Information and Records Retention Policy

Date of Policy: April 2018

Dare of Review- August 2026

Introduction

This policy sets out a structured approach to reviewing and destroying records in relation to Brabyns Nursery School (the **School**).

It is important that governing bodies and proprietors are aware that among other obligations, General Data Protection Regulation, the Data Protection Act 2018 and the Data (Use and Access) Act 2025 place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure. See ICO guidance 'For Organisations' which includes information about your obligations and how to comply, including protecting personal information, and providing access to official information.

The retention period for each type of record is shown in the table below. In addition, data protection legislation makes it unlawful to keep the information when it is no longer needed for the purpose for which it is held. This requirement is uncertain and allows discretion and may vary according to the circumstances, but in practice it means that the School should promptly destroy the record once the retention period in the table below has been reached. Occasionally there may be special circumstances which mean that a record should be kept for longer (for example where there is a risk of litigation or a request from an outside body such as the Independent Inquiry into Child Sexual Abuse (IICSA) see below. The School should refer to its insurance policies and further legal advice should be sought in these circumstances.

Information must be securely deleted. This applies to paper records, electronic information and biometric information.

This policy does not apply to records connected with commercial activities.

The School will discuss document retention with its insurers (who may specify longer retention periods). If there is any conflict then any longer retention periods specified by the insurers should prevail.

If an email falls into one of the categories set out in the table then it should be filed centrally as soon as is reasonable.

"Routine" emails which do not fall into any of the categories in the table may be kept in inboxes for up to [• six months] and should then be deleted. An examples of a routine email is an internal email advising staff that the weekly meeting is cancelled.

Independent Inquiry into Child Sexual Abuse (**IICSA**):

The IICSA has issued retention instructions to a range of institutions regarding records relating to the care of children. In light of this, we are advising schools to temporarily cease the routine destruction of those records which might be relevant to the Inquiry in case they are requested by the Inquiry or made subject to a disclosure order. This means that before destroying **any** document the School should consider if it contains information that may fall within the Inquiry's remit.

The range of documentation which might need to be kept is wide. It will include any information linked to alleged or established child sexual abuse, whether by staff, volunteers or pupils with no limitation date. For example, a list of pupils who attended an overnight school trip or admission registers which show which pupils were at the School at a given time. As such, documents should be kept for longer than the retention periods listed in the policy if they concern information which might be relevant to the Inquiry. The School should therefore review the retention periods under **each** of the rows below in case they are relevant to IICSA.

Please note that the School should keep this under review so that it recommences document destruction at the appropriate time.

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
	Pupils			
	Admission registers (however held)	Three years from the date of the last entry	Transfer to the archives and shred or delete copies and back-ups	Yes
	Attendance registers (however held)	Three years from the date of the last entry	Review for further retention in the case of contentious dispute SHRED/DELETE or delete including back-ups and copies	Yes
	Child protection records	DOB of the pupil + 50 years	Review for further retention in the case of contentious dispute SHRED/DELETE **Notes** 1 Child protection information must be copied and sent under separate cover to the new school as soon as possible and within 5 days, whilst the child is still under 18. Schools should ensure secure transit and confirmation of receipt should be obtained Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority (**LA**) In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all schools are required to retain information which relates to	No

			allegations (substantiated or not) of organisations and individuals who may have been involved in, or have knowledge of child sexual abuse or child sexual exploitation; allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. 50 years from the date of birth of the pupil involved should be a sufficient period of retention but this should be kept under review	
	Biometric information (e.g. fingerprints to be used as part of an automated biometric recognition system)	For as long as the School requires the information for the automated biometric recognition system	This information must not be kept for longer than it is needed. The information must be destroyed if the pupil no longer uses the system including when they leave the School, where the parent or pupil withdraws consent or the pupil objects to its use	No
	Medical records held by the School	DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident The 24 year period is based on the fact that once the child turns 18 years old they have a certain amount of time (known as a limitation period) in which	Review for further retention in the case of contentious disputes SHRED/DELETE	No

		to bring claims against the School. The longest of these limitation periods is six years, albeit that some periods can be extended by the courts		
	Counselling records held by the School	DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of contentious disputes SHRED/DELETE	No
	Pupil files			
	Pupil files (including public examination scripts, marks & results)	DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of contentious disputes, for example, parental complaints, disciplinary matters, pupil exclusions, bullying incidents and subject access requests SHRED/DELETE **Notes** 2 When reviewing pupil files, the School should have regard to other applicable sections of this policy 1 Any examination certificates left unclaimed should be returned to the appropriate Examination Board	No
1.1	Internal examination scripts, marks & results	<u>Scripts:</u> Scripts from weekly or monthly tests: Keep until the end of the year. Although these may be retained if useful for staff	Keep for longer in accordance with the retention periods and guidance set out in row 2.1 above if risk of contentious disputes, for example, parental complaints, disciplinary matters, pupil exclusions, bullying incidents and subject access requests.	No

