RECORDS RETENTION POLICY

Version Control

Scope: Applicable to all Trust Schools	
Date to Board:	23/07/2026
Review date:	Summer Term 2027
Union Consultation Date:	N/A
Statutory or non-statutory:	Non-Statutory
Author/Reviewer:	Catherine Cox - TEO

1. **INTRODUCTION**

1.1. The main aim of this policy is to enable Equals Trust 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. Equals Trust 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. For information, the Appendix sets out the legal requirements for certain categories of document. Where we have decided to keep information longer than the statutory requirement, this has been explained in the table at Section 2.

1.5. Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Trust Executive Officer shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.

1.6. 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 The Trust Executive 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

This table is recommended. It covers the main categories of documents with a legal or commercial requirement to keep them for a set period, relevant to charities generally. Appendix 1 allows us to create a table in accordance with our specific needs. As long as we can justify the length of time, we can choose how long to keep records, and we can amend this policy at any time. However we should never deliberately delete or destroy anything in order to avoid disclosure in response to a Subject Access Request.

DOCUMENT TYPE	LEGISLATION / REASONS FOR RETENTION	REQUIREMENT
COMPANY RECORDS		
Company Articles of Association, Rules / bylaws	Companies Act 2006 Charities Act 2011	Permanent
Academy funding agreement and any supplemental agreements	Charities Act 2011	Permanent
Trustee / director minutes of meetings and written resolutions	Companies Act 2006 Charities Act 2011	Recommended at least 10 years
Members' meetings etc. Minutes / resolutions	Companies Act 2006 Charities Act 2011	Recommended at least 10 years
Documents of clear historical / archival significance	Data Protection regulation	Permanent if relevant data protection regulation provisions are met. At the time of writing the Data Protection Bill contains relevant provisions but these are expected to change as the Bill goes through the parliamentary process. Legal advice should be obtained once the Data Protection Act 2018 is published.
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
IP records and legal files re provision of service	Limitation Act 1980	Recommended: Life of service provision or IP plus 6 years

TAX AND FINANCE		
Annual accounts and review (including transferred records on amalgamation)	Companies Act 2006 Charities Act 2011	Minimum 6 years Recommended: permanent record
Tax and accounting records	Finance Act 1998 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	Minimum 6 years from end of relevant period
Banking records / receipts book/sales ledger	Companies Act 2006 Charities Act 2011	6 years from transaction
EMPLOYEE / ADMINISTRATION	See generally ICO Employment Practices Code	
Payroll / Employee / Income Tax and NI records: P45; P6; PIID; P60, etc.	Taxes Management Act 1970 / IT (PAYE) Regulations	6 years from end of current year
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 Independent School Standards Regulations	Minimum 2 years from end of employment
HR files and training records	Limitation Act 1970 and Data Protection regulation	Maximum 6 years from end of employment
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) Disability Discrimination Act 1995 & Race Relations Act 1976	Recommended: 6-12 months from your notification of outcome of application
Pre-employment / volunteer vetting	ICO Employment Practice Code	6 months

	Independent School Standards Regulations	
Disclosure & Barring Service checks	Single Central Record Requirements under • for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007); • for independent schools, (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014; • for colleges: Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006;46 and • for non-maintained special schools: Regulation 3 and paragraph 7 of Part 1 and paragraph 18 of Part 2 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015.	Record only satisfactory / unsatisfactory result and delete other information. If copy is kept, not to be retained beyond 6 months See further DfE statutory Guidance ' Working Together to safeguard children' https://www.gov.uk/government/publications/working-together-to-safeguard-children--2
Volunteer records		Undertake assessment to decide on retention period taking account of risk (e.g. safeguarding re work with children)
INSURANCE		
Employer's Liability Insurance	Employers' Liability (Compulsory Insurance Regulation) 1998	40 years

