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Daubeney Academy



Information and Records Retention Policy

	July 2020

1. Introduction

- 1 This policy sets out a structured approach to reviewing and destroying records in relation to Challenger Multi Academy Trust (the Trust).
- 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 the Trust should promptly destroy the record once the retention period in the table below has been reached (subject to the paragraphs below).
- 3 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. The Trust will refer to its insurance policies and legal advice may be sought in these circumstances.

1.1 Run off period

- 4 The Trust uses a six month "run off" period to help ensure that a record is not deleted if it needs to be kept for longer. This means that the Trust keeps information for six months after the retention period set out in the table has come to an end. In addition, the Trust carries out a data cleanse of its files every six months. In practice therefore, a three year retention period means three and a half years plus up to six months to allow the Trust to securely dispose of the information.

1.2 Emails

- 5 Emails should be filed centrally as soon as is reasonable to help ensure that the appropriate retention period is applied.

1.3 The Independent Inquiry into Child Sexual Abuse (IICSA) and insurer requirements:

- 6 IICSA has issued retention instructions to a range of institutions regarding records relating to the care of children. Although the Trust itself has not received such an instruction, in light of this and the wider safeguarding context, the Trust has decided to temporarily cease the routine destruction of those records which might be relevant in case they are requested by IICSA or made subject to a disclosure order. This means that before destroying any document the Trust will consider if it contains information that may fall within IICSA's remit. 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 (i.e. cut off) date. For example, a list of pupils who attended an overnight school trip or admission registers which show which pupils were at the Trust at a given time. Before deleting any information, the Trust will review the retention period under the relevant row below in case the information is relevant to IICSA. As such, documents will be kept for longer than the retention periods listed in the policy if they contain information which might be relevant to IICSA.
- 7 Please note that the Trust is keeping this under review and intends to recommence controlled document destruction at the appropriate time.

1.4 Secure destruction

- 8 Personal data will be securely deleted or destroyed at the end of the relevant retention period.

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- 9 The Trust will keep a record of what personal data has been deleted and when the deletion took place.
- 10 The Trust will ensure that any electronic devices are wiped securely before they are disposed of or recycled.
- 11 For papers which do not need to be kept in accordance with this policy, the Trust has placed locked and confidential waste bins around the Trust site which are regularly emptied securely.
- 12 The Trust may hire contractors to delete or dispose of personal data, for example, by wiping and disposing of electronic devices or by shredding paper. In these cases, the Trust carry out appropriate due diligence on its contractors to check that they are complying with their obligations and ensure that there is a suitable written agreement in place.
- 13 The Trust has measures in place to halt the deletion of information promptly should it need to be retained beyond the normal retention period. For example, if information may be required in relation to a legal claim.
- 14 Staff are allowed to use their personal devices for Trust work so long as such use complies with the Trust's requirements as set out in the Information Security Policy. The Trust ensures that any Trust related personal data is wiped from the device.
- 15 The Trust uses contractors to process personal data on its behalf (called data processors under data protection law). Examples of the data processors used by the Trust include the Trust's payroll provider, and the Academy Information Management System. The Trust has adopted processes to ensure that any Trust personal data held by a processor is also securely destroyed.

	Record	Retention period	Action at the end of the retention period
	Pupils		
	Admission registers (however held)	Three years from the date of the last entry	Transfer to the archives and shred or delete copies
	Attendance registers (however held)	Three years from the date of the last entry	Review for further retention in the case of contentious issues SHRED/DELETE including back-ups and copies
	Child protection records	DOB of the pupil + 50 years	<p>Review for further retention in the case of contentious issues SHRED/DELETE</p> <p>Notes</p> <p>Child protection information must be copied on a separate cover to the new school whilst the pupil is under 18. Trusts should ensure secure transit and a receipt should be obtained</p> <p>Where a child is removed from roll to be educated elsewhere a file should be copied to the Local Authority</p> <p>In accordance with the terms of reference of the Local Authority's Inquiry into Child Sexual Abuse all schools should retain information which relates to allegations (substantiated or not) of organisations and individuals who have been involved in, or have knowledge of child sexual abuse; sexual exploitation; allegations (substantiated or not) of individuals having engaged in sexual activities with children; sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation; and information from the date of birth of the pupil involved in the allegation for a sufficient period of retention but this should be subject to regular review</p>
	Biometric information (e.g. fingerprints to be used as part of an automated biometric recognition system)	For as long as the Trust requires the information for the automated biometric recognition system	This information must not be kept for longer than is necessary. This information must be destroyed if the pupil no longer attends the Trust, including when they leave the Trust, where the parent withdraws consent or the pupil objects to its use
	Medical records held by the Trust	<p>DOB of the pupil + 24 years; or</p> <p>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</p> <p>Whichever is the longer</p> <p>The 24 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</p>	Review for further retention in the case of contentious issues SHRED/DELETE

