



Records Management Policy	
Policy Ref:	Gen 028
Status	
Purpose	
Committees	Trust Board
Other linked policies	
Issue date	August 2021
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### Introduction

1. This records management policy (retention and deletion) contains recommended retention periods for the different record series created and maintained by schools across the Trust. The schedule refers to all information regardless of the media in which it is stored.
2. Some of the retention periods are governed by statute. Others are guidelines, following best practice, employed by schools throughout the United Kingdom. Every effort has been made to ensure that these retention periods are compliant with the requirements of the General Data Protection Regulation 2018 (GDPR), the Data Protection Act 2018 (DPA), Article 8, the Human Rights Act 1998, the Freedom of Information Act 2000 (FOI) and the Code of Practice on Records Management (under Section 46 of the FOI).
3. Managing records series using these retention guidelines will be deemed to be 'normal processing' under the terms of the legislation noted above. If those record series are to be kept for longer or shorter periods than the time scales held in this document, the reasons for any deviation must be recorded.
4. This policy will be reviewed by the **Trust Board** at intervals of **no less than three years**, or exceptionally, if required by changes in Data Protection, Freedom of Interest or other legislation, where relevant.
5. Due to the ongoing Independent Inquiry into Child Sexual Abuse (IICSA) no pupil and staff record should be destroyed until further notice. The guidance below gives a retention period (in the 'Retention Action' column), but where records should not be destroyed, this has been noted in the 'Disposal Action' column. This will be reviewed as and when the IICSA enquiry concludes.

### Purpose

6. Across the Trust all schools need to create and maintain accurate records for them to function and carry out the tasks of educating and safeguarding pupils. This policy, for managing records at (school name) has been drawn up in conformity with legislation, regulations affecting schools and best practice as promoted by the Information and Records Management Society of Great Britain.
7. This policy sets out guidelines for recording, managing, storing and the disposal of data, whether they are held on paper or electronically (including on line), in order to assist staff, and the school, to comply with the General Data Protection Regulation (2018) and the Freedom of Information Act



(2000). It should be read and used in conjunction with the following school policies;

- Management Information Systems
- Data Protection Policy
- Privacy Notices
- Information Asset Register

8. The implementation of the General Data Protection (2018) did not fundamentally change the principles around the duration of records retention. However, it has introduced stricter rules about the use and storage of personal data, requiring more dynamic, efficient and secure storage systems. It is expected that;

- All information held by schools needs to be justifiable, by reference, to its purpose.
- Schools must be transparent and accountable as to what data they hold.
- Schools must understand and explain the reasons why they hold data.
- Schools must be able to respond to Subject Access Requests.
- Schools must be able to amend, delete or transfer data promptly upon any justified request.
- Schools must be able to audit how personal data was collected and when and why.
- Schools must hold sensitive data securely, accessed only by those with reason to view it and possess a policy as to why it is needed.

9. All members of staff, with access to records, are expected to;

- Manage their current record keeping systems using the Retention Policy.
- Only dispose of records in accordance with the requirements outlined in this policy, if authorised to do so.
- Ensure that any proposed divergence from the records retention schedule and disposal policies is authorised by the Head Teacher.

10. This policy does not form part of any employee's contract of employment and is not intended to have a contractual effect. However, it does reflect the school's current practice, the requirements of current legislation and best practice and guidance. It may be amended by the school but any changes will be notified to employees within one month of the date on which the change is intended to take effect. The school may also vary any parts of the procedure, including time limits, as appropriate.

### Why hold a Retention Policy?

11. There are a number of benefits which arise from the use of a Retention Policy:

- Managing records against the Retention Policy is deemed to be 'normal processing' under the GDPR (2018) and the Freedom of Information Act (2000). Where members of staff are managing records using the Retention Policy, they will not be culpable of tampering or the unauthorised alteration of data, once a Freedom of Information request or Subject Access Request (SAR) has been made.
- Members of staff can be confident about destroying information at the appropriate time and in a secure fashion.
- Information which is subject to Freedom of Information and GDPR legislation will be available, when required.
- The school is not maintaining and holding information unnecessarily.

