Data Retention Policy

Company name:	Vision for Education / ABC Teachers / Smart Teachers ('the Company')
Document	Retention policy
Topic:	Data protection
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Version:	3

1. Introduction

1.1. This policy sets out how long employment/recruitment-related information will normally be held by us and when that information will be confidentially destroyed.

2. Responsibility

2.1. Jo Betteley is responsible for implementing and monitoring compliance with this policy.

2.2. They will undertake an annual review of this policy to verify that it is in effective operation.

3. Our process

3.1. Information (hard copy and electronic) will be retained for the period specified in our Records Retention Schedule.

3.2. All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.

3.3. Hard copy and electronically-held documents and information must be deleted at the end of the retention period, unless there is a requirement to delay deletion (as per paragraph 3.2).

3.4. Hard copy documents and information must be disposed of by shredding and placing in confidential waste bins

Records Retention Schedule

This Record Retention Schedule sets out the time periods that different types of records must be retained for business and legal purposes.

The retention periods are based on business needs and legal requirements and should be read in accordance with the Company's Data Protection policy. If you maintain any types of records that are not listed in this schedule and it is not clear what retention period should apply, please contact Jo Betteley for guidance.

Any deviance from the retention periods in this schedule must be approved in advance by Jo Betteley.

The first section of this policy will address employment records, the second section will address work-seeker records.

1. Internal employee/applicants for internal roles

Record	Retention period	Storage format	Lawful basis and reference
Rejected job applicant records, including: · Contact details · CV/applications · References · Test results · Interview notes	Six months after applicant is notified of rejection. The application forms should give applicants the opportunity to object to their details being retained	Paper or electronic	Legitimate business interest · To ensure that you do not accept multiple applications from the same rejected candidate · To consider alternative roles for the candidate · To demonstrate fair and non-discriminatory recruitment process · Kept in line with the Equality Act 2010 (s.123)
Application records of successful candidates, including: · CV/applications · References · Training certificates · Correspondence concerning employment · Test result · Interview notes	Up to the end of six years after employment ceases	Paper or electronic	Legitimate business interest · To protect the business against any legal claims for breach of contract - Kept in line with the Limitation Act 1980 (s.5) · To demonstrate compliance with a fair and non-discriminatory recruitment process
Employment contracts including: · Training records · Written particulars of employment · Changes to terms and conditions	Up to the end of six years after employment ceases	Paper or electronic	Legitimate business interest · To protect the business against any legal claims for breach of contract - Kept in line with the Limitation Act 1980 (s.5) · Confirmation of rights and obligations owed and due by employee employer
Employee performance and conduct records: · Probationary reviews · Review and appraisal notes · Promotions/demotions	Up to seven years after employment ceases	Paper or electronic	Legitimate business interest · To protect the business against any legal claims for breach of contract - Kept in line with the Limitation Act 1980 (s.5) · Confirmation of rights and obligations owed and due by employee employer

Other employment records ·Redundancy records ·Annual leave records ·Parental leave records ·Sickness records ·Return to work meetings	Up to the end of six years after employment ceases	Paper or electronic	Legitimate business interest ·To protect the business against any legal claims for breach of contract - Kept in line with the Limitation Act 1980 (s.5) · Confirmation of rights and obligations owed and due by employee employer
Directors' service contracts and any variations	Up to the end of six years after employment ceases if document executed as a deed- this should be 13 years after employment ceases- s.8 Limitation Act 1980]	Paper or electronic	Legitimate business interest ·To protect the business against any legal claims for breach of contract · Confirmation of rights and obligations owed and due by employee- employer Legal obligation ·Retained for one year from the date of termination or expiry ·Kept in line with Companies Act 2006 (s.228)
Copies of identification documents/right to work	Kept for two years from date of termination of employment	Paper or electronic	Legal obligation ·Kept in line with the Immigration (Restrictions on Employment) Order (Art 6(1)(b))
Records relating to/ demonstrating compliance with Working Time Regulations 1998: ·Registration of work and rest periods ·Working time opt-out forms	Kept for two years from the date on which the record was made	Paper or electronic	Legal obligation ·Kept in line with the Working Time Regulations 1998 (Regulation 9)
Criminal records information ·Information forms ·DBS check forms · DBS certificates	Kept for six months after employment ceases	Paper or electronic	Legitimate business interest ·To demonstrate that safeguarding processes were followed ·Framework requirements
Gender pay gap reporting information	Kept available for a period of at least three years beginning with the date of publication	Paper or electronic	Legal obligation ·Kept in line with Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 (Regulation 15)

