



# Procedure for the Filing of Personal Records in Schools

Date Last Reviewed: July 2017  
Next Review Before: 1 September 2019

The Data Controller for The Collett School, St Luke's School and Forest House Education Centre is  
**Mr Stephen Hult-Allen**, The Headteacher.

## **1. INTRODUCTION**

The purpose of this procedure is to provide a standardised way for Governing Bodies to create, store and add to employee personal record files for schools based employees. The Department for Children Schools and Families (DCSF) requires every school to keep and maintain a single central record of recruitment and vetting checks and schools may be audited to ensure that they are complying with the DCSF requirements. The policy aims to ensure there is a consistent high standard complying with all relevant employment legislation.

## **2. LEGISLATION**

### **2.1 The Data Protection Act**

The Data Protection Act sets out clear rules for processing personal information applying to paper and computerised records. The Act determines how personal information or data should be kept or treated and gives individuals (the 'Data Subject') greater control over how personal information is gathered, used, housed and shared, while requiring those who record and use personal information (the 'Data Controller') to be open about how they use this information.

### **2.2 The Freedom of Information Act**

The Freedom of Information Act gives members of the public a legal right to access information held by public bodies and schools. This means that members of the public have the right to see some employment related information the Governing Body holds on them.

### **Criminal Records Bureau**

The Criminal Records Bureau (CRB) is an Executive Agency of the Home Office and carries out criminal record checks in England and Wales. The checks are called disclosures and can be made at two levels, Standard and Enhanced. HCC only conducts enhanced checks An Enhanced Disclosure shows current and spent convictions, cautions, reprimands and warnings held on the Police National Computer. If the post involves working with children or vulnerable adults, the following may also be searched:

- Protection of Children Act (POCA) List
- Protection of Vulnerable Adults (POVA) List
- Information that is held under Section 142 of the Education Act 2002 (formerly known as List 99)
- Enhanced Disclosures contain the same information as the Standard Disclosure but with the addition of any relevant and proportionate information held by the local police forces.

### **2.4 Asylum, Nationality and Immigration Act 2006**

Under the Asylum, Nationality and Immigration Act 2006 all organisations must ensure that all employees have the right to work in the UK. It is a new criminal offence if an employer takes on an individual who does not have permission to work in the UK. Initial documentation should be checked and validated at interview stage to check that the candidate can legally work in the UK and photocopies of relevant documentation evidencing the right of the employee to work in the UK must be retained on personal files and kept for two years after employment has ceased. It is a legal requirement to copy and store the proof of right to work in the employee's personal record file.

### 3. PROCEDURE

#### 3.1 Key Principles

The main personal record file for school based staff is held by the employing school including details of CRB checks, asylum and immigration right to work documentation and references.

If your school buys into a comprehensive or contracts only personnel package from the Hertfordshire County Council Schools' HR Service, a secondary file will be held by the Herts HR Transactions Team (Schools) which holds contractual and payroll details. If the school buys into an external personnel provider, no secondary file will be held by HCC.

All Schools maintain a Single Central Record (in the form of a spreadsheet – appendix 1) to capture details of all employees, volunteers, contractors and agency staff working in the school. This includes confirmation of CRB check and proof of right to work in the UK and was introduced as a statutory obligation for schools in September 2006.

#### 3.2 Personal Record Files for Employees

The principal personal record file for each employee (teaching and non teaching) and volunteers in schools will be held by the school.

The personal record file for employees will be created once a conditional offer letter has been sent to the candidate by the school. Each personal record file will have a standard format and will be separated into sections as follows (Please refer to appendix 3 for a detailed breakdown of each section):

- Absence/Leave (Not Annual Leave)
- Employment Procedures
- Payroll Paperwork
- Contractual Documents and Variations
- Recruitment Information

In addition to the five sections above each personal record file will have a standard front sheet (see appendix 4). This will enable quick reference of key employee details such as Name, Date of Birth, Job Title, Department, Start Date and an Emergency Contact Number.

It is the Headteacher's responsibility to ensure that personal record files for school based employees are created to the above format with all relevant checks completed and information entered onto the master Single Central Record.

For schools who purchase comprehensive or contract only HR services from Hertfordshire County Council, Schools' HR, the Herts HR Transaction Team will validate that Headteachers have made the appropriate checks via full completion of the new starter schools teaching form (HR001C – see appendix 2).

**If HR001C is filled in incorrectly or there is missing information then the Herts HR Transaction Team (Schools) will contact the school to chase for the missing information. Until this is received the employee will not be set up on payroll and the contract of employment will not be sent out.**

All schools (both those who purchase HR services and those who do not) will be audited on an annual basis to ensure compliance with the above.

