

623

Data retention and access

September 2016

**623**

**Data retention and access**

**Introduction**

623 recognises that it needs to comply with

- 1.the protection of Children Act 1999
- 2.the Care Standards Act 2000
- 3.The Childcare Act 2006
- 4.the Safeguarding Vulnerable Groups Act 2006
- 5.the Equalities Act 2010
- 6.The Data Protection Act 1984/1998
- 7.the Freedom of Information Act 2000

Complying with this policy means that 623 need to maintain several separate sets of files:

- Open access files maintained in an open access part of the filing cabinet. All members of the club should have access to these records, subject only to basic librarianship. The files in this section will be:
  - Complaints file
  - The minutes book
  - A policy document file
  - Current financial summary file and cash book
  - Copies of driving licence, MOT, insurance certificates for car drivers
  - Fire test file
  - Staff training and certificates file (including DBS clearance)
  - PAT and COSHH file
  - Current risk assessments
  - The 623 constitution
  - Membership details
  - current OFSTED report
  - current circulars from DCSF
  - new members of the VMC information pack
  - visitors book (when not out)
  - inventories of equipment and furniture
  - building lease.
  - new staff induction pack
  - new child packs
  - feeder school agreements
  - early years files

- medical consent forms
  - parental permission slips for trips
  - transport registers
  - activity syllabus
  - data holding consent forms
  - Insurance certificates for PI, EL, The OFSTED registration certificate, the OFSTED poster and the current menu when these are not on the wall because 623 is closed
- Closed access files, also maintained in the 623 filing cabinet, but with access restricted to staff, members of the VMC who have DBS clearance and the subjects of those files. The files in this section will contain:
    - Register ( when not out)
    - Log book
    - Emergency contacts
    - Incident book
    - Contact information for everyone working on site
    - Accessibility agreements
    - Current billing information
  - Allegations file kept in a locked container in the locked filing cabinet
  - A staffing file (held off site), with access restricted to the manager, members of the VMC and the subject on request.
  - An operational archive, containing management materials, which is accessible to all members of 623 on request. (also held off site)
  - an OFSTED file, containing recently used materials held in a form accessible to the OFSTED inspection team. (held off site)
  - A financial archive, containing bulkier current finance data (for example, cheque books), archived financial information and information it is convenient for the treasurer to have under her immediate control.

### **Responsibilities:**

The treasurer of the VMC is responsible for Maintenance of the financial files and staffing files – in the 623 filing cabinet, and in the archive. He/She is also responsible for insurance documentation unless or until it is passed to the incident file.

The Secretary of 623 is responsible for maintenance of the operational archive and the OFSTED file.

The nominated person (currently Sally Christian) is responsible for the maintenance of the incident book, the incident archive and the allegations file.

The Manager / coordinator is responsible for maintaining filing in the locked and open filing cabinet and those things which must be available during sessions.

The Chair person is responsible for checking that these files are maintained on an annual basis.

### **Retention of materials which have a long life**

In the event that 623 closes, placement of materials which need to be retained beyond that date will be the responsibility of the officer in whose care they are. The officers should consult with the insurance company and social care (or whatever part of the local authority is appropriate at the time) and, if these organisations do not want the materials, the materials to be retained beyond the end of 623 should be offered to the body taking over 623 if that is considered appropriate. If the club closes completely, and neither the insurance company nor Social Care (or whatever part of the local authority is appropriate at the time) want the materials, the officers should pass the materials to last chairperson of the club, who will be responsible for keeping them for the legally required time in case they are required.

1 Child Protection

These retention periods should be used in conjunction with the document “Safeguarding Children and Safer Recruitment in Education” which can be downloaded from [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk).

	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational] And location	Action at the end of the administrative life of the record	
1.1	Child Protection files	Yes	Education Act 2002, s175, related guidance “Safeguarding Children in Education”, September 2004	DOB + 25 years  <i>In allegations file Availability subject to supervision of Social Care</i>	SHRED	Child Protection information must be shared with the school. Where a child is to be educated at home, the file should be copied to the Local Education Authority.
1.2	Allegation of a child protection nature against a member of staff, including where the allegation is unfounded	Yes	Employment Practices Code: Supplementary Guidance 2.13.1 (Records of Disciplinary and Grievance) Education Act 2002 guidance “Dealing with Allegations of Abuse against Teachers and Other Staff” November 2005	Until the person’s normal retirement age, or 10 years from the date of the allegation whichever is the longer  <i>In allegaitons. Available subject to supervision of social care</i>	SHRED	The following is an extract from “Safeguarding Children and Safer Recruitment in Education” p60 “Record Keeping 5.10 It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person’s confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. And it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.”

