

## **RETENTION OF HR RECORDS POLICY**

### **INTRODUCTION**

Tayside Contracts is committed to managing an effective and efficient HR records system. This policy details how we will store, maintain and dispose of HR records safely and securely.

HR records include information on payroll, training and health and safety.

In accordance with the Data Protection Act 2018 and the General Data Protection Regulation, Tayside Contracts will not store any data longer than is legally necessary.

### **STORAGE OF CURRENT EMPLOYEE HR RECORDS**

All current paper based employee HR records will be stored and maintained in individual employee HR files which are filed by employee name in alphabetical order and stored in the secure HR filing room located at Contracts House, Dundee. In addition, electronic records will be stored and maintained on Snowdrop.

In accordance with the Tayside Contracts IT Security Policy responsibility and accountability for the security of any information which is in use and not in an employee's HR file lies with the individual using it.

### **STORAGE OF HR RECORDS DURING RETENTION PERIOD**

All HR paper based records which are no longer required will be retained in individual employee HR files, which are boxed and stored securely in the storage unit at Soutar Street. To ensure that the destruction of these files takes place in accordance with this policy, all boxes will be marked with the date on which they enter the Sign Shop and stored in the correct designated area.

### **SUBJECT ACCESS REQUEST**

Please refer to Tayside Contracts' Data Protection Policy for details on how to submit a request/any such requests are dealt with.

### **DISPOSAL OF HR RECORDS**

The disposal of HR records will be monitored and maintained by the Business Support Manager.

Crystal Reports will be run by the HR Admin Team every four weeks identifying all electronic records with a retention period which has lapsed, which will then be deleted.

An exercise will be carried out on an annual basis which will involve an appropriate percentage of files and records being checked to ensure compliance, as far as is reasonably practicable, with the relevant retention schedule.

Refer to Appendix A for details of the retention periods.

## **POLICY VIOLATIONS**

Failure to comply with this policy may result in individuals being investigated and disciplinary action taken against them in accordance with Tayside Contracts' Disciplinary Policy.

## **RELATED POLICIES**

The Retention of HR Records Policy links to the following strategy and policies which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team:

- Information and Records Management Strategy
- Disciplinary Policy
- Grievance Policy
- IT Security Policy
- Data Protection Policy

The above list is not exhaustive.

## **POLICY REVIEW**

The Retention of HR Records Policy will be reviewed at three yearly intervals, or as required by legislative or other changes.

## **GENERAL DATA PROTECTION REGULATION**

Tayside Contracts respects the privacy of our employees, any personal data processed during the application of this policy will be in line with Data Protection Legislation. Further information on how we may process personal data for the purpose of applying this policy can be found in our Privacy Notice.

**Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact, HR Services on 01382 812721 or [employment.policies@tayside-contracts.co.uk](mailto:employment.policies@tayside-contracts.co.uk)**

**If you would like this document translated into another language or in another format such as audio or large print then please contact Angie Thompson, Equalities and Communications Manager on 01382 834165 or [angie.thompson@tayside-contracts.co.uk](mailto:angie.thompson@tayside-contracts.co.uk)**

**APPENDIX A: HR RECORDS RETENTION PERIODS**

<b>Activity</b>	<b>Description/ Example Record Types</b>	<b>Trigger - event that prompts start of retention period</b>	<b>Retention Period</b>	<b>Disposal Action</b>	<b>Authority</b>	<b>Citation/ Notes</b>
<b>Administering employees</b>						
Employee files	Counselling	Termination	6 years	Destroy	Statutory	Prescription and Limitation (Scotland) Act 1973 c.52 and 1984 c.45
	Absence monitoring	End of current tax year	3 years	Destroy	Business requirement	
	Disciplinary - documentation relating to the discipline of employees e.g. invite to investigation meeting letters, invite to disciplinary hearing letters etc	Termination	6 years	Destroy	Business requirement	The Employment Act 2002 deals with dispute resolution but does not give time limits for record retention. See also <i>ACAS code of practice on disciplinary and grievance procedures</i>
	Disciplinary - final written warnings letters	Date of warning	15 months	Destroy	Business requirement	The Employment Act 2002 deals with dispute resolution but does not give time limits for record retention. ACAS Code of Practice - recommends continued retention on HR File
	Disciplinary - no warning issued	Date of decision not to proceed	Immediately	Destroy	Business requirement	Proceedings where allegation proved to be unfounded. DPA
	Disciplinary – improvement note issued at	Date of warning	6 months	Destroy	Business requirement	ACAS Code of Practice - Recommends continued retention on HR File