		training purposes or ongoing moderation. Scripts from termly or yearly tests: Keep until the end of the next academic year. Although these may be retained if useful for staff training purposes or ongoing moderation. <u>Marks & results:</u> If the purpose of the test is to progress the child (either internally or externally) then keep marks & results in accordance with the retention periods and guidance set out in row 2.1 above. If the purpose of the test is for general internal assessment of academic performance then keep marks & results until the child leaves school or in the event of contention follow guidance as 2.1 above.		
1.2	Special Educational Needs files, reviews and Individual	DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of contentious disputes SHRED/DELETE	No

	Education Plans			
	Statement of Special Education Needs (**SEN**) and Education Healthcare (**EHC**) Plans	Statements of SEN (including appendices) and EHC Plans should never be retained once the pupil has left the School	SHRED/DELETE unless legal action pending The Statement / Plan belongs to the LA which makes and maintains the Statement / Plan	Yes
	Letters authorising absence	Three years from the date of the last entry on the attendance register	SHRED/DELETE	No
	Documents that are required to be retained for each migrant enrolled under Tier 4 (General) Student or Tier 4 (Child) Student visas	Through the period of sponsorship and for whichever is the shorter period of either: one year from the date that the School ends sponsorship of the Tier 4 student, or if the Tier 4 student is no longer sponsored, the point at which a Home Office compliance officer has examined and approved the documents	SHRED/DELETE	No
	Permissions			
	Parental permission slips for school trips – where there has been no major	Conclusion of the trip + three years	Review for further retention in the case of contentious disputes otherwise SHRED/DELETE	No

	incident, accident, injury or near miss involving anyone on the trip			
	Parental permission slips for school trips – where there has been a major incident, accident, injury or near miss involving anyone on the trip	DOB of the pupil involved in the incident + 24 years; or The permission slips for all pupils on the trip may need to be retained to show that the rules had been followed for all pupils	Review for further retention in the case of relevance to contentious disputes. SHRED/DELETE	No
	Admission department and bursarial records			
	Admission and parent contract documents including registration form, letter of offer and acceptance form	Six years from date of leaving the School	Review for further retention in the case of contentious disputes SHRED/DELETE	No
	Admissions documents relating to	One year would be reasonable, however, this is at the School's discretion. If there is a risk that	SHRED/DELETE	No

	applicants who did not join the School	parents or a pupil might bring a claim against the School then the documents should be retained.		
	Financial information in respect of fees	Six years from date of leaving the School	Review for further retention in the case of contentious disputes SHRED/DELETE	No
	Employment			
	Employment or personnel records including contracts of employment, changes to terms and condition, disciplinary matters, grievance procedures	For at least six years after date of termination of employment For at least 12 years after date of termination if any of the documents were signed as a deed In the event of any child protection concerns, see guidance in next column for 5.1	If on a date no earlier than six years after the termination date there has been no recent contact from the relevant individual and no apparent breach of contract claim, dispose securely of documentation unless any child protection concerns. Records of anyone with child protection concerns (even if not proved) should be retained	No
	Single central register (SCR)	Retain the SCR entry for each former member of staff indefinitely either on an archive SCR or within the personnel file, this will be reviewed on an annual basis.	Review whether further retention is necessary. If so, these reasons must be documented. If not SHRED/DELETE	No
	Records and documents relating to	Indefinitely	Review whether further retention is necessary. Decisions in relation to the Group Stakeholders Pension may have	No

	membership of and contributions to the Group Stakeholders Pension		ramifications beyond six years, and may be queried at any time by members and the Teachers' Pension Scheme	
	Employment references received and references provided	For a period longer than six years	Keep for so long as a reference may be required in future - potentially up until the employee's normal retirement age Consider whether any recent reference requests for the relevant individual If none, SHRED/DELETE	No
	Employment reference where an individual's employment ended for a safeguarding reason or where safeguarding was outstanding at the time of termination	At least until the person has reached normal retirement age or for a period of ten years from the date of the allegation if that is longer	Consider whether any recent reference requests for the relevant individual or new concerns raised by social services or other agencies If none, SHRED/DELETE	Yes

