

## **Greenshaw Learning Trust Data Retention Procedure**

**February 2022**

This Greenshaw Learning Trust Data Retention Procedure applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the Communications Policy of the Greenshaw Learning Trust and the GLT Data Protection Policy. The Greenshaw Learning Trust, including all the schools and services within the Trust, their Trustees, governors and staff, must abide by this procedure.

This Procedure must be read in conjunction with the GLT Data Protection Policy; all the terms of the GLT Data Protection Policy apply to the interpretation and implementation of this Procedure; if there is any ambiguity or conflict the GLT Data Protection Policy must be followed.

This Procedure is subject to the GLT Scheme of Delegation; if there is any ambiguity or conflict then the Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

If there is any question or doubt about the interpretation or implementation of this Procedure, the GLT Data Protection Officer or GLT CEO should be consulted.

### **Approval and review:**

This procedure is the responsibility of: GLT CEO

This procedure was approved by the Board of Trustees on: 18 February 2022.

This procedure is due for review by: May 2024.

## **Greenshaw Learning Trust Data Retention Procedure**

### **1.1 Responsibilities, approval and application**

It is the responsibility of the Governing Body and Headteacher of each school, and the Board of Trustees and GLT CEO for Trust Shared Service, to ensure that their school/service and its staff adhere to this Procedure. In implementing this procedure the Governing Body, Headteacher and Trust staff must take account of any advice given to them by the GLT CEO and/or Board of Trustees.

For the purposes of data protection legislation the Greenshaw Learning Trust is the Data Controller, and can be contacted by writing to Greenshaw Learning Trust, Grennell Road, Sutton, SM1 3DY.

The GLT Data Protection Officer is: Judicium Consulting Limited.

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Telephone: 0203 326 9174

Lead Contact: Craig Stilwell

Each school and the Trust Shared Service will appoint a lead to be the point of contact for data protection matters for staff, students and parents, and to liaise with the GLT Data Protection Officer. The name and contact details must be provided to the Data Protection Officer.

In this Procedure references to the Greenshaw Learning Trust will be read as including the Greenshaw Learning Trust Shared and all schools in the Greenshaw Learning Trust.

In accordance with and pursuant to the Communications Policy of the Greenshaw Learning Trust and the GLT Data Protection Policy this GLT Data Retention Procedure applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust. The Greenshaw Learning Trust, including all the schools and services within the Trust, their Trustees, governors and staff, must abide by this GLT Data Retention Procedure.

If there is any question about the interpretation or implementation of this Procedure, the GLT Data Protection Officer or GLT CEO should be consulted.

## **1. INTRODUCTION**

- 1.1. The aim of this Procedure is to enable the Greenshaw Learning Trust to manage records effectively and in compliance with data protection and other regulations. The Greenshaw Learning Trust collects, holds, stores and creates significant amounts of data and information and this procedure provides a framework for the retention and disposal of categories of information and documents.
- 1.2. The Greenshaw Learning Trust is committed to the principles of data protection including the principle that information is only to be retained for as long as necessary for the purpose concerned.
- 1.3. Section 2 of this Procedure sets out the main categories of information that the Greenshaw Learning Trust holds, the length of time that we intend to hold them, and the reason for this. The Greenshaw Learning Trust follows the Information and

Records Management Society's Information Toolkit for Schools 2016. Where a document is not shown in Section 2, the guidance given in the toolkit should be followed.

- 1.4. Section 3 of this Procedure sets out the destruction procedure for documents at the end of their retention period. The GLT Data Protection Officer is responsible for ensuring that this is carried out appropriately, and any questions regarding this Procedure should be referred to them.
- 1.5. If a document or piece of information is reaching the end of its stated retention period, but there are reasons for wanting to retain it for longer, the matter should be referred to the GLT Data Protection Officer, who will make a decision as to whether it should be retained, for how long, and note the new time limit and reasons for extension.

