

INFORMATION AND RECORDS RETENTION POLICY

The OHC&AT Board of Directors has agreed this Policy and as such, it applies across the organisation – 29th June 2018.

Jay Mercer
Chair of OHCAT Board



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Chair of OHC Board



Information and Records Retention Policy

INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to providing outstanding educational opportunities for all our pupils and students. OHC&AT comprises two separate legal entities, Orchard Hill College (OHC) and Orchard Hill College Academy Trust (OHCAT), working in partnership to deliver educational excellence. All references to OHC&AT should be assumed to apply to both OHC and OHCAT.

This policy sets out a structured approach to reviewing and destroying records in relation to both OHC and OHCAT. It has been written in consultation with Veale Wasborough Vizards in order to accurately reflect the data management requirements imposed by data protection legislation including the General Data Protection Requirement (GDPR).

For the purposes of clarity, 'student' is here used to refer to both pupils and students at OHC&AT provisions.

SCOPE

This policy applies to all records that are created, received or maintained by OHC&AT staff in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by OHC&AT and which are thereafter retained (for a set period) to provide evidence of transactions or activities. These records may be created or received, and then stored, in hard copy or electronically.

PRINCIPLES OF RETENTION

The retention period for each type of record is down 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 is uncertain and allows discretion and may vary according to the circumstances, but in practice it means that OHC&AT should promptly destroy the record once the retention period in the table below has been reached.

There may occasionally 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). In such circumstances OHC&AT will seek advice from relevant parties e.g. insurers/legal advisors as necessary.

The retention periods in the table below are the minimum storage requirements. In practice OHC&AT carries out a data cleanse of its files every 3/6/12 months. Accordingly, a 3 year retention period means 3 years plus up to 3/6/12 months to allow OHC&AT to securely dispose of the information.

Information must be securely deleted e.g. paper records containing personal information must be shredded and hard storage damaged beyond repair. This applies to paper records, electronic information and biometric information.

INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE (IICSA)

The IICSA has issued retention instructions to a range of institutions regarding records relating to the care of children. In light of this, legal advice has been to 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 OHC&AT will consider whether it contains information that may fall within the Inquiry's remit.

The range of documentation which might need to be kept is wide, including any information linked to alleged or established child abuse, whether by staff, students or volunteers, with no limitation date. For example, a list of students who attended an overnight school trip or admission registers showing which students were at a specific OHCAT Academy 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. OHC&AT will therefore review the retention periods under each of the rows below in case they are relevant to IICSA.

POLICY REVIEW DETAILS

<i>Version:</i>	1.0
<i>Reviewer:</i>	Janet Sherborne
<i>Approval body:</i>	Family Board
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RELATED POLICIES AND PROCEDURES

Child Protection Adult Protection & Safeguarding Policy
Data Protection Policy
Freedom of Information Policy
IT Acceptable Use Policy
Staff Code of Conduct

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
1	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 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 school whilst the child is still under 18. Trusts 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	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
			Abuse all schools are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been 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 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 OHC&AT 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 person no longer uses the system including when they leave OHC&AT, where the consenting person withdraws consent or where the person objects to its use	No
1.5	Medical records held by OHC&AT	25 years from the person's DOB	Review for further retention in the case of contentious disputes SHRED/DELETE	No
1.6	Counselling records held by OHC&AT	25 years from the person's DOB	Review for further retention in the case of contentious disputes	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
			SHRED/DELETE	
2	Student files			
2.1	Student files (including public examination scripts, marks & results)	25 years from the student's DOB	<p>Review for further retention in the case of contentious disputes, for example, parental complaints, disciplinary matters, student exclusions, bullying incidents and subject access requests</p> <p>SHRED/DELETE</p> <p>Notes</p> <p>1 When reviewing student files, OHC&AT will have regard to other applicable sections of this policy</p> <p>2 Any examination certificates left unclaimed should be returned to the appropriate Examination Board</p>	No
2.2	Internal examination scripts, marks and results	<p>Scripts from weekly or monthly tests: keep until the end of the next term.</p> <p>Scripts from termly or yearly tests: keep until the end of the next academic year.</p>	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 matters, student exclusions, bullying incidents and subject access requests.	