2 VMC Meetings						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational] And location	Action at the end of the administrative life of the record	
2.1	Minutes					
	<ul style="list-style-type: none"> <li>Principal set (signed)</li> </ul>	No		Six years  623 filing cabinet available	Retain in 623 until the completion of the current minute book. Then retain in operations archive for the remainder of the six years.	Shred
2.8	Policy documents	No		Expiry of policy  623 filing cabinet available	Retain in 623 room whilst policy is operational (this includes if the expired policy is part of a past decision making process)	shred
2.9	Complaints files	Yes		Date of resolution of complaint + 6 years  623 filing cabinet available	Retain in 623 for the first six years Review for further retention in the case of contentious disputes SHRED routine complaints	

3						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational] <i>Location</i>	Action at the end of the administrative life of the record	
3.1	Daily Log Books	Yes <sup>1</sup>		Date of last entry in the book + 6 years <i>Current book In 623 filing cabinet (closed section) Available on request by subject or parents or guardians</i>	Completed logs retain in operations archive for remaining years	shred
3.6	Professional development plans	Yes		Closure + 6 years <i>In 623 staffing file. Available to manager, VMC and on request to subject.</i>	SHRED	

4 children						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
4.2	Attendance registers	Yes		Date of register + 3 years  <i>Current register out for inspection during sessions. In 623 filing cabinet (open section).</i>	At the end of the academic year, transfer to operations archive for remaining three years.	SHRED [If these records are retained electronically any back up copies should be destroyed at the same time]

<sup>1</sup> From January 1<sup>st</sup> 2005 subject access is permitted into unstructured filing systems and log books and other records created within 623 containing details about the activities of individual pupils and members of staff will become subject to the Data Protection Act 1998.



4 children						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
4.4	Early Years Pupil files	Yes		Whilst child is at 623. <i>In 623 filing cabinet (open section) Accessible</i>	Return to parent at the end of the year	With consent keep copy for OFSTED in archive
4.13	Accessibility Strategy	Yes	Special Educational Needs and Disability Act 2001 Section 14	Closure + 12 years <i>In 623 filing cabinet (closed section) whilst child or staff member remains at 623 Accessible to subject on request</i>	Retain in operations archive after staff member/child has left until 12 years completed	SHRED unless legal action is pending
4.15	Parental permission slips for 623 trips – where there has been no major incident and the risk is not transferred to the place being visited	Yes		Conclusion of the trip <i>623 filing cabinet (open section)</i>	SHRED	

4 children						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
4.16	Parental permission slips for 623 trips – where there has been a major incident	Yes	Limitation Act 1980	DOB of the pupil involved in the incident + 25 years The permission slips for all pupils on the trip need to be retained to show that the rules had been followed for all pupils <i>In 623 cabinet (open section) until end of trip. Transfer to incident archive after trip</i>	SHRED	
4.19	Transport registers	Yes		Date of register to the end of the academic year if there is no incident. <i>In 623 filing cabinet open section (accessible)</i>  Till youngest child's 225 <sup>th</sup> birthday if there is an incident. <i>In incident archive, accessible to subject and parents of guardians of subject on request</i>	SHRED [If these records are retained electronically any back up copies should be destroyed at the same time]	

5 Curriculum					
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational] <i>Location and access</i>	Action at the end of the administrative life of the record
5.3	Activity syllabus	No		Current year + 1 year <i>623 filing cabinet – open section – accessible</i>	(keep one year for OFSTED) Then shred.

6 Personnel Records					
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record
6.1	Timesheets, sick pay	Yes	Financial Regulations	Current year + 6 years <i>Staffing file. Available</i>	SHRED
6.2	Staff Personal files	Yes		Termination + 7 years <i>Staffing file. Available to manager, VMC and subject on request</i>	SHRED
6.3	Interview notes and recruitment records	Yes		Date of interview + 6 months <i>Staffing file. Available to manager, VMC and subject on request</i>	SHRED
6.4	Pre-employment vetting information (including DBS checks)	No	DBS guidelines	Date of check + 6 months <i>Staffing file. Available to manager, VMC and subject on request</i>	SHRED [by the designated member of staff]

