

**Records: Retention and Storage Policy**

**Including The Early Years Foundation Stage (EYFS)**

*To be read in conjunction with all Safeguarding Policies*

The policies for safeguarding children cover the following areas:

* Policy and procedures for dealing with concerns about a pupil, in accordance with locally agreed inter-agency procedures;
* Arrangements for handling allegations of abuse against members of staff, volunteers and the Headmistress;
* The designation of a senior member of staff (the Headmistress), staff and volunteers;
* The training of the designated person (the Headmistress), staff and volunteers;
* Arrangements for reviewing safeguarding policies and procedures and the swift implementation of any changes needed to remedy any deficiencies;
* The operation of safer recruitment procedures.

This “suite” of policies relating to safeguarding children includes:

* Able, Gifted and Talented Policy;
* Admissions and Attendance Policy;
* Anti-Bullying Policy (including cyber-bullying);
* Behaviour and Sanctions Policy;
* Catering Policy;
* Code of Conduct for Staff
* Curriculum Policy;
* Discipline and Exclusion Policy;
* Drugs and Drug Testing policy;
* Equality Policy;
* E-Safety Policy;
* Food Hygiene Policy;
* Induction of New Staff and Volunteers in Child Protection;
* Medical Questionnaire Policy;
* Missing Pupil Policy;
* Pastoral Care Policy;
* Pupils on Confidentiality Issues;
* Safeguarding (Child Protection) Policy;
* School Visits Policy;
* Sex and Relationship Education Policy;
* SMSC Policy;
* Staff Recruitment - Recruitment of Ex-Offenders Policy
* Staff Recruitment Policies and Procedures;
* Sun Protection Policy;
* Supervision of Pupils Policy;
* Taking, using and storing images of children Policy;
* Whistleblowing Policy.

These policies are available to parents through the School’s website and are reviewed annually by Governors.

These policies have been drawn up with regard to the following:

* ISI Handbook for the Inspection of Schools: Commentary on the Regulatory Requirements

***(***[www.isi.net](http://www.isi.net) password required)

* Statutory framework for the early years foundation stage ***March 2017***

(<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>)

* ***Working Together to Safeguard Children* DFE Guidance 2018**

***(***[*https://www.gov.uk/government/publications/working-together-to-safeguard-children--2*](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)*)*

* ***What is Child Abuse?*** NSPCC information documents

 ([www.nspcc.org.uk](http://www.nspcc.org.uk))

* ***Keeping Children safe in Education: DfE Statutory guidance for schools and colleges Sept 2018***

Walthamstow Hall will seek to balance the benefits of keeping detailed and complete records - for the purposes of good practice, archives or general reference - with practical considerations of storage, space and accessibility. Legal considerations, in respect of retention of records and documents must be borne in mind; these include:

* the General Data Protection Regulation (GDPR)
* statutory duties and government guidance relating to schools
* the law of confidentiality and privacy
* disclosure requirements in the course of litigation; and
* contractual obligations

These will inform not only minimum and maximum retention periods, but also what to keep and how to keep it.

Meaning of "Record"

In this policy, "record" means any document or item of data which contains evidence or information relating to the School, its staff or pupils. Some of this material will contain personal data of individuals as defined in the DPA, but not all.

Many, if not most, new and recent records will be created, received and stored electronically. Others (such as Certificates, Registers, or older records) will be original paper documents. The format of the record is less important than its contents and the purpose for keeping it.

Digital records

Digital records can be lost or misappropriated in huge quantities very quickly. Access to sensitive data - or any large quantity of data – will be password-protected and held on a limited number of devices only, with passwords provided on a need-to-know basis and regularly changed.

Emails (whether they are retained electronically or printed out as part of a paper file) are also "records" and may be particularly important: whether as disclosable documents in any litigation, or as representing personal data of the sender (or subject) for data protection/data privacy purposes.  A digital document's original metadata may indicate the date of its creation, its author or the history of its changes and this information should be preserved.

Paper records

Paper records must not be kept in damp or poor storage conditions; but as well as applying common sense (i.e. dry, cool, reasonable ventilation, no direct sunlight; avoid storing with metals, rubber or plastic which might deteriorate or damage the paper), security is also vital - especially if the materials contain legally or financially sensitive data, as well as data personal to individuals. Personal data must be organised, and/or indexed, such that specific categories of personal information relating to a certain individual are readily accessible and thus searchable as a digital database might be.

