

# Records retention policy



|  |   |                       |
|--|---|-----------------------|
| <b>Approved:</b>                         | SP Tutors' Directors  | <b>Date:</b> May 2021 |
| <b>Last reviewed:</b>                    | May 2021  |                       |
| <b>Next review due by:</b>               | May 2023 <i>(at least every two years)</i>  |                       |
| <b>Data Protection Officer:</b><br>(DPO) | Steve Watts <a href="mailto:swatts@unitysp.co.uk">swatts@unitysp.co.uk</a> 01440 333400 |                       |

## DOCUMENT RETENTION

### 1. INTRODUCTION

- 1.1. The main aim of this policy is to enable Schools Partnership Tutors (SP Tutors) to manage our records effectively and in compliance with data protection and other regulation. As an organisation we collect, hold, store and create significant amounts of data and information and this policy provides a framework of retention and disposal of categories of information and documents.
- 1.2. SP Tutors is committed to the principles of data protection including the principle that information is only to be retained for as long as necessary for the purpose concerned.
- 1.3. The table below sets out the main categories of information that we hold, the length of time that we intend to hold them, and the reason for this.
- 1.4. Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Data Protection Officer shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.
- 1.5. If a document or piece of information is reaching the end of its stated retention period, but you are of the view that it should be kept longer, please refer to the Data Protection Officer, who will make a decision as to whether it should be kept, for how long, and note the new time limit and reasons for extension.



## 2. DOCUMENT RETENTION PERIOD

| Document type   | Basis for retention                               | Period   |
|---|---|--|
| <b>COMPANY RECORDS</b>  |   |  |
| Certificate of Incorporation  | Companies Act 2006                                | Permanent  |
| Minutes of directors' meetings and written resolutions                      | Companies Act 2006                                | 10 years   |
| Documents of clear historical / archival significance                       | Data Protection regulation                        | Permanent if relevant data protection regulation provisions are met. |
| Contracts e.g. with suppliers or grant makers                               | Limitation Act 1980                               | Length of contract term plus 6 years                                 |
| Contracts executed as deeds   | Limitation Act 1980                               | Length of contract term plus 12 years                                |
| Intellectual property (IP) records and legal files re. provision of service | Limitation Act 1980                               | Life of service provision or IP plus 6 years                         |
| <b>TAX AND FINANCE</b>  |   |  |
| Annual accounts   | Companies Act 2006                                | 6 years  |
| Tax and accounting records  | Finance Act 1998<br>Taxes Management Act 1970     | 6 years from end of relevant tax year                                |
| Information relevant for VAT purposes                                       | Finance Act 1998 and HMRC Notice 700/21           | 6 years from end of relevant period                                  |
| Banking records / receipts / sales ledger                                   | Companies Act 2006                                | 6 years from transaction   |
| <b>EMPLOYEE / ADMINISTRATION</b>  |   |  |
| Payroll / Employee / Income Tax and NI records:<br>P45; P6; P11D; P60, etc. | Taxes Management Act 1970 / IT (PAYE) Regulations | 6 years from end of current year                                     |



| Document type  | Basis for retention   | Period  |
|--|---|---|
| Maternity pay  | Statutory Maternity Pay Regulations   | 3 years after the end of the tax year   |
| Sick pay   | Statutory Sick Pay (General) Regulations  | 3 years after the end of the tax year   |
| National Minimum wage records  | National Minimum Wage Act   | 3 years after the end of the tax year   |
| Foreign national ID documents  | Immigration (Restrictions on Employment) Order 2007   | Minimum 2 years from end of employment  |
| HR files and training records  | Limitation Act 1980 and Data Protection regulation  | 6 years from end of employment  |
| Annual appraisal / performance monitoring records                        |   | Current year + 5 years  |
| Records re working time  | Working Time Regulations 1998 as amended  | 2 years   |
| Job applications (CVs and related materials re. unsuccessful applicants) | ICO Employment Practices Code (Recruitment & Selection) Equality Act 2010 & Race Relations Act 1976 | 12 months from your notification of outcome of application  |
| Disclosure & Barring Service checks                                      | Single Central Record Requirements  | Record only satisfactory / unsatisfactory result and delete other information. If copy is kept, not to be retained beyond 6 months, unless it is attached to a Risk Assessment.<br><br>See further DfE statutory Guidance 'Working Together to safeguard children'<br><br><a href="https://www.gov.uk/government/publications/working-together-to-safeguard-children--2">https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</a> |
| Volunteer records  |   | 6 years from end of engagement  |
| <b>Disciplinary proceedings</b>  |   |   |

| Document type                  | Basis for retention   | Period   |
|--------------------------------|---|--|
| Oral warning                   |   | Date of warning + the period for which the warning is active (as specified in the warning). Where the warning relates to child protection issues, it must be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation.  |
| Written warning – level 1      |   | Date of warning + the period for which the warning is active (as specified in the warning). Where the warning relates to child protection issues, it must be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation.  |
| Written warning – level 2      |   | Date of warning + the period for which the warning is active (as specified in the warning). Where the warning relates to child protection issues, it must be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation. So I'm and typing to see if theyse scroll down so that we can read tem |
| Final warning                  |   | Date of warning + the period for which the warning is active (as specified in the warning). Where the warning relates to child protection issues, it must be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation.  |
| <b>INSURANCE</b>               |   |  |
| Employer's Liability Insurance | Employers' Liability (Compulsory Insurance Regulation) 1998 | 40 years   |



