

# HEADCORN PARISH COUNCIL

## Headcorn Parish Council – Document Retention Policy

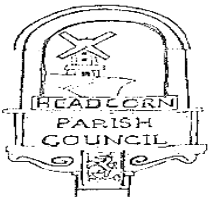
### 1. Introduction

- 1.1 The council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings
- 1.2 Under the Freedom of Information Act 2000, the Parish Council is required to maintain a retention schedule listing the record series which it creates during 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. The Clerk is expected to manage the current record keeping systems using the retention schedule and to take account of the different retention periods when creating new record keeping systems.

### 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.
- 2.2 The Registered Pension Scheme (Provision of Information) Regulations 2006 (No. 18) demands that business data and documents concerning pension schemes require a minimum storage time of six years.
- 2.3 The VAT Act 1994 (Schedule 11, paragraph 6) and HMRC Notice 700/21 October demands that data and documents concerning VAT require a minimum storage time of six years from the date they were made.

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



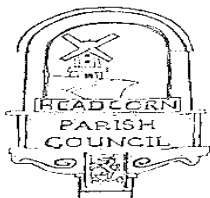
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- 2.4 Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods.
- 2.5 As there is no limitation period in respect of trusts, the council will never destroy trust deeds and schemes and other similar documentation.
- 2.6 Some limitation periods can be extended. Examples include:
- where individuals first become aware of damage caused later (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.
- 2.7 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**

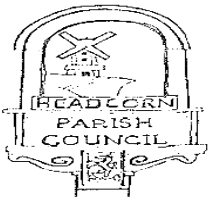
- 3.1 The council has agreed a minimum document retention schedule, based on the obligations under the previously named acts, codes, orders and regulations.

<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Minute books	Indefinite	Archive
Scale of fees and charges	6 years	Management
Receipt and payments account(s)	Indefinite	Archive
Receipt books of all kinds, including ledgers	6 years	VAT
Bank statements, including savings/deposit 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	6 years after completion of contract	Limitation Act 1980



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Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980
VAT records, P60s and P45s	6 years	VAT, Tax
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980
Timesheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
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
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980
Correspondence and emails	1 year	Limitation Act 1980
Accident book	3 years	Reporting of Injuries, Diseases and Dangerous Occurrences Act 2013
Annual accounts and asset registers	Indefinite	Archive
Pension contribution records	6 years	Pensions Act 2014
Personnel records, including SSP and maternity records	6 years	Limitations Act 1980
Asbestos and hazardous materials records	Indefinite	Asbestos Regulations
Job applications		
Previous versions of policies, standing orders, schemes of delegation	3 years	Data Protection Act 1998
<b>For halls, centre, recreation grounds</b> <ul style="list-style-type: none"> <li>• Application for hire</li> <li>• Lettings diaries</li> <li>• Copies of bills to hirers</li> <li>• Record of tickets issued</li> </ul>	6 years	VAT
<b>For allotments</b> <ul style="list-style-type: none"> <li>• Register and plans</li> </ul>	Indefinite	Audit, Management



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<b>For burial grounds</b> <ul style="list-style-type: none"><li>• Register of fees collected</li><li>• Register of burials</li><li>• Register of purchased graves</li><li>• Register/plan of grave spaces</li><li>• Register of memorials</li><li>• Application for internment</li><li>• Application for rights to erect memorials</li><li>• Disposal certificates</li><li>• Copy certificates of grant of exclusive right of burial</li></ul>	Indefinite	Archives, Local Authorities Cemeteries Order 1977
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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 Clerk.

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