Windsor Academy Trust

Policy: Information and Records Retention Policy (for Staff)

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Introduction

1 This policy sets out a structured approach to reviewing and destroying records in relation to Windsor Academy Trust (WAT).

2 The retention period for each type of record is shown in the table below. In addition, data protection legislation makes it unlawful to keep the information when it is no longer needed for the purpose for which it is held. This requirement allows discretion and may vary according to the circumstances, but in practice it means that WAT should promptly destroy the record once the retention period in the table below has been reached. Occasionally there may be special circumstances which mean that a record should be kept for longer (for example where there is a risk of litigation or a request from an outside body such as the Independent Inquiry into Child Sexual Abuse (IICSA) see below). WAT will refer to its insurance policies and further legal advice will be sought in these circumstances.

3 The retention periods stated in the table below are the minimum storage requirements, in practice WAT carries out a data cleanse of its files every 12 months. Accordingly, a 3 year retention period means 3 years plus up to 12 months to allow WAT to securely dispose of the information.

4 Information must be securely deleted. This applies to paper records, electronic information and biometric information and we may use a third party to safely dispose of records on the trust's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

5 WAT will discuss document retention with its insurers (who may specify longer retention periods). If there is any conflict then any longer retention periods specified by the insurers should prevail.

6 If an email falls into one of the categories set out in the following table then it should be filed centrally as soon as is reasonable.

7 "Routine" emails which do not fall into any of the categories in the table should be reviewed regularly and as a minimum on an annual basis and deleted when no longer required. An example of a routine email is an internal email advising staff that the weekly meeting is cancelled.

8 **Independent Inquiry into Child Sexual Abuse** (**IICSA**)

8.1 The IICSA has issued retention instructions to a range of institutions regarding records relating to the care of children. In light of this, current legal advice is that WAT should temporarily cease the routine destruction of those records which might be relevant to the Inquiry in case they are requested by the Inquiry or made subject to a disclosure order. This means that before destroying **any** document you should consider if it contains information that may fall within the Inquiry's remit.

8.2 The range of documentation which might need to be kept is wide. It will include any information linked to alleged or established child sexual abuse, whether by staff, volunteers or pupils with no limitation date. For example, a list of pupils who attended an overnight academy trip or admission registers which show which pupils were at WAT at a given time. As such, documents should be kept for longer than the retention periods listed in the policy if they concern information which might be relevant to the Inquiry. The retention periods under **each** of the rows below should be reviewed in case they are relevant to IICSA. This policy will be kept under review so that it recommences document destruction at the appropriate time.

9. **Responsibility and Monitoring**

9.1 The Data Protection Officer, in conjunction with WAT or 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 the Chief Operating Officer (COO) ~~Director of Operations~~ or Headteacher.

9.2 Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in creating, maintaining and removing records.

9.3 Leaders and Managers 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.

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
1	**Pupils/Students**			
1.1	Admission registers (however held)	Three years from the date of the last entry	Transfer to the archives and shred or delete copies and back-ups	Yes
1.2	Attendance registers (however held)	Three years from the date of the last entry	Review for further retention in the case of contentious dispute SHRED/DELETE including back-ups and copies	Yes
1.3	Child protection records	DOB of the pupil/student + 50 years	Review for further retention in the case of contentious dispute SHRED/DELETE **Notes** 1 Child protection information must be copied and sent under separate cover to the new academy whilst the child is still under 18. WAT should ensure secure transit and confirmation of receipt should be obtained 2 Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority (**LA**) 3 In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all academies are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been	No

			involved in, or have knowledge of child sexual abuse or child sexual exploitation; allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. 50 years from the date of birth of the pupil/student involved should be a sufficient period of retention but this should be kept under review	
1.4	Biometric information (e.g. fingerprints to be used as part of an automated biometric recognition system)	For as long as WAT requires the information for the automated biometric recognition system	This information must not be kept for longer than it is needed. The information must be destroyed if the pupil/student no longer uses the system including when they leave WAT, where the parent/carer or pupil/student withdraws consent or the pupil/student objects to its use	No
1.5	Medical records held by WAT	DOB of the pupil/student +25 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident Whichever is the longer The 25 year period is based on the fact that once the child turns 18 years old they have a certain amount of time (known as a limitation period) in which to bring claims against WAT. The longest	Review for further retention in the case of contentious disputes SHRED/DELETE	No

