



# CONWAY PRIMARY SCHOOL

## RECORDS RETENTION & MANAGEMENT POLICY

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## CONTENTS

Background	Page 3
Responsibility for the Policy	Page 3
The Definition of a Record	Page 4
The Purpose of the Retention Schedule	Page 4
Benefits of the Retention Schedule	Page 4
Maintaining and Amending a Retention Schedule	Page 4
Destruction of Records	Page 5
Transfer of Records to the Archives	Page 5
Transfer of information to alternative media	Page 5
<b>The Retention Schedule</b>	
<input type="checkbox"/> Governing Body Records	Page 6
<input type="checkbox"/> Management Records	Page 7
<input type="checkbox"/> Pupils Records	Page 8 - 9
<input type="checkbox"/> Curriculum Records	Page 9 - 10
<input type="checkbox"/> Personnel Records	Page 10 - 12
<input type="checkbox"/> Health & Safety Records	Page 13 - 14
<input type="checkbox"/> Administrative Records	Page 15
<input type="checkbox"/> Financial Records	Page 16- 17
<input type="checkbox"/> Property Records	Page 17 - 18
<input type="checkbox"/> Local Authority Records	Page 18
Data Protection Act (1998) - Section 68 (schedule 11) The Meaning of "Educational Record" in England and Wales & The Meaning of "Educational Data" in England and Wales	Annex A

## **Background**

This schedule contains the retention periods for the different record series created and maintained by the school in the course of its business. The schedule refers to all information regardless of the media in which it is stored.

Some of the retention periods are governed by statute. Others are guidelines following best practice recommended by the Local Authority. Every effort has been made to ensure that the retention periods are compliant with both the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.

Managing record series using these retention guidelines will be deemed to be "normal processing" under the legislation mentioned above. If record series are to be kept for longer or shorter periods than laid out in this document the reasons for this will be documented.

## **Responsibility for the Policy**

The School and Community Development Committee owns this policy on behalf of the governing body. However, the execution and the day-to-day procedures are delegated to the Head teacher and the School Business Manager. Unless driven by other factors the committee will review the policy as part of its review schedule.

## **The Definition of a Record**

The Freedom of Information Act 2000 provides public access to information held by public authorities. It defines a record as including printed documents, computer files, letters, emails, photographs, and sound or video recordings. While data defined under the Data Protection Act 1998 means information which:

- i. is being processed by means of equipment operating automatically in response to instructions given for that purpose
- ii. is recorded with the intention that it should be processed by means of such equipment
- iii. is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system
- iv. does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68 (schedule 11) of the Act (Annex A)
- v. is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d)

## **The Purpose of a Retention Schedule**

Under the Freedom of Information Act 2000, schools are required to maintain a retention schedule listing the record(s) and information that a school creates in the course of its business. The retention schedule lays down the length of time which the record(s) needs to be retained and the action that will be taken when it is of no further administrative use. Members of staff are expected to manage their current record keeping using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems. The retention schedule refers to all information, regardless of the media in which they are stored.

## **Benefits of the Retention Schedule**

There are a number of benefits that arise from the use of a retention schedule including:

- Managing records against the retention schedule is deemed to be "normal processing" under the Data Protection Act 1998 and the Freedom of Information Act 2000. Provided members of staff are managing records using the retention schedule they cannot be found guilty of unauthorised tampering with files once either a Freedom of Information Act or data access request has been made.
- Members of staff can be confident about destroying information at the appropriate time.
- Information that is subject to Freedom of Information and Data Protection legislation will be available when required.
- The school is not maintaining and storing information unnecessarily.

## **Maintaining and Amending the Retention Schedule**

Where appropriate the retention schedule should be reviewed and amended to include any new record series created and remove any obsolete record series.

## **Destruction of Records**

Where record(s) have been identified for destruction they should be disposed of in an appropriate manner. All records containing personal information, or sensitive policy information should, if possible, be shredded before disposal. Any other record(s) should be bundled up and disposed of in an appropriate manner. The Freedom of Information Act 2000 requires the school to maintain a list of record(s) which have been destroyed and who authorised their destruction. As a minimum staff should record on a relevant data base a:

- File reference (or other unique identifier)
- File title (or brief description)
- Number of files
- The name of the authorising officer

## **Transfer of Records to the Archives**

Where records have been identified as being worthy of permanent preservation, arrangements are made to transfer the records to the Local Authority or other appropriate archives.

## **Transfer of Information to Alternative Media**

Where lengthy retention periods have been allocated to records, members of staff will consider the appropriateness of converting paper records to other media such as microform or digital media. The lifespan of the media and the ability to migrate data where necessary will always be considered.

