

## **DRAFT RETENTION OF DOCUMENTS POLICY**

West Horsley Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations<sup>1</sup> and to contribute to the effective overall management of the Parish Council. This document provides the framework through which this effective management can be achieved and audited.

### **Scope**

This policy applies to all records created, received or maintained by the Parish Council while 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 system in accordance with the regulatory environment. The person with overall responsibility is the Clerk.

Individual Councillors may hold records in hard copy format or electronically at home on their computers. Councillors are advised to undertake 'housekeeping' on a regular basis in line with the retention schedule.

On resigning from the Council, Councillors should delete all electronic records that they hold and return all hard copy documents to the Clerk. Councillors should be aware that the records they hold may be subject to the provisions of the Data Protection Act 2018, the Freedom of Information Act 2000 and the GDPR Regulations.

### **Retention Schedule of Documents and Records**

Under the Freedom of Information Act 2000 Publication Scheme, the Parish Council is required to maintain a retention schedule. The Clerk is expected to manage the current record keeping systems using the schedule. The schedule refers to records regardless of the media in which they are stored.

Documents that are no longer required for administrative purposes will be disposed of securely e.g. shredded.

The need to retain any documents not included in the following schedule should be considered on an individual basis.

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<sup>1</sup> Local Government Act 1972, Audit Commission Act 1998, Public Records Act 1958, Data Protection Act 1998, Employers' Liability (Compulsory Insurance) Regulations 1998, Limitation Act 1980, Employment Rights Act 1996, Local Authorities Cemeteries Order 1977, Local Government (Records) Act 1962, Freedom of Information Act 2000, Lord Chancellor's Code of Practice on the Management of Records Code 2002 and any subsequent legislation.

<b>Document Type</b>	<b>Minimum Retention Period</b>	<b>Reason</b>
<b>Agendas &amp; Minutes</b>		
Approved minutes	In perpetuity	Archive
Agendas and supporting documents	2 years	Management
<b>Finance</b>		
Income and expenditure accounts	Indefinite	Archive
Annual Return	Indefinite	Archive
Paid invoices	6 years	VAT
Invoices raised	6 years	VAT
VAT records, P60s and P45s	6 years	VAT/Tax
Bank statements including savings/deposit accounts	6 years	Audit/Management
Paying in and receipt books	6 years	Audit/Management/VAT
Cheque stubs	6 years	Audit/Management
Investments – n/a	Indefinite	Audit/Management
Quotations and tenders	6 years after completion of contract	Limitation period
Title deeds, leases, agreements and contracts	Indefinite	Audit/Management
Asset Register	Indefinite	Audit/Management
<b>Insurance</b>		
Certificates of Insurance employers' liability	40 years	Management/Employers' Liability Regulations 1998
Insurance policies	While valid	Management
<b>Employment (Staff)</b>		
Major employment records e.g. application form, letter of appointment, contract	Period of employment plus 6 years	Management
Application forms (unsuccessful candidates)	6 months	Management
Disciplinary records	Period of employment plus 6 months	Management
Appraisals	Period of employment plus 6 months	Management
PAYE records (Payroll)	12 years	Superannuation
Pension contribution records	12 years	Superannuation
<b>Councillor Records</b>		
Members' Declaration of Acceptance of Office	Term of office	Management
Members' Register of Interests	Term of office	Management
Members' Allowances Register	6 years	Tax
<b>Miscellaneous</b>		
Accident report forms	3 years	Limitation period
Complaints/Information requests	2 years after closure	Management
General Correspondence	2 years	Audit/Limitation period
Newsletters	While useful	Management

### Retention of Documents for Legal Purposes

- a) Most legal proceedings are governed by the Limitation Act 1980. The Act provides that legal claims may not be commenced after a specific period of time, as follows:

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

- b) Some types of legal proceeding fall into two or more categories. In these circumstances, documentation should be kept for the longest of the differing limitation periods.
- c) As there are no limitation periods in respect of Trusts, the Council will never destroy trust deeds and schemes or other similar documentation.
- d) Some limitation periods can be extended. Examples include:
- Where individuals first become aware of damage caused at a later date (eg. in the case of personal injury)
  - Where damage is latent (eg. to a building)
  - Where a person suffers from a mental incapacity
  - Where there has been a mistake or where one party has defrauded another or concealed relevant facts.
- e) In such circumstances, the Council will weigh up the costs of storing relevant documents with the risks of claims being made, the value of the claims and the inability to defend any claims made should relevant documents be destroyed.

The policy was reviewed and adopted by Full Council on 19 November 2024

Next review due: November 2026