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Inspira Academy Trust
CEO – Dean Jones



Record Keeping and Retention Information

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1. Introduction

This guidance relates to the retention of records by academies and academy trusts.

2. What records should be kept by an academy or trust

2.1 Keeping and maintain records

Academies and trusts should follow good practice and retain the following types of records:

- > Pupil, staff, building, finance and governance records. A pupil record is defined below:

Schools must ensure that educational records are maintained and disclosed to parents on request, as noted in the Education (Pupil Information) (England) Regulations 2005 (SI 2005/1437).

Educational records include information about pupils (and former pupils):

- > Processed by, or on behalf of, the governing body or a teacher
- > Originating from or supplied by LA employees (for certain schools)
- > Originating from or supplied by teachers or other employees of the school (e.g. voluntary aided or non-maintained special schools)

Records processed by a teacher solely for the teacher's own use will be excluded from pupils' educational records.

Schools must also keep curricular records on every pupil. Curricular records form a 'subset' of a pupil's educational record. They are a formal record of a pupil's academic achievements, skills, abilities and the progress they make at a school. They must be updated at least once a year.

Under the Data Protection Act 1998 (DPA), schools are responsible for ensuring that the collation, retention, storage and security of all personal information they produce and hold meets the provisions of the DPA. This includes:

- > Personal information appearing in a pupil's educational record
- > Any other information they hold which identifies individuals, including pupils, staff and parents

Schools must consider the implications of the DPA, under which they are required to register as a data controller with the Information Commissioner's Office (ICO). Many schools consult their legal advisors for guidance on their responsibilities under the DPA and advice on developing their data policies.

2.2 Disclosure of educational records

There are several pieces of legislation under which information may be accessed from public organisations, including schools. These include the DPA and the Freedom of Information Act 2000. Access to a pupil's educational information is most appropriately covered by the right of access under the Pupil Information Regulations.

All information incorporated within a pupil's educational record constitutes personal data under the DPA. It is therefore subject to disclosure following a written 'subject access' request by the pupil or a parent on their behalf.

Under the Pupil Information Regulations, a school's governing body must ensure that a pupil's educational record is made available for parents to see within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must also be provided within 15 school days. Governing bodies can charge a fee for the copy. If they do, the fee must not be more than the cost of supply.

The Pupil Information Regulations describe the material that is exempt from disclosure to parents. This relates to information that the pupil couldn't lawfully be given under the Data Protection Act 1998. It also relates to information which s/he wouldn't have right of access to under that Act, or by virtue of any order made under section 30(2) or section 38(1) of the Act. This includes material which may cause serious harm to the physical or mental health or condition of the pupil or someone else.

A school may not fulfil a parent's request for these records if there is a court order in place which limits a parent's exercise of parental responsibility. This affects the parent's entitlement to receive such information.

The Information Commissioner's Office (ICO) can provide further advice.

2.3 Transferring records to a pupil's new school

Headteachers at maintained schools, including maintained special schools, must ensure the statutory requirements for the transfer of records between schools are fulfilled, including the completion of the common transfer file (CTF). This is noted in the Pupil Information Regulations.

If a pupil moves to another school in England, Wales, Scotland or Northern Ireland, the pupil's CTF and educational record must be passed to the new school. Academies are not subject to these regulations however they are expected to adhere to the following protocols, as a matter of good practice.

The means of transfer to a school outside England must be in line with the arrangements for transfer between schools in England. Information must be transferred within 15 school days of any request from the pupil's new school.

The pupil's CTF should be sent to the new school either:

- > Through the school to school (s2s) secure file transfer system
- > Over a secure network that can only be accessed by the Local Authority (LA), the governing body or a teacher at any school within that LA

If either school can't send or receive information in this way, LAs may provide the file. However, there must be agreed and secure local arrangements in place.

If the new school is unknown, the DfE recommends that the school should still complete the CTF and load it onto the Schools2schools website (s2s). If you don't receive CTFs for a new pupil you can ask your LA to search for the files on s2s.

You can refer to the 'School to school guides' for details on:

- > What information CTF should contain
- > Handling records for pupils where their destination is not known
- > Sending CTFs between schools Schedule 2 to the Regulations explains more about the content of CTFs.

3. What should happen to records belonging to an academy or trust that is closing

When an academy closes, the following records should be identified and either retained, by the academy or trust, retained while they are still actively required for legal or regulatory purposes (i.e. until the retention period is reached). Alternatively, the following records should be transferred to the local authority (LA) archive service.

Governance and 'school history' records should be offered to the local authority's archive service for permanent preservation. The 'school history' records are things that need to be permanently preserved at an archive, e.g. where there is community interest such as whole school photos.

Records that need to be kept for a limited time, e.g. records of pupils who haven't transferred to another school; records of staff who do not continue their employment with the trust; records for the building (including asbestos,

chemicals); governance records for the academy's local governing body; and financial records related to the academy or trust. These should be offered to the LA where the academy was based.

3.1 For an academy only closure – where the trust remains operational

Pupil records

For pupils that are transferring to a new educational setting – academies should follow the statutory guidance on keeping and maintaining records and transfer the records to the new school/academy. If pupils transfer to a college or sixth-form, the pupil records must be retained by the academy.

For pupil records that are not following the pupil to a new educational setting, e.g. when the pupil has reached the end of compulsory education, should be transferred to the relevant LA for that area where the records will remain accessible.

