**Southwark Schools Human Resources –**

**Guidance for Schools**

**Data Retention Guidelines Check List**

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# Aims

This checklist has been produced in accordance with the guidance produced by the DFE in April 2018 in the “GDPR Toolkit for Schools” and is in accordance with the Data Protection legislation (Data Protection Act (DPA) 2018 and UK GDPR) and Freedom of Information Act (FOIA) 2000 legislation.

**This is a checklist** developed to enable School Business Managers, Clerks, SENCO and other School Staff to carry out an efficient annual review and safe destruction of school records and information.

Each school, as Data Controller, is responsible for their own data and this checklist provides guidance and assistance in meeting their obligations as set out in UK GDPR legislation.

Where there is legal statute behind a requirement, this is detailed in the IMTIS document.

# Safe Destruction of Data

## Disposal of records that have reached the end of the allocated minimum retention period

The fifth data protection principle as per the data protection legislation states that:

*“Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes”*

In each school, the leadership must ensure that records that are no longer required for business use are reviewed as soon as possible under the criteria set out, so that only the appropriate records are destroyed.

The school review will determine whether records are to be selected for permanent preservation, destroyed, digitised to an electronic format, or retained by the school for research or litigation purposes.

Whatever decisions are made, they need to be documented as part of the records management policy within the school.

## Safe destruction of records

All records containing personal information, or sensitive policy information, should be made either unreadable or unreconstructable.

• Paper records should be shredded using a cross-cutting shredder

• CDs / DVDs / Floppy Disks should be cut into pieces

• Audio / Video Tapes and Fax Rolls should be dismantled and shredded

• Hard Disks should be dismantled and sanded

Any other records should be bundled up and securely disposed of to a waste paper merchant or securely disposed of in other appropriate ways. Do not dispose of records in regular waste or in a skip.

There are companies that can provide confidential waste bins and other services, which can be purchased to ensure that records are disposed of in an appropriate way.

1. Where an external provider is used it is recommended that all records must be shredded on-site in the presence of an employee. The school must also be able to prove that the records have been destroyed by the external provider who should provide a Certificate of Destruction. The external provider should provide confirmation that all staff have been trained in the handling of confidential documents.

The shredding needs to be planned with specific dates and all records should be identified as to the date of destruction.

Importantly, if records are recorded as to be destroyed, but have not yet been destroyed and a request for the records has been received, they MUST still be provided.

1. Where records are destroyed internally, the process must ensure that these records are authorised to be destroyed by a member of the Leadership team, and the destruction recorded. Records should be shredded as soon as the record has been documented as being destroyed.

## Freedom of Information Act (FOIA) 2000

The Code of Practice[[1]](#footnote-1) issued under section 46 of FOIA provides a framework for keeping, managing and destroying information, which helps schools maintain compliance. One requirement is that schools maintain a list of records which have been destroyed and who authorised their destruction.

Members of staff should record at least:

• File reference (or other unique identifier)

• File title (or brief description)

• Number of files and date range

• The name of the authorising officer

• Date action taken

Following this guidance will help the school’s compliance with the Data Protection legislation and the Freedom of Information Act 2000.

1. **How to keep personal data safe**

**Personal data:** any information directly or indirectly relating to an identifiable living person, e.g. name, contact details, ID numbers, attendance and assessment information, financial information.

**Special Category data (previously known as sensitive personal data):** includes genetic data; biometric data; data that reveals someone’s racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; and data concerning someone’s health, sex life or sexual orientation.

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| **Do** | **Don’t** |
| **Remember that data protection laws DO NOT stop you from reporting safeguarding concerns**   * You must always report a concern where you are concerned about a child. You do not need anyone’s consent to do this. | **Leave personal data out on your desk**   * Keep your desk clear, so people can’t see information about others accidentally. The same goes for personal data written on post-it notes, on top of the printer, or on an unattended computer screen. * Always lock your computer screen when leaving your desk, even for a short time. |
| **Only collect the information you actually need**   * When you are requesting information (for example, via consent forms, admissions forms or surveys) ask yourself “Do I really need this? What will I actually use it for?” * If you don’t need it, or only want it “just in case”, do not collect it. * If you’ve already collected personal information that you don’t need, securely delete it. | **Take any special category personal information home with you**   * If the information is confidential, sensitive or risky, it’s best to leave it on the school site or computer system, where there are security measures and processes in place to protect it. |
| **Keep personal data anonymous, when possible**  For example, if you’re emailing a colleague about accommodating a pupil’s religion, or about managing a pupil’s medical condition, do not name the child unless necessary. | **Use memory sticks**   * If you really need to use one, make sure it is encrypted. |
| **Think before you put information up on the wall**   * If your display is an essential part of teaching and learning, or helps to keep pupils safe, it’s fine. This might include medical information, or a list of parents’ evening appointments. However, only display the information if you really need to. * If your display is non-essential, promotional, or there might be a safeguarding risk, either ask the pupil or parents for consent first, or simply don’t display it. | * Do not share personal information verbally unless the person you are sharing it is entitled to have access to it. |
| **Take care when you’re taking personal information home with you**   * Sign documents containing personal data in and out from the school office. * Keep physical documents in a secure, closed folder, along with your contact details in case the folder is lost. * When travelling, keep information out of sight, e.g. in the boot of the car. * Store the documents in a safe place at home – don’t leave them in your car or at a friend’s house, ideally place them in a locked drawer or equivalent. |  |
| **Practice good ICT security**   * Passwords should be at least 8 characters, with upper and lower-case letters and special characters, with no ties to your personal information and ideally without easily guessable words. * Passwords should be changed regularly, e.g. every 90 days. * Password-protect documents and email attachments that include personal data. * Always double-check that you’re emailing personal data to the correct person, who is authorised to see it and check the whole email chain before sending an email. * Use ‘Bcc’ when you’re emailing a group of people who don’t already all have each other’s email addresses, e.g. parents or volunteers. * Report data breaches immediately. | * Never share passwords or log in details, even if your colleague has access to the same system. * Never send personal information to your personal email accounts, always use a secure business email. |