		to bring claims against the Trust. The longest of these limitation periods is six years, albeit that some periods can be extended by the courts	
	Counselling records held by the Trust	DOB of the pupil + 24 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 SHRED/DELETE
	Pupil files		
	Pupil files (including public examination scripts, marks & results)	DOB of the pupil + 24 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 example, parental complaints, disciplinary matters, bullying incidents and subject access requests SHRED/DELETE Notes When reviewing pupil files, the Trust should also review other applicable sections of this policy Any examination certificates left unclaimed should be returned to the appropriate Examination Board
	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 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.	Keep for longer in accordance with the retention periods set out in row 2.1 above if risk of contentious dispute, parental complaints, disciplinary matter, pupil exclusion incidents and subject access requests.
	Special Educational Needs files, reviews and Individual Education Plans	DOB of the pupil + 24 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 SHRED/DELETE

	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 has left the Trust	SHRED/DELETE unless legal action pending The Statement / Plan belongs to the LA which makes the Statement / Plan
	Letters authorising absence	Three years from the date of the last entry on the attendance register	SHRED/DELETE
	Permissions		
	Parental permission slips for school trips – where there has been no major incident, accident, injury or near miss involving anyone on the trip	Conclusion of the trip + three years	Review for further retention in the case of contentious issues otherwise SHRED/DELETE
	Parental permission slips for school trips – where there has been a major incident, accident, injury or near miss involving anyone on the trip	DOB of the pupil involved in the incident + 24 years; or Six 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 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 relevant disputes. SHRED/DELETE
	Admission department		
	Admission documents including enrolment forms	Six years from date of leaving the Trust	Review for further retention in the case of contentious issues SHRED/DELETE
	Admissions documents relating to applicants who did not join the Trust	We suggest that 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 or a pupil might bring a claim against the Trust then the documents should be retained. The documents can be kept for as long as the Trust considers that they are required, subject to the Trust's obligation not to keep the documents for longer than is necessary	SHRED/DELETE

	Documents relating to admission appeal proceedings	At least two years	Review for further retention in the case of relevance disputes. SHRED / DELETE
	Employment		
	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 has been no recent contact from the relevant individual, apparent breach of contract claim, dispose securely unless any child protection concerns. Records of any child protection concerns (even if not proved) should be retained
	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 schools move the entry on to an 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 the Trust should consider and document why it is necessary to keep it for a particular length of time. Should the Trust be notified of a historic abuse claim or should a former member of staff commit offences elsewhere the Trust 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.	Review whether further retention is necessary. If so, it should be documented. If not SHRED/DELETE
	Records and documents relating to membership of and contributions to the Teachers' Pension Scheme	Indefinitely	Review whether further retention is necessary. Decisions about the Teachers' Pension Scheme may have ramifications for the Teachers' Pension Scheme and may be queried at any time by members and the Scheme
	Employment references received and references provided (where no safeguarding concerns have	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 up until the employee's normal retirement age Consider whether any recent reference requests for individual

	arisen or are known)		If none, SHRED/DELETE
	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 individual or new concerns raised by social services If none, SHRED/DELETE
	Working time opt-out forms	Two years from the date on which they were entered into	
	Records to show compliance with the Working Time Regulations	Two years after the relevant period	SHRED/DELETE
	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
	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
	Maternity/paternity records These include: •Records regarding Maternity payments made save for where those include payroll records. •Maternity certificates showing the expected week of confinement	Three years after the end of the tax year in which the maternity pay period ends	SHRED/DELETE
	Sickness records required for the purposes of	During employment and for a period of three years after employment has ended	SHRED/DELETE