Safeguarding and SEND records

Safeguarding information should be shared with a new school or college in line with Keeping Children Safe in Education (KCSIE) 2021 paras 105 to 113.

Transition arrangements for pupils with SEND should be managed in line with paras 6.42 and 6.57 of the Special educational needs and disability code of practice.

Staff, building, financial and governance records

Staff and building records are to be retained by the LA of the area in which the Trust Head Office is located. If staff are transferring to a new educational setting, the ICO guidance on Disclosure of employee information under TUPE should be followed.

Staff records of staff from the academy who are continuing their employment with the trust would be retained by the trust.

Governance and 'school history' records should be offered to the local authority's archive service for permanent preservation.

Records for the closed academy should be retained by the trust in line with regulations and retention guidelines. See the Academy Trust Handbook or the Information and Records Management Society's (IRMS) Academies toolkit. for details. If staff are transferring to a new educational setting, the ICO guidance on Disclosure of employee information under TUPE should be followed.

3.2 For trust closures/transfers with academies in one local authority only

Pupil records

For pupils that are transferring to a new educational setting – academies should follow the statutory guidance on keeping and maintaining records and transfer the records to the new school/academy. If pupils transfer to a college or sixth-form, the pupil records must be retained by the academy.

For pupil records that are not following the pupil to a new educational setting, e.g. when the pupil has reached the end of compulsory education, these records should be transferred to the relevant LA for the individual academy that is being closed or transferred.

Safeguarding and SEND records

Safeguarding information should be shared with a new school or college in line with Keeping Children Safe in Education (KCSIE) 2021 paras 105 to 113.

Transition arrangements for pupils with SEND should be managed in line with paras 6.42 and 6.57 of the Special educational needs and disability code of practice.

Staff, building and governance records

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Staff records of staff from the academy who are continuing their employment with the trust should be retained by the trust.

Governance and 'school history' records should be offered to the local authority's archive service or local record office for permanent preservation.

Finance records

Finance records should be retained by the trust as per HMRC and Companies House retention periods.

DfE/ESFA is entitled to request and receive financial information to enable the final accounting of how the trust spent the public money it received. See Academy Trust Handbook for details.

3.3 For trust closures/transfers with academies in more than one local authority

Pupil records

For pupils that are transferring to a new educational setting – academies should follow the statutory guidance on keeping and maintaining records and transfer the records to the new school/academy. If pupils transfer to a college or sixth-form, the pupil records must be retained by the academy.

For pupil records that are not following the pupil to a new educational setting, e.g. when the pupil has reached the end of compulsory education, these records should be transferred to the relevant LA for the individual academy that is being closed or transferred.

Safeguarding and SEND records

Safeguarding information should be shared with a new school or college in line with Keeping Children Safe in Education (KCSIE) 2021 paras 105 to 113.

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Staff, building, financial and governance records

Staff and building records are to be retained by the LA of the area in which the Trust Head Office is located. If staff are transferring to a new educational setting, the ICO guidance on Disclosure of employee information under TUPE should be followed.

Staff records of staff from the academy who are continuing their employment with the trust should be retained by the trust.

Governance and 'school history' records should be offered to the local authority's archive service or local record office for permanent preservation.

If the Trust's Head Office is not based in the same LA, the academy's LA should be approached and offered the governance records.

For trust-level governance records, i.e. records representing the trust as a business, these should be retained by the LA where the Trust's Head Office is based.

Finance records

Finance records should be retained by the trust as per HMRC and Companies House retention periods.

DfE/ESFA is entitled to request and receive financial information to enable the final accounting of how the trust spent the public money it received. See Academy Trust Handbook for details.

If the LA takes responsibility for any records, the academy or trust should inform their DfE contact.

4. How to access information transferred to local authority

4.1 Pupil records

Under Data Protection legislation and education regulations, those with parental responsibility have the right to view a pupil's education record. See the Information Commissioner's Office guidance on Accessing pupils' information for details.

4.2 Staff records

Under Data Protection legislation, staff and former staff have the right to view their personal data see the Information Commissioner's Office (ICO) guidance on your data matters for details or the Privacy Notice for your LA. If staff are transferring to a new educational setting, the ICO guidance on Disclosure of employee information under TUPE should be followed.

To identify which local authority the academy or trust belongs go, use Get Information About Schools, search for the Academy, click on 'Location' the LA name is given in 'District'.

5. How to dispose of records

When records have reached their retention period, data must be disposed of securely and confidentially.

All records containing personal information, or sensitive policy information must be made either unreadable or un-reconstructable:

- > Paper records should be shredded using a cross-cutting shredder or shredded by an external company.
- > CDs / DVDs / floppy disks / SD and other storage media should be destroyed to particles no larger than 6 mm.
- > Audio / video tapes and fax rolls should be dismantled and shredded

- Hard disks should be dismantled and should be destroyed to particles no larger than 6 mm.

Do not dispose records with the regular waste or a skip.

Note: Where an external contractor is used for shredding records, it is recommended that all records must be shredded on-site in the presence of an employee. The organisation must also be able to prove that the records have been destroyed by the company who should provide a certificate of destruction. Staff working for the external provider should have been trained in the handling of confidential documents.

6. What to do if you think personal data has not been processed correctly

The Information Commissioner Office (ICO) website provides advice and guidance, about how personal data should be handled.

7. Retention Schedule

A comprehensive retention schedule is attached as an appendix to this policy.