<b>Governing Body Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Minutes			Permanent	Retain in school for 6 years from date of meeting	Transfer to Archives
Agendas			Date of meeting	DESTROY	
Reports			Date of report + 6 years	Retain in school for 6 years from date of meeting	Transfer to Archives
Instruments of Government			Permanent	Retain in school whilst school is open	Transfer to Archives when the school has closed
Trusts and Endowments			Permanent	Retain in school whilst operationally required	Transfer to Archives
Action Plans			Date of action plan + 3 years	DESTROY	
Policy Documents			Expiry of policy	Retain in school whilst policy is operational (this includes if the expired policy is part of a past decision making process)	
Complaints Files	Yes		Date of resolution of complaint + 6 years	Retain in school for the first six years Review for further retention in the case of contentious disputes Destroy routine complaints	

<b>School Management Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Minutes of the SLT and other internal administrative bodies	Yes		Date of meeting+ 5 years	Retain in the school for 5 years from meeting	Transfer to Archives
SLT Reports	Yes		Date of report + 3 years	Retain in the school for 3 years from meeting	Transfer to Archives
Records created by the SLT, teachers and/or and staff with administrative responsibilities	Yes		Closure of file + 6 years	DESTROY If these records contain sensitive information they should be shredded	
Correspondence created by the SLT and/or other staff with administrative responsibilities	Yes		Date of correspondence + 3 years	DESTROY If these records contain sensitive information they should be shredded	
School Development Plans			Closure + 6 years	REVIEW	Offer to the Archives

<b>Pupils Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Attendance Registers	Yes		Date of last entry + 6 years	DESTROY	
Pupil Records	Yes		Retain for the time which the pupil remains on role	Transfer to the secondary school (or other primary school) when the child leaves the school.	
Pupil's SEN files, reviews and Individual Education Plans	Yes	Special Educational Needs and Disability Act	DOB of the pupil + 30 years	SHRED	
Letters authorising absence	Yes		Date of absence + 2 years	SHRED	
Any other records created in the course of contact with pupils	Yes		Current year + 3	Review at the end of 3 years and either allocate a further retention period or DESTROY	
Statement maintained under The Education Act 1996 - Section 324	Yes	Special Educational Needs and Disability Act	DOB + 30 years	DESTROY unless legal action is pending	



<b>Pupils Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Advice and information to parents regarding educational needs	Yes	Special Educational Needs and Disability Act	Closure + 12 years	DESTROY unless legal action is pending	
Accessibility Strategy	Yes	Special Educational Needs and Disability Act	Closure + 12 years	DESTROY unless legal action is pending	

<b>Curriculum Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Curriculum Development Records			Current year + 6	DESTROY	
School Syllabus			Current year + 1	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY	

<b>Curriculum Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Schemes of work			Current year + 1	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY	
Timetable			Current year + 1	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY	
Teacher Assessments	Yes		Current year + 6	DESTROY	
SATS Results	Yes		Current year + 6	DESTROY	

<b>Personnel Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Timesheets	Yes	Financial Regulations	Current year + 6	SHRED	
Staff Personal Files	Yes		Termination+ 7	SHRED	

## Personnel Records

Basic File Description	UK-GDPR/Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life-cycle of the record	
Interview notes and recruitment records	Yes		Date of interview + 6 months	SHRED	
Pre-employment vetting information	Yes	CRB Guidelines	Date of check + 6 months	SHRED	
Disciplinary proceedings:	<b>Please note that all these retention periods where the warning relates to child protection issues may change in light of any recommendations made by the Richard Inquiry.</b>				
Disciplinary – Verbal Warning	Yes		Date of warning plus 1 year	SHRED If this is placed on a personal file, it must be weeded from the file.	
Disciplinary - <i>Written Warning - level one</i>	Yes		Date of warning plus 2 year	SHRED If this is placed on a personal file, it must be weeded from the file.	
Disciplinary - <i>Written Warning - level two</i>	Yes		Date of warning plus 2 years	SHRED If this is placed on a personal file, it must be weeded from the file.	

<b>Personnel Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Disciplinary - Final Warning	Yes		Date of warning plus 4 years	SHRED If this is placed on a personal file, it must be weeded from the file.	
Disciplinary - Case Not Found	Yes		DESTROY immediately at the conclusion of the case	SHRED	
Records relating to accident/injury at work	Yes		Date of incident + 12 years	Review at the end of this period. In the case of serious accidents a further retention period will need to be applied	
Performance Management Records	Yes		Current year + 5	SHRED	

## Health and Safety Records

Basic File Description	UK-GDPR/Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the -administrative life-cycle of the record	
Accessibility Plans		Equality Act 2010	Current year + 6	DESTROY	
Accident Reporting					
Adults	Yes	Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980	Current year + 3	SHRED	
Children	Yes	Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980	DOB + 25 years <sup>1</sup>	SHRED	