	Statutory Sick Pay (SSP)		
	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
	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 the Trust and the employee. Therefore, the Trust should 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
	DBS	Dispose of securely after the recruitment process unless assessed as relevant to ongoing employment relationship. Once the conviction is spent, should be deleted unless it is an excluded profession.	Enter DBS certificate number, date, initials on Sing SHRED/DELETE
	Immigration checks	Throughout employment and then retained for two years after the termination of employment	SHRED/DELETE
	Recruitment records of unsuccessful candidates	Six months after notifying unsuccessful candidates	SHRED/DELETE
	Personnel and training records	Whilst employment continues and up to six years after employment ceases	SHRED/DELETE
	Annual leave records	Six years or possibly longer if leave can be carried over from year to year	SHRED/DELETE
	Collective / workforce agreements	Permanently or six years after the agreement comes to an end	
	Works Council minutes	Permanently	N/A
	An Employee's bank details	Until last payment made	SHRED/DELETE

	Records of advances for season tickets and loans to employees	Whilst employment continues and up to six years after repayment	SHRED/DELETE
	Death Benefit Nomination and Revocation Forms	Whilst employment continues and up to six years after payment of benefit	SHRED/DELETE
Health and safety information - employees			
	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 contentious disputes SHRED/DELETE
	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 contentious disputes SHRED/DELETE
	Records of maintenance, examination and test control measures relating to substances hazardous to health under the Control of Substances Hazardous to Health (COSHH) regime	Five years	Review for further retention in the case of enforcement contentious disputes SHRED/DELETE
	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 contentious disputes SHRED/DELETE
	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 contentious disputes SHRED/DELETE
	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	
	Records of examinations, tests	Five years	Review for further retention in the case of enforcement contentious disputes

	and repairs carried out in respect of exhaust or respiratory protective equipment under the Control of Asbestos Regulations 2012 (CAR)		SHRED/DELETE
	Examination / report of defect for power presses	Two years	Review for further retention in the case of enforcement contentious disputes SHRED/DELETE
	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 contentious disputes SHRED/DELETE
Health and safety information - pupils			
	Accident reports including first aid / accident book	DOB of the pupil 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 contentious disputes SHRED/DELETE
	Reportable injuries, diseases and dangerous occurrences (RIDDOR) reports or own record	Minimum statutory retention period is at least 3 years but, we recommend that the record is kept for DOB of the pupil 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 contentious disputes SHRED/DELETE
	Incident investigations and reports, risk assessments and other relevant documents where there has been an accident or incident	DOB of the pupil 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 claims for personal injury SHRED/DELETE
Generic health and safety records			
	Risk assessments, records of health and safety arrangements,	These should be kept for as long as they remain relevant - we recommend 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 contentious disputes SHRED/DELETE

	<p>copies of policies and procedures</p> <p>General records of health and safety auditing and monitoring including fire risk assessments, electrical testing, PAT testing and gas appliance testing</p> <p>Training records and copies of instructions or information</p> <p>Maintenance logs and / or records of plant and / or equipment plus safety manuals / notices / instructions</p> <p>Records of emergency evacuations and fire drills, fire safety risk assessments and fire safety policy / fire arrangements</p>		
	<p>Copies of documents, including health and safety files, prepared pursuant to the Construction (Design and Management) Regulations 2015</p>	<p>To be decided by the Trust - records should be retained as long as is reasonably necessary to inform on future construction projects at the Trust site</p>	<p>SHRED/DELETE</p>
	<p>Insurance</p>		
	<p>Insurance certificates and schedules of cover</p>	<p>Indefinitely</p>	<p>N/A</p>
	<p>Correspondence with insurers related to specific accidents or incidents</p>	<p>Three years generally</p> <p>If the incident involved a pupil - DOB of the pupil involved in the incident + 21 years; or</p> <p>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</p>	<p>Review for further retention in the case of civil claim personal injury</p> <p>SHRED/DELETE</p>

