

Retention and Disposal Schedule Children's Directorate

April 2018 London Borough of Tower Hamlets

VERSION CONTROL

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1 SUMMARY

- 3.1 Tower Hamlets Council is required by the Code of Practice on the Management of Records (issued under Section 46 of the Freedom of Information Act 2000) to have and to implement a records retention and disposal schedule.
- 3.2 Records are defined as 'information created, received, and maintained as evidence and/or information by an organisation or person, in pursuance of legal obligations or in the transaction of business'.

2 OBJECTIVES

- 2.1 The purpose of this schedule is to:
 - i prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial and other requirements of public administration
 - ii assist in identifying records that may be worth preserving permanently as part of Tower Hamlet's local history and archives
 - iii provide consistency for the destruction of those records not required permanently after specified periods
 - iv Promote improved records management practices

3 SCOPE

- 3.1 This schedule sets out the legislation, guidance and best practice regarding record retention and disposal, and incorporates retention guidelines as issued by the Information and Records Management Society (IRMS).
- 3.2 This schedule forms part of the Council's Information Governance Framework. It should be read in conjunction with the:
 - The Records Management Policy
 - Data Disposal Guidelines
- 3.3 This schedule has been developed by the Information Governance Team in consultation with Business Areas/Section Managers and Legal Services.
- 3.4 This schedule applies to all records held as recorded information by the Council (including paper, electronic, microform, audio-visuals etc. and copies and backups), which are created, collected, processed, used, stored and/or disposed of by the Council's employees, partners and agents in the course of the Council's business activities.
- 3.5 The schedule is intended to cover the continuum of records and information from creation through to destruction or for retention for historical or research purposes.

4 ROLES AND RESPONSIBILITIES

- 4.1 This schedule provides consistent instructions for all staff who deal with records, and a formal policy for records retention and disposal.
- 4.2 All staff are responsible for:
 - Following procedures and guidelines for managing, retaining and disposing of records.
 - Only disposing of records in accordance with the requirements outlined in this schedule (if authorised to do so).
 - Ensuring that any proposed divergence from records retention and disposal policies is authorised.
- 4.3 Business area managers and section managers are responsible for ensuring:
 - Record retention policies are implemented in their area/team, supported by written procedures.
 - Record keeping systems and arrangement of records enable identification of records due for disposal.
 - Records due for disposal are routinely identified and reviewed to ensure they are no longer required.
 - Staff dispose records only in accordance with Council policies.
 - Records are disposed of appropriately considering their sensitivity, security classification and the media and format(s) in which they are held in line.
 - ICT equipment and storage media are disposed of securely ensuring all records, data and information are removed in such a way that it is not recoverable.
 - Records of potential historic interest or research value are identified and transferred with agreement to LHLA.
 - Evidence of the disposal process is kept.

5 LEGAL REQUIREMENTS

- 5.1 The retention and disposal schedule details the specific legislation, regulations, guidelines or codes of practice that stipulate or recommend how long records must be kept before they are disposed of. Where no such legislation or guidance exists, Directorates have been consulted to determine the retention requirements that best suit each business activity.
- 5.2 Some overarching legislation requires that records be kept for a certain amount of time and applies to all Directorates and sections of the Council. These include:

5.3 Freedom of Information Act 2000

The Act is intended to promote a culture of openness and accountability amongst public authorities by providing people with rights of access to records held by the Council. The Code of Practice sets out rules on how the Council should manage records and information, including responsibilities on all staff to implement records retention and disposal schedules.

5.4 Data Protection Act (DPA) 1998

The Act requires that personal data shall be:

- i adequate, relevant and not excessive
- *ii* accurate and where necessary kept up to date
- *iii not kept for longer than is necessary for its purpose*

These three principles require the Council to have procedures in place, covering the review of information held.

