

NORTH DUFFIELD PARISH COUNCIL

RETENTION OF DOCUMENTS AND RECORDS MANAGEMENT POLICY

Updated May 2018

North Duffield Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council. This document provides the policy framework through which this effective management can be achieved and audited.

Scope of the policy

This policy applies to all records created, received or maintained by the Parish Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by the Parish Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically. A small percentage of the Parish Council's records will be selected for permanent preservation as part of the Council's archives and for historical research.

Responsibilities

The Parish Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Clerk to the Parish Council. The Clerk must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the Parish Council's records management guidelines.

Relationship with existing policies

This policy has been drawn up within the context of:

- Freedom of Information policy
- General Data Protection Regulations (GDPR)

And with other legislation or regulations (including audit and Statute of Limitations) affecting the Parish Council.

Retention Schedule

Under the Freedom of Information Act 2000, the Parish Council is required to maintain a retention schedule listing the record series which it creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use. The Clerk is expected to manage the current record keeping systems using the retention schedule and will take account of the different kinds of retention periods when creating new record keeping systems. The retention schedule refers to record series regardless of the media in which they are stored.

There is a clear need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings. Subject to these reasons for retaining documents, and as a basic starting point, papers and records may be destroyed if they are no longer of use or relevant.

Planning papers:

Permission Granted

All papers will be retained until the development has been completed to allow the Council to check that the development proceeds in accordance with the terms of the permission.

Appeal decisions; These will be retained indefinitely as they may be required should there be longer term implications e.g. the decision creates a precedent for other developments in the locality.

Permission Refused

All papers will be retained until the period in which an appeal can be made has expired. If a resulting appeal is dismissed the documentation will be retained in case further applications relating to the same site result.

Structure Plans and Local Plans will also be retained.

Document	Min Retention Period	Reason
Minutes & Correspondence		
Signed Minutes of Council	Indefinite	Archive
Finance & Payroll		
Scale of Fees and Charges	6 Years	Management
Receipt and Payment accounts	Indefinite	Archive
Receipt Books of all kinds	6 years	VAT
Bank Statements (including deposit/savings accounts)	Last completed Audit year	Audit
Bank Paying-in Books	Last completed Audit year	Audit
Cheque Books Stubs	Last completed Audit year	Audit
Quotations and Tenders	6 years	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years generally but 20 years for VAT on rents	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
Payroll records	12 years	Superannuation
Timesheets	Last completed Audit Year 3 years	Audit (requirement) Personal
Insurance		
Insurance Policies	While valid	Management
Cert of Employers Liability	40 years from the date in which the insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management.
Cert of Public Liability	21 years	Legal requirement
General Management		
Investments	Indefinite	Audit/ Management
Title Deeds, leases, agreements, contracts	Indefinite	Audit/ Management
Members allowances	6 years	Tax, Limitation Act 1980 (as amended)
Allotments		
Register and plans	Indefinite	Audit, Management
Health & Safety		
Accident Books (injuries to Adults)	25 Years from closure	Management
Accident Books (injuries to Children)	25 Years from closure	Management
Equipment Inspection Records	25 Years from closure	Management
Premises Inspection Records	25 Years from closure	Management

Risk Assessments	3 Years from last assessment	Management
Members		
Register of Members Interests	18 mths after individual ceases to be a Member	Management
Miscellaneous		
Complaints	5 Years after closure of case	Management
Deeds/Leases	Indefinite	Indefinite Archive
Press Releases	6 Years	Management
Public consultation: surveys & returns	5 Years	Management
Register of Officers Interests	Indefinite	Management
Reports, newsletters etc from other bodies	Retain as long as useful	Management
Personnel/Human Resources		
Application forms (interviewed - Unsuccessful)	6 Months	Management
Disciplinary records	Retain for period of employment	Management
Personal files (not payroll information)	6 years after ceasing employment	Management
Planning		
Applications - All consultative documents including plans	Not retained	Held by Planning Authority
Approved applications upon which Council has Commented - All consultative documents including plans	Until the development has been completed so that, if required, the council can check that the development proceeds in accordance with the terms and conditions of the permission.	Management
Refused applications upon which the Council has commented	Retain until the period within which an appeal can be made has expired	Management

Correspondence

There are no firm guidelines for the retention of general correspondence. However, an annual review of all documentation will be carried out with ephemeral items marked for destruction and the remainder being considered for archiving. If relating to planning matters, correspondence will be retained for the same period as suggested for other planning papers.

Documentation relating to staff will be kept securely and in accordance with the eight data protection principles contained in the Data Protection Act 1998. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However even after an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any legal claims made against the council. The time limits within which a claim (and an appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended) considered below in legal table. The time for lodging a claim at an employment tribunal is usually measured from the date that the employment relationship ended or the date of the act complained of.

Local / Historical information

The Local Government (Records) Act 1962 provides that parish councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).

Arrangements for the deposits, storage and management of documents

In accordance with s. 227 of the Local Government Act 1972 (the 1972 Act), if a Parish council requests the district council in which the parish is situated, the relevant principal authority must provide proper depositories for all the specified papers (defined as public books, writings, council papers and all documents directed by law to be kept) belonging to the parish or community for which there is no other provision.

Retention of documents for legal purposes

Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specific period. The specified period varies, depending on the type of claim in question. The table below sets out limitation periods for the different categories of claim. The reference 'category' in the table refers to claims brought in respect of that category.

Category	Limitation Period
Negligence	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
To recover land	12 years
Rent	6 years
Breach of Trust	None

Approved and Adopted at Parish Council meeting held on 3 May 2018

Review Date: This policy will be reviewed annually