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		Marks & results: if the purpose of the test is to progress the student (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	Special Educational Needs files, reviews and Individual Education Plans	DOB of the student + 25 years	Review for further retention in the case of contentious disputes SHRED/DELETE	No
2.4	Statement of Special Education Needs (SEN) and Education Health Care (EHC) Plans	Statements of SEN (including appendices) and EHC Plans should never be retained once the student has left OHC&AT	SHRED/DELETE unless legal action pending The Statement / Plan belongs to the LA which makes and maintains the Statement / Plan	Yes
2.5	Letters authorising absence	Three years from the date of the last entry on the attendance register	SHRED/DELETE	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
3	Permissions			
3.1	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 disputes otherwise SHRED/DELETE	No
3.2	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 student involved in the incident + 25 years The permission slips for all students on the trip may need to be retained to show that the rules had been followed for all students	Review for further retention in the case of relevance to contentious disputes. SHRED/DELETE	No
4	Admission department			
4.1	Admission documents including enrolment forms	Six years from date of leaving OHC&AT	Review for further retention in the case of contentious disputes SHRED/DELETE	No
4.2	Admissions documents relating to applicants who did not join OHC&AT	VWV suggest that one year would be reasonable (subject to requirements for admission appeal documents - see below), however, this is at	SHRED/DELETE	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		OHC&AT's discretion. If there is a risk that parents or a student might bring a claim against OHC&AT then the documents should be retained. The documents can be kept for as long as OHC&AT considers that they are required, subject to OHC&AT's obligation not to keep the documents for longer than is necessary		
4.3	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			
5.1	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

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
5.2	Single central register (SCR)	<p>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 OHC&AT should consider and document why it is necessary to keep it for a particular length of time. Should OHC&AT be notified of a historic abuse claim or should a former member of staff commit offences elsewhere, OHC&AT may need to demonstrate that it carried out all required checks prior to</p>	<p>Review whether further retention is necessary. If so, these reasons must be documented. If not, SHRED/DELETE</p>	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		work starting, when they were carried and 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.		
5.3	Records and documents relating to membership of and contributions to the Teachers' Pension Scheme	Indefinitely	Review whether further retention is necessary. Decisions in relation to the Teachers' Pension Scheme may have ramifications beyond six years, and may be queried at any time by members and the Teachers' Pension Scheme	No
5.4	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
5.5	Employment reference where an individual's employment ended for a safeguarding	At least for 10 years after the person has retired or until the	Consider whether any recent reference requests for the relevant individual or new	Yes

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
	reason or where safeguarding was outstanding at the time of termination	individual reaches the age of 75, whichever is the later	concerns raised by social services or other agencies If none, SHRED/DELETE	
5.6	Working time opt-out forms	Two years from the date on which they were entered into	SHRED/DELETE	Yes
5.7	Records to show compliance with the Working Time Regulations	Two years after the relevant period	SHRED/DELETE	Yes
5.8	Payroll and wage records These include records of: <ul style="list-style-type: none"> • Details on overtime. • Bonuses. • Expenses. • Benefits in kind. 	Six years from the financial year end in which payments are made	SHRED/DELETE	Yes
5.9	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
5.10	Maternity/paternity records These include: <ul style="list-style-type: none"> • Records regarding Maternity payments made save for 	Three years after the end of the tax year in which the maternity pay period ends	SHRED/DELETE	Yes

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
	where those include payroll records. <ul style="list-style-type: none"> • Maternity certificates showing the expected week of confinement 			
5.11	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
5.12	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
5.13	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 OHC&AT and the employee. Therefore, OHC&AT should be very careful before asking employees to consent to their	SHRED/DELETE	Yes