### Examples of How Pupil Records May Stored and the Information Shared.

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12. The following examples illustrate a number of options by which schools across the Trust may hold data – in some cases, where information is held on different platforms, a combination of these options may be employed ('hybrid files'). It is advised that the school, working with their Data Protection Officer, creates a summary of what information they hold and how;
13. Pupil record (hard copy) - 'a manila file ('buff folder') is kept on each pupil, in a locked filing cupboard within the classroom/business office/Head Teacher/Principal's office. This file holds hard copies of information about that pupil e.g. consent forms, annual data audits.'
14. Pupil record (electronic) - 'a record is held on the school's electronic Management Information System (Arbor), from information provided by the child's parents upon admission. Information includes; pupil name, address, emergency contact details, free school meal status, statutory test results, daily attendance'
15. Pupils with Special Educational Needs – 'pupils with Special Educational Needs are recorded in the Management Information System (Arbor) and information regarding these individuals is made available to involved staff, with permissions delegated and recorded by the HT. Electronic records are held, securely, on the appropriate staff drive within the server/cloud, managed by the school's SENCO. Hard copy information is stored, securely, in the SENCO office and also within the pupil's buff folder.'
16. Pupils receiving Pupil Premium (PP) funding/Looked After Children (LAC) – 'pupils in receipt of additional funding, due to their PP, LAC or post-LAC family status, are recorded in the Management Information System (Arbor). Information regarding individual pupils is made available to involved staff, with permissions delegated and recorded by the Headteacher/Principal. Electronic copies of PP review/LAC review documents are held, securely, on the appropriate staff drive within the server/cloud. Hard copy information is stored within the pupil's buff folder.'
17. Medical Records – 'information regarding the medical needs of a pupil is provided by parents/carers upon admission and updated, where necessary, following the annual data check. Information provided includes any significant known reactions to medication, major allergies and notable medical conditions. This information is available to staff likely to administer medication or treatment. The information is shared externally (trips) or to external agencies (catering) only with parental permission. This information is held under the terms of the retention schedule, following the completion of the trip, or, with regards catering, for the duration of the child's time in school.'
18. Any pupil who has a more serious level of medical need (e.g. diabetes, anaphylaxis) will have an individual Health Care Plan (HCP), which is presented by the parent/guardian, with the GP's/consultant's instructions for care within the school should the need arise. These records, with the consent of the parent/guardian, will be shared with school staff to ensure pupil safety. Photographs of the children (where appropriate and applicable), will be displayed in the staff room/business office/reception/first aid room. Hard copy information is stored with the pupil's buff folder. These records are shared with medical services, in the event of an emergency and any visible instructions/guidance relating the child will be displayed only for the duration of their time in school.'
19. Financial Records – 'financial records are held in the business office. School dinner payments and

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school trip payments will be held electronically on the system used by each school.

#### Diaries and Notebooks

20. Confidential or work related notes, written in an employee diary or notebook, are not considered to be school records and should always be transferred to an appropriate record keeping system as soon as possible. All school staff members are responsible for ensuring that any confidential or work related notes that they have recorded in a diary/notebook are;
- Kept secure at all times e.g. not left unattended, on desks or in vehicles, and are locked away in a secure location when not in use.
  - Transferred to an appropriate record keeping system as soon as possible e.g. SIMS, RM Integris, MyConcern, CPOMS etc.
  - Within three months of being completed, treated as confidential waste i.e. destroyed securely and safely, after confirming that all relevant information has been transferred to an appropriate record keeping system.
21. As a guide;
- Notebooks should be destroyed within three months of being completed i.e. when they are full
  - Diaries should be retained for the first three months of the following year and then destroyed.
22. The Trust's Data Protection Officer (**Derbyshire County Council**) will remind all members of staff, within the school and where relevant, of their responsibility to destroy completed diaries and notebooks on a regular basis. All currently completed diaries/notebooks, held on site or elsewhere, should be destroyed as soon as possible, unless there is a specific reason to keep them, agreed by the Head Teacher, and then retained on an appropriate record keeping system e.g. staff personnel file.

#### Emails, Texts and Instant Messaging

23. Emailing is a form of communication – it is not a means of storing information that may be kept securely elsewhere. Emails should not be kept, but rather transferred, if the information they hold falls into the categories listed within the Retention Schedule e.g. does it form part of the pupil record? Does it relate to an employee or a decision about an employee? If so, this information could be transferred e.g. printed off and kept in the pupil's buff folder, and the email deleted. Emails and attachments which hold data must not be kept as emails; they must be either be saved in an appropriate electronic management information system or printed off and filed as a hard copy document.
24. Schools should consider implement a rule whereby emails are automatically deleted after a period of time, once they have been filed, and make this known via their Data Protection Policy. Such a rule would limit the amount of information that might be available to a data subject under a Subject Access Request and helps reduce the amount of electronic storage required by the school.
25. Similarly, texts, Instant Messages (e.g. WhatsApp, Facebook Messenger) or message boards and forums are not considered a permanent record of being ephemeral and temporary. If the content of the message or text is significant e.g. a staff member highlights concerns around a pupil's behaviour,

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then it should be copied and transferred into the appropriate filing system e.g. a safeguarding case file, either by saving it in a readable electronic format, or printing it off, or taking a screen shot.

26. Any information recorded within texts, Instant Messages, message boards or forums is subject to the same Data Protection and Freedom of Information legislation, regardless of format. Therefore, it is advisable to only use these methods of communication to transmit information which is not sensitive or directly related to a third party. Similarly, with regards emails, all electronic communications, whilst they are held by the school, are disclosable under the same legislation and anything written or held, within an email, could potentially be made public under the terms of a Subject Access Request.

### Social Media

27. Many schools will maintain some form of social media channel, such as Twitter or Facebook, with which to communicate with staff and parents. It should be noted though that social media is not just a means of communication, but can also act a repository for storing information and third party data. Information held in this format is subject to the Freedom of Information Act 2000 and the Data Protection Act 2018.
28. Social media outlets have different retention periods. Schools must be aware of how long these periods are, outline this within their Data Protection Policy and secure the appropriate consent to share personal data to enable the rights of the data subject. The school needs to ensure that the primary users (i.e. those staff members who hold administrative permissions, to upload and remove information) are aware of these retention periods. Where these retention periods are longer than that set out as part of a standard school policy or best practice e.g. removing pupil images from the school's website when that pupil has left, processes must be in place to remove any posts or photographs on a regular and routine basis.
29. Social media posts can remain online for a period long after the school has deleted them. They can be shared and redistributed many times, beyond the control of the individual who first posted them. There it is vital that the school is clear when obtaining the consent to share data, from pupils, parents, staff and volunteers, as to where information will be shared, for how long and outlining the risk of information being shared, or cached, beyond their control.

### Access to Records

30. For the efficient running of the school, all teaching staff and relevant office staff will have access to the school's Management Information System (insert name). Teaching staff may complete some the following functions e.g. enter names on the register or add other agency involvement, and may consult the pupil record. N.B. where records are maintained as hard copy within the school office, access is available to teaching staff with regards some information e.g. emergency contact numbers, consents. Other information e.g. discretionary absence request letters, attendance letters, are held in the school office and are only available to the relevant member of staff upon request.
31. All permissions to access data are granted by the Head Teacher and recorded in the member of staff's personnel file.
32. All teaching and office staff will be given training and guidance on accessing and managing school records, to ensure compliance with the time scales laid out under the retention schedule. As a

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guiding principle the General Data Protection Regulation requires that personal data is only retained for as long as is necessary and for the specific lawful purpose(s) it was acquired; all information, held by the school, must be kept in accordance with the school's Data Protection Policy.

### Data Protection Policy

33. Pupils, parents and member of staff are informed, via the Trust's Data Protection Policy, that any information held on them, upon either admission or commencement of employment, is for the school to carry out statutory functions, necessary for the efficient operation of the setting – data held will be reviewed regularly and will be stored, processed and shared (where appropriate and applicable) under the terms of the General Data Protection Regulation (2018).

### Retention Periods

34. The tables in the attached appendices provide guidance on retention period for the different records held by (school name). Unless there is a specific statutory obligation to hold or destroy records (please refer to the instruction on the cover sheet regards the safekeeping of records during Independent Inquiry into Child Sexual Abuse (IICSA)), the retention periods are established by the school for guidance purposes.
35. *N.B. it must be emphasised that, under the terms of the current IICSA moratorium, the present focus on safeguarding does not mean that existing laws, in respect to data protection, are now suspended, nor that schools may not still be liable for breaches of data protection legislation (such as retaining personal data longer, or in greater volume, than is necessary for its purpose, or a failure to keep data accurately and safely).*

### Disposal of Data

36. As mentioned above, the fifth Data Protection principle, states that 'Personal data processed for any purpose, or purposes, shall not be kept longer than is necessary for that purpose, or purposes'. It is the responsibility of the Head Teacher that records, which are no longer required for business use, are to be reviewed as soon as possible, so that the appropriate records can be destroyed or transferred, where necessary.
37. Not all data needs to be destroyed. The school should determine whether records are to be selected, either for permanent preservation, or for destruction or to be transferred into a different format e.g. digitised, or to be retained further, by the setting, for research or litigation purposes. Any decision, regards a change to the way data is held in the setting, must be documented as part of the records management policy. For example; financial records can be destroyed after six years, plus the year they were created in, and are often shredded or passed to a confidential waste provider for safe destruction. School newsletters, however, might be transferred to the local authorities Records Office for archiving and safe keeping, as a means of preserving an individual school's heritage.
38. When information is no longer required, it should be disposed of. For confidential, sensitive or personal information, to be considered securely disposed of, it must be in a condition where it cannot either be read or reconstructed. It is recommended that paper documents are destroyed with a cross shredder – where this is not possible, and, e.g. a ribbon shredder is employed, the waste should not be recycled but destroyed beyond recognition e.g. via an incinerator bin.



39. Skips and 'regular' waste disposal are not considered to be secure.
40. CD's/DVD's/discs should be cut into pieces. Hard copy images, AV recordings and hard disks should be dismantled and destroyed. Where third party disposal companies are employed, they should, wherever possible be supervised and any destruction of data or removal of data, from the site, is logged and the destruction certified. Staff working for external provider should have been trained in the handling and destruction of confidential data.
41. Destruction of data will be planned with specific dates and all records will be identified as to the date of destruction. N.B. if a record is noted pending destruction or transfer, either to archives off site or to another setting, but has not yet been destroyed/transferred, and a request for records has been received, that record must still be made available to the requestor.
42. The Freedom of Information Act 2000 requires the school to maintain a list of all records that have been destroyed and who authorised their destruction. The appropriate members of staff (Data Lead) should record;
  - File reference and/or unique identifier
  - File title or brief description of contents
  - Number of files
  - Name of the authorising officer

#### Transfer of Records to Archives

43. Where records have been identified as being worthy of permanent preservation, due to their historical or social value, they may be retained on site or transferred to the local authority Records Office. If held by the school, it is advised that the school should contact the local authority's Corporate Records Manager for guidance and best practice, with regards the preservation of data.

#### Transfer of Records to other Media

44. Where lengthy retention periods have been allocated to records, member of staffs may wish to consider converting paper records to other media (e.g. digital or virtual, 'cloud' based). The lifespan of the media, and the ability to migrate data, should always be considered.

#### Transfer of Records to other Settings

45. When a child leaves the school, all pupil records should be transferred in a secure manner, to the child's new school. If the records contain sensitive information (e.g. Child Protection records), proof of receipt must be obtained and logged by the school's Data Lead. All data held by the school should then be deleted, including all paper records and data stored electronically. A record should be kept for tracking and auditing purposes only.

#### Responsibility and Monitoring

46. The Headteacher/Principal and/or officer tasked with the role of Data Lead, hold primary and day to day responsibility, for implementing this policy. The Data Protection Office, in conjunction with the school, is responsible for monitoring its use and effectiveness and resolving any queries with regards the interpretation of the policy. The Data Protection Officer will consider the suitability and adequacy of this policy and will pass any amendments or alterations directly to the Head Teacher.



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47. Internal control systems and procedures will be subject to regular audits, to provide assurance that they are effective in creating, maintaining and removing records.

#### Outline Retention Schedule

48. Derbyshire County Council's GDPR for Schools service uses an adapted version of the IRMS pro forma retention schedule (Please see attachments). This offers a comprehensive and thorough review of all possible data that may be held by a school – the outline schedule, however, provides an initial overview of how the data retention policy can be applied to the records held by a school;