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| **Section 1 Governing Bodies** |

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| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 1.1 | **Instruments and articles of Government** |  |  |  |  |
| 1.1.2 | Grant maintained schools |  | Until superseded | Consult local History Officer/ Archivist before disposal |  |
| 1.1.3 | Other schools |  | Until superseded | Consult local History Officer/ Archivist before disposal |  |
| 1.1.4 | Proceedings: meetings |  | Current year + 10 years | Consult local History Officer/ Archivist before disposal |  |
| 1.2 | **Proceedings: agenda papers and reports** |  |  |  |  |
| 1.2.1 | Papers from the Department of Education |  | Until superseded |  |  |
| 1.2.2 | Papers from LEA |  | Until superseded |  |  |
| 1.2.3 | Papers from the school staff |  | Current year + 6 years |  |  |
| 1.2.4 | Agenda files |  | Current year |  |  |
| 1.3 | **Proceedings of the annual parents’ meeting** |  | Current year + 3 years | Consult local History Officer/ Archivist before disposal |  |
| 1.4 | **Action plans** |  | Life of plan + 3 years | Consult local History Officer/ Archivist before disposal |  |
| 1.4.1 | Annual Reports required by the Department of Education and Skills |  | Recommended 10 years after date of publication |  | Education (Governors’ Annual Reports) (England) (Amendment) Regulations 2002.SI 2002 No 1171  Education (School Performance Targets) (England) Regulations 2004 SI 2004  No 2858  Regulation 9  This SI revokes  SI 1998 No 1532  SI 2001 No 827  SI 2001 No 2944  SI2002 No 840  SI 2002 No 2105  SI 2003 No 1970  And amends SI 1999 No 2267 Regulation 6  Consult Local History Officer/ Archivist before disposal |
| 1.5 | **Other policy statements** |  | Until superseded |  | Consult Local History Officer/ Archivist before disposal |
| 1.6 | **Records of complaints relating to the curriculum** |  | Current year + 6 years |  |  |
| 1.7 | **Governor training manual** |  | Until superseded |  |  |
| 1.8 | **Correspondence files** |  | Current year + 6 years |  |  |
| 1.9 | **Proposals for schools to become, or be established as a Grant Maintained schools** |  | Current year + 3 years |  | Consult Local History Officer/ Archivist before disposal |
| 1.10 | **Opt-out ballot papers** |  | 6 months after election |  |  |
| 1.11 | **Records relating to endowments and trusts** |  | 6 years after cessation |  | Consult Local History Officer/ Archivist before disposal |
| 1.12 | **Resignation of Chair or Vice Chair** |  | 6 years after date of resignation |  | School Governance (Procedures) (England) Regulations 2003. SI 2003 No 1377 Regulation 5 (4) |
| 1.12.1 | Register of members and associated members of the governing body |  | Consult local history officer/Archivist before disposal |  | School Governance (Procedures) (England) Regulations 2003. SI 2003 No 1377 Regulation 9 (c) |
| 1.12.2 | Register of attendance |  | Consult local history officer/Archivist before disposal |  | School Governance (Procedures) (England) Regulations 2003. SI 2003 No 1377 Regulation 9 (d) |
| 1.12.3 | Requisition of a meeting of governors |  | Add to Minutes of that meeting |  | School Governance (Procedures) (England) Regulations 2003. SI 2003 No 1377 Regulation 11 (4) |
| 1.12.4 | Minutes of the Meeting of governors |  | Consult local history officer/Archivist before disposal |  | School Governance (Procedures) (England) Regulations 2003. SI 2003 No 1377 Regulation 13 |
| 1.12.5 | Agenda |  | Recommended until the minutes of the meeting have been approved and signed |  | School Governance (Procedures) (England) Regulations 2003. SI 2003 No 1377 Regulation 13 (2) (a) |
| 1.12.6 | Minutes of committees of governing bodies |  | Retain master copies. Destroy copies after master set approved |  | School Governance (Procedures) (England) Regulations 2003. SI 2003 No 1377 Regulation 21 (4) (b) |
| 1.12.7 | Written notice of meeting or agenda |  | Recommend until the Minutes of the Meeting have been approved and signed |  | School Governance (Procedures) (England) Regulations 2003. SI 2003 No 1377 Regulation 24 (2) (7) |
| 1.13 | **Website** |  | Review at regular intervals not exceeding 3 months |  |  |
| 1.14 | **Resignation of a governor** |  | Recommend date of resignation plus 6 years |  | School Governance (Constitution) (England) Regulations 2007 SI 2007 No 957 Regulation 23  See SI 2012 No 1034 for governing bodies constituted after 1 September 2012  **Revokes**  **SI 2003 No 348**  **SI 2005 No 1730** |
| 1.14.1 | Removal of LEA and foundation governors |  | Recommend date of resignation + 6 years |  | School Governance (Constitution) (England) Regulations 2007 SI 2007 No 957  Regulation 24  See SI 2012 No 1034 for governing bodies constituted after 1 September 2012  **Revokes**  **SI 2003 No 348**  **SI 2005 No 1730** |
| 1.14.2 | Removal of community governors, partnership governors and sponsor governors |  | Recommend date of resignation + 6 years |  | School Governance (Constitution) (England) Regulations 2007 SI 2007 No 957  Regulations 25, 27.  See SI 2012 No 1034 for governing bodies constituted after 1 September 2012  **Revokes**  **SI 2003 No 348**  **SI 2005 No 1730** |
| 1.14.3 | Instrument of government of a school |  | The life of the school or until superseded |  | School Governance (Constitution) (England) Regulations 2007 SI 2007 No 957  Regulation 30  See SI 2012 No 1034 for governing bodies constituted after 1 September 2012  **Revokes**  **SI 2003 No 348**  **SI 2005 No 1730** |
| 1.14.4 | Resignation of member of temporary governing body |  | Recommend 6 years after date of resignation |  | School Governance (New Schools) (England) Regulations 2007. SI 2007 No 958  Regulation 22  **Revokes**  **SI 2003 No 1558** |
| 1.14.5 | Removal of temporary governor |  | Recommend 6 years after date of removal |  | School Governance (New Schools) (England) Regulations 2007.  SI 2007 No 958 Regulation 23  **Revokes**  **SI 2003 No 1558** |
| 1.14.6 | Requisition of meeting by three members of temporary governing body |  | Recommend 6 years after date of requisition |  | School Governance (New Schools) (England) Regulations 2007.  SI 2007 No 958 Regulation 24  **Revokes**  **SI 2003 No 1558** |
| 1.14.7 | Minutes and papers |  | Recommend life of school |  | School Governance (New Schools) (England) Regulations 2007.  SI 2007 No 958 Regulations 44, 51  See also SI 2012 1035  **Revokes**  **SI 2003 No 1558** |
| 1.15 | **Request for a school to leave the Federation** |  | Recommend 6 years after date of request |  | School Governance (Federations) (England) Regulations 2007. SI 2007 No 960.  Regulation 37  See also SI 2012 No 1035  **Revokes**  **SI 2004 No 2042** |
| 1.16 | **Recording and reporting the use of force by members of staff (Governing body must ensure a procedure is in place)** |  | Recommend until the 25th birthday of the pupil. Recommend add to staff personnel file |  | Apprenticeship, Skills, Children and Learning Act 2009 c.22 Section 246 Adds Section 93A to the Education and Inspections Act 2006 c40 |