- 5.5 The **General Data Protection Regulation** (GDPR) comes in to force from May 2018 and will supersede the existing DPA. It requires under Article 5 (Principles relating to processing of personal data) that personal data shall be:
 - *i* adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

The GDPR raises the threshold from the data controller being limited to processing that is not excessive to only enabling the data controller to process data that is necessary.

ii accurate and, where necessary, kept up to date ('accuracy');

The data controller is required to take reasonable steps to ensure the accuracy of the data. The qualification of 'reasonableness' is now expressly contained within the principle.

- *iii* not kept longer than is necessary for the purpose ('storage limitation')
- 5.6 The GDPR expands on the list of exemptions to this principle. It permits the storage of data for longer periods than necessary where the data is being processed for archiving purposes in the public interest and/or scientific purposes, this is in addition to the statistical or historical purposes covered in the DPA.
- 5.7 Retention and disposal schedules assist with compliance under the Data Protection legislation, which requires the Council to keep personal data no longer than is necessary for the purpose for which it was collected. The time limits for keeping records are based on statutory requirements, common business practice, and national guidance and best practice.

5.8 In some parts of the schedule the recommended retention period given is 6 years. This is based on the 6 year time limit within which legal proceedings must be commenced as laid down in the Limitation Act 1980. It should also be noted that under this Act, civil action could be taken up to 12 years following certain events.

5.9 **The Local Government Act 2000**

Section 22 of the Act requires that written records of a local authority executive or a committee of such an executive are made available to the public.

6 RECORDS RETENTION AND DISPOSAL POLICY

6.1 **Disposal of records**

- 6.1.1 Where records have been identified to be destroyed it should be done in a responsible way, and in accordance with the Data Disposal Guidelines.
- 6.1.2 Backup copies stored on alternative media (server/microfilm/paper) should also be destroyed. This is vital to ensure compliance with the requirements of Data Protection and Freedom of Information legislation.
- 6.1.3 Whenever there is the possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.
- 6.1.4 All records containing personal information, or sensitive information should be disposed securely after administrative use is concluded.
- 6.1.5 When records identified for disposal in the schedule are destroyed, a register of such records needs to be kept. For records not covered by the schedule contact the Council's Information Governance Team for further advice. It is not sufficient to document that a quantity of records had been destroyed on a certain date. Enough details should be retained to identify which records have been destroyed. Such records of destruction need to be maintained by the business area.
- 6.1.6 Staff should record at least:
 - i File/folder reference (or other unique identifier)
 - ii File/folder title (or brief description) e.g. xxx records 2004 to 2005
 - iii Number of files/size of folder
 - iv The name of the authorising officer
 - v Date of destruction

6.2 Transfer of records to archival storage for permanent retention

There are records in this schedule which have been identified as being worthy of permanent preservation by Local History Library and Archives (LHLA). These records are indicated as '**Permanent. Transfer to LHLA after administrative use is concluded'.** Business areas wishing to transfer permanent records to archives custody should contact LHLA for further information on transfer procedures on 020 7364 1271 or email localhistory@towerhamlets.gov.uk

6.2.1 The Archivist may choose to select a sample of the records for permanent preservation in the archives; the remainder should be destroyed as specified in the schedule. The sample may be random, selective or purposeful.

6.2.2 The Data Protection legislation provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely, provided specific requirements are met. It is the responsibility of the Archivist to ensure that this is so.

6.3 **Transfer of records to archival storage for review**

- 6.3.1 There are some records where the Archivist will not usually be interested in retaining them all permanently, but may wish to retain those concerning high profile or controversial policies/projects. These records are indicated as 'Offer to LHLA for review after administrative use is concluded'.
- 6.3.2 Records no longer required for administrative use may still retain sensitive information. The Archivist should be informed of sensitivity at the time of transfer of the material to the archives, and an appropriate closure period agreed. The closure period is the period that Archives must wait until the information can be made publicly available (due to the sensitivities that it relates to decreasing over the course of time).

6.4 Transfer of records to off-site storage

It is rarely possible to retain files on-site for the length of time for which they have to be retained. Contact Facilities Management at archive.section@towerhamlets.gov.uk for off- site storage queries and requests.