	disciplinary hearing					
	Disciplinary - warnings involving children or vulnerable adults	Termination	25 years	Destroy	Business requirement	
	Discipline - written warnings	Date of warning	9 months	Destroy	Business requirement	ACAS Code of Practice - Recommends continued retention on HR File
	Disciplinary action - written statement to employee who is dismissed while absent during adoption leave	Termination of employment	6 years	Destroy	Statutory	The Employment Rights Act 1996 Section 92 (4A) To be in writing
	Disclosure of interest	Superseded	1 year	Destroy	Business requirement	
	Employee details (posts <b>not</b> subject to disclosure checks)	Termination of employment	6 years	Destroy (See note)	Statutory	Need to retain record of: name, DOB, date of appointment, work history details, titles & dates of posts held, as evidence of employment and for superannuation pension purposes
	Employee details (posts subject to disclosure checks)	Termination of employment	25 years	Destroy (See note)	Business requirement	Need to retain record of: name, DOB, date of appointment, work history details, titles & dates of posts held, as evidence of employment and for superannuation pension purposes
	Employment conditions	Termination of employment	6 years	Destroy	Business requirement	
	Grievances	Termination of employment	6 years	Destroy	Business requirement	

	Individual training records	Termination of employment	Termination date + 6 years BUT if it relates to training for work with children or vulnerable adults retain for 25 years	Destroy	Business requirement	
	Induction	Date of completion	Termination of employment date + 3 years	Destroy	Business requirement	
	Leave	Current year	Current year + 2 years	Destroy	Business requirement	
	Medical assessments	Date of birth/termination of employment/current year	Termination of employment plus 6/25 years as appropriate unless a longer requirement is needed under health and safety legislation	Destroy	Business requirement	Dependant on whether Health & Safety or Monitoring requirements are relevant. See Health and Safety section below.

	Maternity/ Paternity leave	Current tax year	Current tax year + 3 yrs	Destroy	Business requirement	HMRC guidelines for reference
Reporting (terms and conditions, working hours)		Current tax year	3 years	Destroy	Business requirement	
Termination requests and notices (other than retirement)	Including compromise/settle ment agreements	Date of leaving	6 years	Destroy	Business requirement	
HR guidelines/ Procedures/ Policies		Superseded	Date superseded	Retain	Business requirement	Consider historical value
<b>Employee relations</b>						
Disciplinary matters reporting	Disciplinary matters - reporting	Date of report	Until superseded	Destroy	Business requirement	
Employment Tribunals	ET1 form etc	Termination of employment	6 years	Destroy	Business requirement	
Trade union liaison - strategy	Recognition agreement	Superseded	Permanent	Retain for historical value	Business requirement	
Trade union liaison - administration	Supporting and routine documentation	Superseded	2 years	Destroy	Business requirement	

<b>Equal opportunities</b>						
Equalities and diversity – guidelines/procedures/policies		Until superseded	1 year	Destroy	Business requirement	
Equalities and diversity - investigations - case files		Investigation concludes and action is spent/retain current information throughout employment	5 years/employment term	Destroy	Business requirement	
Harassment statistics	Monitoring Forms	Current year	1 year	Review	Business requirement	Consider historical value
Disability Equality Scheme		Superseded	3 years	Destroy	Business requirement	Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005. SSI 2005 No 565 Regulation 2. Review at three year intervals
Gender Equality Scheme		Superseded	3 years	Destroy	Business requirement	Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007 SSI 2007 No 32. Article 3. Review at three year intervals
Gender Equality - Annual reports		Current year	3 years	Destroy	Business requirement	Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007 SSI 2007 No 32 Article 5
Equal pay statement		Superseded	3 years	Destroy	Business requirement	Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007 SSI 2007 No 32 Article 6
Equal pay audit	Equal pay audit report published online	Date of audit	3 years	Destroy	Statutory requirement	Equality Act 2010 (Equal Pay Audits) Regulations 2014 SI 2014 No 2559 Section 3 (1) (a) and Section 9(1) (a)