Policies	Commercial	3 years after lapse
Claims correspondence	Commercial	3 years after settlement
HEALTH & SAFETY / MEDICAL		
General records	Limitation Act 1970	Minimum 3 years
Records re work with hazardous substances	Control of Hazardous Substances to Health Regulations 2002	Up to 40 years. Recommend: Permanent
Accident books / records and reports	Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995	3 years after last entry or end of investigation
Medical Scheme documentation	Commercial	Permanent unless personal data is included
PREMISES / PROPERTY		
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. Carry out review re: longer retention, e.g. if possible actions against contractors
PENSION RECORDS	For all categories see: Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk	
Records about employees and workers		
Records re the Scheme		
Records re active members and opt in / opt out		
Trust Deed / Rules and HMRC approvals		
Trustees' Minutes and annual accounts		
Policies including investment policies		

PUPILS		
Educational Record	Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context. Data Protection regulation	25 years from date of birth if this is the final school of the child but the pupil file should follow the pupil so it is likely to be difficult to justify the need for retention once the file has been passed to the pupil's new school
Child Protection information (on child's file)	"Keeping children safe in education Statutory guidance for schools and colleges September 2016"; "Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children February 2017"	RETAIN UNTIL FURTHER RECOMMENDATIONS – File should follow the child to their next school in their entirety Subject to moratorium on destruction due to historic child abuse enquiry. See https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements
Child Protection Information in other files	"Keeping children safe in education Statutory guidance for schools and colleges September 2016"; "Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children February 2017"	RETAIN UNTIL FURTHER RECOMMENDATIONS Subject to moratorium on destruction due to historic child abuse enquiry. See https://www.iicsa.org.uk/document/guidance-note-retention-instructions-and-data-protection-requirements
Special Educational needs		
SEN files	Limitation Act 1980	Usually 25 years from date of birth of the pupil. If kept longer show good justification. File

		should follow the child to their next school in their entirety.
Education Health and Care Plans	Special Educational Needs and Disability Regulations 2014 Children and families Act 2014, part 3	25 years from date of birth of the pupil. File should follow the child to their next school in their entirety.
Statements of Special Educational Needs (now historic)	Originally under Special Educational Needs and Disability Regulations 2001	25 years from date of birth of pupil. File should follow the child to their next school in their entirety.
Attendance registers	Pupil Registration Regulations 2006 Regulation 14	3 years from when the register entry was made if made in paper registers For computerised registers retain until 3 years after the end of the school year during which the entry was made. This applies to every back up copy. The difference in retention periods as between manual and computerised registers has probably come about in error but this is what the Regulations say.
Other items e.g. curriculum related, photographs, video recordings	Case by case basis	Look at why you are processing this and how long you need it for. Make sure you have a good justification for keeping it as long as you do. Set out the items and the justification.
PARENTS	Pupil Registration Regulations 2006 For basic name and contact details. Otherwise usually operational in accordance with the statutory functions of the school	Usually, for the duration that the parent has a pupil at the school. Otherwise subject to case by case justification.
ALUMNI / ALUMNAE AND THEIR PARENTS		No legal clarity at present. Seek further advice when the Data Protection Act 2018 is in

		final form (likely to be April 2018)
OTHER SCHOOL RELATED INFORMATION	various	Please consult the IRMS toolkit for schools which is here: http://irms.org.uk/page/SchoolsToolkit

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. This should be shredded, made available for collection in the confidential waste bins or sacks located around the office.

3.3. Anything that contains personal information should be treated as confidential.

3.4. Where deleting electronically, please refer to The Trust Executive Officer to ensure that this is carried out effectively.

Other documentation

3.5. Other documentation can be deleted or placed in recycling bins where appropriate.

Automatic deletion

3.6. Certain information will be automatically archived by the computer systems, details of which are set out below. Should you want to retrieve any information, or prevent this happening in a particular circumstance, please contact The Trust Executive Officer.

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? (Refer to Appendix 1 for more information)

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 Trust Executive Officer and reasons given.

APPENDIX 1

Appendix 1 allows us to create a table in accordance with our specific needs. As long as we can justify the length of time, we can choose how long to keep records, and we can amend this policy at any time. However we should never deliberately delete or destroy anything in order to avoid disclosure in response to a Subject Access Request.

DOCUMENT CATEGORY	RETENTION PERIOD	REASON
Corporate / Constitutional		
Insurance		
Health & Safety		
Property		
Pension Records		
Tax and Finance		

Employees / Administration		
Pupils		
Parents		
Alumni / Alumnae		