




HORNCHURCH ACADEMY TRUST

Hornchurch Academy Trust is a company limited by guarantee

Registered in England: Company Number 10760863

Registered Office: Whybridge Junior School, Rainham, Essex, RM13 7AH

www.hornchurchacademy.org

	Name of School	
	Policy review Date	1 st July 2021
	Date of next Review	31 st August 2023
	Who reviewed this policy?	Mr C W Hobson
	Date approved by Board of Trustees?	8 th July 2021

Data Retention Policy

The Trust has a responsibility to maintain its records and record keeping systems. When doing this, the School will take account of the following factors: -

- The most efficient and effective way of storing records and information;
- The confidential nature of the records and information stored;
- The security of the record systems used;
- Privacy and disclosure; and
- Their accessibility.

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It does, however, reflect the School's current practice, the requirements of current legislation and best practice and guidance. It may be amended by the School from time to time and any changes will be notified to employees within one month of the date on which the change is intended to take effect. The School may also vary any parts of this procedure, including any time limits, as appropriate in any case.

Data Protection:

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

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

Retention Schedule:

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



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Paper records will be regularly monitored by the Office Manager.

Electronic records will be regularly monitored by the Office Manager.

The schedule is a relatively lengthy document listing the many types of records used by the school and the applicable retention periods for each record type. The retention periods are based on business needs and legal requirements.

Destruction of Records:

Where records have been identified for destruction they should be disposed of in an appropriate way. All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.

All paper records containing personal information, or sensitive policy information should be shredded before disposal where possible. All other paper records should be disposed of by an appropriate waste paper merchant. All electronic information will be deleted.

The School maintains a database of records which have been destroyed and who authorised their destruction. When destroying documents, the appropriate staff member should record in this list at least: -

- File reference (or other unique identifier);
- File title/description;
- Number of files; and
- Name of the authorising officer.

Archiving:

Where records have been identified as being worthy of preservation over the longer term, arrangements should be made to transfer the records to the archives. A database of the records sent to the archives is maintained by the Office Manager. The appropriate staff member, when archiving documents should record in this list the following information:

- File reference (or other unique identifier);
- File title/description;
- Number of files; and
- Name of the authorising officer.

Transferring Information to Other Media:



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Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media such as digital media or virtual storage centres (such as cloud storage). The lifespan of the media and the ability to migrate data where necessary should always be considered.

Responsibility and Monitoring:

The Head of School has primary and day-to-day responsibility for implementing this Policy. The Data Protection Officer, in conjunction with the School is responsible for monitoring its use and effectiveness and dealing with any queries on its interpretation. The data protection officer will consider the suitability and adequacy of this policy and report improvements directly to management.

Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in creating, maintaining and removing records. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this Policy and are given adequate and regular training on it.



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Retention Schedule

FILE DESCRIPTION	RETENTION PERIOD
Employment Records	
Job applications and interview records of unsuccessful candidates	Six months after notifying unsuccessful candidates, unless the school has applicants' consent to keep their CVs for future reference. In this case, application forms will give applicants the opportunity to object to their details being retained
Job applications and interview records of successful candidates	6 years after employment ceases
Written particulars of employment, contracts of employment and changes to terms and conditions	6 years after employment ceases
Right to work documentation including identification documents	2 years after employment ceases
Immigration checks	Two years after the termination of employment
DBS checks and disclosures of criminal records forms	As soon as practicable after the check has been completed and the outcome recorded (i.e. whether it is satisfactory or not) unless in exceptional circumstances (for example to allow for consideration and resolution of any disputes or complaints) in which case, for no longer than 6 months.
Change of personal details notifications	No longer than 6 months after receiving this notification
Emergency contact details	Destroyed on termination
Personnel and training records	While employment continues and up to six years after employment ceases
Annual leave records	Six years after the end of tax year they relate to or possibly longer if leave can be carried over from year to year
Consents for the processing of personal and sensitive data	For as long as the data is being processed and up to 6 years afterwards
Working Time Regulations: <ul style="list-style-type: none"> Opt out forms 	<ul style="list-style-type: none"> Two years from the date on which they were entered into



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<ul style="list-style-type: none"> Records of compliance with WTR 	<ul style="list-style-type: none"> Two years after the relevant period
Disciplinary and training records	6 years after employment ceases
Allegations of a child protection nature against a member of staff including where the allegation is founded	10 years from the date of the allegation or the person's normal retirement age (whichever is longer). This should be kept under review. Malicious allegations should be removed.
Financial and Payroll Records	
Pension records	12 years
Retirement benefits schemes – notifiable events (for example, relating to incapacity)	6 years from the end of the scheme year in which the event took place
Payroll and wage records	6 years after end of tax year they relate to
Maternity/Adoption/Paternity Leave records	3 years after end of tax year they relate to
Statutory Sick Pay	3 years after the end of the tax year they relate to
Current bank details	No longer than necessary
Agreements and Administration Paperwork	
Collective workforce agreements and past agreements that could affect present employees	Permanently
Trade union agreements	10 years after ceasing to be effective
School Development Plans	3 years from the life of the plan
Professional Development Plans	6 years from the life of the plan
Visitors Book and Signing In Sheets	6 years
Newsletters and circulars to staff, parents and pupils	1 year
Health and Safety Records	
Health and Safety consultations	Permanently