In exceptional circumstances, where an employee has been started prior to the receipt of all satisfactory checks the Headteacher must agree and be accountable for this decision. The Headteacher must carry out a risk assessment and ensure that no unsupervised contact with pupils will occur until the CRB Disclosure has been returned and signed off by Herts HR Safe Staffing Team.

### **3.3 Single Central Record**

In January 2007 Ofsted published a “Safeguarding Children and Safer Recruitment in Education”. The guidance specified that all schools **must** keep a Single Central Record of recruitment, identity and vetting checks for all staff, volunteers, governors, centrally employed staff and contractors who provide regular teaching or care to pupils. A person may be on more than one single central record if they work at more than one school.

### **3.4 Secondary Personal Record File**

A secondary personal record file, in addition to the schools personal record file is created to hold payroll information and contract details and changes. This file is held at County Hall and managed by the Herts HR (Schools) Transaction Team.

Once the school confirms the appointment has been made, the Herts HR (Schools) Transaction Team at County Hall will create a new green coloured personal file separated into 2 sections by dividers as follows:

- Contractual Documents and Variations
- Payroll

## **4. EXCEPTIONS**

### **4.1 Centrally Employed Teachers and Supply Teachers**

The personal record file for centrally employed teachers and supply teachers will be created and held by the Herts HR Transaction Team and the Herts HR Transaction team (Schools) respectively at County Hall.

### **4.2 Governance**

The Governing Body will be accountable for ensuring that the Schools Personal Records File Policy and procedures are communicated and implemented and that comprehensive and up to date records are maintained.

Headteachers and Governing Bodies will be accountable for ensuring that the schools personal records files policy is implemented and that teaching and non teaching staff are aware of their responsibilities and comply with the schools personal records files policy.

### **4.3 Quality Assurance and Audit Processes**

HCC has developed a quality assurance and audit process to ensure the creation and maintenance of files is undertaken in line with this policy.

### **4.4 Access to Personal Record Files**

The Data Protection Act allows employees to find out what employment information is held about them. Employees are entitled to be given copies of all personal data held if such a request is made.

All information on files will be available for individuals to see except for those items listed below:

- Outgoing references unless the individual specifically requests an open reference
- Incoming references marked 'confidential' – referees should be advised that references will be treated as open unless the referee indicates that his/her confidentiality must be respected.
- Any information relating to a third party through which they can be identified
- In order to make a request, employees must do so in writing to the Headteacher.
- For existing staff the information requested should normally be supplied within 14 calendar days of receipt of the request. For employees who are no longer employed by Hertfordshire County Council the information should normally be supplied within 40 calendar days of receipt of the request. If any delays are expected this must be confirmed to the employee in writing.
- Before allowing access to the file the identification of the employee must be confirmed through the employee's birth certificate, passport or similar document.
- Employees should be informed that they are entitled to be accompanied by a trade union representative when inspecting their file and if any disagreement relating to the file is not resolved they can pursue the matter through the Grievance Procedure.

#### **4.5 Retention of School Personal Record Files**

Staff files will be kept for 3 months intact.

After this period, minimal details will be retained.

This in conjunction with the Data Protection Act.

The Collett School, St Luke's and Forest House Education Centre see fit to keep names, addresses and dates of employment on file. It sees fit to reference safeguarding clearance records achieved.

Photographs of the member of staff/ volunteer alone will be deleted. Images of children with staff will be kept for the school's historical records, though unnamed.

Emails and electronically stored data on staff as well as paper notes on staff files will be deleted three months after leaving.

A short transcript of information will be kept on file along with references written about the member of staff for 7 years, after which point, this will be destroyed.

## **Data on staff held by The Collett School, St Luke's School and Forest House Education Centre**

### **What records are kept:**

Data on staff is kept in two places: in the school concerned and, with the Local Authority's Herts HR Transactions Team (schools) who will keep records for a period between 7 and 100 years from the termination of employment, whereupon information is reviewed according to their timescales. That which is necessary to keep by the school is kept for 7 years from the termination of employment. Information on staff may be held in several areas including; in a locked personal file, SIMS database, the school Single

Central Record, email correspondence between individuals, information stored by individuals on the school's IT systems and written information stored by the individuals in their own storage areas. The information below is with regard to the data kept by the school:

- name
- address
- date of birth
- sex
- education and qualifications
- work experience
- National Insurance number
- tax code
- details of any known disability
- emergency contact details

## **The Data Protection Act**

The Data Protection Act controls how your personal information is used by organisations, businesses or the government. An employer shouldn't keep data any longer than is necessary and they must follow the rules on data protection. Everyone responsible for using data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the UK without adequate protection

There is stronger legal protection for more sensitive information, such as:

- ethnic background
- political opinions
- religious beliefs
- health
- sexual health
- criminal records

If an employee asks to find out what data is kept on them, the employer will have 40 days to provide a copy of the information, though can take longer, in which case the employer lets the employee know.

