

Personal Files and Record Retention – December 2021

Staff Records

Consent is not required to collect and hold data on staff which is necessary for the operation of the employment contract. However Schools must issue a Privacy Notice to applicants to tell them how their data will be used and stored. Data must be collected, held, processed and destroyed in accordance with data protection principles.

Personal Files contain confidential information and access to them should be restricted to those who need to have access (usually line manager/headteacher/HR Administrator). Access to sensitive information (such as health and disciplinary records etc.) should be particularly restricted* (*See 'Restricted Access' at end of this policy). Files may be held in paper form or electronically. Electronic files should have appropriate restrictions/password protection.

Personal Files should normally be retained for a further six full years from the date of the end of employment. This is the maximum time limit for all legal claims relating to employment (Limitations Act 1980 (Section 2)). The exception to this is where the member of staff is part of any case which falls under the terms of reference of the Independent Inquiry into Child Sexual Abuse (IICSA). If this is the case then the file will need to be retained until IICSA enquiries are complete. For ease of use, timeframes which are an exception to the six-year rule are highlighted below.

Whenever records are destroyed, a '**GDPR Records Destroyed**' form must be completed (SharePoint/SEAX Policies/Policy Library) and copies retained in both the individual Personal File and with your GDPR School Lead.

NB there are some variations from the IRMS retention schedule <http://irms.org.uk/page/SchoolsToolkit> – this is for practicality where no statutory provision exists to the contrary.

DOCUMENT	RETENTION REQUIREMENT	DURATION	NOTES
Recruitment			
Recruitment papers - Successful candidate	Operation of the employment contract	Papers transfer to Personal File. End of Employment + 6 years	Application form, letters, interview notes, tasks etc.
Recruitment papers – Unsuccessful candidate	Legal Claim Timeframe	6 months from date of appointment Any copies of documents for ID, qualifications and right to work from shortlisted applicants must be destroyed immediately following recruitment decision.	Application form, letters, interview notes, tasks etc.

DOCUMENT	RETENTION REQUIREMENT	DURATION	NOTES
Recruitment Monitoring Form (At end of Application Form, if used historically by individual schools)	N/A Forms are anonymous and not held on personal files	Forms must not be held on personal files.	Data retained for equality monitoring purposes. Destroy once monitoring complete. Forms appeared on some historical application forms and are not currently used by SEAX Trust (Dec21)
Pre-employment checks and SCR evidence			
References	Recommended	Transfer to personal file: End of Employment + 6 years	Where requests for references have been made but references have not been received – keep copies of such requests. We recommend that when appointing without a full reference history, a risk assessment is completed and retained outlining the factors taken into account when deciding to appoint.
Evidence of medical clearance	Recommended	Copy of signed health declaration form placed on personal file. End of Employment + 6 years.	Pre-employment health questionnaires, where completed by applicants, must not be looked at or retained by the school. Only the OH clearance confirmation should be retained. Where the confirmation contains information regarding the employee's health this should have restricted access *
Proof of Identity (*Excepting Right to Work Check)	Statutory KCSIE	Held on personal file. End of Employment*	From March15: 3 documents From Sep21: Plus birth certificate and subsequent change of name proof
Qualifications	Statutory KCSIE Those qualifications required for the job e.g. QTS	Held on personal file. End of Employment	Copy of original certificate/original letter from awarding body AND/OR A print out from Teacher Services System (teachers)
DBS consent form	Recommended	Destroy once DBS processed and appointment decision confirmed.	A new form is required for every DBS status check.
SD2 form	Recommended	Destroy once DBS check completed and appointment decision confirmed.	Until destroyed, hold in a sealed envelope if form contains a positive disclosure