A record of concern, suspicion or allegation should be made at the time or as soon as possible after the event. (N.B. It is not advisable to make a written record whilst a child is disclosing abuse, as it may deter the child from speaking). Records should be factual, using the child’s own words in cases where a disclosure is made. Professional opinion can be given, but needs to be supported by stating the facts and observations upon which the opinions are based. **(N.B. expressing an opinion as to whether the child is telling the truth is not helpful and can prejudice how a case proceeds).** All records should be dated and signed with the name of the signatory clearly printed and filed in chronological order. It is useful to use the School ‘Contact Note’ pro-forma for recording information / concerns. Any handwritten notes made immediately after the event, for example, a disclosure can act as evidence of them having been written at the time for any future court case. Therefore, these should not be destroyed if the details are recorded more formally at a later time, but instead kept securely attached to the child protection concern forms used. All recorded child protection concerns must be passed to the Designated Safeguarding Lead (DSL) as soon as possible. The DSL will need to make a professional judgement about what action needs to be taken in accordance with our child protection procedures.

The common law of confidentiality, data protection and human rights principles must be adhered to when obtaining, processing or sharing personal or sensitive information or records.

Confidential information is:

* personal information of a private or sensitivenature; and
* information that is not already lawfully in the public domain or readily available from another public source; and
* information that has been shared in circumstances where the person giving the information could reasonably expect that it would not be shared with others.

In summary, the Data Protection Act requires that records should be accurate, relevant, kept up to date and securely kept for no longer than is necessary for the purpose.

It is important to make it clear to pupils that any disclosure they make will be treated with sensitivity but may need to be shared with other professionals if it is considered necessary to protect the child or someone else from harm.

Archiving and the destruction or erasure of Records

All staff should receive basic training in data management - issues such as security, recognising and handling sensitive personal data, safeguarding etc. Staff given specific responsibility for the management of records must have specific training and ensure, as a minimum, the following:

* That records - whether electronic or hard copy - are stored securely as above, so that access is available only to authorised persons and the records themselves are available when required and (where necessary) searchable;
* That important records, and large or sensitive personal databases, are not taken home or - in respect of digital data - carried or kept on portable devices (whether CDs or data sticks, or mobiles and handheld electronic tablets) unless absolutely necessary, in which case it should be subject to a risk assessment and always encrypted;
* Any back-up is to a professional on-site storage systems and password protected;
* That reviews are conducted on a regular basis, in line with the guidance below, to ensure that all information being kept is still relevant and - in the case of personal data - necessary for the purposes for which it is held (and if so, that it is accurate and up-to-date);
* That retention of records will, as a guide, be kept in-line with the table below; and
* That all destruction or permanent erasure of records is carried out securely - with no risk of the re-use or disclosure, or re-construction, of any records or information contained in them.

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| **Type of Record/Document** |  **Retention Period** |
| **SCHOOL-SPECIFIC RECORDS*** Registration documents of School
 |  Permanent (or until closure of the school) |
| * Attendance Register
 |  6 years from last date of entry, then archive.  |
| * Minutes of Governors' meetings
 |  6 years from date of meeting  |
| * Annual curriculum
 |  From end of year: 3 years (or 1 year for other class records: e.g. marks / timetables / assignments) |
| **INDIVIDUAL PUPIL RECORDS** |  ***NB - this will generally be personal data*** |
| * Admissions: application forms, assessments, records of decisions
 |  25 years from date of birth (or, if pupil not admitted, up to 7 years from that decision). |
| * Examination results (external or internal)
 |  7 years from pupil leaving school |
| * Pupil file including:
	+ Correspondence
	+ Parent contact details
	+ Pupil reports
	+ Pupil performance records
	+ Pupil medical records\*\*
 |   ALL: 25 years from date of birth\**In effect, records will have a destruction date of 15 years from the end of each phase i.e. JS & SS leavers* \**unless there is good reason to consider this may be applicable evidence in a medical negligence or abuse claim:* see 'Safeguarding' below*. \*\*All medical records are kept indefinitely.* |
| * Special educational needs records (*to be risk assessed individually*)
 |  Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period) |
| **SAFEGUARDING** |   |
| * Policies and procedures
 |  Keep a permanent record of historic policies |
| * DBS disclosure certificates (potentially sensitive personal data & must be secure)
 |  No longer than 6 months from decision on recruitment, unless DBS specifically consulted - but keep a record of the fact that checks were undertaken, if not the information itself. |
| * Incident reporting – all documents to be encrypted and password protected.
 |  Keep on record for 35 years, ideally reviewed regularly (e.g. every 6 years) if a suitably qualified person is available and resources allow. \*\* |
|  *Limitation periods can be dis-applied in criminal or civil abuse cases. However, rights under the DPA and insurers' requirements remain relevant.* |   \*\*Courts may be sympathetic if not, but the ICO (Information Commissioner's Office) will expect to see a responsible assessment policy in place. |

