



**The SWAN Trust**

**Data Retention Policy**

**December 2023**

## **Introduction**

The SWAN Trust has a responsibility to maintain its records and record keeping systems, and expects all schools within the Trust to follow the Policy. When creating the Policy the Trust takes 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 reflects the Trust's current practices, the requirements of current legislation and best practice and guidance. It may be amended by the Trust 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 may also vary any parts of this procedure, including any time limits, as appropriate in any case.

## **DATA PROTECTION**

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's current practice, the requirements of current legislation and best practice and guidance.

This policy sets out how long employment-related and pupil data will normally be held by the Academy and when that information will be confidentially destroyed in compliance with the terms of the General Data Protection Regulation (GDPR) and the Freedom of Information Act 2000.

Data will be stored and processed to allow for the efficient operation of the Trust. The Trust's Data Protection Policy outlines its duties and obligations under the GDPR

## **RETENTION SCHEDULE**

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

Paper records will be regularly monitored by the Headteacher or nominated deputy.

Electronic records will be regularly monitored by the Headteacher or nominated deputy.

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

The Trust maintains a database of records which have been destroyed and who authorised their destruction. When destroying 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 Academy 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 Academy 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. Guidance from the Independent Inquiry Child Sexual Abuse states that prolonged retention of personal data at the request of an Inquiry would not contravene data protection regulation provided the information is restricted to that necessary to fulfil potential legal duties that an Academy may have in relation to an Inquiry. Whilst the Independent Inquiry into Child Sexual Abuse is ongoing, it is an offence to destroy any records relating to it. At the conclusion of the Inquiry, it is likely that an indication regarding the appropriate retention periods of the records will be made.

## **ARCHIVING**

Where records have been identified as being worthy of preservation over the longer term, arrangements should be made to transfer the records to the archives. A database of the records sent to the archives is maintained by the Headteacher. 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.

## **TRANSFERRING INFORMATION TO ANOTHER SCHOOL**

The School retains a pupil's educational record whilst the child remains at the School. Once a pupil leaves the School, the file should be sent to their next school. The responsibility for retention then shifts onto the next school. The School may delay destruction for a further period where there are special factors such as potential litigation.

Electronic records relating to a pupil's record will also be transferred to the pupils' next school. The School will not keep any copies of information stored within a pupil's record, unless there is ongoing legal action at the time that the pupil leaves the School. The responsibility for these records will then transfer to the school the pupil moves to.

The School will, wherever possible, avoid sending a pupil record by post. Where a pupil record must be sent by post, it will be sent by registered post, with an accompanying list of the files included. The school it is sent to is required to sign a copy of the list to indicate that they have received the files and return this to the School sending the file.

## **RESPONSIBILITY AND MONITORING**

The Trust CEO together with the Headteacher has primary and day-to-day responsibility for implementing this Policy. The DPO in conjunction with CEO is responsible for monitoring the use and effectiveness of the policy.

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**

Generally emails 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). The email system itself is not an appropriate way of managing the records needing to be maintained. It is important to note that the retention period will depend on the content of the email and it is important that these emails are filed in the appropriate storage areas (either being saved electronically in a .msg format or having been printed out, if applicable) to avoid the data becoming lost.

## **PUPIL RECORDS**

All Academies with the exception of independent Academies, are under a duty to maintain a pupil record for each pupil. Early Years will have their own separate record-keeping requirements. If a child changes School or Academy, the responsibility for maintaining the pupil record moves to the next School or Academy. 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	6 months after notifying unsuccessful candidates, unless the school has applicants' consent to keep their application form 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	2 years after employment ceases
Immigration checks	2 years after the termination of employment
DBS checks and disclosures of criminal records forms	As soon as practicable after the check has been completed and the outcome recorded (i.e. whether it is satisfactory or not) unless in exceptional circumstances (for example to allow for consideration and resolution of any disputes or complaints) in which case, for no longer than 6 months.
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 6 years after employment ceases
Annual leave records	6 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 sensitive data	For as long as the data is being processed and up to 6 years afterwards
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 training plus 40 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.
Disciplinary proceedings  Where the warning relates to child protection issues	Until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer
Oral warning	Date of warning + 6 months
Written warning - level one	Date of warning + 6 months
Written warning - level one	Date of warning + 12 months
Final warning	Date of warning + 18 months
<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	Current year plus 6 years
Current bank details	Until updated plus 3 years
Pupil Premium Fund records	Date pupil leaves the school 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
Annual accounts	Current year plus 6 years
Budget  and grants managed by the Academy	Life of the budget plus 3 years
All records relating to the creation and management of maintenance	Current year plus 6 years
Invoices, receipts, order books and requisitions, delivery notices	Current year plus 6 years
Student Grant applications	Current year plus 3 years