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Health and Safety Risk Assessments	3 years from the life of the risk assessment
Any reportable accident, death or injury in connection with work	For at least twelve years from the date the report was made
Accident reporting	Adults – 6 years from the date of the incident Children – when the child attains 25 years of age.
Fire precaution log books	6 years
Medical records and details of: - <ul style="list-style-type: none"> • control of lead at work • employees exposed to asbestos dust • records specified by the Control of Substances Hazardous to Health Regulations (COSHH) 	40 years from the date of the last entry made in the record
Records of tests and examinations of control systems and protection equipment under COSHH	5 years from the date on which the record was made
Temporary and Casual Workers	
Records relating to hours worked and payments made to workers	3 years
Pupil Records	
Admissions records	1 year from the date of admission
Admissions register	Entries to be preserved for three years from date of entry
School Meals Registers	3 years
Free School Meals Registers	6 years
Pupil Record	Records transferred to new school when pupil leaves. If the child does not move to another educational setting (e.g. Home Schooled) then the records will be retained until the child turns 25.
Attendance Registers	3 years from the date of entry
Special Educational Needs files, reviews and individual education plans	Until the child turns 25.



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(this includes any statement and all advice and information shared regarding educational needs)	
Child Protection Records	The Child Protection records will be passed to the new school (separately from the main pupil record) when the child leaves the school. The school will ensure safe transit and obtain confirmation of receipt. The school will retain a copy of the Child Protection records until such a time that the new school acknowledges receipt of the original file. The copy will then be shredded.
<p>Other Records</p> <p>Appendix 1: Pupil Records School Guidance</p>	



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Appendix 1: Pupil Records School Guidance

Retention times and records passing processes are not documented or directed by one organisation, you have to mash national and local legislation and guidance together. This is LA guidance informed by key national documents, DfE, ICO and by serious case reviews (national and local).

Generic pupil records - (core SIMS data) should be kept until the pupil is 25. The last school that the pupil attends or the school where the pupil reaches statutory school leaving age (18) is responsible for keeping this record.

The transfer of pupil records either in year or cross key stage should be made within 15 days in receipt of confirmation that the child is registered at the new school.

Safeguarding Records - For children with additional vulnerabilities (i.e. LAC, CiN, CP, SEND, Medical) you should keep records for 35 years after the child leaves school. The records must be archived, in secure digital storage, not accessible without authorisation. The record ceases to be a school record at this point and must only be accessed under a very limited set of circumstances.

- A subject access request by the parent, until the child is 18 – in complex or concerning cases professional / legal advice would be sought by the school. Live cases would not be passed over.
- A subject access request from the child, from the age of 18 – in complex or concerning cases professional / legal advice would be sought by the school. Live cases would not be passed over.
If a child under the age of 18, but older than 16, makes a SAR this should be individually assessed and a decision made – the caveat here is, unlike ordinary school data about a child, the safeguarding folder may have information which may be challenging, upsetting and new to the child.
- A RIPA notice (regulation of investigatory powers act) – this is a legal request for information. (Example attached).

The important thing here is to have a rationale behind why you retain. You are keeping the archived pupil file because:

- There could be a legal challenge around the child's care and decisions made
- The child could be subject to later legal orders
- You may have a SAR (subject access request) – from the parent, or the child – one of the Rotherham CSE victims asked all statutory services for her records.
- If the child became the subject of a serious case review, their history may be requested.
e.g. Michael Adebilajo, Lee Rigby's killer went to a Havering school; Breck Bednar's killer went to a Havering school; we have had young people who have been murdered in gang related violence – police and other services may



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ask for a disclosure of school records to look at when a child became significantly at risk, or became a risk to others.

When a child leaves school their record should be digitised (unless you are using an online system such as MyConcern or CPOMS). Records from any digital systems can be passed directly if the next school uses the same system, if not the file should be saved out as PDF(s). It is fine to save it all as a single PDF.

If it is paper:

- take off paper clips, cut or tear off staples
- make sure it is in order
- remove extras (post it notes, duplicate paperwork etc.)
- include any MARFS or plans
- include the chronology
- Scan in as a single doc, don't save and name separate documents.

Pass on to next school even if not live, pass on smaller issues, a low level issue becoming more serious needs the long tail of concern over time. The only time not to send would be if a child has been LAC and adopted, in which case apply the 'new start' principle. You should always scan and archive records, even if you are not handing on.

In the child protection secure shared area, visible only to DSL and team, create an archive folder, you could label it 'confidential – only to be accessed where there is a legal request'.

Children's records could be named e.g. DoB and name – yyyy mm dd full name

You could have sub folders - 2018 leavers, 2019 leavers etc. This should mean that in 2054 all the 2019 leavers records can be disposed of, and, if we get legislation that instructs us to delete earlier, it is easier to comply with. You also need to be able to comply with 'right to be forgotten' if a child or parent comes back to you, after the child has left school, and asks you to delete their records.

Pass on digitally

- by emailing in borough. Schools outside Havering use Egress or similar.
- Send to the DSL, do not send to any office or generic email address
- Do not name the child in the subject line
- Password protect the document
- Send the password in a separate following email
- Records must be sent immediately, preferably to arrive before the child starts at their next school.
- Set a read receipt or ask for a confirmation reply.



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Sending through CPOMS or MyConcern.

This can be done through their cloud for schools that use the same system, this will pass the live record. An archive record will be retained, this will have an automatic destroy date.

Passing on paper records

- Must be handed over face to face or sent by recorded delivery
- Sealed, marked as confidential with the name of the new DSL.
- You should include a letter of receipt to be signed by the next DSL and returned to you, you can accept a scanned and emailed copy if it comes from the school email address of the DSL.
- You should chase any outstanding receipt forms.