

# **Sourton Parish Council Document Retention Policy**

## **1. Introduction**

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

This policy gives Sourton Parish Council a system for the management of paper and electronic records. The Parish 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 40 'Local Councils' Documents and Records' dated August 2022, which outlines the 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, and any other statutory legislation for retaining documents, papers and records will 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 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.

<b>Category</b>	<b>Limitation Period</b>
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 (adults) 3 years from reaching 18 years of age (young persons)
To Recover Land	12 years
Rent	6 years
Breach of Trust	None

Where the limitation periods above are longer than other periods specified in the Legal Topic Note, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories:

- Contracts (6 years) – because all tenancies and leases are contracts

- Leases (12 years) – if the arrears are due under a lease
- Rent (6 years) – if the arrears are due under a tenancy (and not a lease)

In these circumstances the relevant documentation will be kept for the longest of the limitation periods.

There is no limitation period in respect of trusts, and as advised by NALC, the Council will never destroy trust deeds and schemes and any other similar documentation it may hold.

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 or 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 will 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.

#### **4. Disposal**

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

Any document which contains data on an individual or contains personal data will be disposed of by shredder.

Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so through the Clerk.

#### **5. Data Protection and Freedom of Information**

All documentation will be held in line with the most recent Data Protection and Freedom of Information regulations.

## APPENDIX A

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Reason</b>
Minute Books (Council, Committees) and related papers	Minutes – Indefinite Meeting papers/reports – 6 years	Archive 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, tenders and purchase orders	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
Card Payment Facility transaction details	6 years	Audit
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
Personal data of employees	12 years after employment terminates - salary related information. 30 years after employment terminates - employment & engagement applications, references, identity verification, records of DBS checks	Superannuation  Safeguarding purposes
Recruitment paperwork	1 year for all except successful candidate	Recommended practice
Accident books/reports	30 years from date of incident	Insurance requirement (2024) Limitation At 1980
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 and Subject Access requests received	6 years	Management
Planning Papers	As long as useful	Management

Information from other Bodies (eg NALC, SLCC, DALC, WDBC, DCC)	As long as useful and relevant	Management
General correspondence other than related to that listed within this Policy	Along as is relevant and useful	Management
Grant Applications	6 years	As other financial information
Councillor Register of Interests, statutory forms including Declarations of Office, emails and any other documentation	Whilst in Office	Management Insurance
Audit Documentation and Annual Return	Indefinitely (Annual return must be publicly accessible for minimum 5 years)	Accounts & Audit Regulations 2015 (SI 2015/234)
Budget	Indefinitely	Archive
Assets	Documentation from gifts to be kept as long as is relevant and useful	Management Audit
Safeguarding - policy revisions, training records, records of allegations or referrals and action taken	30 years from date of amended policy, training or incident/allegation date	Insurance Requirement

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Signature of the Chairman	C Mott
Date of review	October 2026