		of these limitation periods is six years, albeit that some periods can be extended by the courts		
1.6	Counselling records held by WAT	DOB of the pupil/student + 25 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident Whichever is the longer	Review for further retention in the case of contentious disputes SHRED/DELETE	No
2	**Pupil/student files**			
2.1	Pupil/student files (including public examination scripts, marks & results)	DOB of the pupil/student + 25 years; or Six years from the date of an incident which may become contentious if the pupil/student was 18 years old at the date of the incident Whichever is the longer	Review for further retention in the case of contentious disputes, for example, parental complaints, disciplinary matters, pupil/student exclusions, bullying incidents and subject access requests SHRED/DELETE **Notes** 1 When reviewing pupil files, WAT will have regard to other applicable sections of this policy 2 Any examination certificates left unclaimed should be returned to the appropriate Examination Board	No
2.2	Internal examination scripts, marks and results	Scripts: Scripts from weekly or monthly tests: Keep until the end of the next term. Whichever is the longer	Keep for longer in accordance with the retention periods and guidance set out in row 2.1 above if risk of contentious disputes, for example, parental complaints, disciplinary matter, pupil/student exclusions, bullying incidents and subject access requests.	

		Scripts from termly or yearly tests: Keep until the end of the next academic year. Marks & results: If the purpose of the test is to progress the child (either internally or externally) then keep marks & results in accordance with the retention periods and guidance set out in row 2.1 above. If the purpose of the test is for general internal assessment of academic performance then keep marks & results for the same period as the scripts themselves.		
2.3	External examination certificates	Distribute all certificates to candidates without undue delay. Certificates will not be withheld without prior permission of the awarding body. A record is to be held of the certificates which have been issued. Confidentially dispose of the unclaimed certificates after a minimum of 12 months. Return certificates to the awarding body if there are no means to destroy them confidentially.	SHRED/DELETE	

		Keep a log of destruction. This should be held for 4 years from the date of destruction. Return any certificates to the awarding body upon their request.		
2.4	Special Educational Needs files, reviews and Individual Education Plans	DOB of the pupil/student +31 years; or 13 years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident Whichever is the longer	Review for further retention in the case of contentious disputes SHRED/DELETE	No
2.5	Statement of Special Education Needs (**SEN**) and Education Healthcare (**EHC**) Plans	Statements of SEN (including appendices) and EHC Plans should never be retained once the pupil/student has left WAT	SHRED/DELETE unless legal action pending The Statement / Plan belongs to the LA which makes and maintains the Statement / Plan	Yes
2.6	Letters authorising absence	Three years from the date of the last entry on the attendance register	SHRED/DELETE	No
3	**Permissions**			
3.2	Parental permission slips for academy trips – where there	Conclusion of the trip or the academic year	Review for further retention in the case of contentious disputes otherwise SHRED/DELETE	No

	has been no major incident, accident, injury or near miss involving anyone on the trip			
3.3	Parental permission slips for academy trips – where there has been a major incident, accident, injury or near miss involving anyone on the trip	DOB of the pupil/student involved in the incident + 25 years; or Seven years from the date of the incident if the pupil was 18 years old at the date of the incident Whichever is the longer The permission slips for all pupils/students on the trip may need to be retained to show that the rules had been followed for all pupils	Review for further retention in the case of relevance to contentious disputes. SHRED/DELETE	No
4	**Admission department**			
4.2	Admission documents including enrolment forms	Three years from date of entry	Review for further retention in the case of contentious disputes SHRED/DELETE	No
4.3	Admissions documents relating to applicants who did not join WAT	One year would be reasonable (subject to requirements for admission appeal documents - see below), however, this is at the Trust's discretion. If there is a risk that parents/carers or a	SHRED/DELETE	No