<b>Monitoring employees</b>						
Performance appraisal	Tay Review documentation	Date completed	5 years	Destroy	Business requirement	
Establishment lists		Current	Current	Destroy	Business requirement	Consider historical value
<b>Occupational health</b>						
Absence reporting		Date after action completed	5 years	Destroy	Business requirement	Access to Medical Reports Act 1988 c28 provides the general provisions on the right of access to records created after 01 January 1989.
Sickness monitoring		Termination of employment	6 years	Destroy	Business requirement	Access to Medical Reports Act 1988 c28 provides the general provisions on the right of access to records created after 01 January 1989.
Occupational health surveillance for risk assessed activities		Date of birth (unless see notes)	75 years	Destroy	Statutory	Where statutory health surveillance has been undertaken records to be retained for 40 years after last consul, or 75 years after DOB, whichever is longest. See also Health and Safety section below
Occupational health - staff training e.g. HAVS toolbox talks		Date course completed	50 years	Destroy	Business requirement	Where records relate to training associated with the reasons for statutory Health Surveillance. Then these records should be retained for the same length of time as the individual's health record
Personal risk assessments		After revised risk assessment takes place or termination of employment	6 years	Destroy	Business requirement	Where risk assessments relate to the statutory health surveillance then the assessments should be retained for the same timescale as the occupational health records. Place latest assessment on HR file/occupational file



Major injuries		Termination of employment	40 years	Destroy	Business requirement	Access to Medical Reports Act 1988 c28 provides the general provisions on the right of access to records created after 01 January 1989. Section 6. Retention of reports. A copy of any medical report which a medical practitioner has supplied for employment or insurance purposes shall be retained by him for at least six months from the date on which it was supplied Retention period may be dependent on which health and safety legislation the information falls under. May need relevant information for superannuation payment
<b>Recruitment</b>						
Authorisation	Advert request forms	Recruitment finalised	6 months	Destroy	Business requirement	
Job descriptions		Date superseded	6 months	Destroy	Business requirement	
Recruitment process	Adverts, application forms, references, interview notes etc	Recruitment finalised	6 months	Destroy	Business requirement	
Secondment		Termination of employment	6 years	Destroy	Business requirement	
Volunteers		Termination of employment	6 years	Destroy	Business requirement	

<b>Terms and conditions of employment</b>						
Employee benefits	Home computer/cycle to work/child care voucher documentation	Termination of employment	6 years	Destroy	Business requirement	
Employee recognition	Long service award documentation	Termination of employment	6 years	Destroy	Business requirement	
Terms and conditions	Statement of employment particulars, amendments to terms and conditions letters etc	Termination of employment	6 years	Destroy	Business requirement	
<b>Training</b>						
Driver training		Termination of employment	6 years	Destroy	Business requirement	
Reporting		Date after action completed	5 years	Destroy	Business requirement	
Support training		Termination of employment	6 years	Destroy	Business requirement	
Training courses		Current year	5 years	Destroy	Business requirement	Records of training on HR files concerning children or health and safety training e.g. manual handling, violence and aggression.
Training plan		Date after action completed	2 years	Destroy	Business requirement	

<b>Workforce planning</b>						
Workforce development planning		Date of last action	5 years	Destroy	Business requirement	
<b>Job evaluation</b>						
Job evaluation	Final reports	Current	Retain permanently	Retain	Business requirement	This is a distinct function from Employee Monitoring (which is primarily employee focussed). This is more process focussed and may be broken down into smaller activities, for example: initial evaluation process and appeals.
Job evaluation	JE single status documentation	Date evaluation finalised	5 years	Destroy	Business requirement	
Job evaluation	JE Prompt sheets	Date evaluation finalised	5 years	Destroy	Business requirement	
<b>Health and Safety Compliance</b>						
Strategy and planning	System processes	Date process ceases or is superseded	1 year	Destroy	Business requirement	
Occupational health and safety policy		Date superseded	1 year	Destroy	Business requirement	
Fire Safety training	Proof of suitable training. Attach to HR file	End of current year	10 years	Destroy	Business requirement	Fire Safety (Scotland) Regulations 2006. SSI 2006 No 456 Regulation 20
First-aid – letter advising of award of certificate		End of current year	3 years	Destroy	Business requirement	Certificates are valid for three years

First-aid – course attendance sheet for internal events		End of current year	3 years	Destroy	Business requirement	These are signed copies of attendance and their retention matches the period of validation
Manual handling – course attendance sheet		End of current year	5 years	Destroy	Business requirement	These are signed copies of attendance. Should attend training at five year intervals or sooner if significant changes in health or job content
Manual handling – letter advising of award of certificate		End of current year	5 years	Destroy	Business requirement	Should attend training at five year intervals or sooner if significant changes in health or job content.
<b>Health and Safety Monitoring</b>						
Accidents and incident reporting - reporting accidents to adults	Accident report/register	Date of entry/ Accident book - date of last entry.	3 years	Destroy	Statutory	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 SI 2013 No 1471 Regulation 12(2). Prescription and Limitation (Scotland) Act 1973
Equipment safety inspections	Yearly inspection daily / month/ weekly inspection	Date of inspection	2 years	Destroy	Business requirement	Written into contract that access must be available for 2 year period after termination
Hazardous substances COSHH reports		Date of last action.	40 years	Destroy	Statutory	Control of Substances Hazardous to Health Regulations 2002. SI 2002 No 2677 Regulation 11 Records kept under the 1994 and 1999

