



## South Bank Academies

### Data Retention Policy

The Trust and its Schools has a responsibility to maintain its records and record keeping systems. When doing this, the Trust and its Schools 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 Trust and its Schools' current practice, the requirements of current legislation and best practice and guidance. It may be amended by the Trust and its Schools 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 Trust and its Schools 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 Trust and its Schools. South Bank Academies Data Protection Policy outlines its duties and obligations under the UK GDPR.

#### **RETENTION SCHEDULE**

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

Paper records and electronic records will be regularly monitored by the HR department in relation to employee and HR matters.



The schedule is a relatively lengthy document listing the many types of records used by the Trust and its Schools 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 wastepaper merchant. All electronic information will be deleted.

The Trust and its Schools maintains a database of records which have been destroyed and who authorised their destruction for all student records and exam certificates. When destroying these documents, the appropriate staff member should record in this list at least:

- 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.

## **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 Trust and/or its Schools 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.

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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 fulfil potential legal duties that a school may have in relation to the inquiry or any further guidance.

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### ARCHIVING

Where records have been identified as being worthy of preservation over the longer term (e.g. documents of interest about the Trust), arrangements should be made to transfer the records to the archives. A database of the records sent to the archives is maintained by the Trust central team. 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.

### RESPONSIBILITY AND MONITORING

The Principals ~~Fiona Morey, CEO~~ has primary and day-to-day responsibility for implementing this Policy. The Data Protection Officer, in conjunction with the Trust and its Schools 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.

Commented [LB1]: Replacing Dan

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



Email 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 Trust and its 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
<b>Employment Records</b>	
Job applications and interview records of unsuccessful candidates	Six months after notifying unsuccessful candidates, unless the Trust and its Schools 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	6 years after employment ceases
Written particulars of employment, contracts of employment and changes to terms and conditions	6 years after employment ceases
Right to work documentation including identification documents	<del>6 years after employment ceases</del> <u>2 years after employment ceases</u>
Immigration checks	Two years after the termination of employment
DBS checks and disclosures of criminal records forms	<del>Snapshot retained on file for as long as necessary (typically 6 months max.), then retain only a record the fact of the check, level, reference numbers, decision and date. as a record of completion held as appropriate during period of employment. Website and recruitment paperwork advises of this practice.</del>
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
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 special category	For as long as the data is being processed and up to 6 years afterwards

**Commented [LB2]:** .gov website guidance: Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits. We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Working Time Regulations: <ul style="list-style-type: none"> <li>• Opt out forms</li> <li>• Records of compliance with WTR</li> </ul>	<ul style="list-style-type: none"> <li>• Two years from the date on which they were entered into</li> <li>• Two years after the relevant period</li> </ul>
Disciplinary records	6 years after employment ceases
Training	6 years after employment ceases 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 <del>40 years</del> 6 years
Annual appraisal/assessment records	Current year plus 6 years
Professional Development Plans	6 years from the life of the plan
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.
<b>Financial and Payroll Records</b>	
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 Leave records	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 <del>3 years</del> 12 months
Bonus Sheets	Current year plus <del>6</del> 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

**Commented [LB3]:** +40 years applies only to COSHH training - could adjust to 6 years after employment ceases

**Commented [AB4R3]:** I would say six years is appropriate unless there are any specific requirements to retain longer for Safeguarding

**Commented [LB5]:** No statute - keep only while needed.

**Commented [AB6R5]:** 12 months would probably be sufficient to retain old details once superseded

**Commented [LB7]:** Consider 6 years to match with payroll

**Commented [AB8R7]:** Agree, tax year plus six years is typical for financial records and it is easier to implement deletions if the periods are aligned where possible

Annual accounts	Current year plus 6 years
Loans and grants managed by the Trust and its Schools	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
Trust and its Schools fund documentation (including but not limited to invoices, cheque books, receipts, bank statements etc).	Current year plus 6 years
Free Trust and its Schools meals registers (where the register is used as a basis for funding)	Current year plus 6 years
Trust and its Schools meal registers and summary sheets	Current year plus 3 years
<b>Agreements and Administration Paperwork</b>	
Collective workforce agreements and past agreements that could affect present employees	Permanently
Trade union agreements	10 years after ceasing to be effective
Trust and its Schools 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 Trust and its Schools 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 Trust and its Schools prospectus	Current academic year plus 3 years
<b>Health and Safety Records</b>	
Health and Safety consultations	Permanently

**Commented [LB9]:** ICO recommends minimisation, consider shorter unless linked to incidents

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: <ul style="list-style-type: none"> <li>control of lead at work</li> <li>employees exposed to asbestos dust</li> <li>records specified by the Control of Substances Hazardous to Health Regulations (COSHH)</li> </ul>	40 years from the date of the last entry made in the record
Records of tests and examinations of control systems and protection equipment under COSHH	5 years from the date on which the record was made
<b>Temporary and Casual Workers</b>	
Records relating to hours worked and payments made to workers	<del>3</del> 6 years
<b>Governing Body Documents</b>	
Instruments of government	For the life of the Trust and its Schools
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.

**Commented [LB10]:** Minimum = 3 years, but consider 6 for alignment with payroll

**Commented [AB11R10]:** I would go for 6 years here in case of any tax queries

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	Major complaints: current year plus 6 years. If negligence involved: current year plus 15 years. If child protection or safeguarding issues are involved then: current year plus <del>40-75</del> years.
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
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
<b>Pupil Records</b>	
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	Secondary – until the child reaches the age of 25
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	Date of birth of the pupil plus 31 years (Education, Health and Care Plan is valid until the individual reaches the age of 25)

Commented [LB12]: IICSA recommends 75+ years

Commented [AB13R12]: Change to 75

regarding educational needs and accessibility strategy	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 (Trust and its Schools'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 Trust and its Schools activities as part of GDPR compliance (for example, consent to be sent circulars or mailings)	Consent will last whilst the pupil attends the Trust and its Schools.
Pupil's work	Where possible, returned to pupil at the end of the academic year (provided the Trust and its Schools 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 – <u>security purposes</u>	For the time the child is at the Trust and its Schools and for <del>a short while after</del> <u>12 months after.</u>
<u>Photographs of pupils – marketing / social purposes</u>	<u>Captured consent with stated retention period applying</u>

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Parental consent forms for Trust and its Schools 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 Trust and its Schools)
Parental permission slips for Trust and its Schools 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
<a href="#">HEAT Data</a>	<a href="#">For the data stored in HEAT, we abide by their retention policy of 15 years from the year you are ready to enter Higher Education, unless you have withdrawn your permission to be included in outreach participant research.</a>
<b>Other Records</b>	
Emails	2-3 years
CCTV	28 days maximum
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 Trust and its Schools carried out by contractors or employees of the Trust and its Schools	Whilst the building belongs to the Trust and its Schools.
Records relating to the letting of Trust and its Schools 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