



WAREHAM
Town Council

Retention of Documents and Records Policy

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Abbreviations used.

GDPR	General Data Protection Regulations 2018
DHC	Dorset Heritage Centre

1. Policy Statement

1.1 This policy provides minimum retention periods for retention of documents and records, which are required for audit and other purposes.

1.2 There is a clear need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings.

2. The Scope of the policy

2.1 The Council is required to retain documents and records for a minimum period of time. The Council is required to implement systems of paper and electronic records management, such systems will ensure the storage and security of and access to records.

2.1 Systems and policies relating to record management, will be subject to an annual review of the records themselves, and also the effectiveness of such systems and policies.

3. Legal Documents

3.1 There is a requirement for minute books and burial records to be retained indefinitely. These are legal documents and must not be destroyed.

3.2. Deeds, leases, correspondence relating to land/buildings etc. shall be retained whilst the council owns or occupies the property/land.

4. Inland Revenue and VAT

4.1 Inland Revenue and VAT papers will be kept for 6 years as a minimum. Paragraph 25, Schedule 10 of the VAT Act 1994, Options to Tax, records will be retained for a minimum of 20 years.

4.2 Annual returns and statements of accounts will be kept indefinitely.

4.3 Audit papers will be retained for 5 years.

4.4 Public Liability Insurance policies and receipts for premiums (and certificates if issued) will be retained for 7 years after expiry.

4.5 The Council will keep as complete a record as possible of its Employer's Liability Insurance.

5. Planning Applications

5.1 There is no requirement to keep planning documents which refer to the Council as consultee.

5.2 Planning applications and grants of permission for Council property will be kept indefinitely.

6. HR Records

6.1 Under the General Data Protection Regulations 2018 (GDPR) data must not be kept any longer than is necessary for a particular purpose.

6.2 As detailed in the GDPR, employees have the right to access their records and the Council is under an obligation to ensure that the data is accurate. Before releasing such data to a third party, the Council must seek the permission of the individual concerned.

6.3 In the event that employment contracts/accident record books and other personnel records are needed for the purpose of a legal action, the originals must be made available if possible or the Council must explain what happened to the original documents backed up by what is known as a 'statement of truth'.

6.4 When the Council no longer need to keep certain data, destruction must take place securely and effectively, for example by shredding.

6.5 Contract documents and related receipts will be retained for at least six years after the end of the contract term and then transferred to Dorset History Centre. Retention of these documents means that they are available in the event that a claim under the contract is brought within that 6-year period.

6.6 Storage of HR Records

Any data collected on staff must be kept securely, paper records locked in cabinets and passwords set on computer records. The information will only be retained for as long as the business requires and disposed of securely (e.g. shredding).

Only appropriate staff, with the right training, will be able to see staff records and store sensitive information.

Staff have the right to ask for a copy of the information that is held in relation to them, including grievance and disciplinary issues. Data that can be kept by an employer about an employee includes: name, address, date of birth, gender, education and qualifications, work experience, National Insurance number, tax code, details of any known disability and emergency contact details.

Details will also be kept regarding employment history with the organisation, employment terms and conditions (pay, hours of work, holidays, benefits, absence), any accidents connected with work, any training taken, any disciplinary action.

An employee has a right to be told what records are kept and how they are used, the confidentiality of the records and how the records can assist with training and development at work.

The Council will have 30 days to provide a copy of any information requested by an employee.

6.7 Retention Periods

Retention periods are divided into two parts; records where there are statutory retention periods, with the statutory authorities, and records where there are no statutory retention periods, with recommended retention periods.

6.7.1 Statutory Retention Periods

Accident books, accident records/reports

Statutory retention period: 20 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). Then shred, keeping a list of what is destroyed.

Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).

Accounting records

Statutory retention period: 6 years.

Statutory authority: Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006.

Income Tax and NI returns, Income Tax records and correspondence with HMRC

Statutory retention period: not less than 6 years after the end of the financial year to which they relate.

Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).

Medical records and details of biological tests under the Control of Lead at Work Regulations

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).

Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates

Statutory retention period: (medical records) Keep until person is 100 years of age; (medical examination certificates) 4 years from the date of issue.

Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)

Medical records under the Ionising Radiations Regulations 1999

Statutory retention period: until the person reaches 75 years of age, but in any event for at least 50 years.

Statutory authority: The Ionising Radiations Regulations 1999 (SI 1999/3232).

Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 5 years from the date on which the tests were carried out.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Records relating to children and young adults

Statutory retention period: until the child/young adult reaches the age of 21.

Statutory authority: Limitation Act 1980.

Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity

Statutory retention period: 6 years from the end of the scheme year in which the event took place.

Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)

Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence

Statutory retention period: 3 years after the end of the tax year in which the maternity period ends.

Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.

