



<b>Policy No:</b> SJD/ORG/42	<b>Authorised by:</b> Davina Powell	<b>Review Date:</b> 17 <sup>th</sup> June 2023
<b>Policy Date:</b> 14 <sup>th</sup> December 2022		<b>Date of Next Review:</b> 17 <sup>th</sup> June 2024
<b>DOCUMENT RETENTION</b>		

The information below is based on time limits for potential UK tribunal or civil claims. There is no definitive retention period. It is up to us as SJD Homes to decide how long to keep them. We must consider what a necessary retention period is for them, depending on the type of record. (records with the recommended retention periods) – Recommended (non-statutory) Retention Periods.

- **Assessments under H&S regulations, records of consultations with safety representatives and committees and COVID-19 risk assessments:** RRP is permanent. C19 as long as they remain relevant.
- **CCTV footage:** RRP is somewhat permanent. Can be useful in disciplinary matter or unfair dismissal claims. If an appeal does come forward, retention practise is 6 months following the outcome of any formal decision or appeal.
- **Flexible working requests:** RRP 18 months following any appeal. Further request cannot be made for 12 months following the original request plus allowing for a 6 month tribunal limitation period on top.
- **Inland revenue/HMRC approvals:** RRP is permanent
- **Money purchase details:** RRP is 6 years after transfer or value taken.
- **Pension records:** RRP is 12 years after the benefit ceases
- **Pension scheme investment policies:** RRP is 12 years from the ending of any benefit payable under the policy.
- **Personnel files and training records (including formal disciplinary records and working time records):** RRP is 6 years after employment ceases but note that it may be unreasonable to refer to expired warnings after two years have lapsed.
- **Recruitment application forms and interview notes (for unsuccessful candidates):** RRP is 6 months to a year. Because of time limits in the various discrimination Acts, minimum retention periods for records relating to advertising vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicants documents will be transferred to the personnel file in any event.
- **References:** RRP is at least one year after the reference is given to meet the limitation period of for defamation claims.
- **Right to work in the UK checks:** RRP is 2 years after employment ends recommended by Home Office.

- **Senior Exec records (senior management etc):** some records may be needed permanently for historical purposes. Retain personal records, performance appraisals, employment contracts etc for 6 years after the employee has left to reflect the main limitation period.
- **SSP records, calculations, certificates, self-certificates, occupational health reports and C19 related spp claims:** SSP regulations 2014 abolished former obligation on employers to keep these records. Although there is no longer a specific statutory retention period, employers must still keep sickness records to best suit their business needs. It's advisable to keep records for at least 6 months after the end of the period of sick leave in case of a disability discrimination claim. Personal injury claim = the limitation is 3 years. Contractual claim for breach of an employment contract = 6 years after employment ceases. Employers should keep a record of SSP paid because of C19 as this can be claimed back from HMRC for 3 years after the end of the tax year.
- **Termination of employment:** RRP is 6 years although ICO retention schedule suggest until employee reaches the age of 100.
- **Terms and conditions including offers, written particulars and variations:** RRP is to review 6 years after employment ceases or the terms are superseded.
- **Time cards:** RRP is 2 years after audit.
- **Trade union agreements:** RRP is 10 years after ceasing to be effective.  
The information provided below is regarding the main UK legislation regulating statutory retention periods. If in doubt, it's a good idea to keep records for at least 6 years to cover the time limit for bringing any civil legal action (records with the statutory authorities) - Recommended (statutory) Retention Periods.
- **Accident books, accident records/reports:**  
Statutory retention period is 3 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).  
  
Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980.
- **Accounting records:**  
Statutory retention period is 3 years for private companies, 6 years for public limited companies.  
Statutory authority: section 221 of the Companies Act 1985 as modified by the Companies Act 1989 and 2006
- **Coronavirus Job Retention Scheme:**  
Statutory retention period is 6 years for furlough records.  
Statutory authority: the record keeping requirement appears to be in the statutory guidance 'claim for wages through the Coronavirus Job Retention Scheme.
- **- First Aid Training:**  
Statutory retention period is 6 years after employment. Statutory authority: Health and Safety (first Aid) Regulations 1981.

- **Fire Warden Training:**  
Statutory retention period is 6 years after employment.  
Statutory authority: Fire Precautions (Workplace) Regulations 1997.
- **Health and Safety representatives and employees' training:**  
Statutory retention period is 5 years after employment.  
Statutory authority: Health and Safety (Consultation with employees) Regulations 1996;  
Health and Safety Information for Employees Regulations 1989.
- **Income tax and NI returns, income tax records and correspondence with HMRC:** Statutory retention period is not less than 3 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 as specified by the COSHH Regulations:**  
Statutory retention period is 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)
- **- National Minimum wage records:**  
Statutory retention period is 3 years after the end of the pay reference period following the one that the records cover.  
Statutory authority: National Minimum Wage Act 1998.
- **Payroll wage/salary records (also overtime, bonuses, expenses):**  
Statutory retention is 6 years from the end of the tax year to which they relate. ➤ Statutory authority: Taxes Management Act 1970.
- **Records of tests and examinations of control systems and protective equipment under the COSHH Regulations.**  
Statutory retention period is 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 is until the child/young adult reaches the age of 21.  
Statutory authority: Limitation Act 1980.
- **Whistleblowing documents:** Statutory retention period is 6 months following the outcome (if a substantiated investigation). If unsubstantiated, personal data should be removed immediately. Statutory authority: Public Interest Disclosure Act 1998 and recommended IAPP practice.
- **Working time records including overtime, annual holiday, jury service, time off for dependants, etc.** Statutory retention is 2 years from date on which they were made.  
Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).

Checklist:

- We know what personal data we hold and why we need it.
- We carefully consider and can justify how long we keep personal data.
- We have a policy with standard retention periods where possible, inline with documentation obligations.
- We regularly review our information and erase or anonymise personal data when we no longer need it.
- We have appropriate process in place to comply with individuals' requests for erasure under the 'right to be forgotten'.
- We clearly identify any personal data that we need to keep for public interest archiving, scientific or historical research, or statistical purposes.