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| **CORPORATE RECORDS** (where applicable)* Certificates of Incorporation
 | ***e.g. the School’s trading arms***Permanent (or until dissolution of the company) |
| * Minutes, Notes and Resolutions of Boards or Management Meetings
 | Minimum - 10 years |
| * Shareholder resolutions
 | Minimum - 10 years |
| * Register of Members/Shareholders
 | Permanent (minimum 10 years for ex-members/shareholders) |
| * Annual reports
 | Minimum - 6 years |
| **ACCOUNTING RECORDS** *(normally taken to mean records which enable a company's accurate financial position to be ascertained & which give a true and fair view of the company's financial state)* |  Minimum - 3 years for private UK companies (except where still necessary for tax returns) Minimum - 6 years for UK charities (and public companies) from the end of the financial year in which the transaction took place. Internationally: can be up to 20 years depending on local legal/accountancy requirements |
| * Tax returns
 | Minimum - 6 years |
| * VAT returns
 | Minimum - 6 years |
| * Budget and internal financial reports
 |  Minimum - 3 years |
| **CONTRACTS AND AGREEMENTS*** Signed or final/concluded agreements (*plus any signed or final/concluded variations or amendments)*
 |  Minimum - 7 years from completion of contractual obligations or term of agreement, whichever is the later |
| * Deeds (or contracts under seal)
 | Minimum - 13 years from completion of contractual obligation or term of agreement |
| **INTELLECTUAL PROPERTY RECORDS*** Formal documents of title (trade mark or registered design certificates; patent or utility model certificates)
 |  Permanent (in the case of any right which can be permanently extended, eg trade marks); otherwise expiry of right plus minimum of 7 years. |
| * Assignments of intellectual property to or from the school
 | As above in relation to contracts (7 years) or, where applicable, deeds (13 years). |
| * IP / IT agreements (including software licences and ancillary agreements eg maintenance; storage; development; co-existence agreements; consents)
 | Minimum - 7 years from completion of contractual obligation concerned or term of agreement |

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| **EMPLOYEE / PERSONNEL RECORDS*** Contracts of employment
 | ***NB this will almost certainly be personal data***Minimum - 7 years from effective date of end of contract |
| * Employee appraisals or reviews and staff personnel file
 | Duration of employment plus minimum of 7 years |
| * Payroll, salary, maternity pay records
 | Minimum - 6 years |
| * Pension or other benefit schedule records
 | Possibly permanent, depending on nature of scheme |
| * Job application and interview/rejection records (unsuccessful applicants)
 | Minimum - 3 years (but see note of DBS disclosure certificates above) |
| * Immigration records
 | Minimum - 4 years |
| * Health records relating to employees
 | Minimum of 7 years from end of contract of employment |
| **INSURANCE RECORDS*** Insurance policies (will vary - private, public, professional indemnity)
 |  Duration of policy (or as required by policy) plus a period for any run-off arrangement and coverage of insured risks: ideally, until it is possible to calculate that no living person could make a claim. |
| * Correspondence related to claims/ renewals/ notification re: insurance
 | Minimum -  7 years |
| **ENVIRONMENTAL & HEALTH RECORDS*** Maintenance logs
* Accidents to children
 | 10 years from date of last entryup until their 21st birthday (unless a safeguarding incident) |
| * Accident at work records (staff)
 | Minimum - 4 years from date of accident, but review case-by-case where possible |
| * Staff use of hazardous substances
* Risk assessments (carried out in respect of above)
 | Minimum - 7 years from end of date of use7 years from completion of relevant project, incident, event or activity. |

Reviewed June 2018

Next review date May 2019

Signed:……………………………………………Date………………….

 Mrs J Adams

 Chair of Governors