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		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.		
5.14	Disclosure and Barring Service (DBS) checks and disclosures of criminal record forms	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 Single Central Register SHRED/DELETE	Yes
5.15	Immigration checks	Throughout employment and then retained for two years after the termination of employment	SHRED/DELETE	Yes
5.16	Recruitment records of unsuccessful candidates	Six months after notifying unsuccessful candidates	SHRED/DELETE	No
5.17	Personnel and training records	Whilst employment continues and up to six years after employment ceases	SHRED/DELETE	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
5.18	Annual leave records	Six years or possibly longer if leave can be carried over from year to year	SHRED/DELETE	No
5.19	Collective / workforce agreements	Permanently or six years after the agreement comes to an end	SHRED/DELETE	No
5.20	Works Council minutes	Permanently	N/A	No
5.21	An employee's bank details	Until last payment made	SHRED/DELETE	No
5.22	Records of advances for season tickets and loans to employees	Whilst employment continues and up to six years after repayment	SHRED/DELETE	No
5.23	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			
6.1	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
6.2	First aid / accident book entry	Three years from the date of injury or last record in the book	Review for further retention in the case of enforcement action or contentious disputes	Yes

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		If disease - indefinitely	SHRED/DELETE	
6.3	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 action contentious disputes SHRED/DELETE	Yes
6.4	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
6.5	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
6.6	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

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
6.7	Records of examinations, tests and repairs carried out in respect of exhaust or respiratory protective equipment under the Control of Asbestos Regulations 2012 (CAR)	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
6.8	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
6.9	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 – students			
7.1	Accident reports including first aid / accident book	DOB of the student involved in the incident + 21 years	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No
7.2	Reportable injuries, diseases and dangerous occurrences (RIDDOR) reports or own record	DOB of the student involved in the incident + 21 years	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
7.3	Incident investigations and reports, risk assessments and other relevant documents where there has been an accident or incident	DOB of the student involved in the incident + 21 years	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			
8.1	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, 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	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

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
8.2	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 future construction projects at OHC&AT sites	SHRED/DELETE	N/A
9	Insurance			
9.1	Insurance certificates and schedules of cover	Indefinitely	N/A	No
9.2	Correspondence with insurers related to specific accidents or incidents	Three years generally If the incident involved a student, DOB of the student involved in the incident + 21 years 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			
10.1	Documents relevant to IICSA	Indefinitely	Review once the Inquiry has been completed.	No – unless the school has received a formal

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
				notice from IICSA
10.2	<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 OHC&AT. Where the investigation / inquiry / report has been necessitated as a result of a specific incident, these documents will 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 a student, DOB of the student +21 years.</p>	SHRED/DELETE	No
11	Alumni records			
11.1	<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</p>	As set out in section 6 above	As set out in section 6 above	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
	apply to alumni), treating them the same can be considered good practice and may be more straightforward to implement in practice			
11.2	General alumni correspondence, membership forms etc.	Six years after the last time the individual contacted OHC&AT 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			
12.1	Records which do not contain personal data, for example, old photographs of Trust buildings, title deeds etc.	Can be kept indefinitely	N/A	No
12.2	Records relating to a number of students, or OHC&AT generally, such as old class photographs, lists of pupils attending OHC&AT provisions in any given year, OHC&AT	Can be kept indefinitely	N/A	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
	prospectuses, newspaper cuttings etc.			
12.3	Records concerning specific students kept for a valid reason. For example, a poem written by an exceptionally gifted student.	<p>Can be kept indefinitely subject to the comments below. Please note that this does not apply to more routine student records. Routine work produced by students should not be kept for longer than the retention period set out in section 2.1 above unless OHC&AT has a specific reason for keeping it and that decision can be justified.</p> <p>For example, for historical research purposes such as if OHC&AT wished to retain essays written by students that were submitted to an essay competition about growing up in the 2010s. 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</p>	N/A	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		must be put in place for personal data kept for archiving, research and statistical purposes. For example, OHC&AT 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			
13.1	CCTV footage	90 days	<p>DELETE</p> <p>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.</p> <p>CCTV footage may also be needed in relation to parental complaints, disciplinary matters, student exclusions, bullying incidents or health and safety matters.</p> <p>If a subject access request has been made for the footage it must be retained.</p> <p>OHC&AT will consider the relevant limitation periods for claims being brought against OHC&AT and seek advice as necessary.</p>	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
13.2	Photographs of students for internal administration purposes e.g. to identify the student 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.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No
13.3	Photographs or videos of students taken for marketing reasons e.g. photographs for use in a school prospectus or a video of students on an OHC&AT website	These photographs and videos should be retained for as long as they are required for the purpose for which they were taken. If OHC&AT would like to retain the images 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
13.4	Photographs or videos of 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 OHC&AT would like to retain the images 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