## 2. DOCUMENT RETENTION PERIOD

DOCUMENT CATEGORY	REASON	RETENTION PERIOD
<b>Corporate / Constitutional</b>		
Company Articles of Association, Rules / bylaws	Companies Act 2006 Charities Act 2011	Permanent
Academy funding agreement and any supplemental agreements	Charities Act 2011	Permanent
Trustee / director minutes of meetings and written resolutions	Companies Act 2006 Charities Act 2011	Permanent
Members' meetings etc. Minutes / resolutions	Companies Act 2006 Charities Act 2011	Permanent
Contracts e.g. with suppliers or grant makers	Limitation Act 1980	Length of contract term plus 6 years
Contracts executed as deeds	Limitation Act 1980	Length of contract term plus 12 years
IP records and legal files re provision of service	Limitation Act 1980	Life of service provision or IP plus 6 years

<b>Insurance</b>		
Employer's Liability Insurance	Employers' Liability (Compulsory Insurance Regulation) 1998	40 years
Policies	Commercial	3 years after lapse
Claims correspondence	Commercial	3 years after settlement
<b>Health &amp; Safety</b>		
General records	Limitation Act 1970	Minimum 3 years
Records re work with hazardous substances	Control of Hazardous Substances to Health Regulations 2002	Permanent
Accident books / records and reports	Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995	3 years after last entry or end of investigation
Medical Scheme documentation	Commercial	Permanent unless personal data is included
<b>Property</b>		
Original title deeds		Permanent / to disposal of property
Leases	Limitation Act 1980	12 years after lease has expired
Building records, plans, consents and certification and warranties etc	Limitations Act 1980	6 years after disposal or permanent if of historical / archival interest. Carry out review re:

		longer retention, e.g. if possible actions against contractors
<b>Pension Records</b>		
<b>PENSION RECORDS</b>	For all categories see:	
Records about employees and workers	Detailed Guidance for Employers: (April 2017)	
Records re the Scheme	Pensionsregulator.gov.uk	
Records re active members and opt in / opt out		
Trust Deed / Rules and HMRC approvals		
Trustees' Minutes and annual accounts		
Policies including investment policies		
<b>Employees / Administration</b>		
Payroll / Employee / Income Tax and NI records: P45; P6; P11D; P60, etc.	Taxes Management Act 1970 / IT (PAYE) Regulations	6 years from end of current year
Maternity pay	Statutory Maternity Pay Regulations	3 years after the end of the tax year
Sick pay	Statutory Sick Pay (General) Regulations	3 years after the end of the tax year
National Minimum wage records	National Minimum Wage Act	3 years after the end of the tax year
Foreign national ID documents	Immigration (Restrictions on Employment) Order 2007	Minimum 2 years from end of employment

	Independent School Standards Regulations	
HR files and training records	Limitation Act 1970 and Data Protection regulation	6 years from end of employment
Records re working time	Working Time Regulations 1998 as amended	2 years
Job applications (CVs and related materials re unsuccessful applicants)	ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976	6 months from your notification of outcome of application
Pre-employment / volunteer vetting	ICO Employment Practice Code Independent School Standards Regulations	6 months
Disclosure & Barring Service checks	Single Central Record Requirements under Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014;	Record only satisfactory / unsatisfactory result and delete other information. If copy is kept, not to be retained beyond 6 months See further DfE statutory Guidance 'Working Together to safeguard children' <a href="https://www.gov.uk/government/publications/working-together-to-safeguard-children--2">https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</a>
Volunteer records		6 years from end of volunteering arrangement - ie for formal volunteers, similar to staff
Biometric Data		If consent has been withdrawn, or a staff member leaves, the biometric data will be deleted from the system within 72 hours.