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Enhanced DBS Certificate	Statutory KCSIE	Destroy once appointment decision confirmed. Disclosure certificates MUST NOT be retained on file for more than 6 months. No record may be held detailing any convictions etc.	Until destroyed, this form should be held in a sealed envelope if it contains a positive disclosure. Retain print out from e-DBS system or top part of Certificate only.
Proof of Enhanced DBS Check	Recommended	End of employment	Proof: eg print-out from DBS provider or top part of Certificate detailing address/name etc (but not including the 'boxes' which appear below personal data)
Risk Assessment relating to Enhanced DBS Check	Statutory KCSIE	Where a positive DBS check is received a risk assessment should be completed and this should be retained on the file until the end of employment.	Risk Assessments must have restricted access *
DBS Children's Barred List Check	Statutory/Recommended	As above for DBS	As above
Right to work in the UK	Required by statutory guidance: KCSIE & Home Office	End of Employment + at least 2 years – suggest end of employment + 6 years	A clear copy of the document must be retained and the person who checks the document must write on the copy "This Right to Work document was checked on [insert date]". It is also recommended that the name of the person who carried out the check is recorded on the copy.
Prohibition from teaching check	Recommended	Held on personal file. End of Employment	A print out from Teacher Services System.
S128 Directions check Relevant posts in Academies only	No requirement to hold evidence – simply record on SCR	N/A	

DOCUMENT	RETENTION REQUIREMENT	DURATION	NOTES
Childcare Disqualification Risk Assessment relating to Childcare Disclosure Qualification Check	Recommended	Original form can be retained if no positive declaration. End of Employment + 6 years The form must <u>not</u> be retained if there is a positive declaration – a copy of the Risk Assessment and any Waiver documentation should be retained. (N.B. Any historic waivers issued in relation to a “ by association ” case should be destroyed).	Risk Assessments and Waiver must have restricted access*
Checks on individuals who have lived or worked outside the UK	Recommended	Held on personal file. End of Employment	Appropriate certificate of good conduct/character or police certificate from the relevant embassy/authority. EEA Prohibition Check. Any sensitive information should have restricted access*
Induction, Probation and Performance Management			
Job description & Person specification	Recommended	Held on personal file. End of Employment + 6 years	Any updates during employment should also be kept on the file
Induction checklist	Recommended	Held on personal file. End of Employment + 6 years	
Statutory Induction (Teachers)	Recommended	Held on personal file. End of Employment + 6 years	Papers related to Induction process and certificate or print out from Teacher Services System confirming Induction status.
Probationary records (if applicable)	Recommended	Held on personal file. End of Employment + 6 years	Records/forms for probation review meetings. Any letters, including confirmation of successful completion
Performance Management	Recommended	Held on personal file. End of Employment + 5 years – (suggest + 6 years)	All forms and correspondence
Contractual documents			
Offer letters	Recommended	Held on personal file. End of Employment + 6 years	Copy of offer letters <u>and</u> written particulars including any amendments.

Contract of employment & written particulars	Recommended	Held on personal file: End of Employment + 6 years	A signed copy should be on the file if available.
DOCUMENT	RETENTION REQUIREMENT	DURATION	NOTES
Pay and pensions			
Payroll information	Recommended	Held on personal file. End of Employment + 6 years	Paper not required if electronic records held
Salary statement letters	Required by TPCD	Held on personal file. End of Employment + 6 years	Teachers only
Pension documentation	Required under Pension legislation	Held on personal file End of employment + 15 years	Copies of all Opt-in and Opt-out forms and any correspondence in relation to pension
Leave records			
Annual leave records	Recommended	Held on personal file. End of Employment + 6 years	Full time Support staff only
Leave of absence records (including sabbatical leave)	Recommended	Held on personal file. End of Employment + 6 years	Leave of absence request forms and decisions/appeals Sabbatical leave request forms
Records of child related leave (maternity/paternity/adoption/parental leave)	Statutory Maternity Pay Regulations 1986 (as amended)	Held on personal file. Current year + 3 years (ie this may be destroyed while employee is still in post)	Copies of all correspondence and forms. Maternity documentation which contains any information relating to an employee's health should have restricted access*
Sickness records			
Sickness records	Statutory minimum 3 years	Held on personal file. End of Employment +6 years	Self-certificates, Fit Notes (copies, return original to employee), return to work meetings notes/form. OH referrals and reports, all correspondence Any papers referring to an individual's health should have restricted access*
Disciplinary (including capability) and grievance			
Allegations of a child protection nature against a member of staff. All incidents except malicious allegations.	Statutory Guidance KCSIE & Working Together to Safeguard Children	Held on personal file. Normal Pension Age or 10 years from incident – whichever is longer.	Papers relating to malicious allegation should be destroyed once the case is concluded. Where allegations are found, they should be retained on the personal file and a copy provided to the person concerned.

