

ALCESTER TOWN COUNCIL
DOCUMENT RETENTION POLICY

1. Introduction

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 and are retained and/or disposed of in the correct method and timescale.

This policy gives the Council a system for the management of paper and electronic records. The Town Clerk is responsible for ensuring all Council documents are managed accordingly.

This policy is based on the National Association of Local Council's Legal Topic Note on Local Council's Documents and Records (legal topic note 40), therefore legal requirements and recommended practice within the sector.

Where the policy refers to 'documents' this includes both paper and electronic copies.

2. Retention of Documents

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings.

Subject to the above reasons for retaining documents, papers and records may be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought.

Attached at Appendix A to this policy is the appropriate minimum document retention periods.

3. Retention of Documents for Legal Purposes

Most legal proceedings are governed by the Limitation Act 1980 (as 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 categories of claim. 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
Breach of Trust	None

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.

In such circumstances the Town Clerk will consider (i) the costs of storing relevant documents and (ii) the risks of:

- Claims being made;
- The value of the claims; and
- The inability to defend any claims made should relevant documentation be destroyed.

4. Disposal

All Council documents will be handled in the correct manner for their sensitivity.

In accordance with data protection legislation, any document which contains data on an individual/s or personal data will be disposed of confidentially via the confidential waste bin service within the Council offices.

All electronic data will be deleted in accordance with guidance from the Information Commissioner either by physical destruction of the media or by the use of secure deletion software.

Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so via the Council's confidential waste service.

5. Responsibility

The Town Clerk holds responsibility for ensuring all Council employees are aware of and adhering to the Document Retention Policy, in particular the retention of the documents at Appendix A to the policy.

This policy was adopted by Alcester Town Council on 10th April 2018

APPENDIX A – Document Retention Policy

CORPORATE		
Document	Minimum Retention Period	Reason
Minute Books (Council, Committees & Sub-Committees)	Indefinite	Archive
Scales of fees and charges	6 years	Management
Receipt and payments account (s)	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 book 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	3 years	Personal injury
Wages book	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for Insurance against liability for employees	40 years from date of which insurance commenced or was renewed	The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
Personal data of employees	6 years after employment terminates	Recommended practice
Recruitment paperwork	1 year for all except successful candidate	Recommended practice
Accident books/reports	3 years or if a child/young adult, until that person reaches the age of 21	RIDDOR (SI.1995/3163)
Statutory maternity, paternity and adoption pay records and evidence	3 years after the end of the tax year in which the pay period ends	Maternity and Parental Leave etc Regulations 1999
Formal complaints made under the Council's Complaints procedure	6 years	Management
Freedom of Information Requests received	6 years	Management

SERVICES		
Document	Minimum Retention Period	Reason
For Halls, Recreation Grounds: <ul style="list-style-type: none"> • Application to hire • Lettings diaries • Copies of bills to hirers 	6 years	VAT
For Allotments: <ul style="list-style-type: none"> • register & plans 	Indefinite	Audit, Management
For Cemetery: <ul style="list-style-type: none"> • Register of fees collected • Register of burials • Register of purchased graves • Register/plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Disposal certificates • Copy certificates of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204)