Wage/salary records (also overtime, bonuses, expenses)

Statutory retention period: 6 years.

Statutory authority: Taxes Management Act 1970.

National minimum wage records

Statutory retention period: 3 years after the end of the pay reference period following the one that the records cover.

Statutory authority: National Minimum Wage Act 1998.

Records relating to working time

Statutory retention period: 2 years from date on which they were made.

Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).6.9.2

6.7.2 Non-statutory retention periods

For many types of HR records, there is no definitive retention period. Wareham Town Council will retain these documents for 6 years. This is based on the 6-year time limit within which legal proceedings must be commenced under the Limitation Act 1980.

Actuarial valuation reports

Retention period: permanently.

Application forms and interview notes (for unsuccessful candidates)

Retention period: 12 months. (Because of the time limits in the various discrimination Acts, minimum retention periods for records relating to advertising of vacancies and job applications will be 12 months. Successful job applicant's documents will be transferred to the personnel file in any event.

Assessments under health and safety regulations and records of consultations with safety representatives and committees

Retention period: permanently.

Inland Revenue/HMRC approvals

Retention period: permanently.

Money purchase details

Retention period: 6 years after transfer or value taken.

Parental leave

Retention period: 5 years from birth/adoption of the child or 18 years if the child receives a disability allowance.

Pension scheme investment policies

Retention period: 12 years from the ending of any benefit payable under the policy.

Personnel files and training records (including disciplinary records and working time records)

Retention period: 6 years after employment ceases.

Redundancy details, calculations of payments, refunds, notification to the Secretary of State

Retention period: 6 years from the date of redundancy

Statutory Sick Pay records, calculations, certificates, self-certificates

Retention period: The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. Although there is no longer a specific statutory retention period, employers still have to keep sickness records to best suit their business needs. It is advisable to keep records for at least 3 months after the end of the period of sick leave in case of a disability discrimination claim. However, if there were to be a contractual claim for breach of an employment contract it may be safer to keep records for 6 years after the employment ceases.

Time sheets

Retention period: 1 year after audit.

Trade union agreements

Retention period: 10 years after ceasing to be effective.

Trust deeds and rules and Trustees' minute books

Retention period: permanently.

Works council minutes

Retention period: permanently.

7. Handwritten notes from meetings

7.1 Any jottings or handwritten notes, simply intended as a personal aide memoire, should be destroyed immediately after they have served their purpose.

7.2 There is a risk that, if retained, any notes or jottings may be the subject of a Freedom of Information Act request and may have to be disclosed.

8. Computer hard drives

8.1 In disposal of computer equipment it is important that the hard drive is destroyed, in order to prevent disclosure of data.

8.2 External digital storage devices. All external storage devices including 'data sticks', external hard drives, CD's or other such storage medium will have encrypted protection when in use and the device will be permanently destroyed prior to disposal in order to prevent disclosure of data.

9. Other material

9.1 The Council will retain documents or records relating to a particular celebratory moment e.g. Queen's Jubilee, Millennium Celebration, VIP visit.

9.2 All other material will be reviewed every couple of years and a decision made as to whether or not it will be retained.

9.3 The Council will retain documents or records which relate to a controversial issue and deposit with the Dorset History Centre.

10. Storing documents

10.1 Documents, files and records will be stored appropriately and labelled.

10.2 Material will be archived at Dorset History Centre, however, there is a need to ensure that specified timelines are adhered to and that information is accessible.

11. Retention and disposal schedule

The schedule accompanying this policy lists the main types of Town Council records and gives recommendations for their retention and/or disposal. The following notes provide an explanation of the terms used in the schedule.

Records to be preserved permanently at the Dorset History Centre (P = Preserve)

Records in this category, when no longer regularly consulted in the parish or town, will be deposited in the Dorset History Centre (DHC). They are generally easy to

identify; the obvious examples are the main series of signed council and committee minutes and the receipt and payment books. Other records may be less easy to select, in particular correspondence files on important local issues and planning applications and papers for major or controversial developments. The Town Clerk to judge which documents relate to significant or contentious local issues about which more detailed information will be preserved. The following points, however, may assist. Firstly, where detailed minutes survive there should be less need to preserve large amounts of correspondence. Secondly a filing system arranged by subject can ease considerably the process of selecting material on important issues. Lastly, important files can often be overloaded with material of an ephemeral nature; it is a good idea therefore to remove such papers from the files at a regular interval.

Records to be reviewed by the Dorset History Centre for possible permanent preservation (R = Review)

Records in this category should be passed to the Dorset History Centre for review either when the prescribed minimum retention period is over, or when they are no longer required in the parish or town for administrative purposes.