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| **Section 2 School Management** |
| **2.1 Head Teacher and Senior Management Team** |

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| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.1.1 | Log books of activity in the school maintained by the Head Teacher | There may be data protection issues if the log book refers to individual pupils or members of staff | Date of last entry in the book + a minimum of 6 years then review | These could be of permanent historical value and should be offered to the County Archives Service if appropriate |  |
| 2.1.2 | Minutes of Senior Management Team meetings and the meetings of other internal administrative bodies | There may be data protection issues if the minutes refers to individual pupils or members of staff | Date of the meeting + 3 years then review | SECURE DISPOSAL |  |
| 2.1.3 | Reports created by the Head Teacher or the Management Team | There may be data protection issues if the report refers to individual pupils or members of staff | Date of the report + a minimum of 3 years then review | SECURE DISPOSAL |  |
| 2.1.4 | Records created by head teachers, deputy head teachers, heads of year and other members of staff with administrative responsibilities | There may be data protection issues if the records refer to individual pupils or members of staff | Current academic year + 6 years then review | SECURE DISPOSAL |  |
| 2.1.5 | Correspondence created by head teachers, deputy head teachers, heads of year and other members of staff with administrative responsibilities | There may be data protection issues if the correspondence refers to individual pupils or members of staff | Date of correspondence + 3 years then review | SECURE DISPOSAL |  |
| 2.1.6 | Professional Development Plans | Yes | Life of the plan + 6 years | SECURE DISPOSAL |  |
| 2.1.7 | School Development Plans | No | Life of the plan + 3 years | SECURE DISPOSAL |  |

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| **2.2** **Personnel records** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |

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| 2.2.1 | Annual appraisal/ assessment records | Yes | Current year + 5 years | SECURE DISPOSAL |  |
| 2.2.2 | Employee files – includes  Formal offer letter   * DBS clearance ( Serial number not the form itself) (See 9.33.6) * Evidence of eligibility to work in UK * Driving license (copy) * Medical clearance * Qualifications (copy) | Yes | Termination of Employment + 6 years   * Unless the member of staff is part of any case which falls under the terms of reference of IICSA 1. If this is the case, then the file will need to be retained until IICSA enquiries are complete. * Except superannuation information | SECURE DISPOSAL | Limitation Act 1980 (section 2)  Asylum and Immigration Act 1996  Transfer of Undertakings (Protection of Employment) Regulations 2006. SI 2006 No 246  Access to files should be in accordance with the authority’s open file policy. All files should be disposed of as confidential waste |
| 2.2.3 | Staff training – where the training leads to continuing professional development |  | Length of time required by the professional body | SECURE DISPOSAL |  |
| 2.2.4 | Staff training – except where dealing with children, e.g. first aid or health and safety |  | This should be retained on the personnel file (see Staff Personnel File) | SECURE DISPOSAL |  |
| 2.2.5 | Staff training – where the training relates to children (e.g., safeguarding, or other child related training) |  | Date of the training + 40 years (This retention period reflects that the IICSA may wish to see training records as part of an investigation) | SECURE DISPOSAL |  |
| 2.2.6 | Timesheets | Yes | Current year + 6 years | SECURE DISPOSAL |  |