## **Data on staff held by the school once an employee has left the school**

- name
- address
- date of birth
- Work payroll number
- Last references provided for the ex-employee
- Dates of employment and roles held
- School Single Central Record of mandatory DBS/ CRB and vetting checks and checks regarding the right to work in the UK

- Photographs that may contain images the employee whilst working with the children
- Information noted in meetings about contributions made by the employee

#### **4.6 Retention of Secondary Files held by HR Transactions (Schools)**

When a leaver is identified their personal record file will be removed from the main live filing system and placed in a separate holding area for a period of 6 months by the file management team. After 6 months has elapsed the file will be archived off site unless a specific request is made to retain the file on site as part of employment tribunal proceedings.

Secondary Personal Record files and files of centrally employed and supply teachers will in most cases be kept for 100 years from the employee's date of birth. At this stage the file will be reviewed and if the pension entitlement is spent it will be destroyed. Other types of staff record and exceptions to the general retention policy are set out in the Retention Guidelines for Local Authorities on Connect.

## Appendix 2 – Documents required in each section of the personal record file

Section		Details/Examples
1	Absence/Leave (not annual leave)	Return to work interviews, maternity/paternity leave details, compassionate leave
2	Employment Procedures	Appraisal/ supervision notes, grievances, Disciplinary documentation
3	Payroll Paperwork	Bank Details, Pension documentation
4	Contractual Documents and Variations	Copy of all employment contracts including most up to date
5	Recruitment Information	Evidence of identity and right to work Visas/overseas police check where necessary Medical Clearance References x 2 List 99/CRB Okay to proceed Copies of teaching qualifications Copy of GTC certificate Photo ID Interview notes

**Appendix 3 – Template for personal record file front cover sheet**

Name:	
Date of Birth:	
NI Number:	
Department:	
Start Date:	
Copy of photo id of applicant for the file. (e.g copy of passport or photo driving licence)	
Professional Registration Number	Number:
Asylum & immigration check Visa / Work Permit Expiry Date	
CRB Clearance Confirmation	Issue Date:
CRB Clearance Renewal Confirmation	Issue Date:
Emergency contact details:	
Emergency contact details:	

**Approval Signed off by:**

Name:..... Signature:.....

Date:.....

School: The Collett School/ St Luke's School/  
Forest House Education Centre

**Data held on Ex-Employees: Confidential**

Keep for 7 years: Date of deletion/ shredding to occur:

Employee's name:	
Employee's date of birth:	
Employee's gender:	Payroll number:
Employee's address:	
Start date:	Employee's title at start of employment:
Leaving date:	Employee's title at end of employment:
Accidents at work:	
Copy of photo id of applicant for the file (e.g. copy of passport or photo driving licence). Date recorded:	Asylum and immigration check Visa/ Work Permit Expiry Date:
CRB/DBS Clearance confirmation. Issue date:	CRB/DBS Clearance renewal confirmation Issue date:

**Record of deletions/ shredding of data**

Section	Details/ Examples	Date shredded/ deleted (whom, date)
1	Absence/ Leave (not annual leave) Return to work interviews, Maternity/paternity leave details, compassionate leave	
2	Employment Procedures Performance Appraisal/ supervision notes, Grievances, Disciplinary documentation	
3	Payroll paperwork Bank details, pension documentation	
4	Contractual documents and variations Copy of all employment contracts including most up to date Evidence of identity and right to work	

Second page of Data Protection Information held about:

**Employee's Name:**

Section		Details/ Examples	Date shredded/ deleted (by whom, date)
5	Recruitment information	Visas/ overseas police check where necessary Medical clearance References x 2 List 99/CRB/ DBS ok to proceed Copies of teaching / professional qualifications Photo ID Interview notes	
	Email Correspondence		
	Information stored by member of staff on school network		

**Details of any data held:**

- Photographs of events/activities that may include the member of staff and therefore this is 'personal data' for the purposes of the Data Protection Act (DPA).
- Minutes of meetings where staff are identified by initials therefore this is 'personal data' for the purposes of the DPA though will not have the potential to impact on an individual whether in a personal, family, business or professional capacity.
- Financial reimbursements have a name attached as a record of the reimbursement of resources purchased by the member of staff for school purposes.
- Letter of resignation by employee
- References provided by the Headteacher to potential employers

**Reasons for keeping data:**

- Evidence of pupils' learning and experiences in school. A record for pupils' leaving events and historical significance of the history of the school (as per Oral Histories Project).
- Evidence of discussions and actions for the school in improving the provision for the children. Data on staff minuted meetings is kept for 3 years as part of a record of school improvement and development.
- The mandatory requirement to keep financial records for seven years.
- Information as to reasons for leaving
- Information for further references should the need arise

Approval signed off by:

Name:

Signature:

Date: