



West Norfolk  
Academies Trust

# **STAFF DATA RETENTION POLICY**

**Reviewed By: Trustees**

**Approved: December 2020**

**Next Review: December 2023**

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## **1. Aims**

**1.1** The Trust recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution. Records provide evidence for protecting the legal rights and interests of the Trust, and provide evidence for demonstrating performance and accountability. This document provides the policy framework through which this effective management can be achieved and audited.

## **2. Scope of the Policy**

**2.1** This policy applies to all staff records created, received or maintained by staff of the school in the course of carrying out its functions.

**2.2** Records are defined as all those documents which facilitate the business carried out by the Trust and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created or received and then stored, in hard copy or electronically.

## **3. Responsibilities**

**3.1** The Trust has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility is the Executive Headteacher.

**3.2** The person responsible for records management in each school (Headteacher) will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely way. They will also monitor compliance with this policy by surveying at least annually to check if records are stored securely and can be accessed appropriately.

**3.3** Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the school's records management guidelines.

## **4. Relationship with existing policies**

**4.1** This policy has been drawn up within the context of:

- Freedom of Information policy
- Data Protection policy
- and with other legislation or regulations (including audit, equal opportunities and ethics) affecting the Trust.

## **5. Staff Records**

**5.1** The Trustees of West Norfolk Academies Trust are committed to retaining personal data (which may be held on paper, electronically, or otherwise) about our employees for no longer than necessary for the purpose or purposes for which they were collected. All steps will be reasonably taken to securely destroy or erase from systems, all data which is no longer required.

**5.2** The Trustees recognise the need to process data in an appropriate and lawful manner, in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

**5.3** Data users are obliged to comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary action, in accordance with the Trust's Disciplinary Procedure for all Employees (available on the Trust's website), and may result in dismissal in cases of gross misconduct.

## **6. Retention of Data**

**6.1** Personal data will be retained for employment purposes, to assist in the running of the business and/or to enable individuals to be paid. In such cases we will apply the 'recommended' retention period. Some personal data is retained for statutory purposes, in which case we will apply the 'statutory' retention period.

**6.2** The Trustees commit to retaining the minimum amount of personal data that is necessary for the purpose for which it is held and access to the personal data will be restricted so that it is used only for the specific purpose.

**6.3** Personal data will be held as indicated in the retention schedule and for no longer than the period specified below. All personal data will be destroyed securely at the end of the retention period.

## **7. Safe destruction of the Staff record**

**7.1** The staff record should be disposed of in accordance with the safe disposal of records guidelines.

## **8. Storage of Staff records**

**8.1** All staff records should be kept securely at all times. Paper records, for example, should be kept in lockable storage areas with restricted access, and the contents should be secure within the file. Equally, electronic records should have appropriate security.

**8.2** Access arrangements for staff records should ensure that confidentiality is maintained whilst equally enabling information to be shared lawfully and appropriately, and to be accessible for those authorised to see it.

## 9. Staff Records Schedule

9.1 Recruitment					
	Basic file description	Data Protection Issues	Statutory Provisions	Retention Period [Operational]	Action at end of administrative life of the record
	All records leading up to the appointment of a new member of staff – unsuccessful candidates	Yes		Date of appointment of successful candidate + 6 months	SECURE DISPOSAL
	All records leading up to the appointment of a new member of staff – successful candidate	Yes		All relevant information should be added to the Staff Personnel File (see below) and all other information retained for 6 months	SECURE DISPOSAL
	Pre-employment vetting information – DBS Checks	Yes		Copies of a DBS should not be taken and kept by the school, unless there is a query on the DBS in which case a copy can be kept for a maximum of 6 months while enquires are made.	SECURE DISPOSAL
	Proofs of identity collected as part of the process of checking “portable” enhanced DBS disclosure, and used for identity authentication for DBS and Asylum and Immigration Act purposes	Yes		These should be checked, and a note kept of what was seen and what has been checked. A copy of the documentation should be added to the Staff Personnel File. Documents should be kept for termination of employment + 6 years.	SECURE DISPOSAL