	Working time opt-out forms	Two years from the date on which they were entered into	SHRED/DELETE	Yes
	Records to show compliance with the Working Time Regulations	Two years after the relevant period	SHRED/DELETE	Yes
	Payroll and wage records These include records of: •Details on overtime. •Bonuses. •Expenses. •Benefits in kind.	Six years from the financial year end in which payments are made. This is outlined in our payroll provider Bishop Flemings Policy.	SHRED/DELETE	Yes
	PAYE Records	Six years in addition to the current year. This is outlined in our payroll provider Bishop Flemings Policy.	SHRED/DELETE	Yes
	Maternity/paternity records These include: •Records regarding	Three years after the end of the tax year in which the maternity pay period ends	SHRED/DELETE	Yes

	Maternity payments made save for where those include payroll records. •Maternity certificates showing the expected week of confinement			
	Sickness records required for the purposes of Statutory Sick Pay (**SSP**)	During employment and for a period of three years after employment has ended	SHRED/DELETE	Yes
	Records in relation to hours worked and payments made to workers	For a period of six years beginning with the last day of the following month to which the records relate	SHRED/DELETE	Yes
	Consents for the processing of personal data and sensitive personal data (known as special	For as long as the data is being processed and up to six years afterwards For consent to be valid it must be "freely given". The School will be very careful before asking employees to consent to their data being used in a	SHRED/DELETE	Yes

	category personal data under the GDPR)	particular way, as they recognise the balance in the employee relationship. In the vast majority of cases it is not necessary to obtain the employee's consent before using their personal data. E.g. in setting up payroll.		
	Disclosure and Barring Service (**DBS**) checks and disclosures of criminal record forms	Dispose of securely after the recruitment process unless assessed as relevant to ongoing employment relationship. Once the conviction is spent, should be deleted unless it is an excluded profession.	Enter DBS certificate number, date, initials on Single Central Register SHRED/DELETE	Yes
	Immigration checks	Throughout employment and then retained for two years after the termination of employment	SHRED/DELETE	Yes
	Recruitment records of unsuccessful candidates	Six months after notifying unsuccessful candidates, unless the applicant requests retention of to allow the school to contact in the event of further opportunities becoming available. In the event further contact takes place the applicant will be asked if records should continued to be retained.	SHRED/DELETE	No
	Personnel and training records	Whilst employment continues and up to six years after	SHRED/DELETE	No

		employment ceases. In the event of contentious issues being linked to training, records may be retained for longer.		
	Annual leave records	Six years or possibly longer if leave can be carried over from year to year	SHRED/DELETE	No
	Collective / workforce agreements	Permanently or six years after the agreement comes to an end	SHRED/DELETE	No
	Works Council minutes	Permanently	N/A	No
	An Employee's bank details	Until last payment made	SHRED/DELETE	No
	Records of advances for season tickets and loans to employees	Whilst employment continues and up to six years after repayment	SHRED/DELETE	No
	Death Benefit Nomination and Revocation Forms	Whilst employment continues and up to six years after payment of benefit	SHRED/DELETE	No
	Health and safety information - employees			
	Reportable injuries,	Three years from the date of record	Review for further retention in the case of enforcement action or contentious disputes	Yes

	diseases and dangerous occurrences (**RIDDOR**) reports or own record	If disease - indefinitely (recommended)	SHRED/DELETE	
	First aid / accident book entry	Three years from the date of injury or last record in the book If disease - indefinitely	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
	Records of maintenance, examination and test control measures relating to substances hazardous to health under the Control of Substances Hazardous to Health (**COSHH**) regime	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
	Health records for licensable asbestos work	At least 40 years from the date if the last entry	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
	Medical surveillance certificate for	At least four years from the date it was issued	Review for further retention in the case of enforcement action contentious disputes	Yes

	licensable asbestos work		SHRED/DELETE	
	Records of air monitoring for asbestos	Where a health record is required at least 40 years from the date if the last entry In other cases at least five years from the date of the last entry		Yes
	Records of examinations, tests and repairs carried out in respect of exhaust or respiratory protective equipment under the Control of Asbestos Regulations 2012 (CAR)	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
	Examination / report of defect for power presses	Two years	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
	Records of water monitoring,	Five years from the date of the last entry	Review for further retention in the case of enforcement action or contentious disputes	Yes

	inspection, testing, checks and control measures for legionellosis		SHRED/DELETE	
	Health and safety information - pupils			
	Accident reports including first aid / accident book	DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No
	Reportable injuries, diseases and dangerous occurrences (**RIDDOR**) reports or own record	DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
	Incident investigations and reports, risk assessments and other relevant documents where there has been an	DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or civil claims for personal injury SHRED/DELETE	No

	accident or incident			
	Generic health and safety records			
	Risk assessments, records of health and safety arrangements, copies of policies and procedures General records of health and safety auditing and monitoring including fire risk assessments, electrical testing, PAT testing and gas appliance testing Training records and copies of instructions or information	These should be kept for as long as they remain relevant - at least three years (in the absence of a specific accident, incident, dangerous occurrence or notifiable disease). In the event that any of the bracketed examples have occurred, these will be retained inline with the length of any records relating to any contentious incidents.	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No