| Document type  | Basis for retention  | Period   |
|--|--|--|
| Policies   | Commercial   | 3 years after lapse  |
| Claims correspondence  | Commercial   | 3 years after settlement   |
| <b>HEALTH &amp; SAFETY / MEDICAL</b>                                     |  |  |
| General records  | Limitation Act 1980  | Minimum 3 years  |
| Records re. work with hazardous substances                               | Control of Hazardous Substances to Health Regulations 2002   | 40 years   |
| Accident books / records and reports                                     | Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995  | 3 years after last entry or end of investigation   |
| <b>PREMISES / PROPERTY</b>   |  |  |
| Original title deeds   |  | Permanent / to disposal of property  |
| Leases   | Limitation Act 1980  | 12 years after lease has expired   |
| Building records, plans, consents and certification and warranties, etc. | Limitations Act 1980   | 6 years after disposal or permanent if of historical / archival interest.  |
| <b>PENSION RECORDS</b>   |  |  |
| Records about employees and workers                                      | For all categories see:<br>Detailed Guidance for Employers: (April 2017)<br><a href="http://pensions.regulator.gov.uk">pensions regulator.gov.uk</a> | 6 years  |
| Records re. the Scheme   |  | 6 years  |
| Records re active members and opt in / opt out                           |  | 6 years  |
| <b>PUPILS</b>  |  |  |
| <b>Educational Record</b>  | Pupil information Regulations 2005 (maintained schools only)<br>Same approach applied in academy context.<br><br>Data Protection regulation          | When a pupil's tutoring is arranged by their school, all educational data is passed back to the pupil's school for them to retain on the pupil's record for 25 years from the pupil's date of birth (or until passed to a new school). |

| Document type  | Basis for retention   | Period   |
|--|---|--|
|  |   | <p>When a pupil's tutoring is arranged privately, educational data will be passed to their parents / carers.</p> <p>SP Tutors will archive educational as read only at the end of each academic year and delete after 6 years.</p>   |
| <p><b>Child Protection information (on child's file)</b></p> | <p>"Keeping children safe in education Statutory guidance for schools and colleges - September 2019";</p> <p>"Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children - July 2018"</p> | <p>SP Tutors does not keep child protection records on pupils whose tutoring is arranged by their school; these records will be kept by their school.</p> <p>For private tuition:</p> <p>RETAIN UNTIL FURTHER RECOMMENDATIONS</p> <p>Subject to moratorium on destruction due to historic child abuse enquiry. See <a href="https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements">https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements</a></p> |
| <p><b>Child Protection Information in other files</b></p>    | <p>"Keeping children safe in education Statutory guidance for schools and colleges - September 2019";</p> <p>"Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children - July 2018"</p> | <p>RETAIN UNTIL FURTHER RECOMMENDATIONS</p> <p>Subject to moratorium on destruction due to historic child abuse enquiry. See <a href="https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements">https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements</a></p>   |
| <p><b>Attendance records</b></p>                             |   | <p>SP Tutors retain attendance data in computerised attendance records until the end of the academic year. It is then archived and retained for 6 years.</p>   |



| Document type   | Basis for retention  | Period   |
|---|--|--|
| <b>Other items e.g. photographs, video recordings</b> | Case by case basis   | Video recordings are made of each online tutoring session for safeguarding and quality assurance purposes. They are retained for 12 months.  |
| <b>Parents</b>  |  |  |
| <b>Parent information</b>                             | <p>Basic name and contact details.</p> <p>Otherwise usually operational in accordance with the functions of SP Tutors.</p> | <p>Basic name and contact details will be retained for marketing purposes, subject to our Privacy Notices.</p> <p>Parent feedback and survey data will be retained for the duration of the tutoring.</p> |





### **3. DELETION OF DOCUMENTS**

- 3.1. When a document is at the end of its retention period, it should be dealt with in accordance with this policy.

#### **Confidential waste**

- 3.2. Anything that contains personal information should be treated as confidential.
- 3.3. Any printed documents that contain personal information must be shredded or returned to the school or SP Tutors' head office for secure disposal.
- 3.4. Where deleting electronically, ensure that all copies are permanently deleted, including from the electronic 'Recycle Bin'. Please refer to the Operations Manager if guidance is required.

#### **Other documentation**

- 3.5. Other documentation can be deleted or shredded where appropriate.

#### **Automatic deletion**

- 3.6. Certain information will be automatically archived by the computer systems. Should you want to retrieve any information, or prevent this happening in a particular circumstance, please contact the Operations Manager.

#### **Individual responsibility**

- 3.7. Much of the retention and deletion of documents will be automatic, but when faced with a decision about an individual document, you should ask yourself the following:
- 3.7.1. Has the information come to the end of its useful life?
  - 3.7.2. Is there a legal requirement to keep this information or document for a set period?
  - 3.7.3. Would the information be likely to be needed in the case of any legal proceedings? In particular, is it potentially relevant to an historic child abuse enquiry? (Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?)
  - 3.7.4. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?
  - 3.7.5. Is the document of historic or statistical significance?
- 3.8. If the decision is made to keep the document, this should be referred to the Data Protection Officer and reasons given.