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| **2.3 Human Resources** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| **Disability** | | | | | |
| 2.3.1 | Forms for questions and replies |  | Recommend employment + 6 years |  | Disability Discrimination (Questions and Replies) Order 2004  SI 2004 No 1168  Schedules 1 and 2 |
| 2.3.2 | Forms for questions and replies |  | Recommend employment + 6 years |  | Disability Discrimination (Questions and Replies) Order 2005  SI 2005 No 2703  Schedules 1 and 2  Amends SI 2004 No 1168 |
| 2.3.3 | Disability Equality Scheme |  | Until superseded  (To be reviewed every  three years –  Regulation 2 (4)) |  | Disability Discrimination (Public Authorities) (Statutory Duties)  Regulations 2005  SI 2005 No 2966  Regulation 2 |
| 2.3.4 | Annual Report |  | Retain one copy in the  archives |  | Disability Discrimination (Public Authorities) (Statutory Duties)  Regulations 2005  SI 2005 No 2966  Regulation 4 |

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| **Disciplinary and Grievance Processes** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| Note: The ACAS **code of practice** on disciplinary and grievance procedures recommends that the employee should be told how long a disciplinary warning will remain current. However, this does not mean that the data itself should be destroyed at the end of the set period.  Any disciplinary proceedings data will be a record of an important event in the course of the employer’s relationship with the employee. Should the same employee be accused of similar misconduct five years down the line, and they defend ~~him – or herself~~ themselves by saying “I would never do something like that”, reference to the earlier proceedings may show that the comment should not be given credence. Alternatively, if the employee were to be dismissed for some later offence and then claim at tribunal that they had “fifteen years of unblemished service”, the record of the disciplinary proceedings would be effective evidence to counter this claim.  Employees should, therefore, be careful not to confuse the expiry of a warning for disciplinary purposes with a requirement to destroy all reference to its existence in the personnel file. One danger is that the disciplinary procedure itself often gives the impression that, at the end of the effective period for the warning, the warning will be “removed from the file”. This or similar wording should be changed to make it clear that, while the warning will not remain active in relation to future disciplinary matters, a record of what has occurred will be kept. | | | | | |

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| 2.3.5 | Allegation of a child protection nature against a member of staff including where the allegation is unfounded | Yes | Until the person’s normal retirement age or 10 years from the date of the allegation whichever is the longer then REVIEW. Note allegations that are found to be malicious should be removed from personnel files. If found they are to be kept on the file and a copy provided to the person concerned | SECURE DISPOSAL  These records must be shredded |  |
| 2.3.6 | Disciplinary Proceedings | Yes |  |  |  |
| 2.3.7 | Unfounded |  | Destroy immediately |  | Action on behavior concerning children or young persons must remain on record |
| 2.3.8 | oral warning |  | Recommend length of warning be 6 months from date of warning. Retain record on personnel file. | SECURE DISPOSAL  [If warnings are placed on personal files then they must be weeded from the file] | ACAS Code of Practice |
| 2.3.9 | Written warning |  | Recommend length of warning be 12 months from date of warning. Retain record on personnel file |  |  |
| 2.3.10 | Final warning |  | Recommend length of warning be 18 months from final warning. Retain record on personnel file. |  |  |
| 2.3.11 | Dismissal |  | Employment + 6 years |  | Employment Act 2002 Schedule 2 |
| 2.3.12 | Written statement to employee who is dismissed while absent during adoption leave |  | Employment + 6 years |  | The Employment Rights Act 1996 Section 92 (4A) |

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| **Employment Law** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.3.13 | Employment Law | Yes | Update files on a regular basis and weed annually |  | Good business practice |
| 2.3.14 | Notification of Employee Liability information |  | Recommend 6 years after employee transfers |  | Transfer of Undertakings (Protection of Employment) Regulations  SI 2006 No 246  Regulation 11  **Revokes SI 1981 No 1974** |

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| **Equal Opportunities** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.3.15 | Monitoring forms |  | Current year + 3 years |  |  |
| 2.3.16 | Policies |  | Current policy + 1 year |  |  |
| 2.3.17 | Draft reports from the Commission for Equality and Human Rights |  | Recommend date of final report + 6 years |  | Equality Act 2006 Chapter 3 Section 16 (5), 20 (4) |
| 2.3.18 | Notice of requirement for an Action Plan |  | Recommend date of notice + 6 years |  | Equality Act 2006 Chapter 3 Section 21, |
| 2.3.19 | Action Plan |  | Recommend date of  Action Plan + 6 years |  | Equality Act 2006 Chapter 3 Section 22 |
| 2.3.20 | Agreement |  | Recommend date of agreement + 6 years |  | Equality Act 2006 Chapter 3 Section 23 |
| 2.3.21 | Compliance notice |  | Recommend date of compliance notice + 6 years |  | Equality Act 2006 Chapter 3 Section 32 |
| 2.3.22 | Forms for use by a potential claimant / respondent |  | Recommend completion of action + 6 years |  | Equality Act 2006 Chapter 3 Section 70 |
| 2.3.23 | Equal pay audit |  | Recommend 3 years from the date the Tribunal a judgment (orally or in writing) stating there has been a breach. |  | Equality Act 2010 (Equal pay Audits) Regulations 2014 SI 2014 No 2559 Section 3 (1) (a) and Section 9 (a) |

