



# Orchard Learning Trust

## Data Retention Policy

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May 2018

## 1. Introduction

Orchard Learning Trust (ORCHARD LEARNING TRUST) recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of its schools. This document provides the policy framework through which this effective management can be achieved and audited.

## 2. Scope of the policy

This policy applies to all records created, received or maintained by staff of the Trust and its schools in the course of carrying out their functions.

Records are defined as all those documents which facilitate the business carried out by the Trust and its schools and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

A small percentage of the Trust and/or school's records will be selected for permanent preservation as part of the institution's archives and for historical research.

## 3. Responsibilities

The Trust and its schools have a corporate responsibility to maintain records and record keeping systems in accordance with the regulatory environment. The Executive Headteacher/Chief Executive Officer has overall responsibility for this policy.

The person responsible for records management in the Trust will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.

Individual staff and employees must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with the Trust's records management guidelines.

## 4. Relationship with existing policies

This policy has been drawn up within the context of:

- the Freedom of Information Scheme
- the Data Protection Policy
- the Employee Data Protection Policy
- and with other legislation or regulations (including audit, equal opportunities and ethics) affecting the Trust.

## 5. Safe disposal of records

Where records have been identified for destruction they should be disposed of in an appropriate way. All records containing personal information, or sensitive policy information, should be shredded before disposal using a cross cut shredder. Any other

records should be bundled up and disposed of to a waste paper merchant or disposed of in other appropriate ways. Records must not be disposed of in the dustbin or a skip.

There are companies who can provide confidential waste bins and other services which can be purchased to ensure that records are disposed of in an appropriate way.

The Freedom of Information Act 2000 requires the Trust to maintain a list of records which have been destroyed and who authorised their destruction.

Members of staff should record at least:

- File reference (or other unique identifier).
- File title (or brief description) and number of files.
- The name of the authorising officer and the date action taken.

This should be kept in an Excel spreadsheet or similar suitable format.

## 6. Transfer of information

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media. The lifespan of the media and the ability to migrate data where necessary should always be considered.

## 7. School closures

Should the Trust or any of its schools close there will be records which will need to be stored until they work out their statutory retention periods.

It is the responsibility of the Local Authority, or the subsequent Trust, to manage these records until they have reached the end of their administrative life and to arrange for their disposal when appropriate. There may be a number of different reasons why a Trust or school has closed and this may affect where the records need to be stored.

- If a school has been closed and the site is being sold or reallocated to other use then the Trust should take responsibility for the records from the date the school closes.
- If the Trust closes and subsequently the schools transfer to another Academy or Trust, the records relating to the current pupil intake will be transferred to the Academy, but all other records become the responsibility of the LA.

## 8. Retention Guidelines

The following retention guidelines have been issued by the Management Society of Great Britain 'Retention Guidelines for Schools'. Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the General Data Protection Regulation and the Freedom of Information Act 2000.

Managing record series using these retention guidelines will be deemed to be 'normal processing' under the legislation mentioned above. If record series are to be kept for longer or shorter periods than laid out in this document the reasons for this need to be documented.

Child Protection				
Basic file description	Data Protection Issues	Retention Period	Action at the end of the administrative life of the record	
Child Protection files/safeguarding	Yes	Date of leaving + 25 years	Shred	<p>Child Protection information must be copied and sent under separate cover to new school/college whilst the child is still under 18 (the information does not need to be sent to a university)</p> <p>Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority.</p> <p>All data on child protection/safeguarding files potentially forms part of an important record that may be needed retrospectively for many years.</p>
Allegation of a child protection nature against a member of staff, including where the allegation is unfounded	Yes	Until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer	Shred	<p>The following is an extract from "Keeping Children Safe in Education 2016" p45:</p> <p>Record Keeping: "171. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least 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."</p>

