Retention of Documents Policy

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Purpose

Meriden Parish Council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings. This document describes the Parish Council's policy for records management and retention.

The Parish Council recognises that the efficient management of it records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council.

In agreeing a document retention scheme, the Parish Council has addressed thee needs, and taken into account its obligations under the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 2018, the Employers' Liability (Compulsory insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, 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.

This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Relationships with existing policies
- Retention of Documents

Scope

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.

Responsibilities

Meriden Parish Council has a corporate responsibility to maintain its records and record management system in accordance with the regulatory environment. The person with overall responsibility for this is the Clerk of the Parish Council.

The person responsible for records management will give guidance for the good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.

Individual staff, employees and Councillors must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with the Parish Council's records and management guidelines.

Relationship with Existing Policies

This policy has been drawn up within the context of:

- Freedom of Information
- Data Protection

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

Retention of Documents for Legal Purposes

Most legal proceedings are governed by the Limitations 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 statue	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.

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.

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.

Retention of Documents Required for the Audit of Parish Councils

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 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.

Document	**Minimum Retention Period**	**Reason**
Minute books	Indefinite	Archive
Scales of fees and charges	Six years	Management
Receipt and payment account(s)	Indefinite	Archive
Receipt books of all kinds	Six 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	Six years	Limitation Act 1980 (as amended)
Paid invoices	Six years	VAT
Paid cheques	Six years	Limitation Act 1980 (as amended)
VAT records	Six years generally but 20 years for VAT on rents	VAT
Petty cash, postage and telephone books	Six years	Tax, VAT and Limitation Act 1980 (as amended)
Timesheets	Three years (or last completed audit year)	Audit (requirement) and personal injury (best practice)
Wages books	12 years	Superannuation
Insurance policies	As long as a claim can be made under it	Management and legal proceedings

Certificates for insurance against liability for employees	Indefinite	Future claims
Investments	Indefinite	Audit and management
Title deeds, leases, agreement and contracts	Indefinite	Audit and management
Members allowances register	Six years	Tax and Limitation Act 1980 (as amended)
Allotment register and plans	Indefinite	Audit and management

There are no firm guidelines for the retention of general correspondence. However, an annual review of all documentation should become regular practice with ephemeral items marked for destruction and the remainder being considered for archiving or transfer to the County Records Office as appropriate.