		pupil/student might bring a claim against WAT then the documents should be retained. The documents can be kept for as long as WAT considers that they are required, subject to WAT's obligation not to keep the documents for longer than is necessary		
4.4	Documents relating to admission appeal proceedings	At least two years	Review for further retention in the case of relevance to contentious disputes. SHRED / DELETE	Yes
5	**Employment**			
5.2	Employment or personnel records including contracts of employment, changes to terms and condition, disciplinary matters, grievance procedures	For at least six years after date of termination of employment For at least 12 years after date of termination if any of the documents were signed as a deed	If on a date no earlier than six years after the termination date there has been no recent contact from the relevant individual and no apparent breach of contract claim, dispose securely of documentation unless any child protection concerns. Records of anyone with child protection concerns (even if not proved) should be retained	No
5.3	Single central register (SCR)	There is no legal requirement to keep the SCR entry for staff who have left as it ceases to be relevant for inspection purposes. Many academies move the entry on to an	Review whether further retention is necessary. If so, these reasons must be documented. If not SHRED/DELETE	No

		archive register whilst others keep a list of the checks carried out on the personnel file instead and retain that in accordance with their retention policy. As there is no statutory requirement to keep this information in this form it should only be kept for as long as is necessary. As it ceases to be relevant for inspection purposes WAT will consider and document why it is necessary to keep it for a particular length of time. Should WAT be notified of a historic abuse claim or should a former member of staff commit offences elsewhere WAT may need to demonstrate that it carried out all required checks prior to work starting, when they were carried out and by whom. This information could also be requested in relation to the IICSA. As a consequence best advice is to retain the SCR entry for each former member of staff indefinitely either on an archive SCR or within the personnel file.		
5.4	Records and documents relating to membership of and contributions	12 years	SHRED/DELETE	No

	to the Teachers' Pension Scheme			
5.5	Employment references received and references provided (where no safeguarding concerns have arisen or are known)	While employment continues and at least up to six years after employment terminates	Keep for so long as a reference may be required in future - potentially up until the employee's normal retirement age Consider whether any recent reference requests for the relevant individual If none, SHRED/DELETE	No
5.6	Employment reference where an individual's employment ended for a safeguarding reason or where safeguarding was outstanding at the time of termination	At least for 10 years after the person has retired or until the individual reaches the age of 75, whichever is the later	Consider whether any recent reference requests for the relevant individual or new concerns raised by social services or other agencies If none, SHRED/DELETE	Yes
5.7	Working time opt-out forms	Two years from the date on which they were entered into	**SHRED/DELETE**	**Yes**
5.8	Records to show compliance with the Working Time Regulations	Two years after the relevant period	SHRED/DELETE	Yes

5.9	Payroll and wage records These include records of: •Details on overtime. •Bonuses. •Expenses. •Benefits in kind.	Six years from the financial year end in which payments are made	SHRED/DELETE	Yes
5.10	PAYE Records	Three years in addition to the current year (however it may be sensible to keep them for six years as they may fall within the definition of payroll and wage records)	SHRED/DELETE	Yes
5.11	Maternity/ paternity records These include: Records regarding Maternity payments made save for where those include payroll records. Maternity certificates showing the	Three years after the end of the tax year in which the maternity pay period ends	SHRED/DELETE	Yes

	expected week of confinement			
5.12	Sickness records required for the purposes of Statutory Sick Pay (**SSP**)	During employment and for a period of three years after employment has ended	SHRED/DELETE	Yes
5.13	Records in relation to hours worked and payments made to workers	For a period of three years beginning with the last day of the following month to which the records relate	SHRED/DELETE	Yes
5.14	Consents for the processing of personal data and sensitive personal data (known as special category personal data under the GDPR)	For as long as the data is being processed and up to six years afterwards For consent to be valid it must be "freely given". This is often difficult to evidence in an employment context owing to the imbalance in the relationship between WAT and the employee. Therefore, WAT will be very careful before asking employees to consent to their data being used in a particular way. In the vast majority of cases it is not necessary to obtain the employee's consent before using their personal data.	SHRED/DELETE	Yes
5.15	**Disclosure and Barring Service**	Dispose of securely after the recruitment process unless	Enter DBS certificate number, date, initials on Single Central Register	Yes