Records that may be destroyed by the Council (D = Destroy)

A large number of town council records, mainly financial, may be safely disposed of by the Town Clerk, usually after a minimum retention period prescribed for audit or other statutory purposes, generally 6 years. Where no minimum period is given records in this category may be destroyed when they are no longer required in the town council administrative purposes. It is recommended reviewing these files after 5 years or when an office holder retires if sooner. All documents should be treated as confidential waste and shredded.

Sources of advice:

Dorset History Centre
Bridport Road
Dorchester
Dorset DT1 1RP

DAPTC
Colliton Annexe
Colliton Park
Dorchester
Dorset DT1 1XJ

Tel: 01305-250550
Fax: 01305-257184
Email: archives@dorsetcc.gov.uk

Tel: 01305 260972
Fax: 01305 260972
Email: daptc@dorsetcc.gov.uk

Records	Action	Minimum Retention Period	Notes
ADMINISTRATION			
Minutes of Council/meeting (signed series)	P	At regular intervals of no more than 5 years transfer to DHC	
Reports and other documents circulated with agendas	P with minutes	As per minutes	
Agendas	D – shred	5 years	
Councillors' declarations of office	P	Transfer to DHC as soon as there is no longer an administrative requirement	
Register of Interests	P	Transfer to DHC as soon as there is no longer an administrative requirement	
Grouping orders	R	Transfer to DHC as soon as there is no longer an administrative requirement	
Nominations forms parish council elections	D	Destroy after end of term of election	
Byelaws and orders	P, one copy of each	Transfer to DHC as soon as there is no longer an administrative requirement	
Policy documents	R	Transfer to DHC as soon as there is no longer an administrative requirement	
Title deeds	P	Transfer to DHC as soon when no longer required to prove title or for administrative need	
Property registers and terriers including registers of allotments	P	Transfer to DHC as soon as there is no longer an administrative requirement	
Maps, plans and surveys of property owned by the Town Council	P	Transfer to DHC as soon as there is no longer an administrative requirement	
Correspondence and papers on important local issues or activities	R	Transfer to DHC as soon as there is no longer an administrative requirement	
Village/parish appraisals, plans and millennium projects	R with the view to P	Transfer to DHC as soon as there is no longer an administrative requirement	
Planning applications and related paper for major controversial developments; planning appeal decisions	R	Transfer to DHC as soon as there is no longer an administrative requirement	Liaise with DHC which may hold other authority's copies
Leases, agreements, contracts and wayleaves	R	Transfer to DHC as soon as there is no longer an administrative requirement	

Quotations and tenders (successful)	D – shred	6 years Statute of Limitation	Keep list of what is destroyed
Quotations and Tenders (unsuccessful)	D	2 years	
Routine correspondence and papers	R with the view to D	Transfer to DHC as soon as there is no longer an administrative requirement	
Scale of fees and charges	D	6 years	
Insurance policies	D	When renewed	
Register of Insurance policy numbers and company names	P		
Certificates for insurance against liability for employees	P	40 years from date of commencement or renewal	
Risk assessments	D	7 years after expired	
Playground assessments	D	21 years	
Staff files	D	6 years after left employ unless through ill-health or industrial tribunal case (keep until person is 65)*	* Unless ill health retirement may be Asbestos related. Then keep records until person is 100 years of age
FINANCE			
Loan sanctions	D	6 years after end of loan	Statute of Limitation
Receipt and payment books	P	Transfer to DHC as soon as there is no longer an administrative requirement	
Vouchers before 1950	D	6 years	VAT
Financial returns to district auditors	D, but P if the receipt and payment books have not survived	Transfer to DHC as soon as there is no longer an administrative requirement	
Cash and petty cash books and rent books	D, but P if the receipt and payment books have not survived	6 years	Tax, VAT, Statute of Limitation
Receipt books of all kinds	D	6 years	VAT
Postage and telephone books	D – shred	6 years	Tax, VAT, Statute of Limitation

Bank statements Including deposit/saving accounts	D – shred	Last completed Audit year	Audit
Bank paying-in books	D	Last completed Audit year	Audit
Cheque book stubs	D – shred	Last completed Audit year	Audit
Paid invoices	D – shred	6 years	VAT
Paid cheques	D – shred	6 years	Statute of Limitations
VAT records. Options to tax records should be retained for a minimum of 20 years.	D – shred	6 years 20 years for VAT on rents	VAT Paragraph 25, Schedule 10 of the VAT Act 1994
Time sheets	D	Last completed Audit year 3 years	Audit
Wage books	D	12 years	Statute of Limitations
Members' allowances register	D	6 years	Tax, Statute of Limitations
Records relating to parish halls, centres and recreation grounds, applications to hire, letting diaries, copies of bills to hirers and records of tickets issued	D	6 years	VAT
Precept books and contribution orders	D	6 years	VAT

12. Monitoring and review of this policy

The Town Clerk shall be responsible for reviewing this policy annually to ensure that it meets legal requirements and reflects best practice.