<b>Pupils</b>		
<b>Educational Record</b>	Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context. Data Protection regulation	25 years from date of birth if this is the final school; 6 years otherwise.
<b>Child Protection information (on child's file)</b>	"Keeping children safe in education Statutory guidance for schools and colleges September 2016"; "Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children February 2017"	RETAIN UNTIL FURTHER RECOMMENDATIONS Subject to moratorium on destruction due to historic child abuse enquiry. See <a href="https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements">https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements</a>
<b>Child Protection Information in other files</b>	<b>See above</b>	RETAIN UNTIL FURTHER RECOMMENDATIONS Subject to moratorium on destruction due to historic child abuse enquiry. See <a href="https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements">https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements</a>
<b>Special Educational needs</b>		
<b>SEN files</b>	Limitation Act 1980	Usually 25 years from date of birth of the pupil. If kept longer show good justification.
<b>Education Health and Care Plans</b>	Special Educational Needs and Disability Regulations 2014 Children and families Act 2014, part 3	25 years from date of birth of the pupil



<b>Statements of Special Educational Needs (now historic)</b>	Originally under Special Educational Needs and Disability Regulations 2001	25 years from date of birth of pupil unless passed to new school (usually on the pupil's file)
<b>Attendance registers</b>	Pupil Registration Regulations 2006 Regulation 14	3 years from when the register entry was made if made in paper registers  For computerised registers retain until 3 years after the end of the school year during which the entry was made. This applies to every back up copy.
Biometric Data		If consent has been withdrawn, or the student leaves, the biometric data will be deleted from the system within 72 hours.
<b>Other items e.g. curriculum related, photographs, video recordings</b>	Case by case basis	Usually, for the duration that the pupil is at the school, but subject to case by case justification.
<b>Parents</b>		
	Pupil Registration Regulations 2006 For basic name and contact details.  Otherwise usually operational in accordance with the statutory functions of the school	Usually, for the duration that the parent has a pupil at the school. Otherwise subject to case by case justification.

<b>Governance</b>		
<b>Agendas for Governing Body meetings</b>		One copy to be permanently retained.
<b>Minutes of Governing Body meetings</b>		Signed set to be permanently retained.
<b>Reports presented to the Governing Body</b>		6 years.
<b>Action plans created and administered by the Governing Body</b>		Life of the plan + 3 years
<b>Records relating to complaints dealt with by Governing Body</b>		Date of the resolution of the complaint + 6 years.
<b>Other school related information</b>		
	various	<b>Please consult the IRMS toolkit for schools which is here:</b> <a href="http://irms.org.uk/page/SchoolsToolkit">http://irms.org.uk/page/SchoolsToolkit</a>

### **3. DELETION OF DOCUMENTS**

- 3.1. When a document is at the end of its retention period, it should be dealt with in accordance with the following procedure.

#### **Confidential documents**

- 3.2. Confidential documents should be made available for collection in the confidential waste bins or sacks located around the school.
- 3.3. Anything that contains personal information should be treated as confidential.
- 3.4. Where deleting an electronic document, please refer to the GLT Data Protection Officer to ensure that this is carried out effectively.

#### **Other documentation**

- 3.5. Other documentation can be deleted or placed in recycling bins where appropriate.

#### **Automatic deletion**

- 3.6. Certain information will be automatically archived by the computer systems. To retrieve any information, or prevent this happening in a particular circumstance, the GLT Data Protection Officer must be advised and their consent obtained.

#### **Individual responsibility**

- 3.7. Much of the retention and deletion of documents will be automatic, but any individual faced with a decision about a specific document, should ask themselves the following:
- 3.7.1. Has the information come to the end of its useful life?
- 3.7.2. Is there a legal requirement to keep this information or document for a set period? (Refer to Section 2 of this procedure for more information).
- 3.7.3. Would the information be likely to be needed in the case of any legal proceedings? In particular, is it potentially relevant to an historic child abuse enquiry? Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?
- 3.7.4. Would the document be useful for the school / Trust as a precedent, learning document, or for performance management processes?
- 3.7.5. Is the document of historic or statistical significance?
- 3.8. If their conclusion is that the document should be retained, the matter must be referred to GLT Data Protection Officer with the reasons and their consent must be obtained for the document to be retained.