	(DBS) checks and disclosures of criminal record forms	assessed as relevant to ongoing employment relationship. Once the conviction is spent, should be deleted unless it is an excluded profession.	SHRED/DELETE	
5.16	Immigration checks	Throughout employment and then retained for two years after the termination of employment	SHRED/DELETE	Yes
5.17	Recruitment records of unsuccessful candidates	Six months after notifying unsuccessful candidates	SHRED/DELETE	No
5.18	Personnel and training records	Whilst employment continues and up to six years after employment ceases	SHRED/DELETE	No
5.19	Annual leave records	Six years or possibly longer if leave can be carried over from year to year	SHRED/DELETE	No
5.20	Collective / workforce agreements	Permanently or six years after the agreement comes to an end	**SHRED/DELETE**	**No**
5.21	Works Council minutes	Permanently	**N/A**	**No**
5.22	An Employee's bank details	Three years after the end of the tax year they relate to	SHRED/DELETE	No

5.23	Records of advances for season tickets and loans to employees	Whilst employment continues and up to six years after repayment	SHRED/DELETE	No
5.24	Death Benefit Nomination and Revocation Forms	Whilst employment continues and up to six years after payment of benefit	SHRED/DELETE	No
6	**Health and safety information - employees**			
6.2	Reportable injuries, diseases and dangerous occurrences (**RIDDOR**) reports or own record	Three years from the date of record If disease - indefinitely (recommended)	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
6.3	First aid / accident book entry	Three years from the date of injury or last record in the book If disease – indefinitely	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
6.4	Records of maintenance, examination and test control measures relating to substances hazardous to health under the	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes

	Control of Substances Hazardous to Health (**COSHH**) regime			
6.5	Health records for licensable asbestos work	At least 40 years from the date if the last entry	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
6.6	Medical surveillance certificate for licensable asbestos work	At least four years from the date it was issued	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
6.7	Records of air monitoring for asbestos	Where a health record is required at least 40 years from the date if the last entry In other cases at least five years from the date of the last entry		Yes
6.8	Records of examinations, tests and repairs carried out in respect of exhaust or respiratory protective equipment under the Control of Asbestos	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes

	Regulations 2012 (CAR)			
6.9	Examination / report of defect for power presses	Two years	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
6.10	Records of water monitoring, inspection, testing checks and control measures for legionellosis	Five years from the date of the last entry	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
7	**Health and safety information – pupils/students**			
7.2	Accident reports including first aid / accident book	DOB of the pupil/student involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No
7.3	Reportable injuries, diseases and dangerous occurrences (**RIDDOR**)	Minimum statutory retention period is at least 3 years but, we recommend that the record is kept for DOB of the pupil/student involved in the incident + 21 years; or	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes

	reports or own record	Three years from the date of an incident which may become contentious if the student was 18 years old at the date of the incident		
7.4	Incident investigations and reports, risk assessments and other relevant documents where there has been an accident or incident	DOB of the pupil/student involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or civil claims for personal injury SHRED/DELETE	No
8	**Generic health and safety records**			
8.2	Risk assessments, records of health and safety arrangements, copies of policies and procedures General records of health and safety auditing and monitoring including fire risk assessments, electrical testing,	These should be kept for as long as they remain relevant - at least three years (in the absence of a specific accident, incident, dangerous occurrence or notifiable disease)	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No

	PAT testing and gas appliance testing Training records and copies of instructions or information Maintenance logs and / or records of plant and / or equipment plus safety manuals / notices / instructions Records of emergency evacuations and fire drills, fire safety risk assessments and fire safety policy / fire arrangements			
8.3	Copies of documents, including health and safety files, prepared pursuant to the Construction (Design and Management) Regulations 2015	Records should be retained as long as is reasonably necessary to inform on future construction projects at WAT site	SHRED/DELETE	N/A

