

Wisborough Green Parish Council

Retention of Documents Policy

1. Introduction

Wisborough Green 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. The purpose of this document is to provide a corporate policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained or disposed of in the correct method and timescale.

2. Policy Scope

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 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. Any records that are held on the Parish Council's computer will be backed up regularly to an online service by the Clerk.

3. Document Retention

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 series needs to be retained and the action which should be taken when it is of no further administrative use. Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and in the event of legal disputes and legal proceedings.

4. Document Retention for Legal Purposes

Most legal proceedings are governed by the Limitation Act 1980 (amended). This 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 claim categories. The reference to 'category' in the table refers to claims brought in respect of that category.

Category	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

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Bi-annual review (or as legislation/recommended practice changes)

Breach of Trust	None
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It should be noted that some limitation periods can be extended. Examples include:

- Where individuals do not become aware of damage until a later date (eg. in the case of disease).
- Where damage is hidden (eg. to a building)
- Where a person is a child or suffers from a mental capacity.
- Where there has been a mistake by both parties.
- Where one party has defrauded another or concealed facts.

Where the limitation periods above are longer than other periods specified in this policy, the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories; in this instance, the longer period will be observed.

5. Management

The Clerk is responsible for the management of 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 series regardless of the media in which they are stored.

6. Disposal

All Council documents will be handled in the correct manner for their sensitivity. There are no firm guidelines for the retention of general correspondence. However, an annual review of all documentation will be carried out and documents that are no longer required for administrative reasons or have past the retention period will be securely shredded and disposed of. Items, such as magazines or documents available in the public domain, will be recycled.

In line with the Council's Data Protection Policy and the Data Protection Act 1998, any document which contains an individual/s or personal data will be confidentially disposed of via a confidential waste service. Any Councillor wishing to dispose of paper copies of confidential Council documentation will do so via the Council's confidential waste service.

In an effort to maintain the organisation and efficiency of the workplace and reduce the volume of printing, the Parish Council is committed to printing only those documents necessary to have in hard copy and disposing of those which are not necessary to keep.

Retention of Documents

Document	Minimum Retention	Reason
Minutes & Correspondence		
Meeting Minutes	Indefinite	Archive with WSCC
Scale of fees and charges	6 years	Management

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Correspondence & papers on important local issues/activities	Indefinite	Archive
Routine correspondence, papers & emails	Retain as long as useful	Management
Formal complaints made under the Council's Complaints procedure	6 years	Management
Freedom of Information Requests received	6 years	Management
Finance & Payroll		
Receipts and Payment Accounts	Indefinite	VAT/Archive with WSCC after 6 years
Annual Return	Indefinite	Archive
Bank statements for all accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotation and tenders	6 years	Legal requirement
Paid invoices	6 years	VAT
Paid cheques	6 years	VAT
VAT records	6 years	VAT
Payroll records	Outsourced to WSCC	Maintained by WSCC
Insurance Policies		
Certificate of Employer's Liability	40 years from commencement	Legal requirement
Certificate of Public Liability	40 years from commencement	Legal requirement
Insurance Claim Records	7 years after all obligations concluded (allowing for claimant to reach age of 25)	Legal requirement The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI.2753)
General Management		
Investments	Indefinite	Audit/Management
Tithe Deeds, Leases, Agreements, Contracts	Indefinite	Audit/Management
Asset Register	Indefinite	Audit
Playground Inspections	40 years	Insurance
Allotments		
Register Allotment Tenancy Agreements	6 years On cessation of tenancy	Audit/Management

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Document	Minimum Retention	Reason
Members		
Application Form	Term of Office plus 1 year	Management
Declaration of Acceptance of Office	Term of Office plus 1 year	Management
Register of Members Interests	Term of Office plus 1 year	Management
Members Allowances (not currently applicable for WGPC)	6 years	Tax, Legal requirement (Limitation Act 1980 (as amended))
Personnel		
Application Forms (unsuccessful)	6 Months	Management
Disciplinary Records	Retain for period of employment	Management
Personal Files (not Payroll)	6 years after ceasing employment	Management
Accident Reports	3 years or if a child/young adult, until that person reaches the age of 21	Legal requirement - RIDDOR (SI.1995/3163)
Planning		
Applications – all consultative documents including plans	Not retained	Held by Planning Authority and available on website
Planning decisions, including appeals	Not retained	Held by Planning Authority and available on website

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