

WINTERBOURNE NURSERY & INFANT SCHOOL



HR Records Management Protocol

**Agreed by governors:
Next review:**

**19th April 2018
September 2019**

HR Records Management Protocol

It is important to maintain effective systems for storing HR data, to ensure compliance with the myriad of relevant legislation and to support both sound HR administration and broader HR strategy.

Records may be hard or soft copy documents (paper files, databases, spread sheets, word processing packages, etc.) and may consist of letters, memos, emails, reports, minutes, personal records or tables of information. They may also be held in the form of tape recordings, videos, cds, microfiche or more advanced media.

The Data Protection Act 1998 applies to most HR records. The Act stipulates that data must not be kept any longer than is necessary for a particular purpose. Employees have the right to access their own records and we are obliged to ensure that data kept is accurate. Before releasing any of that data to a third party, we must seek the permission of the individual concerned.

There is a large and complex regulatory regime which impacts on the retention of records.

Record type	Retention Period	Reason
<p>Recruitment: Advertisement, Job Description, Application form, references , interview notes ,medical clearance, DBS record number , ID, contract, required qualifications to work, permission to work in the uk , etc. :</p> <p>for unsuccessful candidates:</p> <p>for successful candidates :</p>	<p>1 year after recruitment process ended</p> <p>Duration of employment plus 6 years</p>	<p>Limitation Act 1980 , for audit purposes and to allow for time limits for bringing claims</p>
<p>Employment : Induction checklist, Offer letter, Probation report, Pay, enhancements, market</p>		

<p>supplements, personal info (dob, address,etc), internal transfers, secondments etc., OH referrals, absence, lateness, complaints , capability issues, recoverable benefits such as car loan, travel loan, relocation expenses, etc., parental leave agreement, resignation letter, marital status, mortgage/accommodation references, training record, name changes, home address changes, letter to DBS reporting unsuitability to work with children/vulnerable people, management advice, file notes, use of internet/ email acceptance, termination of employment details. requests for references and their responses, dismissal information, exit interview/questionnaire, job description of last post held, signed code of conduct and use of email and internet policy, staff TUPE transferred ,secondment agreement, appraisals, emergency contact, identification and recovery of monies owed to the Council, selection for redundancy</p>	<p><i>6 years after leaving – permanent for Directors and Executive Directors and 15 years for staff working with children or vulnerable people.</i></p>	<p>Limitation Act 1980. for audit purposes and to allow for time limits for bringing claims</p>
<p>Fixed Term Workers Record of fixed term review meeting Outcome letters</p>	<p>1 year 1 year</p>	<p>Limitation Act 1980</p>

End of fixed term contract Letter making fixed term a permanent position	Termination of employment + 6 years Termination of employment + 6 years	
Legal Cases ET investigations, papers and case files, compliance with statutory requests from HMRC, Benefits Agency, other authorities/agencies.	Closure of case + 6 years, regardless of outcome	Limitation Act 1980
Equalities Monitoring Personal profile/ monitoring information	6 years after leaving	Equality Act 2010
Medical / Health and Safety Records ▪ Accident/injury reports, RIDDOR form, risk assessments, industrial injury form, ill health retirement letter	40 years from date of last entry	COSHH, RIDDOR CAW, CLW, IRR Regs
Maternity MATB1 form , application for maternity leave, parental leave, paternity leave, adoption leave	3 years after the end of the tax year the maternity leave ends – remove after 6 years along with rest of file	SMP Regs
Sickness Paid and unpaid sickness absence and pay record, doctors' certificates, self-certificates and fit notes	3 years after the end of the tax year to which sickness records relate (certificates and fit notes held by manager, not HR)	SSPay Regs
National minimum wage records Pay history , termination pay, redundancy pay, notice pay, outstanding holiday pay	3 years after the end of the period the records cover	NMWA 1998
Working time records Opt out agreement, flexible working arrangement, hours worked	2 years from date they were made	WT Regs

Pay Inc.	Termination + 6 years	Taxes Management Act 1970
Disciplinary documentation:		Limitation Act 1980
i. Investigation and hearing records related to protection of children and vulnerable people	15 years after case closed	
ii. Investigation records relating to bullying and Harassment	6 years after case closed	
iii. Records where investigation concludes no further action necessary	6 months after case closed	
iv. Record where charges are dismissed at the hearing stage	6 months after case closed	
v. Records where matter reaches the hearing stage and at least one allegation is upheld	2 years after case closed	
vi. Warning and /or dismissal letters relating to protection of children and vulnerable people	15 years after end of employment	
vii. Other warning or dismissal letters	6 years after warning expires unless concern continues , in which case until case is closed	

Access, Storage, Format and Destruction Methods

Subject to certain exceptions, employees have the right to access their records and we are obliged to ensure that data is accurate. Before releasing such data to a third party, we must seek permission from the individual concerned.

If employment contracts, accident records or other HR records are needed for the purposes of legal action, copies of original documents must be made available if possible, or we have to be able to explain what happened to them, backed up by a 'statement of truth'.

When we no longer need to keep certain data, its destruction must take place securely (shredding, for example).

Further special provisions may arise which affect the retention of or access to data, e.g.: -

- In the context of criminal law, the Anti Terrorism, Crime and Security Act 2001 provides a lengthy code of practice for voluntary retention of communications data.
- To provide security services with a reliable log of phone calls, telecoms companies must keep telephone call logs for a year. Internet service providers must retain comms data for a year as well.
- In the field of immigration, the UK Borders Act 2007 and the Immigration, Asylum and Nationality Act 2006 may enable access to HR records in certain circumstances.