



## **DOCUMENT RETENTION POLICY**

### **1. Introduction**

- 1.1 Hassocks Parish Council recognises the need to retain documentation, paper and/or electronic, for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings.
- 1.2 In agreeing a document retention scheme, the council has addressed these needs, and taken into account its obligations under the Local Government Act 1972, Public Records Act 1958, the Data Protection Act 2018, UK General Data Protection Regulation (UK GDPR), the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000 and the Lord Chancellor's Code of Practice on the Management of Records Code 2002, Local Audit and Accountability Act 2014.

### **2. Retention of documents for legal purposes**

- 2.1 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.

| <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              | 10 years                 |
| To recover land              | 12 years                 |
| Rent                         | 6 years                  |
| Breach of trust              | None                     |

- 2.2 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.

2.3 As there is no limitation period in respect of trusts, the council will never destroy trust deeds and schemes and other similar documentation.

2.4 Some limitation periods can be extended. Examples include:

- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
- where damage is latent (e.g. to a building);
- where a person suffers from a mental incapacity;
- where there has been a mistake or where one party has defrauded another or concealed relevant facts.

2.5 In such circumstances, the council will weigh up (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 documents be destroyed.

### **3. Document retention schedule**

3.1 Hassocks Parish Council has agreed a minimum document retention schedule, based on the obligations under the previously named acts, codes, orders and regulations as set out below:

| DOCUMENT                                                   | MINIMUM RETENTION PERIOD                                           | REASON                                                                   |
|------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>Finance</b>                                             |                                                                    |                                                                          |
| Insurance policies                                         | While valid                                                        | Management                                                               |
| Bank statements, including savings/deposit accounts        | Last completed audit year                                          | Audit                                                                    |
| Bank paying-in books<br>Cheque book stubs                  | Last completed audit year                                          | Audit                                                                    |
| Timesheets                                                 | 3 years                                                            | Limitation Act 1980                                                      |
| Scale of fees and charges                                  | 6 years                                                            | Management                                                               |
| Receipt books of all kinds, including ledgers              | 6 years                                                            | VAT                                                                      |
| Paid invoices                                              | 6 years                                                            | VAT                                                                      |
| Paid cheques                                               | 6 years                                                            | Limitation Act 1980                                                      |
| VAT records, P60s and P45s                                 | 6 years                                                            | VAT, Tax                                                                 |
| Petty cash books                                           | 6 years                                                            | Tax, VAT, Limitation Act 1980                                            |
| Salary Records                                             | 6 years                                                            | Superannuation                                                           |
| Certificates for insurance against liability for employees | 40 years from date on which the insurance commenced or was renewed | Employers' Liability (Compulsory Insurance) Regulations 1998, Management |
| Receipt and payments account(s)                            | Indefinitely                                                       | Archive                                                                  |

|                                                          |                                                                                                                                                                                            |                                                                                        |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Insurance company names and policy numbers               | Indefinitely                                                                                                                                                                               | Management                                                                             |
| Investments                                              | Indefinitely                                                                                                                                                                               | Audit, Management                                                                      |
| Annual accounts and asset registers                      | Indefinitely                                                                                                                                                                               | Archive                                                                                |
| <b>Personnel</b>                                         |                                                                                                                                                                                            |                                                                                        |
| Disclosure and Barring Service (DBS) certificates        | 6 months                                                                                                                                                                                   | DBS Checks: Guidance for Employers (Dec 2024)                                          |
| Unsuccessful application forms & reference requests      | 1 year                                                                                                                                                                                     | Limitations Act 1980<br>Management                                                     |
| Members allowances register                              | 6 years                                                                                                                                                                                    | Tax, Limitation Act 1980                                                               |
| Pension contribution records                             | 6 years                                                                                                                                                                                    | Pensions Act 2014                                                                      |
| Personnel records, including SSP and maternity records   | For duration of employment + 6 years                                                                                                                                                       | Limitations Act 1980<br>Management                                                     |
| <b>Corporate</b>                                         |                                                                                                                                                                                            |                                                                                        |
| Unsuccessful tender documentation                        | Until final payment of contract let is made                                                                                                                                                | Limitations Act 1980                                                                   |
| Successful tender documentation & contracts              | 6 years from date of final payment                                                                                                                                                         | Limitations Act 1980                                                                   |
| Minutes & Agendas                                        | Indefinitely                                                                                                                                                                               | Archive                                                                                |
| Title deeds, leases, agreements, contracts (Land/Assets) | Indefinitely                                                                                                                                                                               | Audit, Management                                                                      |
| <b>Health &amp; Safety</b>                               |                                                                                                                                                                                            |                                                                                        |
| Accident book                                            | 21 years                                                                                                                                                                                   | Reporting of Injuries, Diseases and Dangerous Occurrences Act 2013<br>Potential Claims |
| Play Equipment Inspection Reports                        | 21 years                                                                                                                                                                                   | Potential Claims                                                                       |
| Asbestos and hazardous materials records                 | Indefinitely                                                                                                                                                                               | Asbestos Regulations                                                                   |
| <b>Additional</b>                                        |                                                                                                                                                                                            |                                                                                        |
| General Correspondence                                   | Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests. | Data Protection Act 2018<br>Limitation Act 1980                                        |

|                                                                                                                                                                                                                                                       |                             |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------|
| Allotment Tenancy Agreements                                                                                                                                                                                                                          | Length of Tenancy + 3 years | Management Limitation Act 1980                    |
| <b>For Community Sports Pavilion and Recreation Grounds/facilities</b> <ul style="list-style-type: none"> <li>• Application for hire</li> <li>• Lettings diaries</li> <li>• Copies of invoices to hirers</li> <li>• Terms &amp; Conditions</li> </ul> | 6 years                     | VAT Management                                    |
| <b>For Allotments</b><br>Register. Plans & Legal Papers                                                                                                                                                                                               | Indefinitely                | Audit, Management                                 |
| <b>For Burial Grounds</b><br>All burial records & associated documentation                                                                                                                                                                            | Indefinitely                | Archives, Local Authorities Cemeteries Order 1977 |

3.2 The need to retain any documents not included in the above schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. If in any doubt, advice should be sought from the Parish Clerk.