

Newham Community Learning: Records and Information Retention Policy

Approved by: Trust Board, December 2024

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Next review: November 2026

Applies to: Newham Community Learning and all our schools

Contents

1. Overview of the Policy Management Process	3
1.1. Document history	3
1.2. Review	3
2. Newham Community Learning - Records and Information Retention Policy	4
2.1. Introduction	4
2.2. Scope of the policy	4
2.3. Responsibilities	4
2.4. Supporting documentation and practices	5
2.5. Disposal arrangements	5
2.6. Relationship with existing policies	5
2.7. Training and support	6
2.8. Annex A - Records Retention arrangements	6
2.8.1. Retention Schedule as per the IRMS - implemented by Newham Community Learning	7
2.8.2. Annex - recommendations made by the Independent Inquiry into Child Sexual Abuse (IICSA) - published October 2022, with the government's response published in May 2023	8
2.9. Annex B - Management of Educational and Pupil Records	8
2.9.1. The Contents of an Educational (Pupil) Record	8
2.9.2. Transferring Pupil Records to the next Setting and Retention Arrangements	10
2.9.3. Annex A - Legislation regarding maintained schools	10

1. Overview of the Policy Management Process

1.1. Document history

Date	Revision	Version number (substantive revisions are allocated a new whole number; minor revisions are designated by the addition of a consecutive decimal point)
Sept 2024	Draft of policy produced	v0.0
Nov 2024	Finalised Records Management Policy in place as per guidance from the IRMS - Institute of Records Management Society - as signposted by the DfE	v1.0

1.2. Review

The Records and Information Retention Policy applies to the whole Trust. It is reviewed by the Executive Team (and/or their delegates) and is then presented to the Trust Board for approval (via a relevant board committee if appropriate).

It is reviewed in line with the Trust Policy Review Schedule.

2. Newham Community Learning - Records and Information Retention Policy

2.1. Introduction

Newham Community Learning 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 Trust. Records provide evidence for protecting the legal rights and interests of the Trust and provide evidence for demonstrating performance and accountability.

The Trust undertakes to manage records in relation to the three principles laid out in the Lord Chancellor's Code of Practice issued under Section 46 of the Freedom of Information Act 2000, published in July 2021. In the preparation of its records management processes, the Trust has followed the [DfE signposting to the IRMS - Institute of Records Management Society sign-posting](#).

Records management protocols, the Trust's list of all records retained and the particular retention schedule applicable to each, as well as the Trust's Information Asset Register [also known as a Record of Processing Activities or ROPA] detailing all records held are all managed according to IRMS protocols.

The collection, processing, storage and retention of personal data, as per the General Data Protection Regulation [UK GDPR] and the Data Protection Act 2018. The Trust's Data Protection Policy outlines policies and processes in place in order to ensure compliance with the provisions of this legislation. The retention arrangements outlined in this policy ensure that data is kept only for as long as is necessary for the purposes for which it is processed.

2.2. Scope of the policy

This policy applies to all records created, received or maintained by the Trust or by any of its schools in the course of carrying out their activities.

Records are defined as all those documents which facilitate the activities carried out by the school or the Trust and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronic format; in either case, they are within the scope of this policy.

2.3. Responsibilities

The Trust Board has a statutory responsibility to maintain the records and record keeping systems in line with statutory requirements. The responsibility for the maintenance of relevant records across the schools is delegated to the Headteacher or to the relevant member of the Trust's Central Team in the case of centrally managed functions.

The person responsible for day-to-day operational management in the school will give guidance on good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely way. The schools and the Trust work together to ensure a contiguous approach to the management of records.

Information will be retained in line with the Records Retention Schedule which is held centrally and which the Trust and all its schools are required to ensure compliance with. This will help to ensure that the Trust can meet Freedom of Information requests and respond to requests to access personal data under data protection legislation, protect against breaches, losses or unauthorised sharing of the information - and to support the safeguarding of the Trust's students, staff and assets.

Staff involved with the management of records must ensure, with respect to records for which they are responsible, that they:

- Manage the records consistently in accordance with the published policies and procedures;
- Properly document their actions and decisions;
- Hold personal information securely;
- Only share personal information appropriately and do not disclose it to any unauthorised third party in line with the arrangements in the Trust's Safeguarding Policy and Data Protection Policy; and
- Dispose of records securely in accordance with the school's Records Retention Schedule.

Information will be assessed and when it is no longer required, necessary or is to be destroyed or deleted in line with the retention schedule.

Details regarding the Trust's management of personal data are available in the published Data Protection Policy.