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| **Leave** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.3.24 | Adoption leave |  | CY + 3 years |  |  |
| 2.3.25 | Notification for paternity leave for overseas adoption |  | 3 years after application |  | Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003  SI 2003 No 921  Regulation 10 |
| 2.3.26 | Annual |  | CY + 1 year |  |  |
| 2.3.27 | Flexible |  | CY + 1 year |  |  |
| 2.3.28 | Maternity/paternity |  | CY + 1 year |  |  |
| 2.3.29 | Sick (see sickness record) |  | CY + 3 years |  |  |
| 2.3.30 | Special |  | CY + 1 year |  |  |
| 2.3.31 | Time off in lieu (TOIL) |  | CY + 1 year |  |  |

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| **Pay** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.3.32 | Equal pay Question and Replies forms |  | Employment + 6 years |  | Equal Pay (Questions and Replies) Order 2003  SI 2003 No 722  Schedules 1 and 2 |
| 2.3.33 | Paternity pay entitlement |  | Current year + 6 years |  | Social Security Conditions and Benefits Act 1992 Sections 171ZA,171ZB, 171ZC, 171ZL |

1. The Independent Inquiry into Child Sexual Abuse (IICSA), chaired by Professor Alexis Jay OBE

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| **2.4** **Policies** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.4.1 | Policies and procedures |  | Keep up to date  Review and weed annually |  |  |

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| **2.5** **Recruitment** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |

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| 2.5.1 | Adverts |  | Until post filled |  |  |
| 2.5.2 | All records leading up to the appointment of a new head teacher | Yes | Date of appointment + 6 years | SECURE DISPOSAL |  |
| 2.5.3 | All records leading up to the appointment of a new member of staff – unsuccessful candidates | Yes | Date of appointment of successful candidate + 6 months | SECURE DISPOSAL |  |
| 2.5.4 | All records leading up to the appointment of a new member of staff – successful candidate | Yes | All the relevant information should be added to the staff personal file (see below) and all other information retained for 6 months | SECURE DISPOSAL |  |
| 2.5.5 | Interviews |  | Date of interview + 6 months |  |  |
| 2.5.6 | Job descriptions |  | Keep current. Review annually |  |  |
| 2.5.7 | Job evaluation |  | Current evaluation + 1 year |  |  |
| 2.5.8 | Pre-employment vetting information – DBS Checks | No | The school does not have to keep copies of DBS certificates. If the school does so the copy must NOT be retained for more than 6 months | SECURE DISPOSAL |  |
| 2.5.9 | Pre-employment vetting information – DBS Checks – successful candidates |  | Application forms, references, and other documents – for the duration of the employee’s employment + 6 years | SECURE DISPOSAL | [DBS Update Service: employer guide - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/dbs-update-service-employer-guide)  [Keeping children safe in education - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) |
| 2.5.10 | Proofs of identity collected as part of the process of checking  “portable” enhanced DBS disclosure | Yes | Where possible these should be checked and a note kept of what was seen and what has been checked. If it is felt necessary to keep copy documentation then this should be placed on the member of staff’s personal file | SECURE DISPOSAL | [Right to work checks: an employer's guide - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/right-to-work-checks-employers-guide) |
| 2.5.11 | Vacancies |  | Current year + 1 year |  |  |
| 2.5.12 | Pre-employment vetting information – Evidence proving the right to work in the United Kingdom | Yes | Where possible these documents should be added to the Staff Personal File [see below], but if they are kept separately then the Home Office requires that the documents are kept for termination of Employment plus not less than two years |  |  |
| **2.6** **Sickness Records** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.6.1 | Sickness records  Self-certificates  Doctor’s certificates |  | Recommended current year + 3 years |  | The Data Protection Act- Schedule 3 covers the holding of sensitive information.  David Smith of the Commissioner's Office has said ‘Sickness records are categorised as sensitive data. There is a legal obligation under statutory sickness pay to keep records for sickness monitoring. Sickness records should be kept separate from accident records' (2003)  It could be argued that where sickness pay is not paid then CY + 3 years is acceptable whilst if sickness pay is made then it becomes a financial record and CY + 6 years applies. The actual retention may depend on the internal auditors. Most seem to accept CY+ 3 years as being acceptable as this gives them, 'Benefits' and Inland Revenue time to investigate if they need to. See also GDPR |
| 2.6.2 | Statutory Sick Pay Records |  | Statutory Sick Pay Records to be retained by employers in now revoked |  | Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014  SI 2014 No 55  **Revokes**  Regulation of 13 of the 1982 Regulations |