	Maintenance logs and / or records of plant and / or equipment plus safety manuals / notices / instructions Records of emergency evacuations and fire drills, fire safety risk assessments and fire safety policy / fire arrangements			
	Copies of documents, including health and safety files, prepared pursuant to the Construction (Design and Management) Regulations 2015	Retained as long as is reasonably necessary to inform on future construction projects at the School site	SHRED/DELETE	N/A
	Insurance			
	Insurance certificates and	Indefinitely	N/A	No

	schedules of cover			
	Correspondence with insurers related to specific accidents or incidents	Three years generally If the incident involved a pupil - DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident Disease claims or where there have been allegations of abuse - indefinitely	Review for further retention in the case of civil claims for disease or personal injury SHRED/DELETE	No
	Investigations, reviews and inquiries			
	Documents relevant to IICSA	Indefinitely	Review once the Inquiry has been completed.	No - unless the school has received a formal notice from IICSA
	Internal reports and investigations into accidents / incidents Copies of reports submitted to	Where the investigation / inquiry / report has been necessitated as a result of a specific incident, these documents are stored centrally for at least three years where there is a risk of enforcement action and / or criminal prosecution and / or a civil	SHRED/DELETE	No

	external agencies / regulators such as Independent Schools Inspectorate, Health and Safety Executive, Local Authority etc External reports, reviews, investigations and inquiries for example inquests and public inquiries	claim. Where this relates to pupil DOB +21 years); or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident.		
	Alumni records			
	Alumni should be treated as employees for the purposes of health and safety records.	As set out in section 6 above	As set out in section 6 above	No
	General alumni correspondence, membership forms etc	Six years after the last time the individual contacted the School This is subject to any longer retention period set out above. For example, records relating to	SHRED/DELETE	No

		a reportable disease should be kept indefinitely .		
	Material kept for archiving purposes in the public interest or for historical research purposes or statistical purposes			
	Records which do not contain personal data, for example, old photographs of School buildings, title deeds etc	Can be kept indefinitely	N/A	No
	Records relating to a number of pupils, or the School generally, such as old class photographs, lists of pupils attending the School in any given year, School prospectuses, newspaper cuttings etc	Can be kept indefinitely	N/A	No
	Records concerning	Can be kept indefinitely subject to the comments below.	N/A	No

	specific pupils kept for a valid reason. For example, a poem written by an exceptionally gifted pupil.	Please note that this does not apply to more routine pupils records. Routine work produced by pupils should not be kept for longer than the retention period set out in section 2.1 above unless the School has a specific reason for keeping it and that decision can be justified. For example, for historical research purposes such as if the School wished to retain the essays written by pupils which were submitted to an essay competition about growing up in the 2010s. The School may be required to anonymise any data held, unless, the anonymisation process would defeat the purpose for holding the data in the first place. *The School will ensure that its privacy notices for staff, pupils and parents covers the use of their information for historical reasons and for any other reasons for which their information might be retained for a long time. Please note, this is included in the Privacy Notices.*		

	CCTV, videos and photographs			
	CCTV footage	[● 90 days]	DELETE Review for further retention if the recording may be required for any reason such as in relation to an incident or accident involving any person. CCTV footage may also be needed in relation to parental complaints, disciplinary matters, pupil exclusions, bullying incidents or health and safety matters. If a subject access request has been made for the footage it must be retained. The School should consider the relevant limitation periods for claims being brought against the School and seek advice as necessary.	No
	Photographs of pupils for internal administration purposes e.g. to identify the pupil or photographs used on security passes	These photographs should be retained for as long as they are required for the purpose for which they were taken.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No
	Photographs or videos of pupils taken for marketing	These photographs and videos should be retained for as long as they are required for the	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No

	reasons e.g. photographs for use in the School prospectus or a video of pupils on the School's website	purpose for which they were taken. If the School would like to retain the images for historical reasons please see the comments at 12.3 above.		
	Photographs or videos of pupils used as part of the curriculum e.g. a video of a drama lesson/ performance or as part of an art project	These photographs and videos should be retained for as long as they are required for the purpose for which they were taken. If the School would like to retain the images for historical reasons please see the comments at 12.3 above.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No