6 Personnel Records					
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record
6.5	Disciplinary proceedings:	Yes	<b>Where the warning relates to child protection issues see 1.2. If the disciplinary proceedings relate to a child protection matter please contact your safeguarding children officer for further advice.</b>		
6.5a	<ul style="list-style-type: none"> <li>oral warning</li> </ul>			Date of warning + 6 months Staffing file. Available to manager, VMC and subject on request	SHRED <sup>2</sup>
6.5b	<ul style="list-style-type: none"> <li>written warning – level one</li> </ul>			Date of warning + 6 months Staffing file. Available to manager, VMC and subject on request	SHRED
6.5c	<ul style="list-style-type: none"> <li>written warning – level two</li> </ul>			Date of warning + 12 months Staffing file. Available to manager, VMC and subject on request	SHRED
6.5d	<ul style="list-style-type: none"> <li>final warning</li> </ul>			Date of warning + 18 months Staffing file. Available to manager, VMC and subject on request	SHRED
6.5e	<ul style="list-style-type: none"> <li>case not found</li> </ul>			If child protection related please see 1.2 otherwise shred immediately at the conclusion of the case Staffing file. Available to manager, VMC and subject on request	SHRED
6.6	Records relating to accident/injury at work	Yes		Date of incident + 12 years In the case of serious accidents a further retention period will need to be applied Incident file. Available to manager, VMC and subject on request	SHRED

<sup>2</sup> If this is placed on a personal file it must be weeded from the file.

<b>6 Personnel Records</b>					
	<b>Basic file description</b>	<b>Data Prot Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [operational]</b>	<b>Action at the end of the administrative life of the record</b>
6.7	Annual appraisal/assessment records	No		Current year + 5 years <i>Staffing file. Available to manager, VMC and subject on request</i>	SHRED
6.8	Salary cards	Yes		Last date of employment + 85 years <i>Staffing file. Available to manager, VMC and subject on request</i>	SHRED
6.9	Maternity pay records	Yes	Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960), revised 1999 (SI 1999/567)	Current year, +3yrs <i>Staffing file. Available to manager, VMC and subject on request</i>	SHRED
6.10	Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995	Yes		Current year + 6 years <i>Staffing file. Available to manager, VMC and subject on request</i>	SHRED
6.11	Proofs of identity collected as part of the process of checking "portable" enhanced DBS disclosure	Yes		Where possible these should be checked and a note kept of what was seen and what has been checked. If it is felt necessary to keep copy documentation then this should be placed in <i>Staffing file. Available to manager, VMC and subject on request</i>	SHRED WHEN STAFF LEAVE

**7 Health and Safety**

	<b>Basic file description</b>	<b>Data Prot Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [operational]</b>	<b>Action at the end of the administrative life of the record</b>
7.1	Accessibility Plans		Disability Discrimination Act	Current year + 6 years <i>In 623 filing cabinet closed section. Available on request subject to consent from subject's parents or guardian</i>	SHRED
7.2	Accident Reporting		Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980		
7.2a	<ul style="list-style-type: none"> <li>Adults</li> </ul>	Yes		Date of incident + 7 years <i>Incident archive. Accessible to manager, VMC and subject</i>	SHRED
7.2b	<ul style="list-style-type: none"> <li>Children</li> </ul>	Yes		DOB of child + 25 years <i>Incident archive. Accessible to manger, VMC and subject</i>	SHRED
7.3	COSHH			Current year + 10 years [where appropriate an additional retention period may be allocated] <i>623 filing cabinet open section</i>	SHRED
7.4	Incident reports	Yes		Current year + 20 years <i>Incident archive. Accessible to vmc, manager and subject</i>	SHRED
7.5	Policy Statements			Date of expiry + 1 year <i>623 filing cabinet open access</i>	SHRED
7.6	Risk Assessments			Current year + 3 years <i>623 filing cabinet open access</i>	SHRED
7.9	Fire Precautions log books			Current year + 6 years <i>623 filing cabinet open access</i>	SHRED

8 Administrative						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
8.1	Employer's Liability certificate			Closure of 623 + 40 years <i>Current certificate on wall. Out of date retain in incident archive. Available on request</i>	SHRED	
8.2	Inventories of equipment and furniture			Current year + 6 years <i>Current in 623 filing cabinet open access. Out of date, retain in operational archive</i>	SHRED	
8.5	Circulars (staff/parents/children) including news-letter			Current year + 1 year <i>Retain copy in 623 filing cabinet open access</i>	SHRED	At end of year retain in Ofsted archive for one year
8.7	Visitors book			Current year + 2 years <i>Out during sessions. In 623 filing cabinet open section during currency.</i>	Review to see whether a further retention period is required	On completion retain in OFSTED archive
9 Finance						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
9.1	Annual Accounts		Financial Regulations	Current year + 6 years <i>Current and previous year on open filing cabinet</i>	Subsequent four years in finance archives	