9	**Insurance**			
9.2	Insurance certificates and schedules of cover	Current year plus 6 years (Taxes Management Act 1970; Income and Corporation Taxes 1988)	SHRED/DELETE	No
9.3	Correspondence with insurers related to specific accidents or incidents	Three years generally If the incident involved a pupil - DOB of the pupil/student involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the student was 18 years old at the date of the incident Disease claims or where there have been allegations of abuse - indefinitely	Review for further retention in the case of civil claims for disease or personal injury SHRED/DELETE	No
10	**Investigations, reviews and inquiries**			
10.2	Documents relevant to the Independant Inquiry into Child Sexual Abuse (IICSA)	Indefinitely	Review once the Inquiry has been completed.	No - unless the academy has received a formal notice from IICSA
10.3	Internal reports and investigations	Where the investigation / inquiry / report has been necessitated as a result of a specific incident, these	SHRED/DELETE	No

	into accidents / incidents Copies of reports submitted to external agencies / regulators such as Ofsted, Health and Safety Executive, Local Authority, Education and Skills Funding Agency etc External reports, reviews, investigations and inquiries for example inquests and public inquiries.	documents are to be stored centrally for at least three years where there is a risk of enforcement action and / or criminal prosecution and / or a civil claim. Where this relates to pupil/student DOB +21 years); or Three years from the date of an incident which may become contentious if the student was 18 years old at the date of the incident.		
11	**Alumni records**			
11.2	Alumni should be treated as employees for the purposes of health and safety records. Although this is	As set out in section 6 above	As set out in section 6 above	No

	not strictly necessary, (some of the health and safety requirements relating to employees do not apply to alumni), treating them the same can be considered good practice and may be more straightforward to implement in practice			
11.3	General alumni correspondence, membership forms etc	Six years after the last time the individual contacted WAT This is subject to any longer retention period set out above. For example, records relating to a reportable disease should be kept indefinitely.	SHRED/DELETE	No
12	**Material kept for archiving purposes in the public interest or for historical research purposes or statistical purposes**			
12.2	Records which do not contain personal data, for example, old photographs of	Can be kept indefinitely	N/A	No

	Trust buildings, title deeds etc			
12.3	Records relating to a number of pupils, or WAT generally, such as old class photographs, lists of pupils attending WAT in any given year, Trust prospectuses, newspaper cuttings etc	Can be kept indefinitely	N/A	No
12.4	Records concerning specific pupils/students kept for a valid reason. For example, a poem written by an exceptionally gifted pupil/student.	Can be kept indefinitely subject to the comments below. Please note that this does not apply to more routine pupil records. Routine work produced by pupils/students should not be kept for longer than the retention period set out in section 2.1 above unless WAT has a specific reason for keeping it and that decision can be justified. For example, for historical research purposes such as if WAT wished to retain the essays written by pupils/students which were submitted to an essay competition about growing up in the 2010s.	N/A	No

		This will usually be permissible but further legal advice should be sought. The GDPR places additional obligations on organisations in respect of the safeguards which must be put in place for personal data kept for archiving, research and statistical purposes. For example, WAT may be required to anonymise any data held, unless, the anonymisation process would defeat the purpose for holding the data in the first place.		
13	**CCTV, videos and photographs**			
13.2	CCTV footage	1 calendar month	DELETE Review for further retention if the recording may be required for any reason such as in relation to an incident or accident involving any person. CCTV footage may also be needed in relation to parental complaints, disciplinary matters, pupil exclusions, bullying incidents or health and safety matters. If a subject access request has been made for the footage it must be retained. WAT should consider the relevant limitation periods for claims being brought against WAT and seek advice as necessary.	No
13.3	Photographs of pupils/students	These photographs should be retained for as long as they are	SHRED/DELETE	No

	for internal administration purposes e.g. to identify the pupil/student or photographs used on security passes	required for the purpose for which they were taken.	Review for further retention in the case of relevance to contentious disputes.	
13.4	Photographs or videos of pupils/students taken for marketing reasons e.g. photographs for use in WAT prospectus or a video of pupils/students on WAT's website	These photographs and videos should be retained for as long as they are required for the purpose for which they were taken. If images are retained for historical reasons please see the comments at 12.3 above.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No
13.5	Photographs or videos of pupils/students used as part of the curriculum e.g. a video of a drama lesson/ performance or as part of an art project	These photographs and videos should be retained for as long as they are required for the purpose for which they were taken. If images are retained for historical reasons please see the comments at 12.3 above.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No