

LITTLETON & HARESTOCK PARISH COUNCIL (LHPC)

DOCUMENT RETENTION POLICY

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The 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.

Littleton & Harestock Parish Council Document Retention Policy

1. This policy applies to all records created, received, or maintained by the Parish Council in the course of carrying out its functions.
2. 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.

Responsibilities

3. 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 the implementation of this policy is the Clerk to the Parish Council, and they are required to manage the Council's records in such a way as to promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely manner.
4. The Parish Clerk must ensure that the records for which they are responsible are accurate and are maintained and disposed of appropriately.
5. Individual Councillors may hold records in hard copy format or electronically at home or on their home computers. If a Councillor considers that some of these documents are important in the context of the Parish Council's records, they should ensure that the Parish Clerk retains a copy for the official record.

Retention Schedule

6. Under the Freedom of Information Act 2000, the Parish Council is required to maintain a retention schedule listing the records 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 is described below.
7. The Parish Clerk is expected to manage the current record-keeping systems using the retention schedule and to take account of the different retention periods when creating new record-keeping systems. This retention schedule refers to record types regardless of the media in which they are stored.

Table 1: Retention Schedule

| Document | Minimum Retention Period | Reason |
|---------------------------------------|--------------------------|-----------------|
| Minutes | | |
| Minutes of Council meetings. | Indefinitely. | Archive. |
| Minutes of committee meetings. | Indefinitely. | Archive. |
| Employment | | |

The main UK legislation regulating statutory retention periods is summarised below. If in doubt, the council will keep employment records for at least 6 years to cover the time limit for bringing any civil legal action.

| | | |
|--|---|---|
| Staff payroll information. | 6 years from the end of the tax year to which they relate. 12 years. | Taxes Management Act 1970. Superannuation. |
| Income tax and NI returns, income tax records and correspondence with HMRC. | Not less than 3 years after the end of the financial year to which they relate. | The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended. |
| Working time records including overtime, holidays and other time off. Timesheets. | 2 years from the date on which they were made. Last completed audit year. | The Working Time Regulations 1998 (SI 1998/1833). Audit. |
| First aid training. | 6 years after ceasing employment. | Health and Safety (First Aid) Regulations 1981. |
| Fire warden training. | 6 years after ceasing employment. | Fire Precautions (Workplace) Regulations 1997 |
| Health and Safety training. | 5 years after ceasing employment. | Health and Safety (Consultation with Employees) Regulations 1996; Health and Safety Information for Employees Regulations 1989. |
| Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity. | 6 years from the end of the scheme year in which the event took place. | The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103). |
| Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence (also shared parental, paternity and adoption pay records). | 3 years after the end of the tax year in which the maternity period ends. | The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended, Maternity & Parental Leave Regulations 1999. |
| Whistleblowing documents. | 6 months following the outcome (if a substantiated investigation). If unsubstantiated, personal data should be removed immediately. | Public Interest disclosure Act 1998. |
| Staff references. | 6 years after ceasing employment. | Management. |
| Staff employment contracts. | 6 years after ceasing employment. | Management. |
| Application forms (interviewed – unsuccessful). | 6 months. | Management. |
| Application forms (interviewed – successful). | 6 years after ceasing employment. | Management. |
| Disciplinary files. | 6 years after ceasing employment. | Management. |
| Staff appraisals | 6 years after ceasing employment. | Management. |
| Staff employment contracts | 6 years after ceasing employment. | Management. |
| Finance | | |
| Scales of fees and charges | 6 years. | Management. |
| Receipt and payment accounts | Indefinitely. | 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 book stubs | Last completed audit year. | Audit. |
| Quotations and tenders | 6 years. | Limitation Act 1980. |
| Paid invoices | Last completed audit year | VAT |
| Paid cheques | Last completed audit year | 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) |
| Investments | | Audit, Management. |
| Title deeds, leases, agreements, contracts | Indefinitely. | Audit, Management. |
| Insurance | | |
| Insurance policies. | Until expiration. | Management. |
| Certificates for Insurance against liability for employees | 40 years from the date of commencement or renewal. | Employers' Liability (Compulsory Insurance) Regulations 1998, Management (although 2008 Regulations remove the 40 year requirement). |
| Certificates for Public Liability. | 6 years after the policy ends. | Management. |
| Insurance claim records. | 6 years after the policy ends. | Management. |
| Health and Safety | | |
| Accident books | 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). | The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. |
| Risk assessments. | 3 years. | Management. |
| Councillors and Parishioners | | |
| Councillors' contact details | Duration of membership. | Management. |
| Email messages | At end of useful life. | Management. |
| Members allowance register. | 6 years. | Tax, Limitation Act 1980 (as amended). |

Planning Applications

8. All planning applications and relevant decision notices are available at the Winchester City council website, <https://www.winchester.gov.uk/planning/planning-applications/> or the Hampshire County Council website, <https://www.hants.gov.uk/landplanningandenvironment>. There is no requirement to retain duplicates locally. All Parish Council responses in connection with these applications are recorded in the Council minutes and are retained indefinitely.

Disposal procedures

9. Records identified for destruction may be destroyed in accordance with the provisions of the Schedule, see Table 1: Retention Schedule. All documents that have reached their disposal date and are no longer required for administrative reasons will be shredded (for confidential information) and disposed of. Electronic copies of documents will be deleted, and backup copies stored on alternative media (server/electronic storage media/paper) will also be destroyed. This is to ensure compliance with both Data Protection and Freedom of Information legislation.

10. Individual Councillors are strongly advised to undertake “weeding” and “housekeeping” on a regular basis. On resigning from the Parish Council, Councillors should delete electronic records they hold and destroy hard copy documents.

Permanent Preservation

11. 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. Some records for permanent preservation will be passed to Hampshire Records Office, which will act as Littleton and Harestock Parish Council’s archivist.

Retention of documents for legal purposes

12. 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 specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. The reference to ‘category’ in the table refers to claims brought in respect of that category.

Table 2: Legal Claims

| Category of Claim | Limitation Period |
|--------------------------------|-------------------|
| Negligence (and other ‘Torts’) | 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 |
| Breaches of Trust | None |

13. Where the limitation periods are longer than other periods specified in Table 1: Retention Schedule, the documentation relating to any claim should be kept for the longer period specified.

Revision History

Table 3: Revision History

| Version (major.minor) | Date | Author | Modifications made |
|-----------------------|---------------------------|--------|---|
| Draft 0.1 | 8 th Mar 2021 | LF | Initial draft. |
| Draft 1.0 | 26 th Mar 2021 | LF | Numbered the paragraphs. Adopted at the LHPC meeting on 12th April 2021. |

Note: The revision number should be updated every time this document is modified, significant changes should result in the major number being updated, and any other minor changes should result in the minor number being updated.