<b>Health and Safety Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
COSHH Reports			Current year + 10	DESTROY [where appropriate an additional retention period may be allocated]	
Incident Reports	Yes		Current year + 20	SHRED	
Policy Statements			Date of expiry + 1 year	DESTROY	
Risk Assessments including requests			Current year + 3	DESTROY	
Health and Safety Audits and/or Reports			Current year + 6	DESTROY	

<b>Administrative Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Employer's Liability certificate			Permanent whilst the school is open	DESTROY once the school has closed	
Inventories of equipment and furniture			Current year + 6	DESTROY	
General file series			Current year + 5	Review to see whether a further retention period is required	Transfer to Archives
School Prospectus			Current year + 3		Transfer to Archives
Internal Circulars			Current year +1	DESTROY	
Newsletters, ephemera			Current year + 1	Review to see whether a further retention period is required	
Visitors' book			Current year + 2	Review to see whether a further retention period is required	Transfer to Archives

## Financial Records

Basic File Description	UK-GDPR/Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life-cycle of the record	
Annual Accounts		Financial Regulations	Current year + 6		Offer to Archives
Loans and Grants		Financial Regulations	Date of last payment on loan + 12 years	Review to see whether a further retention period is required	Transfer to Archives
Contracts					
Under seal			Contract completion date + 12 years	SHRED	
Under signature			Contract completion date + 6 years	SHRED	
Budget monitoring Reports			Current year + 3	SHRED	
Invoice, Receipts and other Financial Records		Financial Regulations	Current year + 6	SHRED	
School Fund Financial Records		Financial Regulations	Current year + 6	SHRED	



<b>Financial Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life...cycle of the record</b>	
Applications for free school meals, travel, uniforms etc	Yes	Financial Regulations	Whilst child at school	SHRED	
Free school meals registers	Yes	Financial Regulations	Current year + 6	SHRED	
Petty cash books		Financial Regulations	Current year + 6	SHRED	

<b>Property Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Title Deeds			Permanent	These should follow the property	Offer to Archives when the school has closed
Plans of the school site			Permanent	Retain in school whilst operational then	Offer to Archives when the school has closed
Leases			Expiry of lease + 6 years	DESTROY	
Lettings			Current year + 3	DESTROY	

<b>Property Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Burglary, theft and vandalism report forms			Current year + 6	SHRED	
Maintenance log books			Last entry + 10 years	DESTROY	

<b>Local Authority Records</b>					
<b>Basic File Description</b>	<b>UK-GDPR/Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life-cycle of the record</b>	
Secondary Transfer Records	Yes		Current year + 2	SHRED	
Attendance Returns	Yes		Current year + 1	DESTROY	

## Data Protection Act (1998) - Section 68 (schedule 11)

### The Meaning of "Educational Record" in England and Wales

- 1 For the purposes of section 68 "educational record" means any record to which paragraph 2 and/or 4 applies.
- 2 This paragraph applies to any record of information which:
  - (a) is processed by or on behalf of the governing body of, or a teacher at, any school in England and Wales specified in paragraph 3
  - (b) relates to any person who is or has been a pupil at the school
  - (c) originated from or was supplied by or on behalf of any of the persons specified in paragraph 4, other than information which is processed by a teacher solely for the teacher's own use
- 3 The schools referred to in paragraph 2(a) are:
  - (a) a school maintained by a Local Authority
  - (b) a special school, as defined by section 6(2) of the Education Act 1996, which is not so maintained
- 4 The persons referred to in paragraph 2(c) are:
  - (a) an employee of the Local Authority which maintains the school
  - (b) in the case of:
    - (i) a voluntary aided, foundation or foundation special school (within the meaning of the School Standards and Framework Act 1998)
    - (ii) a special school which is not maintained by a Local Authority
  - (c) a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services)
  - (d) the pupil to whom the record relates, and.
  - (e) a parent, as defined by section 576(1) of the Education Act 1996, of that pupil.

### The Meaning of "Educational Data" in England and Wales

The Data Protection Act 2018 defines 'education data' as:

- personal data which consists of information that forms part of an educational record; and
- is not data concerning health.

The definition of 'educational record' in the DPA 2018 differs between England and Wales, Scotland and Northern Ireland. Broadly speaking, however, the expression has a wide meaning and includes most information about current and past pupils that is processed by or on behalf of a school. The definition applies to nearly all schools including maintained schools, independent schools and academies.

However, information a teacher keeps solely for their own use does not form part of the educational record. It is likely that most of the personal information a school holds about a particular pupil forms part of the pupil's educational record. However, it is possible that some of the information could fall outside the educational record, eg information a parent of another child provides about the pupil is not part of the educational record.


# Records Retention and Management policy 2022

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