Academy fund documentation (including but not limited to invoices, cheque books, receipts, bank statements etc).	Current year plus 6 years
Free Academy meals registers (where the register is used as a basis for funding)	Current year plus 6 years
Academy meal registers and summary sheet	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
School Development Plans	Current year plus 6 years
Visitors Book and Signing In Sheets (paper)	Current year plus 2 years
Visitor book/records – electronic	Current year plus 2 years
Newsletters and circulars to staff, parents and pupils	1 year
Records relating to the creation and publication of the school prospectus	Current academic year plus 3 years
<b>Health and Safety Records</b>	
Health and Safety consultations	Permanently
Health and Safety Risk Assessments	3 years from the life of the risk assessment
Health and Safety Policy Statements	Life of Policy plus 3 years
Any reportable accident, death or injury in connection with work	For at least 12 years from the date the report was made
Accident reporting	Adults – date of incident plus 7 years  Children – when the child attains 25 years of age.
Fire precaution log books	6 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

Accessibility plans	Current year plus 6 years
<b>Temporary and Casual Workers</b>	
Records relating to hours worked and payments made to workers	3 years
<b>Pupil Records</b>	
Admissions records (including whether an admission is successful or unsuccessful)	1 year from the date of admission or 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 seven years from date of entry
School Meals Registers	3 years
Free School Meals Registers	6 years
Pupil Record	Whilst child is a pupil at the school. (Records will be sent onto next school. If destination unknown, records will be sent to Local Authority).
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 individual Education, Health Care Plan (this includes any statement and all advice and information shared regarding educational needs)	Date of birth of the pupil + 31 years [Education, Health and Care Plan is valid until the individual reaches the age of 25 years – the retention period adds an additional 6 years from the end of the plan in line with the Limitation Act
SATs records, examination papers and results.  (NB the Trust does not consider SATS tests to be examinations, so actual papers are not retained – see below)	Current year plus 6 years
SATs test booklets	2 years after the test
Child Protection information (to be held in a separate file).	DOB of the child plus 25 years then review. These records will be subject to any instruction given by the Independent Inquiry into Child Sexual Abuse
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 Academy activities as part of GDPR compliance (for example, consent to be sent circulars or mailings)	consent will last whilst the pupil attends the Academy.
pupil's work	Where possible, returned to pupil at the end of the academic year (provided the Academy have their own



	internal policy to this effect). Otherwise, the work should be retained for the current year plus 1 year.
photographs of pupils	For the time the child is at the Academy and for a short while after. Please note select images may also be kept for longer (for example to illustrate history of the Academy).
Parental consent forms for Academy 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 Academy)
Parental permission slips for Academy 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
<b>Local Governing Committee Records</b>	
Meetings schedule	Current year
Agendas and signed minutes (Principal set)	Permanent
Inspection copies	Date of meeting + 3 years
Reports presented to Local Governing Committee (LGC)	6 years minimum
Records relating to complaints dealt with by LGC	Date of resolution + 6 years
Proposals concerning change of status of a maintained school	Date proposal accepted/declined + 3 years
Register of attendance	Date of last meeting plus 6 years
<b>Trustee Committee Records</b>	
Instruments of Government	For the life of the Academy
Meetings schedule	Current year
Minutes	permanent
Agendas	Where possible the agenda should be stored with the principal set of minutes
Policy documents created and administered by the governing body	Until replaced
Register of attendance	Date of last meeting plus 6 years
Annual reports required by the Department for Education	Current year plus 6 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 40 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 file	Date appointment ceases plus 6 years
<b>Other Records</b>	
CCTV	One calendar month unless a recording is required for a longer period for a specific case
Privacy notices	Until replaced plus 6 years
All records relating to the maintenance of the Academy carried out by contractors or employees of the Academy	Whilst the building belongs to the Academy
Records relating to the letting of Academy premises	Current financial year plus 6 years
Records relating to the creation and management of Parent Teacher Associations and/or Old Pupils Association	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