7 REVIEW/SIGN OFF

- 7.1 The retention and disposal schedule will be reviewed every two years, for approval by Information Governance Group (IGG) and sign off by the Strategic Information Governance Board, and owned by the SIRO.
- 7.2 It will be amended as and when details change due to Council policy, if new information is created, to remove any obsolete record titles, or regulations and legislation that govern information and its use are introduced or altered.

7 EXPLANATION OF RETENTION GUIDELINES HEADINGS

- 7.1.1 **Ref:** The function or entry reference number provides citation and ease of reference
- 7.1.2 **Function:** The name of each function is specified in this entry. This relates to a group of records that perform the same activity.
- 7.1.3 **Function description:** The Schedule provides notes that define each function in terms of the related activities.
- 7.1.4 **Retention action:** This entry provides the archival status of each process being either permanent or temporary. In relation to the temporary status of records the entry also provides a retention period or sentence specifying how long the records should be kept prior to destruction and the activity, transaction or event to which the retention period or sentence should be tied.
- 7.1.5 **Example of records:** The section provides common examples of the type of records included within the particular function. This list is not exhaustive.
- 7.1.6 **Notes:** This indicates if the retention action is common practice or statutory, and/or the authority guiding the retention period.

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REF	FUNCTION DESCRIPTION	RETENTION ACTION	EXAMPLES OF RECORDS	NOTES
1.1	'LOOKED AFTER' CHILDREN		·	
1.1.1	Systems which manage children, looked after by the Local Authority in summary form	Permanent. Transfer to LHLA after administrative use is concluded.	Children's home register	Common practice Closed for 50 years
1.1.2	 Process involving individual case management of children looked after by the local authority This includes children and young people: 1. Adopted via the local authority 2. In children's home 3. Fostered by local authority 4. On custodianship orders 5. On residence orders 	Destroy 75 years from 18th birthday	 Young persons being looked after files Looked after children client files Residential care children's file Adoption files Privately fostered children's file Guardian CAFCASS files Guardian ad litem 	Common practice, Statutory basis
1.1.3	Children and young people subject to supervision orders	Destroy 21 years from DOB	Court documentation or matters involving a solicitor	
1.1.4	Process involved in checking the suitability of people to become adoptive parents or foster carers	Destroy 25 years from closure of file	 Adoptive parent counselling files Approved adopters 	Common practice
1.1.5	Process involving individual case management of families or adults who have fostered children in their care	Destroy 35 years after carer has ceased to foster	Foster carer filesSupporting lodging files	Common practice
1.2	CHILD PROTECTION	I		
1.2.1	Process involving summary case management of children under the protection of local authority	Permanent . Transfer to LHLA after administrative use is concluded.	Child Protection Register	Common practice Closed for 70 years

1.2.2	Process involving summary case management of adults convicted of Schedule 1 offences	Permanent. Transfer to LHLA after administrative use is concluded.	Schedule 1 offenders	Common practice Closed for 70 years
1.2.3	 Process involving individual case assessment, investigation, registration and management of children involved in child protection: a) investigated, conferenced and registered b) core assessment c) investigated but not conferenced and registered 	Destroy 35 years from closure of file	 Child protection case files which have: a) Conference minutes b) Core assessment c) Investigation d) Registration 	Common practice
1.2.4	Process involving individual cases involving initial assessment and provision of advice in regards child protection	Destroy 5 years from closure of file	 Child protection files a) Initial assessment b) Advice only 	Common practice
1.3	CHILDREN'S SERVICES - GENERAL			
1.3.1	Children in need (who have not been adopted or looked after and who have not been the subject of a child protection inquiry)	Destroy 10 years from closure of file		Common practice
1.3.2	Process involving individual case management of services or support to unaccompanied minors (e.g. Asylum Seekers) if not "looked after"	Destroy 10 years from closure of file		Common practice
1.3.3	Process involving individual case management of services or support to youth.	Destroy 25 years from DOB. Or destroy 10 years from last contact	 Youth Service client files Youth Justice 	Common practice