2.4. Supporting documentation and practices

The Trust holds the following overall schedules to support its record management:

- An **Information Asset Register** - also known as a Record of Processing Activities or ROPA - which ensures that it documents all records which it collects, processes and disposes of in a single place to ensure robust management;
- A **Retention Schedule** - which details the retention arrangements for all records listed in the Information Asset Register.

2.5. Disposal arrangements

The Trust uses agreed protocols to ensure that paper records are securely destroyed, and that digital records are deleted in line with the Retention Schedule. This includes the deletion of any backups or copies as stipulated by the IRMS.

2.6. Relationship with existing policies

This policy has been drawn up within the context of:

- Freedom of Information Policy
- Data Protection Policy
- Safeguarding Policy
- Safer Recruitment Policy
- Finance Policy
- Health and Safety Statement

2.7. Training and support

All staff are provided with Data Protection Training, a log of which is held on IAM Compliant, a cloud based platform. This ensures that staff are aware of their roles and responsibilities.

Contractors working with the Trust are required to confirm their review of the Trust's Data Protection Policy.

The Trust is registered with the Information Commissioner's Office - ICO - as the Data Controller of all personal data collected, processed and disposed of by the schools. In addition, each school has a nominated Data Protection Lead.

The IT, Cyber Security and Data Protection Working Group ensures that good practice is developed and shared.

A systematic approach is taken to the procurement and management of the Trust's digital systems to ensure that data is easy to retrieve.

2.8. Annex A - Records Retention arrangements

This retention guidance forms part of the **IRMS Schools Toolkit, updated for 2024**. The IRMS issues retention schedules for 33 discrete categories of records held by schools and Trusts. These categories are listed below. The IRMS schedule associated with each is provided on the website; the details have been used to put together the Trust's Retention Schedule spreadsheet.

The retention periods which may fall under the recommendations made by the Independent Inquiry into Child Sexual Abuse (IICSA) will be reviewed once the government and the Information Commissioner have published guidance about implementing the recommendations made by IICSA - see Annex for information.

NOTE - IRMS information has been updated to take this into account.

The retention periods apply to the information regardless of the media it is stored in. All back ups to electronic records should be deleted at the same time as the master copy.

2.8.1. Retention Schedule as per the IRMS - implemented by Newham Community Learning

The IRMS lists the following categories of records, all of which are mapped to the Retention Schedule spreadsheet.

- Contracts
- Education Management
 - Management Information
 - Policies and Frameworks
 - Strategy
- Examinations
- Extra curriculum and miscellaneous activities
- Finance
 - Funding
 - Operational
 - Risk Management and Insurance
 - School Fund
 - School Meals
 - Strategic Finance
- Governing Bodies
 - Activities
 - Governance
 - Governors, Directors and Trustees
 - Meetings
- Health and Safety
- Liaison with LEA/DfE
- Parent/Teacher Associations
- Property
- Pupils/Students
- School Admissions
- School Assets
- School Management
- Special Educational Needs and Disability
- Teachers and Staff
 - Disciplinary
 - Pay and Pensions
 - Recruitment
 - Safeguarding
 - Staff Management
- Teaching and the Curriculum
- Transport (Educational)

- Welfare

2.8.2. Annex - recommendations made by the Independent Inquiry into Child Sexual Abuse (IICSA) - published October 2022, with the government's response published in May 2023

H.5: Access to records | IICSA Independent Inquiry into Child Sexual Abuse

71. *Where an organisation has identified that it holds records that are known to relate to allegations or cases of child sexual abuse, that material should be retained for 75 years with review periods as appropriate.* This reflects the requirement to retain records relating to looked after children and care homes until the individual's 75th birthday. Those relating to adoption are kept for 100 years.

Process and procedures for accessing records

72. Under the Data Protection Act 2018, victims and survivors have a legal right to request copies of records containing their personal information. This is known as the right of access or subject access request. Responding to these requests may require institutions not only to identify the relevant records but also to consider, and if necessary redact, information relating to third parties before disclosing them. For example, a record may need redacting if it contains sensitive information about another individual and it is not reasonable to disclose that information. Attempting to obtain third-party consent may also contribute to the time taken. As a result, accessing personal records can be a lengthy and complex process where the time limits set out in the 2018 Act are not met.

2.9. Annex B - Management of Educational and Pupil Records

The 'Pupil Record' should comprise the personal data of a pupil, their achievement and progress records, including records of the support they received. This should be seen as the core record charting the individual pupil's progress through the education system and should accompany them throughout their school career.