		Disease claims or where there have been allegations of abuse - indefinitely	
	Investigations, reviews and inquiries		
	Documents relevant to IICSA	Indefinitely	Review once the Inquiry has been completed.
	<p>Internal reports and investigations into accidents / incidents</p> <p>Copies of reports submitted to external agencies / regulators such as Ofsted, Health and Safety Executive, Local Authority, Education and Skills Funding Agency etc</p> <p>External reports, reviews, investigations and inquiries for example inquests and public inquiries</p>	<p>To be decided by the Trust</p> <p>Where the investigation / inquiry / report has been necessitated as a result of a specific incident, we recommend that these documents are 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 DOB +21 years); or</p> <p>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.</p>	SHRED/DELETE
	Alumni records		
	<p>We recommend that alumni should be treated as employees for the purposes of health and safety records. Although this is 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</p>	As set out in section 6 above	As set out in section 6 above

¹ Section 21 Inquiries Act 2005

	<p>General alumni correspondence, membership forms etc</p>	<p>Six years after the last time the individual contacted the Trust</p> <p>This is subject to any longer retention period set out above. For example, records relating to a reportable disease should be kept indefinitely .</p>	<p>SHRED/DELETE</p>
<p>Material kept for archiving purposes in the public interest or for historical research purposes or statistical purposes</p>			
	<p>Records which do not contain personal data, for example, old photographs of Trust buildings, title deeds etc</p>	<p>Can be kept indefinitely</p>	<p>N/A</p>
	<p>Records relating to a number of pupils, or the Trust generally, such as old class photographs, lists of pupils attending the Trust in any given year, Trust prospectuses, newspaper cuttings etc</p>	<p>Can be kept indefinitely</p>	<p>N/A</p>
	<p>Records concerning specific pupils kept for a valid reason. For example, a poem written by an exceptionally gifted pupil.</p>	<p>Can be kept indefinitely subject to the comments below.</p> <p>Please note that this does not apply to more routine pupils records. Routine work produced by pupils should not be kept for longer than the retention period set out in section 2.1 above unless the Trust has a specific reason for keeping it and that decision can be justified.</p> <p>For example, for historical research purposes such as if the Trust wished to retain the essays written by pupils which were submitted to an essay competition about growing up in the 2010s. This will usually be permissible but further legal advice should be sought.</p> <p>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, the Trust may be required to anonymise any data held, unless, the anonymisation process would defeat the purpose for holding the data in the first place.</p>	<p>N/A</p>

13	CCTV, videos and photographs		
	CCTV footage	90 days	<p>DELETE</p> <p>Review for further retention if the recording may be needed for a legal reason such as in relation to an incident or accident involving a person.</p> <p>CCTV footage may also be needed in relation to particular disciplinary matters, pupil exclusions, bullying incidents and health and safety matters.</p> <p>If a subject access request has been made for the footage it should be retained.</p> <p>The Trust should consider the relevant limitation period in relation to any claim being brought against the Trust and seek advice as appropriate.</p>
	Photographs of pupils for internal administration purposes e.g. to identify the pupil or photographs used on security passes	These photographs should be retained for as long as they are required for the purpose for which they were taken.	<p>SHRED/DELETE</p> <p>Review for further retention in the case of relevant legal disputes.</p>
	Photographs or videos of pupils taken for marketing reasons e.g. photographs for use in the Trust prospectus or a video of pupils on the Trust's website	<p>These photographs and videos should be retained for as long as they are required for the purpose for which they were taken.</p> <p>If the Trust would like to retain the images for historical reasons please see the comments at 12.3 above.</p>	<p>SHRED/DELETE</p> <p>Review for further retention in the case of relevant legal disputes.</p>
	Photographs or videos of pupils used as part of the curriculum e.g. a video of a drama lesson/ performance or as part of an art project	<p>These photographs and videos should be retained for as long as they are required for the purpose for which they were taken.</p> <p>If the Trust would like to retain the images for historical reasons please see the comments at 12.3 above.</p>	<p>SHRED/DELETE</p> <p>Review for further retention in the case of relevant legal disputes.</p>