1.4	SPECIAL EDUCATIONAL NEEDS			
1.4.1	Process involving in assessing and providing individual support for children who have need of special education support	Destroy 35 years from closure of file	SEN files	Common practice
1.5	EDUCATION PSYCHOLOGY			
1.5.1	Assessing children for special educational needs and assisting children who may need counselling as a result of an incident	Destroy 35 years from closure of file	AssessmentsReports	Common practice
1.6	SUPPORTING DISABILITIES			
1.6.1	Process involving individual case assessment of a child with a disability	Destroy 6 years after last contact or 2 years from the date of death if the child dies before they reach 18 years	 Core assessments Pathway plans LBTH assessments CWD care package reports 	
1.7	FAMILY SUPPORT			
1.7.1	Process involving individual case management in the provision of support by the local authority to families	Destroy 7 years from closure of file	 Parenting skills Special education Attendance records Project files 	Common practice
1.7.2	Process involved in assessing a family's suitability in the care of children	Destroy 25 years from DOB of youngest child		Common practice
1.8	PROGRAMME MANAGEMENT AND I	DEVELOPMENT	·	·
1.8.1	Process involved in provision of services or programmes to support the development of children	Destroy 25 years from closure of file	Attendance recordsCourse reports	Common practice

1.8.2	Process involved in provision of a services or programmes to support the development of young persons	Destroy 15 years from closure of file		Common practice
1.9	RESIDENTIAL HOMES			
1.9.1	Summary management systems that manage children housed by the local authority	Permanent. Transfer to LHLA after administrative use is concluded.	 Children's home registers Admissions registers Discharge registers 	Common practice
1.9.2	Documentation relating to the operation of the establishment	Destroy 15 years from date of last entry	 Diaries Rotas Daily logs Secure unit records 	Children's Homes Regulations 2001 reg. 29
1.10	SOCIAL ISSUES	1	I	
1.10.1	Substance misuse	Destroy 6 years from last contact or 2 years from the date of death if the child dies before they reach 18 years	 Support services and related information 	
1.11	SUPPORTING CHILDREN			
1.11.1	Hospital and home tuition Tuition for sick children and pregnant schoolgirls in the home or a hospital environment	Destroy on child's 21st birthday	 Home schooling documentation 	
1.11.2	Early Help Assessment (EHA) An early intervention assessment tool for a child or young person.	The record is closed and transferred to off-site storage after the 25th birthday.	 A completed EHA form, which contain information from various agencies 	The record contains information subject to different retention periods, in such cases destruction should only occur once the longest retention period has been reached.

2 EDUC	2 EDUCATION AND PARTNERSHIP				
REF	FUNCTION DESCRIPTION	RETENTION ACTION	EXAMPLES OF RECORDS	NOTES	
2.1	ACCESS AND INCLUSION	•			
2.1.1	Educational access and inclusion related projects	Destroy 7 years after closure of project	 Project initiation document Other project related documentation 		
2.1.2	Activities aimed at ensuring access to education for travellers	Destroy 7 years after closure of project	Documented outreach workCase notes		
2.2	ADMISSIONS AND EXCLUSIONS	•			
2.2.1	Appeals	Destroy 7 years after decision	 School place appeal letter and other documentation produced as a result of an Appeal Panel Hearing 		
2.2.2	Parental choice	Destroy 3 years after new literature has taken its place	Brochures and information packs		
2.2.3	School directories	Permanent retention by service area.	School directory		
2.3	ARTS SERVICES	1	1		
2.3.1	Utilisation and management of field centres in arts education	Destroy 7 years after administrative use is concluded	 Proposals Finance and budgets Contracts information 		
2.3.2	Music tuition provided for individuals or groups within schools or music centres	Destroy 7 years after administrative use is concluded	 Pupil Information and timetables Finance and budget records 		
2.3.3	Organisation and management of bookings for arts performances	Destroy 7 years after administrative use is concluded	Orders and bookings		