**9.1 Recruitment**

	<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [Operational]</b>	<b>Action at end of administrative life of the record</b>
	Confirmation of DBS outcome and any associated documents (e.g. risk assessment or certificate of good conduct) Confirmation of Barred List clearance and/or Prohibition check where required	Yes		Should be held on staff personnel file and kept for termination of employment + 25 years	SECURE DISPOSAL
	Confirmation of pre-employment medical check clearance	Yes		Should be held on staff personnel file and kept for termination of employment + 6 years	SECURE DISPOSAL
	Pre-employment vetting information – Evidence proving the right to work in the United Kingdom, UK Border Agency Documentation (work permit), Records relating to employees from outside of the UK e.g. visa, work permits etc.	Yes	An employer’s guide to right to work checks [Home Office May 2015]	These documents should be added to the Staff Personnel File and kept for termination of employment + 6 years	SECURE DISPOSAL
	Other pre-employment checks – specifically copies of qualification certificates (including NQT completion of skills tests), references, contract of employment and any variation letters or side letters.	Yes	Limitation Act 1980 (Section 2)	These documents should be added to the Staff Personnel File and kept for termination of employment + 6 years	SECURE DISPOSAL
	Records relating to the TUPE process	Yes		Date last member of staff transfers or leaves the organisation + 6 years	SECURE DISPOSAL

<b>9.2 Operational Staff Management</b>				
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [Operational]</b>	<b>Action at end of administrative life of the record</b>
Annual appraisal/assessment records	Yes		Termination of employment + 6 years	SECURE DISPOSAL
Records relating to the agreement of pay and conditions	Yes		Termination of employment + 6 years	SECURE DISPOSAL
Medical certificates / Occupational Health reports and sickness absence records	Yes		Termination of employment + 6 years	SECURE DISPOSAL
Statutory Sick Pay records, calculations, certificates, self-certificates	Yes		Termination of employment + 6 years	SECURE DISPOSAL
Other special leave of absence including parental leave, maternity leave	Yes		Termination of employment + 6 years	SECURE DISPOSAL
Letter of resignation and acceptance of resignation, exit interview notes or other documentation relating to the termination of employment.	Yes		Termination of employment + 6 years	SECURE DISPOSAL
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	Yes		Date of redundancy + 6 years	SECURE DISPOSAL

<b>9.2 Operational Staff Management</b>					
	<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [Operational]</b>	<b>Action at end of administrative life of the record</b>
	Salary assessment forms – teachers	Yes		Termination of employment + 6 years	SECURE DISPOSAL
	Staff induction including NQTs induction	No		Termination of employment + 6 years	SECURE DISPOSAL
	Any other document relevant to Trust policy and procedures such as capability, absence management, grievance, bullying, harassment, probation	Yes		Stored in staff personnel file for period stated on document if not to be held for termination + 6 years	SECURE DISPOSAL



### 9.3 Management of Disciplinary and Grievance Processes

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period [Operational]	Action at end of administrative life of the record
Allegation which is child protection in nature against a member of staff, including where the allegation is unfounded, and not found to be malicious.	Yes	Keeping Children Safe in Education September 2020	Until the child/children involved in the allegation reach 25 years of age, or the person's normal retirement age or 10 years from the date of the allegation, whichever is longer, then destroy.	SECURE DISPOSAL
Disciplinary Proceedings	Yes			
<ul style="list-style-type: none"> <li>Informal Management Advice</li> </ul>			Stored in staff personnel file for Termination + 6 years unless a specific period is stated on the letter of advice	SECURE DISPOSAL
<ul style="list-style-type: none"> <li>First written warning</li> </ul>			Date of warning + 12 months	SECURE DISPOSAL
<ul style="list-style-type: none"> <li>Final written warning</li> </ul>			Date of warning + 12 months	SECURE DISPOSAL
<ul style="list-style-type: none"> <li>Case not found</li> </ul>			If the incident is child protection related, then see above; otherwise, dispose of at the conclusion of the case	SECURE DISPOSAL
<ul style="list-style-type: none"> <li>Dismissal due to gross misconduct – not Child Protection related</li> </ul>			Termination of employment + 6 years	SECURE DISPOSAL

**9.4 Payroll Records**

	<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period [Operational]</b>	<b>Action at end of administrative life of the record</b>
	Timesheets	Yes		Current year + 6 years	SECURE DISPOSAL
	Inland Revenue/HMRC correspondence	Yes		Current year + 6 years	SECURE DISPOSAL
	National minimum wage records	No		Minimum of 3 years after the end of the pay reference period	SECURE DISPOSAL