

Whitby Heath Primary School

Excellence in a Caring Community



Retention & Disposal Policy

Policy Written	September 2020
Reviewed & Agreed by Governors	
Next Review	September 2022

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Retention and Disposal Schedule

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For Schools

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Introduction

Our School is required by the [Lord Chancellor's Code of Practice on the Management of Records issued under Section 46¹](#) of the Freedom of Information Act 2000 to have and to implement a records retention and disposal schedule. This document sets out details about all the records created and kept by us or our commissioned partners, in such a way that decisions can be made about identifying and disposing of them on a routine and timely basis. This retention and disposal schedule has been produced in consultation with directorates and key stakeholders in the processes to establish the legal and regulatory requirements and business needs on which record retention and disposal policies are based.

Scope

This retention and disposal schedule applies to all documents defined as records - 'Information created, received and maintained as evidence and information by an organisation or individual, in pursuance of legal obligations or in the transaction of business'

The retention requirements listed here apply to all records irrespective of media and format, or the system(s) in which the records are held, and should be applied to all copies including backups.

Divergence from the retention and disposal schedule may be appropriate in certain circumstances. For example, a pending or actual legal action, change of legislation or regulation, or legitimate business need. Any divergence requires liaison with the School's Data Guardian and Data Protection Officer.

Responsibilities

Business Manager / Phase Leads (Information Asset Owners), operational managers (Information Asset Administrators) and team leaders are responsible for ensuring:

- Record retention policies are implemented in their unit/team, supported by written procedures.
- Recordkeeping systems and arrangement of records enable identification of records due for disposal.
- Records due for disposal are routinely identified and reviewed to ensure they are no longer required.
- Divergence from Records Retention and Disposal Policy is authorised and the Data Guardian is notified of changes.
- Staff dispose of records only in accordance with policies set out in this document.

¹ <https://ico.org.uk/media/for-organisations/research-and-reports/1432475/foi-section-46-code-of-practice-1.pdf>

- Records are disposed of appropriately considering their sensitivity, security classification and the media and format(s) in which they are held in line.
- ICT Equipment and storage media are disposed of securely ensuring all records, data and information are removed in such a way that it is not recoverable.
- Records of potential historic interest or research value are identified and transferred with agreement to Cheshire Archive Service.
- Evidence of the disposal process is kept.

All staff are responsible for:

- Following procedures and guidance for managing, retaining and disposing of records.
- Only disposing of records in accordance with the requirements outlined in this document (if authorised to do so).
- Ensuring that any proposed divergence from the records retention and disposal policy is authorised

Legal Requirements

Each entry in the retention and disposal schedule details the specific legislation, regulations, guidelines or codes of practice that stipulate or recommend how long records must be kept before they are disposed of.

Some overarching legislation requires that records be kept for a certain amount of time and applies to all Schools. These include:

General Data Protection Regulation (GDPR)

[Principle](#)² states that personal information must be *"kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals"*

The Freedom of Information Act 2000

The Act requires us to make information available to the public unless specific exemption(s) apply. [The Code of Practice issued under 46](#) of the Act sets out rules on how we should manage records and information, including

² <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/principles/>

responsibilities on all staff to implement records retention and disposal schedules.

The Independent Inquiry into Child Sexual Abuse

On Thursday 12 March 2015 the Home Secretary established a [statutory inquiry](#)³ under the 2005 Inquiries Act with the aim of conducting an overarching national review of the extent to which institutions in England and Wales have discharged their duty of care to protect children against sexual abuse.

The Inquiry is independent of government. It is supported by a Panel, Victims and Survivors Consultative Panel, and other expert advisers. The Inquiry will cover England and Wales. A wide range of public institutions will be investigated including local authorities, the police, the armed forces, schools, hospitals, children's homes, churches, and charities.

On 2nd July 2015 Justice Goddard wrote to every Head Teacher of Schools and Chief Executive of a Local Authority in England and Wales, requesting that the organisation :

"retain any and all documents; correspondence; notes; emails and all other information - however held - which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care. For the purposes of this appendix, the word "children" relates to any person under the age of 18."

- We must not destroy, and must make available for inspection, all reports, reviews, briefings, minutes, notes and correspondence in relation to -
- allegations (substantiated or not) of individuals, organisations, institutions, public bodies or otherwise 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
- statutory responsibilities for the care of children in public or private care
- the development of policy on child protection
- the development of legislation on child protection
- the determination of the award of Honours to persons who are now demonstrated to have had a sexual interest in children or are suspected of having had such an interest.

³ <https://www.iicsa.org.uk/>

All of these document types - in whatever format - must be "retained pending further requests from the Inquiry"

Although the School's records retention schedule is very clear on the destruction dates of files, the instructions received by the Inquiry constitute a legal hold as defined by section 12.3 of the code of practice issued under Section 46 of the Freedom of Information Act which states that "Records should not be kept after they have ceased to be of use to the authority unless:

a) They are known to be the subject of litigation or a request for information. If so, destruction should be delayed until the litigation is complete or, in the case of a request for information, all relevant complaint and appeal provisions have been exhausted"

As such all records that fall within the above categories are retained, and not destroyed, until we are directed otherwise.

For any advice or clarification on whether records can be destroyed or are covered by the Inquiry retention hold, consult the School's Data Guardian

Disposal of Records

Provided records are not needed to comply with legal, financial or audit requirements, at the end of the retention period the records will be assessed to ensure changes in legislation, disputes and/or case reviews/enquiries/appeals do not require extended retention. Any changes in retention or appeals legislation should be reflected in this document. If there is no reason to extend the retention period, records must be confidentially destroyed.

The disposal of records requires the authorisation of two members of staff, typically the member of staff with operational responsibility for the records and their strategic manager. These are referred to as the Information Asset Administrator (IAA) and the Information Asset Owner (IAO). Record disposals need to be authorised by the Data Guardian prior to their disposal.

When records are being disposed of, summary information should be noted in a disposal certificate which provides evidence that the disposal has actually been carried out. This information should be in summary form at record series level in most cases (i.e. case files of pupils aged 25 years or over as of 1st April 2011).

Information held within IT systems will also be covered by the requirements of this schedule, however, the archiving and/or disposal will have to be carried out in accordance with procedures on redundant IT systems and/or electronic data. On this point, it is important that procedures around the archiving or disposal of documents which are linked to electronic data have built in mechanisms

whereby both sources are handled in parallel. This will ensure electronic data is disposed of at the same time as the linked paper source and vice versa.

Retention and Disposal Schedule for Schools

Refer to Retention schedule provided by DPO (SGDP05 Retention Schedule)

Divergence from the retention and disposal schedule may be appropriate in certain circumstances. For example, a pending or actual legal action, investigation or inquiry, change of legislation or regulations, or to support legitimate business need.

Any divergence from the information contained in this schedule requires liaison with the School's Data Guardian and Data Protection Officer.