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| **2.7** **Trade Union Matters** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.7.1 | Agreements |  | Until superseded +1 year |  |  |
| 2.7.2 | Handbook |  | Until completely superseded |  |  |
| 2.7.3 | Joint Consultative Committee Minutes |  | Retain master for archives |  |  |
| 2.7.4 | Notice of union learning representative |  | Whilst relevant + 3 years |  | The Trade Union and Labour Relations (Consolidation ) Act 1992 Section168A |
| 2.7.5 | Working papers |  | Until they become a policy + 3 years |  |  |

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| **2.8 Training** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.8.1 | Attendance at training |  | Current year + 1 year |  |  |
| 2.8.2 | Continuous Professional Development (CDP) |  | Add to personnel file and destroy 6 years after employment ends |  |  |
| 2.8.3 | Programme materials |  | Whilst current |  |  |
| 2.8.4 | Training records (other than youth training) |  | 6 years after employment ceases |  | The training record may need to be referred to in any **Note** Certain health and safety records may have to be kept longer. See Health and Safety Section |
| 2.8.5 | Post entry training |  | 2 years after completion of qualification/course |  |  |

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| **2.9** **Youth Training** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.9.1 | Attendance records |  | Current year + 5 years |  |  |
| 2.9.2 | Trainee files |  | Current year + 5 years |  |  |
| 2.9.3 | Trainee records |  | Current year + 5 years |  |  |
| 2.9.4 | Sponsor reports |  | Current year + 5 years |  |  |
| 2.9.5 | Sponsors – dead files |  | Current year + 2 years |  |  |
| 2.9.6 | Exam results/qualifications |  | Current year + 6 years |  |  |

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| **2.10** **Working Time** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.10.1 | Employee Opt-out |  | Recommend 2 years after date of termination of agreement |  | Working Time Regulations 1998 SI 1998 No. 1833 Regulation 5  Regulation 9 |
| 2.10.2 | Record of time worked |  | 2 years after date on which they were made |  | Working Time Regulations 1998 SI 1998 No. 1833 Regulation 5(4) & Regulation 9 (b) |

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| **2.11** **Health and Safety** |

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| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 2.11.1 | Health and Safety Policy Statements | No | Life of policy + 3 years | SECURE DISPOSAL |  |
| 2.11.2 | Health and Safety Risk Assessments | No | Life of risk assessment + 3 years | SECURE DISPOSAL |  |
| 2.11.3 | Records relating to accident/ injury at work | Yes | Date of incident + 12 years  In the case of serious accidents a further retention period will need to be applied | SECURE DISPOSAL |  |
|  | Accident Reporting | Yes |  |  |  |
| 2.11.4 | Adults |  | Date of the incident + 6 years | SECURE DISPOSAL |  |
| 2.11.5 | Children |  | DOB of the child + 25 years | SECURE DISPOSAL |  |
| 2.11.6 | Control of Substances Hazardous to Health (COSHH) | No | Current year + 40 years | SECURE DISPOSAL |  |
| 2.11.7 | Process of monitoring of areas where employees and persons are likely to have become in contact with asbestos | No | Last action + 40 years | SECURE DISPOSAL |  |
| 2.11.8 | Process of monitoring of areas where employees and persons are likely to have become in contact with radiation | No | Last action + 50 years | SECURE DISPOSAL |  |
| 2.11.9 | Fire Precautions log books | No | Current year + 6 years | SECURE DISPOSAL |  |

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| **Section 3 Pupil Management** | | | | | |
| **3.1** **Admissions Process** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 3.1.1 | All records relating to the creation and implementation of the School Admissions’ Policy | No | Life of the policy + 3 years then review | SECURE DISPOSAL |  |
| 3.1.2 | Admissions – if the admission is successful | Yes | Date of admission + 1 year | SECURE DISPOSAL |  |
| 3.1.3 | Admissions – if the appeal is unsuccessful | Yes | Resolution of case + 1 year | SECURE DISPOSAL |  |
| 3.1.4 | Register of Admissions | Yes | Every entry in the admission register must be preserved for a period of three years after the date on which the entry was made. | REVIEW  Schools may wish to consider keeping the admission register permanently as often schools receive enquiries from past pupils to confirm the dates they attended the school. |  |
| 3.1.5 | Admissions – Secondary Schools – Casual | Yes | Current year + 1 year | SECURE DISPOSAL |  |
| 3.1.6 | Proofs of address supplied by parents as part of the admissions process | Yes | Current year + 1 year | SECURE DISPOSAL |  |
| 3.1.7 | Supplementary Information form including additional information such as religion, medical conditions etc | Yes |  |  |  |
| 3.1.8 | For successful admissions |  | This information should be added to the pupil file | SECURE DISPOSAL |  |
| 3.1.9 | For unsuccessful admissions |  | Until appeals process completed | SECURE DISPOSAL |  |

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| 3.2 Pupil’s Educational Record | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 3.2.1 | Pupil’s educational record |  | 6 years after 18th birthday |  | The Education (School Records) Regulations 1989 SI. 1989 No 1261 |
| 3.2.2 | Pupil database |  | Current information only |  | Data Protection Act 1998 and GDPR |
| 3.2.3 | Behavior file |  | Current year + 1 year |  |  |
| 3.2.4 | Penalty notices |  | Recommended 6 years after pupil’s 18th birthday |  | Education (Penalty Notices) (England) (Amendment) Regulations 2005  SI 2005 No 2029  Amends SI 2004 No 181 and SI 2004 No 290 |
| 3.2.5 | Pupil’s files |  | Current year + 6 years |  |  |
| 3.2.6 | Record cards – Primary |  | Current with attendances | Pass on to secondary school |  |
| 3.2.7 | Record cards – Secondary |  | Current year + 6 years |  |  |
| 3.2.8 | Referral forms |  | Current year + 6 years |  |  |
| 3.2.9 | Individual pupil information |  | 6 years after pupil’s 18th birthday.  To be transferred from junior to secondary school if appropriate |  | Education (Information About Individual Pupils) (England) 2020 SI 2020 No 965 Regulation 2  **Revokes SI 2013 No 2094** |