<b>Members/ Directors/ Trustees/ Governors</b>			
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
Minutes & Supporting Documents	No	6 years from date of meeting	Transfer to Archives
Instruments of Government	No	Permanent	Retain in school - Transfer to Archives when superseded/ if the school or Trust closed
Policy documents	No	Expiry of policy	Retain in school whilst policy is operational Transfer to Archives
Complaints files	Yes	Date of resolution of complaint + 6 years	Retain for the first six years Review for further retention in the case of contentious disputes SHRED routine complaints
Annual Reports required by the Dept for Education and Companies House.	No	Date of report + 10 years	Transfer to Archives
Declarations of Interest & Eligibility	Yes	Term of office + 3 years	Shred
DBS information	Yes	Information to support a DBS Check - 6 months after check DBS Certificate information - End of tenure + 7 years	Shred
Proposals for schools to become, or be established as Specialist Status schools	No	Current year + 3 years	Transfer to Archives

<b>Management</b>				
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
School development plans	No	Closure + 6 years	Review	Offer to the Archives
School Evaluation Frameworks	No	Date of plan + 3 years	SHRED	

<b>Pupils</b>				
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
Admission files - if the admission is successful	Yes	DOB of the pupil + 1 year	SHRED	
Admissions - if the appeal is unsuccessful	Yes	Resolution of case + 5 years	SHRED	
Attendance registers	Yes	Date of register + 1 year	SHRED	
Pupil files	Yes	Until the pupil leaves the school	Forward to the next phase of schooling or, if home schooled, to the local authority	

Personal identifiers, contacts and characteristics	Yes	Images: until the pupil leaves school unless specific informed consent has been obtained for marketing purposes.  Basic pupil data (name; date of birth; address; registration period): up to 5 years following leaving date.	SHRED/Delete.
Behaviour	Yes	Date of leaving the school + 1 year	SHRED/delete
Special Educational Needs files, statements, reviews and Individual Education Plans	Yes	DOB of the pupil + 25 years	SHRED
End of Key Stage assessment results	Yes	Date of leaving the school + 5 years	SHRED
Internal Assessment Results	No	Until the pupil leaves the school	SHRED
Any other records created in the course of contact with pupils	Yes/No	Current year + 3 years	Review at the end of 3 years and either allocate a further retention period or SHRED
Advice and information to parents regarding educational needs	Yes	Closure + 3 years	SHRED unless legal action is pending
Accessibility Strategy	Yes	Closure + 6 years	SHRED unless legal action is pending
Parental permission slips for school trips - where there has been no major incident	Yes	Conclusion of the trip	SHRED

Parental permission slips for school trips - where there has been a major incident	Yes	DOB of the pupil involved in the incident + 25 years  The permission slips for all pupils on the trip need to be retained to show that the rules had been followed for all pupils	SHRED
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<b>Curriculum</b>			
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
Curriculum development, plans, lesson plans, timetables, marking books, pupils work.	No	Current year + 1 years	SHRED
PAN reports	Yes	Current year + 6 years	SHRED

<b>Staff records</b>			
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
Personal information and contact details (including name, address, date of birth, gender, telephone number, email address and next of kin/ emergency contact details)	Yes	Existing staff: Term of employment + 7 years. Former staff: Termination of employment + 7 years.  In the case of a child protection issue, some personal data will be kept until the staff member's normal retirement age, or 10 years from the date of the allegation, whichever is the longer.  Unsuccessful applicants: 6 months from application or interview.	SHRED
Recruitment information including application forms, interview notes, proof of right to work in UK (such as passports and visas), qualifications, and references	Yes	Existing staff: Term of employment + 7 years. Former staff: Termination of employment + 7 years.  In the case of a child protection issue, some personal data will be kept until the staff member's normal retirement age, or 10 years from the date of the allegation, whichever is the longer.  All cases: documentation used to prove identity in the requirement to obtain a DBS check will be destroyed 6 months after the check.	SHRED
Recruitment records containing special categories of personal data (including details of any disabilities disclosed and reasonable adjustments) and criminal records data (including results of criminal record checks)	Yes	Existing staff: Term of employment + 7 years. Former staff: Termination of employment + 7 years.  In the case of a child protection issue, some personal data will be kept until the staff member's normal retirement age, or 10 years from the date of the allegation, whichever is the longer.  All cases: documentation used to prove identity in the requirement to obtain a DBS check will be destroyed 6 months after the check.	SHRED
Employment information: Offer letters, contracts of employment, written statements of terms and related correspondence	No	Existing staff: Term of employment + 7 years. Former staff: Termination of employment + 7 years.	SHRED