2.4	CURRICULUM DEVELOPMENT			
2.4.1	Modern languages Promotion of modern languages at KS2 - within the mainstream school curriculum	Policy and strategy records – Permanent. Transfer to LHLA after administrative use is concluded. Destroy other records 7 years after administrative use is concluded	 MFL policy and strategy papers Database School contracts 	Common practice
2.4.2	National curriculum	Destroy 7 years after administrative use is concluded	 Consultation documents Advisory information Templates 	
2.4.3	Out of schools projects	Destroy 7 years after administrative use is concluded Destroy 14 years after date of visit	 Records created by schools to obtain approval to run an educational visit outside the classroom – Primary Schools Records created by schools to obtain approval to run an educational visit outside the classroom - Secondary Schools 	3 part supplement to the Health & Safety of Pupils on Educational Visits (HASPEV) (1998).
2.4.4	Schools curricula	Destroy 7 years after administrative use is concluded	Documents associated with the curriculum advisory service	
2.5	ATTENDANCE			
2.5.1	Attendance and Truancy	Destroy 3 years after date of register	 Daily register (attendance and absences) 	
2.5.2	Process in providing individual support for children to receive the opportunity for appropriate education and attend school.	Manual family files transferred to off-site storage with date given for them to be destroyed when youngest known child in family reaches 21 years of age.	EWO files	Common practice

2.6	MANAGEMENT OF SCHOOLS			
2.6.1	Admissions	Destroy 25 years from last action	Policy and procedures	Common practice
2.6.2	Emergency contacts	Destroy 7 years after administrative use is concluded	 Parental/guardian details e.g. paper or electronic records 	Destroy with recommended destruction date of source file, if emergency contact information is part of a larger file
2.6.3	General information involved regarding the school's holidays, etc.	Destroy 7 years after administrative use is concluded	Letters and email notification etc.	
2.6.4	Governing bodies	Destroy 7 years after the end of the academic year Destroy 5 years from the end of the academic year when they are superseded	 Signed minutes of the school governors Instruments of Government 	Minutes may be needed by Ofsted and auditors. Copies are also kept electronically
2.6.5	Governor contacts	Destroy 5 years from the end of the academic year after governor leaves	 Paper or electronic records Application forms Signed eligibility forms Signed Business Interest forms 	
2.6.6	Inspections	Destroy 6 years after inspection	Independent inspectors' reports/papers for inspection	
2.6.7	Performance	Permanent retention by service area.	School exam results	Kept for historical and statistical purposes
2.6.8	Plans and policies	Permanent. Transfer to LHLA after administrative use is concluded.	Policy and procedures	

2.6.9	School catering	Destroy 3 years after administrative use is concluded	MenusDelivery information	
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REF	FUNCTION DESCRIPTION	RETENTION ACTION	EXAMPLES OF RECORDS	NOTES
3.1	SPORTS AND PHYSICAL ACTIVITIES			
3.1.1	Clubs and societies	Permanent. Transfer to LHLA after administrative use is concluded.	Directory of clubsContract detailsGet Active London	Common practice
3.1.2	Contract monitoring	Destroy 2 years after the term of the contract has expired	 Contract Financial records Monitoring records Performance records Assets lease and deeds 	Common practice
3.1.3	Sports development	Permanent. Transfer to LHLA after administrative use is concluded.Destroy other records 7 years after administrative use is concluded	 Strategies Financial records 	Common practice

REF	FUNCTION DESCRIPTION	RETENTION ACTION	EXAMPLES OF RECORDS	NOTES
4.1	ARTS AND EVENTS			
4.1.1	Arts promotions Information on services related to the arts, and supporting third sector arts development	Destroy 7 years after administrative use is concluded Except for policy and procedures, which should be kept live until superseded	 Arts directorate Consultations Equality monitoring Performance monitoring Policy and procedures Accreditation documents 	Common practice
4.1.2	Venues Details of venues that are available for hire or leased	Destroy 7 years after they end	 Service level agreements Lease documents Records of hire and usage Financial records 	Common practice
4.1.3	Equipment Hire items of equipment for events	Destroy 7 years after administrative use is concluded	 Records of equipment hire Annual inventory checks Financial records Maintenance records 	Common practice
4.1.4	Grants Provision of funding third sector organisations	Destroy 7 years after administrative use is concluded	 Applications Assessments and feedback Monitoring records Financial records 	Retention in accordance with Third Sector Team
4.1.5	Facilities developments Provision of developing existing facilities and development of new ones	Permanent. Transfer to LHLA after administrative use is concluded. Destroy other records 7 years after administrative use is concluded	 Capital investment programme records Funding records 	Retention in accordance with Third Sector Team