8 Administrative							
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]		Action at the end of the administrative life of the record	
9.2	Loans and grants			Financial Regulations	Date of last payment on loan + 12 years <i>In finance archive. Available to members on request</i>	Review to see whether a further retention period is required	
9.3	Contracts						
9.3a	<ul style="list-style-type: none"> <li>under seal</li> </ul>				Contract completion date + 12 years <i>In operational archive. Available to members on request</i>	SHRED	
9.3b	<ul style="list-style-type: none"> <li>under signature</li> </ul>				Contract completion date + 6 years <i>In operational archive. Available to members on request</i>	SHRED	
9.3c	<ul style="list-style-type: none"> <li>monitoring records</li> </ul>				Current year + 2 years <i>In operational archive. Available to members on request</i>	SHRED	
9.4	Copy orders				Current year + 2 years <i>In operational archive. Available to members on request</i>	SHRED	



8 Administrative							
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]		Action at the end of the administrative life of the record	
9.5	Budget reports, budget monitoring etc				Current year + 3 years <i>Current and previous year, in open filing cabinet</i>	Subsequent two years in finance archive. Available to members on request	SHRED
9.6	Invoice, receipts and other records covered by the Financial Regulations			Financial Regulations	Current year + 6 years <i>In finance archive. Available to members on request</i>	SHRED	
9.7	Annual Budget and background papers				Current year + 3 years <i>Current and previous year, in open filing cabinet</i>	Subsequent two years in finance archive. Available to members on request	SHRED
9.8	Order books and requisitions				Current year + 6 years <i>In finance archive. Available to members on request</i>	SHRED	
9.9	Delivery Documentation				Current year + 6 years <i>In operational archive. Available to members on request</i>	SHRED	

8 Administrative							
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]		Action at the end of the administrative life of the record	
9.10	Debtors' Records			Limitation Act 1980	Current year + 6 years <i>In finance archive Available to subject on request and to members with identifying data removed, where the debtor is a club member.</i>	SHRED	
9.11	623I Fund – Cheque books				Current year + 3 years <i>In finance archive. Available to members on request</i>	SHRED	
9.12	623 Fund – Paying in books				Current year + 6 years then review <i>In finance archive. Available to subject on request and to members with identifying data removed on request</i>	SHRED	
9.13	623 – Ledger				Current year + 6 years then review <i>In finance archive. Available to members on request</i>	SHRED	

8 Administrative							
	Basic file description		Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
9.14	623I Fund – Invoices				<p>Current year + 6 years then review                      In finance archive or billing information file in closed cabinet. . Available to subject on request.                      Available to members with identifying data removed on request members on request</p>	SHRED	
9.15	623 Fund – Receipts				<p>Current year + 6 years then review                      In finance archive or billing information file in closed cabinet. . Available to subject on request.                      Available to members with identifying data removed on request members on request</p>	SHRED	

8 Administrative							
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]		Action at the end of the administrative life of the record	
9.16	623I Fund – Bank statements				Current year + 6 years then review In finance archive or billing information file in closed cabinet. . Available to subject on request. Available to members with identifying data removed on request members on request	SHRED	
9.17	623I Fund – Trip books				Current year + 6 years then review In finance archive or billing information file in closed cabinet. . Available to subject on request. Available to members with identifying data removed on request members on request	SHRED	
9.21	Petty cash books			Financial Regulations	Current year + 6 years Current and previous year in open finance file.	Subsequent four years In financial archive. Available to members on request	Shred

10 Property						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
10.4	Leases			Expiry of lease + 6 years <i>In open filing cabinet</i>	SHRED	
10.6	Burglary, theft and vandalism report forms			Current year + 6 years <i>In operational archive. Available to members on request</i>	SHRED	
10.7	Maintenance log books			Last entry + 10 years <i>In operational archive. Available to members on request</i>	SHRED	
10.8	Contractors' Reports			Current year + 6 years <i>In operational archive. Available to members on request</i>	SHRED	

12 Department for Children, Schools and Families						
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	
12.2	OFSTED reports and papers			Replace former report with any new inspection report <i>Current report in 623 filing cabinet (open access) Previous report in OFSTED archive (available on line)</i>	Review to see whether a further retention period is required	
12.4	Circulars from Department for Children, Schools and Families			Whilst operationally required <i>In 623 filing cabinet (open access)</i>	SHRED	