2.9.1. The Contents of an Educational (Pupil) Record

The following list contains some practical guidance to help schools to consider what should form part of an Educational (Pupil) Record. Please note that this is guidance, and what should be stored and then transferred for each pupil will depend on any individual circumstances. An Educational (Pupil) Record may include the following:

- Record of transfer from Early Years setting
- Personal Data collected at admission
- Data Collection/Checking Form – current (This should be checked regularly by parents to ensure details are accurate)
- Annual written report to parents

- National Curriculum and Religious Education locally agreed syllabus record sheets
- Any information relating to a major incident involving the child
- Statements/Plans, reports, etc. for educational support, e.g. SEN, Speech and Language (store in a separate area of the record or keep in a separate linked file)
- Medical information relevant to the child's on-going education/behaviour (store in a separate area of the record or keep in a separate linked file)
- Child protection reports/disclosures and supporting documentation (store in a separate area of the record or keep in a separate linked file)
- Any information relating to exclusions - fixed or permanent (store in a separate area of the record or keep in a separate linked file)
- Specific correspondence with parents or outside agencies relating to major issues (This may be in e-mail form. Once matter is closed save any correspondence that records sequence of events, pertinent issues and outcomes to pupil record)
- Summary details of complaints made by the parents or the pupil relevant to the child's on-going education/behaviour (This may be in e-mail form, see note above. Most complaints records are retained by the school and not as part of the pupil record)
- Examination Results – pupil copy (Send uncollected certificates back to exam board after all reasonable efforts to contact the pupil have been exhausted)
- SATS Results (A note of the result should be recorded)
- Destination data

The following list may **not** normally form part of the record for forwarding to the next school:

- Attendance Registers and Information (this would be included in the CTF file)
- Absence (authorised) notes and correspondence
- Parental consent forms for trips/outings
- Accident forms (a copy can be placed on the pupil record if it is a major incident)
- Medicine consent and administering records (this is the school's record)
- Copies of birth certificates, passports, etc.
- Generic correspondence with parents about minor issues (i.e. 'Dear Parent')
- Pupil work, drawings, etc.
- Previous data collection forms which have been superseded (there is no need to retain these)
- Photography (image) consents (this is the school's record).

Legislation regarding pupil records - extract provided in Annex A - does not apply to Trusts. However, Trusts may receive pupils from maintained schools, or pupils may leave to join a Trust. Parents may also not understand that the legislation does not apply to academies and make a request for records under the above legislation. Newham Community Learning thus follows the guidance in the legislation.

2.9.2. Transferring Pupil Records to the next Setting and Retention Arrangements

The legislation states that the record should be transferred to the next setting within fifteen school days - five days for Safeguarding records as per Keeping Children Safe in Education - of confirmation that a pupil is registered at another school (including independent schools and higher education institutions).

For many schools they choose to scan hard copies or electronic documents and append these to a pupil's record within their own school's MIS. *However, it should be noted that these are not included within the CTF files sent to the next school, as it is not part of the [CTF schema specified by the DfE](#).* Documents can be downloaded for each student and then sent on to the next school using a secure alternative.

All child protection records must be held separately from the Pupil Record; this may be on a third party platform, which the school needs to ensure it is able to download the records from. As per the IICSA recommendations, where there is a child sexual abuse disclosure, this (a) must be retained separately from any other child protection files and (b) when handed to the next setting the child attends, a copy must be retained at the setting at which the disclosure was made.

The school which the pupil attended until statutory school leaving age (or the school where the pupil completed sixth form studies) is responsible for retaining the Pupil Record until the pupil reaches the age of 25 years.

Records for Children Missing from Education are retained at the last setting they were on roll.

If the retention schedule is not to be followed, for example if there is current or pending litigation, a note needs to be applied to the record that is being retained outside the schedule.

Pupil records should be disposed of securely at the end of the statutory retention period in line with the Trust's disposal arrangements.

2.9.3. Annex A - Legislation regarding maintained schools

For maintained schools, there is specific legislation on this. In England, this is contained in [The Education \(Pupil Information\) \(England\) Regulations 2005](#). The legislation is brief on what an Educational Record is, and just sets out that it means:

“...any record of information which —

(a) is processed by or on behalf of the governing body of, or a teacher at, any school specified in paragraph (2); *[subparagraph 2 confirms it applies to maintained schools and special schools i.e. not academies]*

(b) relates to any person who is or has been a pupil at any such school; and

(c) originated from or was supplied by or on behalf of any of the persons specified in paragraph (3), *[subparagraph 3 lists these as any Local Authority employee, any teacher or employee at the school or former school, including any educational psychologist, the parent of the pupil or the pupil themselves]*

other than information which is processed by a teacher solely for the teacher's own use."

[plus]

(a) any statement of special educational needs; and

(b) any personal education plan,

relating to the pupil concerned."