



DATA RETENTION – PERSONNEL RECORD KEEPING POLICY

To be read in conjunction with Data Protection Policy, Data Retention-Management and Record Retention Policy

Approved in consultation with the Trust Audit & Risk Committee on behalf of the Trust Boards	July 2018
To be reviewed:	Every two years or as appropriate
Date of last review:	Reviewed without any changes – Nov 2020 and July 2022
Date of next review:	July 2024
Responsible Officer:	Data Protection Officer - Carolyn Ducket
Category: 1	Version 1

Retention of personnel records

Generally it is recommended that personnel records should be kept while employment continues and up to six years after employment ends, with any records relating to child protection issues being kept indefinitely. Payroll and PAYE records must be kept for a minimum of three years after the end of the tax year to which they relate. VAT records must be kept for six years. Records about working time must be kept for two years and national minimum wage records should be kept for three years. Immigration checks must be kept for two years after the termination of employment.

However, it can be advisable to keep records for longer because:

- Claims for tax can go back six years – 20 years if fraud is alleged.
- Claims for personal liability may be made within 12 years.
- Criminal prosecutions may be brought without time limits.
- The limitation on many personnel matters is six years, although many negligence claims can be brought up to seven years from the alleged incident.
- Any records relating to child protection should be kept indefinitely.

Archives

Old accounting and personnel records should be archived. The following points must be noted about archiving:

- The record need not be as accessible as current records, but must still be retrievable.
- Either adequate storage must be provided for existing records or arrangements must be made to keep them electronically.
- If records are archived on an electronic system such as optical disc (DVD/CD drives), there must be adequate means for accessing and printing the record.
- Archives must be treated as being as confidential as current records.

Disposal of records

When the period of retention has expired and there is no other reason to keep them, the records may be disposed of. The records should be completely destroyed.

Personnel files

There will be a single central record relating to all data required by safeguarding legislation and guidance.

In addition, it is recommended that an individual personnel file should be held for each employee which includes a front sheet with the following information:

- Forename(s).
- Surname.
- Address.
- Home telephone number.
- Mobile telephone number.
- Email address.

A suggested list of information that could be contained in the full file is given below.

Personal

- Forename(s).
- Surname.
- Other names (if applicable).
- Gender.
- Ethnic origin.
- Nationality.
- Date of birth.
- Address.
- Home telephone number.
- Mobile telephone number.
- Email address.
- National insurance number.
- Driving licence number.
- Emergency contact (1) – name, relationship if any, address, home telephone number, daytime telephone number.



- Emergency contact (2) – name, relationship if any, address, home telephone number, daytime telephone number.
- DFE reference number (if applicable).
- Job-related disabilities.
- Internal procedures record unless 'spent'.
- Open references.

Bank details

- Name.
- Address.
- Sort code.
- Account number.

Checks made

- The Disclosure and Barring Service (DBS) deals with all vetting and barring matters. For most new appointments, an enhanced DBS check with barred list information is carried out, unless the appointee has continuous employment (a gap of no more than three months) with children and has a DBS certificate. DBS checks should normally only be carried out on volunteers if they are to be with children unsupervised. The associated record should take the form of a note of the DBS certificate number, when applied for, when returned and the responsible person carrying out the checks. No DBS records should be retained for more than six months.
- Prohibition order using the Employer Access Online Service – (for teachers only) to check a teacher is not prohibited from teaching.
- Qualifications – it is not always sufficient to view originals and schools should consider seriously checking with the awarding body.
- Identity – usually this will be photographic evidence such as a driving licence or passport. In the absence of these, the safeguarding guidance states that the birth certificate should be checked.
- Present address check/residence – the usual check would be a current household bill, but the electoral roll may also be used.
- Licence to work in the UK, if an overseas employee. European Union citizens are allowed to work in other EU countries, as are teachers of Swiss nationality.
- Medical declaration/clearance – verifying a candidate's mental and physical fitness to carry out their work responsibilities. This includes asking relevant questions about disability and health as permitted by section 60 of the Equality Act. Alternatively, carrying out a post appointment check to help determine any necessary reasonable adjustments and to verify that the new employee is not barred on health grounds from working with children.
- Employment history and references.



- Membership of other professional bodies where claimed.
- Records of all checks should also be on a single central record, this being available to Ofsted at the time of inspection. This should also include verification checks on supply/cover staff. Where such supply staff come through an agency, the school should ask the agency for the evidence. If in doubt, do not allow the person into the school.

Other details

- Date of start of employment.
- Date deemed to have started continuous employment (this includes continuous service in other schools or local government employment).
- Reason for leaving/exit interview.
- Date of end of employment.

General note

It is recommended that all papers relating to appointees are kept in the individual personnel files and retained while employment continues and for up to six years after employment ends. Those relating to unsuccessful applicants should be kept for a period of six months after notifying unsuccessful candidates.