence against potential legal claims 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	<p>Limitation Act 1980</p> <p>GDPR:</p> <p>Legitimate interests of employer/</p> <p>performance of an employment contract; defence against potential legal claims.</p>
Redeployment:	<ul style="list-style-type: none"> - Trial period confirmation letter - Confirmation of trial outcome (appointed or unsuccessful) - Contract - Role Profile 	<ul style="list-style-type: none"> • To maintain a record of employees' contractual and statutory rights • For HR and business administration purposes • For defence against potential legal claims • May also be necessary for compliance with legal obligations 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	<p>Limitation Act 1980</p> <p>GDPR</p>

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
				Legitimate interests of employer/ performance of an employment contract; defence against potential legal claims.
Redundancy	<ul style="list-style-type: none"> - Notice of dismissal - Appeal Letter and outcomes - Redundancy calculation/instruction form – FINAL instruction to payroll - Early retirement authorisation form - Voluntary severance form - Correspondence from the individual about voluntary severance. - Settlement Agreement (signed copy by all parties) 	<ul style="list-style-type: none"> • To pay employees and make appropriate tax payments • For HR and business administration purposes • For defence against potential legal claims • For compliance with legal obligations 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	<p>GDPR</p> <p>Legitimate interests of employer/ performance of an employment contract; defence against potential legal claims.</p>

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
Re-organisation	<ul style="list-style-type: none"> - Assimilation letter - Revised contract and/or confirmation of contractual changes - New role profile - Appeal letter and outcomes 	<ul style="list-style-type: none"> • To comply with legislative and regulatory requirements • For HR and business administration purposes • For defence against potential legal claims • To maintain a record of employees' contractual and statutory rights 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	GDPR Legitimate interests of employer/ performance of an employment contract; defence against potential legal claims.
Medical/Health and safety Records (may include special categories of data) – held in separated records	<ul style="list-style-type: none"> - Accident/injury reports - RIDDOR form - Risk assessments - Industrial injury form - 	<ul style="list-style-type: none"> • To comply with legislative and regulatory requirements • For HR and business administration purposes • For defence against potential legal claims 	<ul style="list-style-type: none"> • 3 years from date of last entry • 40 years for anything with health implications including working with ionising radiation or asbestos • Risk assessments are retained until reviewed 	COSHH, RIDDOR, CAW, CLW, IRR GDPR: Legitimate interests of employer; performance of a contract; legal obligations; defence against potential legal claims.
Employee Relations Case Work and Legal Cases	<ul style="list-style-type: none"> - ET Investigations; - Documents and case files relating to investigation of disciplinary, capability and 	<ul style="list-style-type: none"> • To comply with legislative and regulatory requirements • For HR and business administration purposes • For defence against additional potential legal claims • To maintain a record of employees' contractual 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	Limitation Act 1980

Activity	Examples of Record type	Purpose of processing data	Retention period	Reason
	<p>sickness management concerns and allegations.</p> <ul style="list-style-type: none"> - Documents and case files relating to investigation of employee complaints (grievances). - Settlement/ compromise agreements. - COT3 agreements - Compliance with statutory requests by HMRC 	and statutory rights		<p>GDPR:</p> <p>Legal obligations; performance of a contract defence against potential legal claims.</p>
Sickness Management	<ul style="list-style-type: none"> - Formal Sickness letters - Occupational health advice 	<ul style="list-style-type: none"> • To maintain a record of the operation of absence procedures • To ensure that employees receive statutory and contractual sick pay or other pay entitlements (such as maternity or other family-related pay) and benefits • To meet health and safety obligations • To meet disability reasonable adjustments • For HR and business administration purposes • For defence against potential legal claims 	<ul style="list-style-type: none"> • Duration of employment plus 6 years 	<p>GDPR</p> <p>Legitimate interests of employer; performance of an employment contract/ legal obligations; defence against potential legal claims.</p>

Activity	Examples Record type	of	Purpose of processing data	Retention period	Reason

RETENTION SCHEDULE

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
Maternity/Adoption/Paternity records	Leave 3 years after end of tax year they relate to
Statutory Sick Pay	3 years after the end of the tax year they relate to
Current bank details	Until updated plus 3 years
Bonus Sheets	Current year plus 3 years
Time sheets/clock cards/flexitime	Current year plus 3 years
Pupil Premium Fund records	Date pupil leaves the provision plus 6 years
National Insurance (schedule of payments)	Current year plus 6 years
Insurance	Current year plus 6 years
Overtime	Current year plus 3 years
Annual accounts	Current year plus 6 years
Loans and grants managed by the School	Date of last payment on the loan plus 12 years
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 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

Collective workforce agreements and past agreements that could affect present employees	Permanently
Trade union agreements	10 years after ceasing to be effective
School Development Plans	3 years from the life of the plan
Visitors Book and Signing In Sheets	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 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	Accident book should be retained 3 years after last entry in the book.
Accident reporting records relating to individuals who are over 18 years of age at the time of the incident	Accident book should be retained 3 years after last entry in the book
Fire precaution log books	Current year plus 3 years
Medical records and details of: -	40 years from the date of the last entry made in the record

<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) 	
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
Meetings schedule	Current year
Minutes – principal set (signed)	Generally kept for the life of the organisation
Agendas – principal copy	Where possible the agenda should be stored with the principal set of the minutes
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 required by the Department of Education	Date of report plus 10 years
Records relating to complaints made to and investigated by the governing body or head teacher	<p>Major complaints: current year plus 6 years.</p> <p>If negligence involved: current year plus 15 years.</p> <p>If child protection or safeguarding issues are involved then: current year plus 40 years.</p>
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	Date appointment ceases plus 6 years

serving governors, including evidence of appointment	
Register of business interests	Date appointment ceases plus 6 years
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 of appointment plus 6 years
Pupil Records	
Details of whether admission is successful/unsuccessful	1 year from the date of admission/non-admission
Proof of address supplied by parents as part of the admissions process	Current year plus 1 year
Admissions register	Entries to be preserved for three years from date of entry
Pupil Record	Primary - Whilst the child attends the School
Attendance Registers	3 years from the date of entry
Correspondence relating to any absence (authorised or unauthorised)	Current academic year plus 2 years
Special Educational Needs files, reviews and Education, Health and Care Plan, including advice and information provided to parents regarding educational needs and accessibility strategy	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).
Child protection information (to be held in a separate file).	DOB of the child plus 25 years then review Note: These records will be subject to any instruction given by IICSA
Exam results (pupil copy)	1-3 years from the date the results are released.
Examination results (school's copy)	Current year plus 6 years
Allegations of sexual abuse	For the time period of an inquiry by the Independent Inquiry into Child Sexual Abuse.

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)
Consents relating to school activities as part of UK GDPR compliance (for example, consent to be sent circulars or mailings)	Consent will last whilst the pupil attends the school.
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. 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	
Emails	Current year plus 3 years
CCTV	One calendar month
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

¹ Retention period after which the file is reviewed and destroyed unless there are exceptional circumstances where it is in the school's legitimate interests to keep some or all documents for longer.