16.2 Records to be kept by Registered Persons - Day Care				
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]
16.2.1	The name and address and telephone number of the registered person and every other person living or employed on the premises (623 personnel only)	Y		<i>Kept in closed file Current academic year unless removed to incident archive. Accessible to VMC, manager and subject on request Shred at end of year.</i>
16.2.2	A statement of the procedure to be followed in the event of a fire or accident	N		<i>Procedure superseded + 7 years Current policy in 623 filing cabinet (open section). Former policies in operational archive. Shred at end of period unless required for incident file.</i>
16.2.3	A statement of the procedure to be followed in the event of a child being lost or not collected	N		<i>Procedure superseded + 7 year Current policy in parent pack and available in 623 filing cabinet open access. Superseded procedures in operational archive. Shred at end of period unless required for incident file.</i>
16.2.4	A statement of the procedure to be followed where a parent has a complaint about the service being provided by the registered person	N		<i>Until superseded Current policy in parent pack in 623 filing cabinet open access. Superseded procedures in operational archive. Shred at end of period unless required for incident file.</i>

16.2 Records to be kept by Registered Persons - Day Care				
	Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]
16.2.4	A statement of the arrangements in place for the protection of children, including arrangements to safeguard the children from abuse or neglect and procedures to be followed in the event of allegations of abuse or neglect	N		Closure of setting + 50 years [These could be required to show whether or not an individual child attended the setting in a child protection investigation] <i>In 623 filing cabinet open access plus parent pack. Superseded procedures in operational archive</i>
16.2.5	Emergency contact details for children attending 623	Y		Whilst child is registered at the setting. <i>In locked section of 623 filing cabinet or with manager when on trips. Also recorded on both 623 phones. Accessible to all staff, VMC with DBS clearance and subject on request.</i>
16.2.6	Email list of member contacts	Y		Whilst child is registered at the setting and subject to individual consent on joining (which consent can be withdrawn at any time). Retained electronically by manager and members of the 623 VMC and volunteers responsible for the newsletter.

<b>16.4 Other Records - Administration</b>				
	<b>Basic file description</b>	<b>Data Prot Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [operational]</b>
	<b>Financial Records</b>			
16.4.1	Financial records – accounts, statements, invoices, petty cash etc	N		Current year + 6 years <i>Summaries for current and previous year in 623 open file. Subsequent four years in financial archive– access to all members and staff on request. Shred at end of 6 years period.</i>
	<b>Insurance</b>			
16.4.2	Insurance policies – Employers Liability	N	Employers Liability Financial Regulations	The policies are kept for a minimum of 6 years and a maximum of 40 years depending on the type of policy <i>Current policy on display in 623 premises. Superseded policies to be kept in the incident archive. Accessible to all members and staff on request.</i>
16.4.3	Claims made against insurance policies – damage to property	Y		Case concluded + 3 years <i>Incident archive. Accessible to all members and staff on request with identifying data removed where appropriate. Shred at end of period.</i>
16.4.4	Claims made against insurance policies – personal injury	Y		Case concluded + 6 years <i>Incident archive. Accessible to all members and staff on request with identifying data removed where appropriate. Shred at end of period.</i>
	<b>Human Resources</b>			



<b>16.4 Other Records - Administration</b>				
	<b>Basic file description</b>	<b>Data Prot Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [operational]</b>
16.4.5	Personal Files - records relating to an individual's employment history	Y <sup>3</sup>		Termination + 6 years then review <i>Staffing file. Accessible to manager, VMC and subject on request. Shred at end of period unless transferred to incident archive.</i>
16.4.6	Pre-employment vetting information (including DBS checks)	N	DBS guidelines	Vetting data – in staffing file - Date of check + 6 months <i>DBS certificates in in 623 open access filing cabinet in marked file</i> <i>Shred when member of staff leaves unless required for incident archive.</i>
16.4.7	Staff training records – general	Y		Current year + 2 years <i>Retain in open access filing cabinet in marked file</i>
16.4.8	Training (proof of completion such as certificates, awards, exam results)	Y		Last action + 7 years <i>Retain in open access filing cabinet in marked file</i> <i>Return originals to staff on leaving but keep photocopies in staff tile to end of period. Then shred.</i>
	<b>Premises and Health and Safety</b>			
16.4.10	Risk Assessments	N		Current year + 3 years <i>Current RA to be held in open access filing cabinet</i> <i>Superseded RA to be kept in operations archive and then shredded.</i>

