

Document Retention Policy - WOULDHAM PARISH COUNCIL

Introduction

Wouldham 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.

Scope of the policy

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 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 systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Clerk.

The Clerk will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely fashion.

The Parish Council will only keep data for as long as it is necessary to do so.

Relationship with existing policies

This policy has been drawn up within the context of:

- Freedom of Information policy
- General Privacy Notice
- Privacy Notice
- Model Publication Scheme

and with other legislation or regulations (including audit and Statute of Limitations) affecting the Parish Council.

Retention Schedule

Documents and records should be retained until they are no longer needed. Under the Freedom of Information Act 2000, the Parish Council is required to maintain a retention schedule listing the record series which 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.

Members of staff and Councillors are expected to manage their current record keeping systems using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems.

The retention schedule refers to record series regardless of the media in which they are stored.

Adopted: 3.3.26 min 7.3(c)

RETENTION OF DOCUMENTS FOR LEGAL PURPOSES

Most legal proceedings are governed by the Limitation Act 1980. 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.

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

Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods. As there is no limitation period in respect of trusts, the council will never destroy trust deeds and schemes and other similar documentation.

Planning Applications

All planning applications and relevant decision notices are available from Tonbridge and Malling Borough Council. There is no requirement to retain duplicates locally. All Parish Council recommendations in connection with these applications are recorded in the Council minutes and are retained indefinitely. Correspondence received in connection with applications will be retained as stated below.

List of Documents

Document	Minimum Retention	Reason
Signed Minutes	Indefinite	Archive, Historical
Agendas	5 years	Management
General emails and correspondence	Retained for as long as document is needed	Management
Information from other bodies (eg KALC)	Retained for as long as document is useful	Management
Local / historical information	Indefinite	To be securely kept for the benefit of the Parish
Audited Accounts	Indefinite	Audit
Annual Return	Indefinite	Audit
Bank statements	7 years	Audit/management
Paying in books	Last completed	Audit Management
Quotations	6 years	Audit
Paid invoices	7 years	Audit/VAT
VAT records	7 years	Audit/VAT
Salary records	7 years	Audit/HMRC
Tax & NI records	7 years	Audit/HMRC
Insurance policies	Whilst valid	Audit
Cert of Employers Liability	40 years	Audit/legal

Document	Minimum Retention	Reason
Cert of public liability	40 years	Audit/Employers Liability (Comp. Ins.) Regulations 1998
Assets register	Indefinite	Audit
Deeds, Leases	Indefinite	Audit
Declarations of acceptance	Indefinite	Management/ Historical
Members register of interests'	Term of office + 1	Management
Complaints	1 year	Management
General information	3 months	Management
Insurance claims	7 years after all obligations are concluded or child reaches age of 21	Limitation Act 1980
Risk Assessments	3 years after all obligations are concluded or child reaches age of 21	Limitation Act 1980
Accident/incident reports	10 years	Potential claims
Job/Co-option applications (unsuccessful)	6 months from time of appointment	Management
Health & Safety inspection records	6 years	Management

Adopted at the Council meeting on: 3.2.26 min 7.3.(c)

Next review due November 2027