



Thinking Schools Academy Trust “Transforming Life Chances”

Records Management, Retention and Disposal Policy

This policy was adopted on	June 2021
The policy is to be reviewed on	June 2025

1. Policy Statement

- 1.1. Records Management is the process by which the Trust and Academies manage all aspects of any type of 'record' whether internally or externally generated and in any format or media type, from their creation, throughout their lifecycle and to their eventual disposal.
- 1.2. This policy should be read and actioned in accordance with all the other School policies dealing with information governance.

2. Definitions

- 2.1. "*The Trust*" means Thinking Schools Academy Trust. This Policy applies to all Academies of The Thinking Schools Academy Trust and all Nurseries and Pre Schools of Little Thinkers Nursery & Pre School, a subsidiary of The Thinking Schools Academy Trust. When 'Academy' is used within this policy it applies to Nursery and Pre School settings. When 'Headteacher/Principal' is used with this policy it applies to Nursery Managers. When 'The Thinking Schools Academy Trust' is used within this policy it applies to Little Thinkers Nursery and Pre School.
- 2.2. "*Data*" means Personal Data and Special Category Personal Data.
- 2.3. "*Data Controller*" is the person who or the organisation which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation.
- 2.4. "*Data Subject*" means all living individuals about whom the Academy holds Data. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in respect of their Data and the information that the Academy holds about them.
- 2.5. "*Data Processor*" means any person who or organisation which processes Data on behalf of the Data Controller including contractors, and suppliers and any third party whose work involves accessing or otherwise using Data held by the Academy. Data Processors have a duty to protect the information they process for and on behalf of the Academy by following this and other Academy information governance policies at all times.
- 2.6. "*Data Protection Legislation*" means the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- 2.7. "*Personal Data*" means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person

2.8. “*Processing*” means any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties.

2.9. “*Special Category Personal Data*” means information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data

2.10. “*Social Media*” means websites and applications that enable users to create and share content or to participate in social networking including Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for Academy purposes as well as personal use that may affect the Academy in any way.

2.11. “*Subject Access Request*” (“SAR”) means a request by an individual to the Academy pursuant to Article 15 of the GDPR.

3. Relevant Data Protection Principles

3.1. The data protection principles¹ which directly relate to the management, retention and disposal of Personal Data are that the Personal Data must be:

- i. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (Article 5(1)(c) of the GDPR)
- ii. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (Article 5(1)(d) of the GDPR)
- iii. 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 (Article 5(1)(e) of the GDPR)
- iv. be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (Article 5(1)(f) of the GDPR)

4. Retention Periods

4.1 In line with Article 5(1)(e) of the GDPR as set out at 3.1 (iii) above each Academy and the Trust will not retain Data in an identifiable form for any longer than necessary for

¹ Contained in Schedule 1 to DPA.

the purpose for which it was obtained and in determining an appropriate retention period will take into account the following:

- i. The current and future value of the Data.
- ii. The costs, risks and liabilities associated with retaining the Data in an identifiable form.
- iii. The ease or difficulty in ensuring the Data remains accurate and up-to-date. iv.
Any applicable statutory limitation periods.
- v. Any relevant guidance documents.

4.2 Default Periods

- i. The default period is the minimum period for which the Academy or Trust will retain Data. At the conclusion of the default period, the Academy or Trust will review the Data being held and determine whether it can be destroyed in accordance with paragraph 6 below.
- ii. The standard default period for retaining Data will be as set out in the Records Management Toolkit for Schools produced by the Records Management Society. This can be found at <https://irms.org.uk/page/SchoolsToolkit>
- iii. For Little Thinkers Nursery & Pre School Limited the standard default period for retaining data is set out in Appendix 1
- iv. For Thinking Solutions for Education Limited the standard default period for retaining data is set out in Appendix 2
- v. The Academy will take into account the matters set out in paragraph 4.3 below in determining whether Data will be retained beyond the default period.

4.3 Exceptions to the Default Period

- i. In the majority of cases Data will be securely disposed of when it reaches the end of the retention period. When assessing whether Data should be retained beyond the retention period the Academy will consider whether:
 - (a) The Data is subject to a current request pursuant to the GDPR.
 - (b) The Academy is the subject of, or involved in ongoing legal action to which the Data is or may be relevant.
 - (c) The Data is or could be needed in connection with an ongoing investigation.

- (d) The Data is processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, and the Academy has put in place appropriate technical and organisational measures.
- (e) There are changes to the regulatory or statutory framework which require the Data to be retained for a longer period.
- (f) The data subject has exercised their right to restrict the processing of the Data in accordance with Article 18 of the GDPR.
- (g) The data is linked to a direct debit and would be required as evidence in a Direct Debit chargeback claim

5. Storage of Data

Data will be stored in accordance with the Information Security Policy in place at the Academy from time to time.

6. Disposal of Data

6.1. When Data identified for disposal is destroyed, a register of the Data destroyed will be kept.

6.2. The destruction of Data is an irreversible act and must be clearly documented. All Data identified for disposal will be destroyed under confidential conditions by the Academy.

6.3. The Academy may sub-contract to another organisation its obligations to dispose of Data under confidential conditions.

6.4. Where the Academy sub-contracts its obligation to securely dispose of Data to a subcontractor or other third party, the Academy will satisfy itself of the subcontractor/third party's experience and competence to do so.

6.5. The decision for the destruction and disposal of Data must be made by nominated member of staff.

7. Manual Records

Where Data is held in paper or other manual form, the default period for retaining Data has expired and none of the exceptions for retaining Data beyond the default period at set out at paragraph 4.3 (i) (a) to (e) is satisfied, the Academy will ensure the Data is shredded or otherwise confidentially disposed of by the Academy or by a person duly authorised by the Academy to confidentially destroy the Data.

8. Electronic Records

8.1 Where Data is held in an electronic format the Academy or Trust will where feasible use its reasonable endeavours to:

- i. Put the Data beyond use so that the Data is no longer on a live electronic system and cannot be accessed by a Data Processor.
- ii. Permanently delete the Data from the Academy electronic systems when and where this becomes possible. The Academy will only engage Data Processors that are able to provide sufficient guarantees in relation to the secure disposal of Data.

8.2 Where the steps set out at paragraph 8.1 (a) to (d) are complied with, the Academy considers the Data to be 'put beyond use' and this Data will not be used in order to respond to a Subject Access Request.

9. Monitoring and Review

This policy will be reviewed by the nominated person responsible for data protection in the Academy every 4years or earlier if required and may be subject to change.

Little Thinkers Nursery & Pre School Limited Retention Schedule

Children's records	Retention period	Status	Authority
<p>Children's records - including registers, medication record books and accident record books pertaining to the children</p>	<p>A reasonable period of time after children have left the provision - individual providers should determine how long to retain records relating to individual children.</p>	<p>Requirement</p>	<p>Statutory Framework for the Early Years Foundation Stage 2017 (given legal force by Childcare Act 2006)</p>
	<p>Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection, SEND records and health care plans. Records in relation to safeguarding concerns will also need to be kept in accordance with the Local Safeguarding Children Board's requirements</p>	<p>Recommendation from preschool learning alliance</p>	<p>Limitation Act 1980</p> <p>Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age</p>
<p>Records of any reportable death, injury, disease or dangerous occurrence</p>	<p>3 years after the date the record was made</p>	<p>Requirement</p>	<p>The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)</p>

Personnel records	Retention period	Status	Authority
Application forms and interview notes for unsuccessful candidates	6 months to a year	Recommendation from preschool learning alliance	Chartered Institute of Personnel and Development (CIPD)
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation from preschool learning alliance	CIPD
	Records of unfounded allegations of a child protection nature must be kept until the person's normal retirement age or 10 years after the date of the allegation; allegations found to be malicious must be removed from personnel files.	Requirement	Keeping Children Safe in Education, DfE 2018



DBS check information	<p>Original DBS disclosures: a maximum of 6 months</p> <p>Providers must be able to show Ofsted they have kept a record of DBS disclosures and the DBS Code of Practice permits them to retain the following details: the date of issue of the certificate; the name of the subject; the type of certificate requested; the position for which the certificate was requested; the unique reference</p>	Recommendation from preschool learning alliance	Disclosure and Barring Service/Ofsted
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	number; details of the recruitment decision taken.		
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<i>Pay</i>			
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986



Parental leave records	5 years from the birth/adoption of the child or 18 years if the child receives a disability allowance	Recommendation from preschool learning alliance	CIPD
Statutory Sick Pay (SSP) records	6 years after employment ends	Recommendation from preschool learning alliance	CIPD
Income tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (as amended)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation from preschool learning alliance	CIPD
National Minimum Wage Records	3 years after the end of the pay reference period following the one that the records cover	Requirement	National Minimum Wage Act 1998

Pensions scheme and member records	6 years from the automatic enrolment staging date	Requirement	The Pensions Regulator
	12 years from the ending of any benefit payable under the policy	Recommendation from preschool learning alliance	CIPD

Personnel records (cont'd)	Retention period	Status	Authority
<i>Health and Safety</i>			
Staff accident records (for organisations with 10 or more employees)	3 years after the date of the last entry in the book (separate rules govern the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation from preschool learning alliance	CIPD
	For the life of the assessment plus 3 years	Recommendation from preschool learning alliance	Information and Records Management Society (IRMS)
Financial records	Retention period	Status	Authority

Accounting records (e.g. cash books, invoices, receipts)	3 years from the end of the financial year for private and charitable companies, 6 years for	Requirement	Companies Act 2006
	public limited companies		
	6 years for charities	Requirement	Charities Act 2011

Administration records	Retention period	Status	Authority
Employers' liability insurance records	For as long as possible	Recommendation from preschool learning alliance	Health and Safety Executive
Visitors books/signing in sheets	The current year plus 6 years	Recommendation from preschool learning alliance	IRMS
Policy documents	For the life of the policy/setting plus 3 years	Recommendation from preschool learning alliance	IRMS
Complaints	At least 6 years after the date of resolution of the complaint	Recommendation from preschool learning alliance	IRMS
Minutes/minute books	At least 10 years from the date of the meeting for companies	Requirement	Companies Act 2006
	At least 6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012
	Permanently	Recommendation from preschool learning alliance	CIPD

APPENDIX TWO

Thinking Solutions for Education Retention Schedule

Customer Records	Retention Period
Thinking Fitness	Retention Period
Prospective Customers	6 months from initial contact/last visit
Customer membership records, including Name, address, contact details and DOB	Membership plus 3years
Customer fitness record, including BMI, Weight & Height	Membership plus 3 months
Medical records	Membership plus 3 months
Thinking Solutions for Education: Thinking Creative, Thinking Personnel & Thinking Financial	Retention Period
Client contact details	

All Personnel, Financial including payment details, CCTV, Administration and Health & Safety records are held in line with the IRMS toolkit for schools and can be found at <https://irms.org.uk/page/SchoolsToolkit>