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Greater Manchester Academies Trust

Data Retention Policy and Schedule

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Records Management Policy

1. Introduction

Greater Manchester Academies Trust (GMAT) 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 GMAT, and provide evidence for demonstrating performance and accountability. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Relationships with existing policies

Section 46 of the Freedom of Information Act 2000 requires Academies and Academies to follow a Code of Practice on managing their educational records.

Furthermore, Academies 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) (<http://www.legislation.gov.uk/ukxi/2005/1437/made>).

Educational records include information on pupils and former pupils:

- processed by, or on behalf of, the governing body or a teacher
- originating from or supplied by local authority employees (for certain Academies)
- originating from or supplied by teachers or other employees of GMAT.

2. Scope of the policy

This policy applies to all records created, received or maintained by GMAT staff in the course of carrying out its functions.

Records are defined as all those documents which facilitate the business carried out by GMAT and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created or received, and then stored, in hard copy or electronically.

A small percentage of GMAT's records will be selected for permanent preservation as part of the Trust's archives and for historical research.

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

GMAT 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 achievement, skills, abilities and the progress they make. They must be updated at least once a year.

3. Responsibilities

Under the GDPR (2018), GMAT is responsible for ensuring that the collation, retention, storage and security of all personal information they produce and hold meets the provisions of the GDPR:

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

GMAT is registered as a data controller with the Information Commissioner's Office (ICO).

GMAT has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Principle of each Academy within the Trust. GMAT's Data Protection Officer will give guidance for good records management practice and will promote compliance with this policy so that information can be retrieved easily, appropriately and in a timely manner.

Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with GMAT's records management guidelines.

4. Managing Pupil Records

The pupil record is the core record charting an individual pupil's progress through the Education System. The pupil record should accompany the pupil to every Academy they attend and should contain information that is accurate, objective and easy to access.

All pupil records must be kept securely at all times. Paper records should be kept in lockable storage areas with restricted access, and the contents should be secure within the file. Equally, electronic records should have appropriate security.

Access arrangements for pupil records should ensure that confidentiality is maintained whilst equally enabling information to be shared lawfully and appropriately, and to be accessible for those authorised to see it.

5. Recording information

A pupil or their nominated representative have the legal right to see their file at any point during their education and even until the record is destroyed (when the pupil is 25 years of age or 35 years from date of closure for pupils with special educational needs). This is their right of subject access under the General Data Protection Regulation 2018. All information should be accurately recorded, objective in nature and expressed in a professional manner.

The pupil record starts its life when a file is opened for each new pupil as they join GMAT. This is the file which will follow the pupil for the rest of his/her career. The following information should appear on the front of the paper file:

- Admission form (application form)
- Parental permission for photographs to be taken (or not). Paper record in pupil file.
- Years Record
- Any information relating to a major incident involving the child (either an accident or other incident)

- Any reports written about the child
- Any information about a statement and support offered in relation to the statement
- Any relevant medical information (should be stored in the file in an envelope)
- Child protection reports/disclosures are stored with the CP Team
- Any information relating to exclusions (fixed or permanent)
- Any correspondence with parents or outside agencies relating to major issues
- Details of any complaints made by the parents or the pupil

The following are subject to shorter retention periods and if they are placed on the file then it will involve reviewing once the pupil leaves GMAT.

- Absence notes
- Parental consent forms for trips/outings [in the event of a major incident all the parental consent forms should be retained with the incident report not in the pupil record]
- Correspondence with parents about minor issues
- Accident forms (these should be stored separately and retained on GMAT premises until their statutory retention period is reached. A copy could be placed on the pupil file in the event of a major incident)

6. Transferring records to a pupil's new Academy

GMAT must ensure the statutory requirements for the transfer of records between Academies are fulfilled, including the completion of the common transfer file (CTF). This is noted in the Education (Pupil Information) (England) Regulations 2005, SI 2005/1437.

If a pupil moves to another Academy in England, Wales, Scotland or Northern Ireland, the pupil's CTF and educational record must be passed to the new Academy. 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 Academy outside England must be in line with the arrangements for transfer between Academies in England. Information must be transferred within 15 Academy days of any request from the pupil's new Academy. The pupil's CTF should be sent to the new Academy either:

- through the Academy to Academy (s2s) secure file transfer system
- over a secure network that can only be accessed by the LA, the governing body or a teacher at any Academy within that LA.

If the new Academy is unknown, the Department for Education recommends that the Academy should still complete the CTF and load it onto s2s. Where a CTF has not been received for a new pupil a request can be made to the LA to search for the files on s2s.

Requests to transfer a pupil file outside the EU area because a pupil has moved into that area, must be referred to the Local Authority for further advice.

7. Electronic Records

The legal obligation to properly manage records, including compliance with Data Protection legislation, applies equally to electronic records. The main considerations for the management of electronic records are therefore the same as those for manual records. They include:

- Staff must be able to use and access electronic information effectively.

- Adequate measures must be in place to ensure all information is stored securely and only available to authorised persons.
- An Academy must be able to demonstrate a record's authenticity by ensuring information cannot be altered when declared a record.
- A system must be in place for disposing of electronic records in line with policy once they are no longer needed.

In addition to the above, sufficient backup/recovery processes must be in place. There must also be a process through which links are created from electronic records to any associated manual records. This is to ensure a full record can be considered when necessary, ie when decision making, providing access or considering a record for disposal.

Ss John Fisher & Thomas More RC High Academy co-operates with Lancashire County Council by ensuring that sensitive information about staff and pupils is disseminated to the authority by using the county Secure Email System and the DFE s2s system.

On the Data Collection form the following information is accessible:

- Ethnic origin [although this is "sensitive" data under the GDPR 2018, the Department for Education require statistics about ethnicity]
- Language of home (if other than English)
- Names of parents and/or guardians with home address and telephone number (and any additional relevant carers and their relationship to the child)
- Name of GMAT, and the date of admission and the date of leaving.
- Any other medical involvement e.g. speech and language therapist, pediatrician

8. Responsibility for the pupil record once the pupil leaves GMAT

The Academy which the pupil attended until statutory Academy leaving age is responsible for retaining the pupil record until the pupil reaches the age of 25 years. This retention is set in line with the Limitation Act 1980 which allows that a claim can be made against an organisation by a minor for up to 7 years from their 18th birthday.

9. Safe destruction of the pupil record

Files should be disposed of in line with the attached retention schedule (see Appendix C). All personal information should be shredded before disposal for pulping. Other files can be bundled up and put in a skip or disposed of to the waste paper merchant. Loose papers should not be put in skips unless the skip has a lid. Electronic data should be archived on electronic media and 'deleted' appropriately at the end of the retention period.

10. Transfer of a pupil record outside the EU area

If you are requested to transfer a pupil file outside the EU area because a pupil has moved into that area, please contact the Local Education Authority for further advice.