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| **3.3** **Attendance – Pupils/ Students** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 3.3.1 | Absence books |  | Current year + 6 years |  |  |
| 3.3.2 | Absence letters |  | Current year + 2 years |  |  |
| 3.3.3 | Behavior file |  | Current year + 1 year |  |  |
| 3.3.4 | Penalty notices |  | Recommended 6 years after pupil’s 18th birthday |  | Education (Penalty Notices) (England) (Amendment) Regulations 2005  SI 2005 No 2029  Amends SI 2004 No 181 and SI 2004 No 290 |

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| **3.4** **Special Educational Needs** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 3.4.1 | Consideration of request |  | Recommend until 30th birthday |  | Special Educational Needs and Disability Regulations 2014 SI 2014 No 1530 Regulation 3 |
| 3.4.2 | Determination on if provision is required or not |  | Recommend until 30th birthday |  | Special Educational Needs and Disability Regulations 2014 SI 2014 No 1530 Regulation 4, 5, 10 |
| 3.4.3 | Advice and information obtained |  | Recommend until 30th birthday |  | Special Educational Needs and Disability Regulations 2014 SI 2014 No 1530 Regulation 6 |
| 3.4.4 | EHC plan including reviews and reassessments |  | Recommend until 30th birthday |  | Special Educational Needs and Disability Regulations 2014  SI 2014 No 1530  Regulation 12, l8, 25 |
| 3.4.5 | Mediation certificate |  | Recommend until 30th birthday |  | Special Educational Needs and Disability Regulations 2014  SI 2014 No 1530  Regulation 39 |
| 3.4.6 | SEN Information Report |  | Until superseded or whilst relevant |  | Special Educational Needs and Disability Regulations 2014  SI 2014 No 1530  Regulation 51 |
| 3.4.7 | LA local offer |  | Until supersede or whilst relevant |  | Special Educational Needs and Disability Regulations 2014  SI 2014 No 1530  Regulation 53 |

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| **Section 4 Curriculum Management and Extra Ciricular Activities** | | | | | |
| **4.1** **Statistics and Management Information** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 4.1.1 | Curriculum returns | No | Current year + 3 years | SECURE DISPOSAL |  |
| 4.1.2 | SATS records – | Yes | Current year + 6 years |  |  |
| 4.1.3 | Interim and final reports of the National Curriculum Council |  | Current information only |  |  |
| 4.1.4 | Curriculum development minutes |  | Current year + 6 years |  |  |
| 4.1.5 | Curriculum development files |  | Current year + 6 years |  |  |
| 4.1.6 | School syllabus |  | Current year + 1 year |  |  |
| 4.1.7 | Schemes of work |  | Current year + 1 year |  |  |
| 4.1.8 | Timetable |  | Current year + 1 year |  |  |
| 4.1.9 | Class record books |  | Current year + 1 year |  |  |
| 4.1.10 | Mark books |  | Current year + 1 year |  |  |
| 4.1.11 | Record of homework set |  | Current year + 1 year |  |  |
| 4.1.12 | Pupils’ work |  | Current year + 1 year |  |  |
| 4.1.13 | Aggregated assessment results |  | Current year + 6 years |  |  |
| 4.1.14 | LEA Schools |  | Current year + 5 years |  |  |
| 4.1.15 | GM Schools |  | Current year + 5 years |  |  |
| 4.1.16 | PANDA |  | Current year + 6 years |  |  |
| 4.1.17 | Results |  | The SATS results should be recorded on the pupil’s educational file and will therefore be retained until the pupil reaches the age of 25 years.  The school may wish to keep a composite record of all the whole year SATs results. These could be kept for current year + 6 years to allow suitable comparison | SECURE DISPOSAL |  |
| 4.1.18 | Examination Papers |  | The examination papers should be kept until any appeals/validation process is complete | SECURE DISPOSAL |  |
| 4.1.19 | Examination Results (Schools Copy) | Yes | Current year + 6 years | SECURE DISPOSAL |  |
| 4.1.20 | Value added records |  | Current year + 6 years |  |  |
| 4.1.21 | Published Admission Number (PAN) Reports | Yes | Current year + 6 years | SECURE DISPOSAL |  |
| 4.1.22 | Value Added and Contextual Data | Yes | Current year + 6 years | SECURE DISPOSAL |  |
| 4.1.23 | Self-Evaluation Forms | Yes | Current year + 6 years | SECURE DISPOSAL |  |

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| **4.2** **Implementation of Curriculum** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 4.2.1 | Schemes of Work | No | Current year + 1 year | Review these records at the end of each year and allocate a further retention period or SECURE DISPOSAL |  |
| 4.2.2 | Timetable | No | Current year + 1 year |  |  |
| 4.2.3 | Class Record Books | No | Current year + 1 year |  |  |
| 4.2.4 | Mark Books | No | Current year + 1 year |  |  |
| 4.2.5 | Record homework set | No | Current year + 1 year |  |  |
| 4.2.6 | Pupils’ Work | No | Where possible pupils’ work should be returned to the pupil at the end of the academic year if this is not the school’s policy then current year + 1 year | SECURE DISPOSAL |  |