2. Work-seeker records

Record	Retention period	Storage format	Lawful basis and reference
Work-seeker records · Name/address and if under 22, date of birth · Any terms between recruitment business and the work-seeker and any variations · Details of the work-seeker's training, experience, qualifications and any authorisation to undertake particular work · Names of hirers to whom the work-seeker is introduced or supplied · Details of any resulting engagement and date from which it takes effect · Details of any enquiries made under Regulations 19, 20 and 22 about the work-seeker and the position concerned	Records will be kept for seven years · From the last work assignment with the company Or · From the date cleared for work Or · · Indefinitely where this is in the public interest or for the protection of children	Paper or electronic	Legal obligation · Kept in line with the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (Reg 29) Legitimate business interest · To protect the business against any legal claims for breach of contract - Kept in line with the Limitation Act 1980 (s.5) · To keep records to demonstrate that safeguarding processes are adhered to and followed · To contact the candidate for any further work-finding services · To protect your business against any legal claims
Records relating to/ demonstrating compliance with Working Time Regulations 1998: · Registration of work and rest periods · Working time opt-out forms	Kept for two years from the date on which the record was made	Paper or electronic	Legal obligation · Kept in line with the Working Time Regulations 1998 (Reg 9)
Copies of identification documents/right to work	Kept for two years from date of termination of employment	Paper or electronic	Legal obligation · Kept in line with the Immigration (Restrictions on Employment) Order (Art 6(1)(b))
Criminal records information · Information forms · DBS check forms · DBS certificates	Kept for twelve months (unless safeguarding issues or other similar extenuating circumstances are raised)	Paper or electronic	Legitimate business interest · To demonstrate that safeguarding processes were followed
Gender pay gap reporting information	Kept available for a period of at least three years beginning with the date of publication	Paper or electronic	Legal obligation · Kept in line with Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 (Regulation 15)
Data collected on tutors, pupils and schools in relation to National Tutoring Programme (NTP)	All school, tutor and pupil data, alongside any associated tutoring session information, will be deleted as soon as practicable after we are informed by the NTP that it has ceased to be appropriate to retain the NTP data. All NTP data will be erased from any computers, storage devices and storage media	Electronic	Legitimate business interest · Data Sharing Schedule, NTP Main Agreement

Please note:

When responding to a deletion request, Terms of Engagement must be kept for seven years as we maintain our right as an employer to retain information in any event that any civil action is brought against us. UK GDPR Article 17 (3)e provides that where processing is necessary for the establishment, exercise or defence of a legal claim we are not obliged to erase personal data.

3. Payroll and salary records

Record	Retention period	Storage format	Lawful basis and reference
Payroll information	Kept for three years after the end of the tax year to which they relate	Paper or electronic	Legal obligation ·Kept in line with Income Tax (Pay As You Earn) Regulation 2003 (Regulation 97)
Intermediary reporting information · HMRC have produced guidance on the different information required	Kept for three years after the end of the tax year to which they relate	Paper or electronic	Legal obligation · Kept in line with Income Tax (Earnings and Pensions Act 2003) (Section 716B) as well as The Income Tax (Pay As You Earn) (Amendment No.2) Regulations 2015
VAT records ·Keep records of sales and purchases ·Keep a separate summary of VAT called VAT account ·Issue correct VAT invoices	Kept for six years [or 10 years if using the VAT MOSS service]	Paper or electronic	Legal obligation · Please see government guidance
Company accounts	Kept for six years from the end of the last company financial year they relate to (there are circumstances that this would need to be kept shorter/ longer for- please see government guidance for more information)	Paper or electronic	Legal obligation · Please see government guidance
CIS records	Kept for at least three years after the end of the tax year that they relate to	Paper or electronic	Legal obligation ·Kept in line with The Income Tax (Construction Industry Scheme) Regulations 2005 (Regulation 51)
National minimum wage records · Records demonstrating compliance with national minimum wage requirements including hours worked	Kept for three years beginning with the day upon which the pay reference period immediately following that to which they relate ends	Paper or electronic	Legal obligation · Kept in line with National Minimum Wage Regulations 2015 (Regulation 59)
Sickness records	Should not be kept for longer than three years	Paper or electronic	Legitimate business interest · To demonstrate that statutory sick pay has been paid/ demonstrate why it was not paid in the event that HMRC investigate
Statutory maternity/paternity and adoption pay	Kept for three years after the end of the tax year in which the period of statutory pay ends	Paper or electronic	Legal obligation · Kept in line with statutory maternity pay (General) Regulations 1986 (and other corresponding legislation) (Regulation 26)
Pensions auto-enrolment	Kept for a minimum of six years, some records will need to be kept for a longer period	Paper or electronic	Legal obligation · Please consider Pensions Regulator guidance