		In the case of a child protection issue, some personal data will be kept until the staff member's normal retirement age, or 10 years from the date of the allegation, whichever is the longer.	
Disciplinary and grievance records (including records of investigations, notes of disciplinary or grievance meetings and appeal hearings, correspondence with employees and written warnings)	Yes	Grievance: Duration of employment + 6 months  Where the warning relates to child protection issues then retain until the person's normal retirement age, or 10 years from the date of the allegation, whichever is the longer  If the disciplinary proceedings relate to a child protection matter please contact your safeguarding children officer for further advice.	SHRED
		<ul style="list-style-type: none"> <li>□ oral warning</li> <li>□ written warning</li> <li>□ written warning</li> <li>□ final warning</li> </ul> <p style="margin-left: 150px;">All cases: Duration of employment + 6 months</p>	SHRED
		□ case not found - If child protection related then retain until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer. Otherwise shred immediately at the conclusion of the case	SHRED
Financial and tax information (including pay and benefit entitlements, bank details, national insurance numbers, claims for overtime, expenses or mileage)	Yes	Existing staff: Term of employment + 7 years.  Former staff: Termination of employment + 7 years.	SHRED
Absence and leave records containing special categories of personal data (including details of absence or leave taken, the reasons for absences, the type of leave, information about medical or health conditions, reasonable adjustments, records of absence management discussions, correspondence with employees and written warnings) improvement plans, records of performance improvement meetings and related correspondence, and warnings)	Yes	Existing staff: Term of employment + 7 years.  Former staff: Termination of employment + 7 years.	SHRED

Performance records (including appraisal documents, performance reviews and ratings, targets and objectives, performance improvement plans, records of performance improvement meetings and related correspondence, and warnings)	Yes	Existing staff: Term of employment + 7 years.  Former staff: Termination of employment + 7 years.	SHRED
CCTV or Photographic records (including CCTV surveillance recordings and Inventory entry system)	Yes	Existing staff: Term of employment + 7 years.  Former staff: Termination of employment + 7 years.	SHRED
Health & Safety records & records of accidents at work	Yes	Existing and former staff members: H&S serious incident records are kept for 20 years from the date of incident.  H&S observations by staff are kept for 3 years after submission.  Accident at work forms for non-reportable incidents are kept for 7 years after the incident.	

<b>Health and Safety</b>			
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
Accessibility Plans	Yes	Current year + 6 years	SHRED
Accident Reporting:	Yes	Adults: Date of incident + 7 years Children: DOB of child + 25 years	SHRED
COSHH	No	Current year + 10 years [where appropriate an additional retention period may be allocated]	SHRED

Incident reports	Yes	Current year + 20 years	SHRED
Policy Statements	No	Date of expiry + 1 year	SHRED
Risk Assessments	No	Current year + 3 years	SHRED
Asbestos Monitoring Records	No	Last action + 40 years	SHRED
Fire Precautions log books	No	Current year + 6 years	SHRED

<b>Administrative</b>			
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
Employer's Liability certificate	No	Closure of the school + 40 years	SHRED
School brochure or prospectus	No	Current year + 3 years	Transfer to Archives

Finance				
Basic file description	Data Protection Issues	Retention Period	Action at the end of the administrative life of the record	
			Annual Accounts	No
Loans and grants	No	Date of last payment on loan + 12 years	Review to see whether a further retention period is required	Transfer to Archives
Contracts and tenders	No	Contract completion date + 6 years	SHRED	
Payroll reports; overtime and expenses claims.	Yes	Current year + 7 years	SHRED	
Budget reports, budget monitoring etc.		Current year + 3 years	SHRED	
Statutory accounts; management accounts; audit report; invoices; receipts; bank statements; cheque and paying in books; purchase orders; delivery documentation; direct debits.	No	Current year + 6 years	SHRED	
Free school meals registers	Yes	Current year + 6 years	SHRED	

<b>Visitors/ Third Parties in School</b>			
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>
ID confirmation, sign in system and photograph, CCTV footage.	Yes	ID/ sign in system: Date of visit + 1 year CCTV footage: 6 months	SHRED
DBS Information/ insurance and public liability information for those in regulated activity on school site	Yes	Date + 7 years	SHRED