						Regulations to be kept as if the 2002 Regulations had not been made. Regulation 18 (2)
Health and safety inspections	Routine inspection file – containing inspection report, correspondence e.g. noise in the workplace, monitoring of display screens	Date superseded/date of last action	3 years	Destroy	Business requirement	These are not directly related to investigation of specific incidents
Radon Monitoring	Dose assessment and recording of classified person (approved dosimetry service)	Date made	50 years or until person's 75th birthday	Destroy	Statutory	The Ionising Radiation Regulations 1999. SI 1999 No 3232. Regulation 21(3)
Radon Monitoring	Monitoring results	Date recorded	2 years	Destroy	Statutory	The Ionising Radiation Regulations 1999. SI 1999 No 3232. Regulation 21(3)
Asbestos control	Employee information/ instruction/training	Termination of employment	6 years	Destroy	Business requirement	Control of Asbestos at Work Regulations 2012 SI 2012 No 632 Regulation 10
Asbestos control	Arrangements to deal with accidents, incidents and emergencies	In case of any accident, incident or emergency  OR superseded	40 years  3 years	Destroy	Business requirement	Control of Asbestos at Work Regulations 2012 SI 2012 No 632 Regulation 15. Information to be displayed in the work place and made available to accident and emergency services
<b>Health and Safety</b>						
Asbestos control	Record or suitable summary of air monitoring of employees	Date of monitoring	5 years or 40 years if medical record is	Destroy	Statutory	Control of Asbestos at Work Regulations 2012 SI 2012 No 632 Regulation 19

	exposure to asbestos		required			
Asbestos control	Health records - where exposure exceeds the action level	Date of last incident	40 years	Destroy	Statutory	Control of Asbestos at Work Regulations 2012 SI 2012 No 632. Regulation 22 (b) original or copy may be kept. Any employee is allowed access to the record if reasonable notice is given
Asbestos control	Medical examination certificates	Date of issue	40 years	Destroy	Statutory	Control of Asbestos at Work Regulations 2012 SI 2012 No 632 Regulation 22(4)
Asbestos control	Exemption certificate	Expired/revoked	40 years	Destroy	Statutory	Control of Asbestos at Work Regulations 2012 SI 1012 No 632 Regulation 32. Consider adding a copy of the certificate to the health records and retaining for 40 years
<b>Health and Safety Risk management</b>						
Risk assessments		Date of last assessment/last action.	3 years	Destroy	Business requirement	Management of Health and Safety at Work Regulations 1992.
<b>Payroll and pensions</b>						
Payroll records - major records	Copy payslips, payroll year end prints, salaries - cumulative listings	End of current tax year	6 years	Destroy	Statutory	Income Tax (Employments Regulations) S.I. 1993 / 744; National Minimum Wage Regulations S.I. 1999 / 584; Taxes Management Act 1970; Prescription and Limitation (Scotland) Act 1973 c.52 and 1984 c.45
Payroll records -	Timesheets,	End of current tax year	3 years	Destroy	Statutory	Income Tax (Employments Regulations)

minor records	monthly payroll prints					S.I. 1993 / 744; National Minimum Wage Regulations S.I. 1999 / 584; Taxes Management Act 1970; Prescription and Limitation (Scotland) Act 1973 c.52 and 1984 c.45
P45 (Income tax - employee leaving)		End of employment	5 years	Destroy	Statutory	Taxes Management Act 1970
P60		End of current year	2 years	Destroy	Statutory	Taxes Management Act 1970
Statutory Sick Pay scheme records		End of current tax year	3 years	Destroy	Statutory	Statutory Sick Pay (General) Regulations S.I. 1982 / 894
Statutory Maternity Pay scheme records		End of current tax year	3 years	Destroy	Statutory	The Statutory Maternity Pay (General) Regulations S.I. 1986 / 1960 as amended by SI 2005 No 989
Pension scheme reports	Accounts, returns, valuation	End of current year	6 years	Destroy	Statutory	Taxes Management Act 1970; Income and Corporation Taxes Act, 1988
Individual staff pension files		End of current year after date of payment	10 years	Destroy	Business requirements	Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 (SSI 2010/233)
Pension scheme management	Statement of principles governing decisions about investments	Until superseded	10 years	Destroy	Statutory	The Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010. S.S.I. 2010/233 Reg 12