4.2	PARKS AND GREEN SPACES			
4.2.1	Exhibition Activities arranged by or held on Council premises	Destroy 7 years after administrative use is concluded	Financial recordsPolicy and procedures	Common practice
4.2.2	Parks events Activities organised by commercial and community organisations, and by the Council in the parks	Destroy 6 years after administrative use is concluded	 Applications Event plans Contract Risk assessments 	Common practice
4.2.3	Former cemeteries and disused churchyards	Permanent. Transfer to LHLA after administrative use is concluded.		Common practice
4.2.4	Playgrounds and play areas Activities related to the maintenance of play area equipment	Destroy 7 years after administrative use is concluded	Inspection recordsInsurance records	Common practice
4.2.5	Film and television Process of permitting filming location sites	Destroy 7 years after the agreements	ContractFinancial records	Common practice

5 COMMUNITY LANGUAGES

REF	FUNCTION DESCRIPTION	RETENTION ACTION	EXAMPLES OF RECORDS	NOTES
5.1	COMMUNITY LANGUAGES			
5.1.1	Provision of out of hours language classes	Destroy 7 years after administrative use is concluded	 Databases Group contracts Pay claims Financial database Financial invoices and all relevant papers Budget monitoring papers Annual reports 	Common practice

6 CONTRACT SERVICES

REF	FUNCTION DESCRIPTION	RETENTION ACTION	EXAMPLES OF RECORDS	NOTES
6.1	CONTRACT SERVICES			·
6.1.1	A traded service that provide catering and cleaning services to schools; meals-on-wheels and a day centre catering service on behalf of Tower Hamlets and Hackney Council Adult Services from its Central Production Kitchen (CPU); catering services at Mulberry Place Town Hall and the Professional Development Centre (PDC); and the management of the Professional Development Centre	Destroy financial information related to commissioning 7 years after end of financial year	 Commissioning documentation Finance documentation 	Common practice

7 CHILDREN'S COMMISSIONING					
REF	FUNCTION DESCRIPTION	RETENTION ACTION	EXAMPLES OF RECORDS	NOTES	
7.1	CHILDREN'S SERVICES COMMISSIONING PROVISION				
7.1.1	Management of processes involved in arranging, tendering, managing contracts and other purchasing of the organisation	Destroy 7 years after the end of the financial year	Documentation relating to contracts	Common practice	
7.1.2	Procurement contracting	Destroy 7 years after the end of the financial year	Contract monitoring	Common practice	
7.1.3	Procurement tendering	Destroy 7 years after the end of the financial year	 Documentation relating to tendering policies Tender files 	Common practice	

8 YOUTH SERVICE

DEE		DETENTION ACTION		NOTEO		
REF	FUNCTION DESCRIPTION	RETENTION ACTION	EXAMPLES OF RECORDS	NOTES		
8.1						
8.1.1	Youth services	Destroy 25 years from date of birth or 10 years from last contact	Electronic record	Statutory Children Act 2004. Education and Inspections Act 2006		
8.1.2	Strategic documentation	 High level management records – Permanent. Transfer to LHLA after administrative use is concluded. Destroy other records 7 years after administrative use is concluded 	 Plans Surveys 	Common practice		
8.1.3	Youth provision monitoring	 High level management records – Permanent. Transfer to LHLA after administrative use is concluded. Destroy other records 7 years after administrative use is concluded 	 Monitoring records Service level agreements 	Common practice		