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| **4.3** **School Trips** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 4.3.1 | Records created by schools to obtain approval to run an Educational Visit outside the Classroom – Primary Schools | No | Date of visit + 14 years | SECURE DISPOSAL |  |
| 4.3.2 | Records created by schools to obtain approval to run an Educational Visit outside the  Classroom – Secondary Schools | No | Date of visit + 10 years | SECURE DISPOSAL |  |
| 4.3.3 | Parental consent forms for school trips where there has been no major incident | Yes | Conclusion of the trip | Although the consent forms could be retained for DOB + 22 years, the requirement for them being needed is low and most schools do not have the storage capacity to retain every single consent form issued by the school for this period of time. |  |
| 4.3.4 | Parental permission slips for school trips – where there has been a major incident | Yes | DOB of the pupil involved in the incident + 25 years  The permission slips for all the pupils on the trip need to be retained to show that the rules had been followed for all pupils |  |  |

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| **4.4** **Walking Bus** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 4.4.1 | Walking Bus Registers | Yes | Date of register + 3 years  This takes into account the fact that if there is an incident requiring an accident report the register will be submitted with the accident report and kept for the period of time required for accident reporting | SECURE DISPOSAL  [If these records are retained electronically any backup copies should be destroyed at the same time] |  |

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| 4.5 School Support Organisations | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 4.5.1 | Administrative and general files |  | Current year + 6 years |  |  |
| 4.5.2 | Annual calendar of events |  | Current year |  |  |
| 4.5.3 | Circulars to staff |  | Current year + 2 years |  |  |
| 4.5.4 | Circulars to pupils |  | Current year + 2 years |  |  |
| 4.5.5 | Head teachers official diary |  | Current year + 1 year |  |  |
| 4.5.6 | Log books |  | Current year + 6 years |  |  |
| 4.5.7 | Newsletters to parents |  | Current year + 2 years |  |  |
| 4.5.8 | Staff handbook |  | Until superseded |  |  |
| 4.5.9 | Staff meeting minutes |  | Current year + 6 years |  |  |
| 4.5.10 | School prospectus |  | Current year + 1 year |  |  |
| 4.5.11 | Visitors’ book |  | Current year + 5 years |  |  |
| 4.5.12 | Day Books | Yes | Current year + 2 years then review |  |  |
| 4.5.13 | Reports for outside agencies - where the report has been included on the case file created by the outside agency | Yes | Whilst child is attending school and then destroy |  |  |
| 4.5.14 | Referral forms | Yes | While the referral is current |  |  |
| 4.5.15 | Contact data sheets | Yes | Current year then review, if contact is no longer active then destroy |  |  |
| 4.5.16 | Contact database entries | Yes | Current year then review, if contact is no longer active then destroy |  |  |
| 4.5.17 | Group Registers | Yes | Current year + 2 years |  |  |

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| **Section 5 Central Governement and Local Authority** | | | | | |
| **5.1** **Local Authority** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 5.1.1 | Secondary Transfer Sheets (Primary) | Yes | Current year + 2 years | SECURE DISPOSAL |  |
| 5.1.2 | Attendance Returns | Yes | Current year + 1 year | SECURE DISPOSAL |  |
| 5.1.3 | School Census Returns | No | Current year + 5 years | SECURE DISPOSAL |  |
| 5.1.4 | Circulars and other information sent from the Local Authority | No | Operational use | SECURE DISPOSAL |  |

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| **5.2** **Central Government** | | | | | |
| **Ref** | **Basic file description** | **Data Protection Issues** | **Retention Period [Operational]** | **Action at the end of the administrative life of the record** | **Statutory Provisions** |
| 5.2.1 | OFSTED reports and papers | No | Life of the report then REVIEW | SECURE DISPOSAL |  |
| 5.2.2 | Returns made to central government | No | Current year + 6 years | SECURE DISPOSAL |  |
| 5.2.3 | Circulars and other information sent from central government | No | Operational use | SECURE DISPOSAL |  |

# Appendix A – List of School Records and Data safely destroyed

The following sheet can be completed or alternatively documented in a spreadsheet.

| **Ref Number** | **File/Record Title** | **Description** | **Reference or Cataloguing Information** | **Number of Files Destroyed** | **Method of destruction** | **Confirm**  **(i) Safely destroyed**  **(ii) In accordance with Data Retention Guidelines**  **Tick (√)** |
| --- | --- | --- | --- | --- | --- | --- |
| *e.g.* | *School Invoices* | *Copies of purchase invoices dated 2011/12* | *Folders marked* ***“****Purchase Invoices 2011/12****”*** *1 to 3* | *3 Folders* | *Shredding* | √ |
| 1 |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |
| 3 |  |  |  |  |  |  |
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| 12 |  |  |  |  |  |  |
| 13 |  |  |  |  |  |  |
| 14 |  |  |  |  |  |  |

1. [Code of Practice on the Management of Records issued under section 46 the Freedom of Information Act 2000 - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/code-of-practice-on-the-management-of-records-issued-under-section-46-the-freedom-of-information-act-2000) [↑](#footnote-ref-1)