DOCUMENT	RETENTION REQUIREMENT	DURATION	NOTES
			Any case which falls under the terms of reference of the IICSA** will need to be retained until IICSA** enquiries are complete. Papers should have restricted access*
Disciplinary records – other – no case to answer	Recommended	Held on personal file. Conclusion of case	Including notes/minutes of all meetings/hearings, all correspondence, reports etc. All papers should have restricted access* ¹ Records retained for 5 years in case of repeated pattern of behaviour. Warnings will not remain active in relation to future disciplinary matters after they have expired although records/data relating to the issue will be retained Any case which falls under the terms of reference of the IICSA** will need to be retained until IICSA** enquiries are complete.
Professional advice/letters of expectation	Recommended	Held on personal file. End of Employment + 6 years.	
Disciplinary records – other – warning	Recommended	Held on personal file. Conclusion of case + 5 years¹	
Disciplinary records – other - dismissal	Recommended	Held on personal file. End of Employment +6 years.	
Capability records	Recommended	Held on personal file. End of Employment +6 years.	
Grievance records	Recommended	Held on personal file. End of Employment +6 years	
Other			
Training/CPD records	Recommended	Held on personal file. End of Employment +6 years	Correspondence. Individual learning agreements.
Safeguarding/Child Protection training records		Safeguarding/child protection training records – Date of training + 10 years	Safeguarding and child protection training records retention periods reflect that the IICSA** may wish to see training records as part of an investigation.
Accidents/Injuries at work	Health & Safety Regulations	Date of incident + 12 years H&S Executive notification must be kept indefinitely	Copies of accident/incident reports Notifications to the Health and Safety Executive
Secondment documents	Recommended	Held on personal file. End of Employment +6 years	Agreement and details of arrangements
Settlement Agreement/agreed reference	Legal Claim Timeframe	Held on personal file Agreed references should be retained indefinitely.	Settlement Agreement and any agreed reference (n.b. Where a reference has been entered into as part of a settlement agreement this should be retained indefinitely (unless the terms of the settlement agreement stipulate otherwise). Papers should have restricted access* .

Redundancy documents	Recommended	Held on personal file. End of Employment +6 years	Including letters, minutes of meetings, figures etc
Resignation documents	Recommended	Held on personal file. End of Employment +6 years	Resignation letter. Other relevant paperwork
Timesheets	Recommended	Held on personal file. End of Employment +6 years	
Documents relating to the Whistleblowing Policy	Recommended	Held on personal file. End of Employment +6 years	Including letters, notes, minutes of meetings etc

***Restricted access.** Access to sensitive and highly confidential information (health, safeguarding allegations, disciplinary papers) should be particularly restricted to those who need to access the information (usually a senior manager only). The process of restricting access will depend on who has access to the file. Where administrative staff (e.g. those just processing payroll information or employment contracts) have access to personal files, it may require the papers to be held in sealed envelopes within the file with "Confidential [type e.g. health, discipline] Documents: Access restricted to [post title(s)]"/password protected electronic files.** **Independent Inquiry into Child Sexual Abuse**

Other personnel records:

Volunteers

- Schools are required to undertake pre-employment checks on Volunteers and may also ask them to complete application forms and/or take up references.
- Before requesting documents relating to engagement and pre-employment checks for Volunteers, they must be issued with a Privacy Notice.
- As these individuals are not employees and there is no employment contract in place, the same rules on retention do not apply.
- Any relevant papers relating to the engagement of Volunteers can be retained (as set out in the Staff Schedule) but only for as long as their engagement lasts – records must be destroyed once the engagement ends.

Governors/Trustees

- Schools are required to undertake pre-employment checks on Governors/Trustees.
- Before requesting documents relating to engagement and pre-employment checks for Governors/Trustees, they must be issued with a Privacy Notice.
- As these individuals are not employees and there is no employment contract in place, the same rules on retention do not apply.
- Any relevant papers relating to the engagement of Governors/Trustees can be retained (as set out in the Staff Schedule) and must be kept for 1 year² from the end of their term of office. Records must be destroyed after 1 year².
- Papers related to unsuccessful applicants for Governor/Trustee applicants must be destroyed once the selection process is complete.

Third Party Workers, Supply Staff etc.

The school should receive written confirmation that all checks have been undertaken, but not copies of the evidence, from the employing organisation. Where copies of such documents are received they must not be retained by the school. The school may retain a copy of identification documents but these **documents must be destroyed when the individual ceases working at the school.** [² Governance Regulations]