



Guidance: Retention periods

Introduction:

This document is for advice purposes only and should not be shared with staff. It details recommended minimum periods of retention for documents relating to personnel. These incorporate statutory minimum periods, time limitations for legal claims and practices advised by professional organisations. Where these have been considered the relevant details are marked within the column labelled 'Authority/Justification'.

Legal considerations:

A wide number of authorities have been considered and this includes various timescales for potential claims that may require a defence. Legislation has been cited in the policy where applicable.

Key:

CIPD – Chartered Institute of Personnel and Development

CQC – Care Quality Commission

FCA – Financial Conduct Authority

GMC – General Medical Council

HSE – Health and Safety Executive

ICO – Information Commissioner's Office

Limitation incl. EC – The time limits within which a relevant claim may be brought in an employment tribunal, plus the full length of time this may be extended by due to an ACAS early conciliation.

NMC – Nursing and Midwifery Council

Customisations:

Any **highlighted text** encourages you to consider specific requirements you may be required to adhere to. Please consider any regulatory or supervisory authorities that you may be subject to (see examples listed above), insurance requirements and any nuances within your local authority. The requirements of local authorities in respect of children and young people tend to vary significantly.

Retention periods

Document	Minimum Retention Period	Authority/Justification
Employee Relations		
Application forms and interview notes (for unsuccessful candidates)	6 months to a year	Recommended practice (CIPD) Defamation Act 1996 1-year limitation (in respect of any shared comments)
Applications (successful)	6 months following end of probation period – may retain useful data eg skills	Assess and verify suitability for role Limitation incl. EC for unfair dismissal and discrimination claims etc.
Authorised absence records (annual leave, time off for dependents, jury service etc.)	2 years from when the entry was made	Working Time Regulations 1998 Part II
CCTV – relevant footage relating to an investigation or formal process	*consider any insurance obligations* Extend normal retention period of CCTV for 6 months following a formal outcome or any appeal outcome	Recommended practice (ICO) Limitation incl. EC for unfair dismissal and discrimination claims etc.
Collective agreements	6 years after ending	Limitation Act 1980 – limitation for breach of contract and negligence
Contracts, offer letters and variations (including any flexible working outcome)	6 years following end of employment	Limitation Act 1980 – limitation for breach of contract
Criminal record checks and disclosures (eg a DBS certificate)	6 years following end of employment	Limitation Act 1980 – limitation for negligence (made by public etc.)
Capability and disciplinary documents (substantiated)	2 years following the issue of the warning	TUPE 2006 Case law permitting expired warnings to be referred to (but not built upon). Unreasonable to refer back after 2 years
Driving licence (if required)	*consider any insurance obligations* Duration drives on business plus 3 years	Limitation Act 1980 – 3-year limitation for negligence for a known act/incident
Driving offences	Remove once the conviction is 'spent' unless subject to exemptions.	Rehabilitation of Offenders Act 1974
Drug and alcohol testing records	6 years from a positive result 6 months from a negative result	Tribunal limitation incl. EC for breach of contract and discrimination claims etc.
Flexible working request documents	18 months following outcome (including any appeal outcome)	12-month statutory embargo on a further request plus 6-month tribunal limitation incl. EC for auto-unfair dismissal and discrimination claims etc.
Grievance documents	6 months following end of employment	Limitation incl. EC for 'last straw' constructive dismissal and discrimination claims etc
Investigations – no case to answer	6 months following conclusion	Limitation incl. EC discrimination claims etc
Maternity medical records	3 years after the end of the tax year in which the maternity period ends	The Statutory Maternity Pay (General) Regulations 1986 as amended
Medical capability documents and records incl. OH reports	6 months following end of employment	Equality Act 2010 Limitation incl. EC for unfair dismissal and discrimination claims etc.

Monitoring (eg vehicle trackers)	6 months rolling unless there is an overriding reason or on-going relevance of the record	Recommended practice (ICO)
Professional insurance (including insurance for driving on business), licence to practice and professional registrations.	*consider any insurance, regulatory or supervisory obligations eg GMC, NMC, CQC, FCA*	Limitation Act 1980 – limitation for negligence (made by public etc.)
Qualifications	6 years following end of employment	Limitation Act 1980 – limitation for negligence (made by public etc.)
Right to work checks	Two years after employment	Recommended practice (Home Office)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of redundancy	Recommended practice (CIPD) Limitation Act 1980
Redundancy – documentation	6 years following end of redundancy	Limitation Act 1980
References received for employment	*consider any insurance, regulatory or supervisory obligations eg GMC, NMC, CQC, FCA* 6 months following end of probation period	Assess and verify suitability for role Limitation incl. EC for unfair dismissal and discrimination claims etc.
References issued for employment	1 year	Defamation Act 1996 1-year limitation (in respect of any shared comments)
References and correspondence that may produce legal affects (mortgage, loan, etc)	3 years following issue	Limitation Act 1980 – limitation for negligence when immediately aware
Sickness records and unauthorised absence records	6 months following end of employment Pseudonymise where feasible	Limitation incl. EC for unfair dismissal and discrimination claims etc. Recommended practice (data laws)
Sickness and injury records (work related) (other than those listed under 'Health and Safety')	15 years	3 years for personal injury claim 15 years for negligence (in respect of latent damage) Limitation Act 1980
Subject access request letters	1 year following completion of a request	May charge a fee for repeat copies. May be unreasonable to charge a fee after 12 months.
Trust deeds, rules and minute books	Permanently	Recommended practice (CIPD)
Whistle-blowing – reports and documents linked to an investigation which is partially or wholly substantiated.	6 months following the outcome of the report or any remedial action taken because of the report	Public Interest Disclosure Act 1998 ('PIDA 1998') Employment Rights Act 1996
Whistle-blowing – documents linked to an entirely unsubstantiated claim	Remove immediately any personal data	Recommended practice (IAPP)
Health and Safety		
Accident books, records and reports	15 years	3 years from last entry (or until person is 21 years old) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and max. 15 years for negligence (in respect of latent damage) Limitation Act 1980
Assessments under health and safety regulations and records of	Indefinitely	Recommended practice (CIPD)

consultations with safety representatives and committees		
First aid training	6 years after employment	Health and Safety (First-Aid) Regulations 1981
Fire warden training	6 years after employment	Fire Precautions (Workplace) Regulations 1997
H&S representatives training	5 years after employment	Health & Safety (Consultation with employees) Regulations 1996
H&S training - employees	5 years after employment	H&S Information for Employees Regulations 1989
Health records made in connection with health surveillance (according to HSE)	40 years	Recommended practice (HSE) The Control of Substances Hazardous to Health Regulations 1999 and 2002
Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos	Medical records - 40 years from the date of the last entry; Medical examination certificates - 4 years from the date of issue	The Control of Asbestos at Work Regulations 2002 and the Control of Asbestos Regulations 2012
Medical records and details of biological tests under the Control of Lead at Work Regulations	40 years from the date of the last entry	Control of Lead at Work Regulations 2002
Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry if person is identifiable and the record represents exposure, otherwise at least 5 years.	The Control of Substances Hazardous to Health Regulations 1999 and 2002
Medical records under the Ionising Radiations Regulations 1999	Until the person reaches 75 years of age, but in any event for at least 50 years	The Ionising Radiations Regulations 1999
Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)	5 years from the date on which the tests were carried out	The Control of Substances Hazardous to Health Regulations 1999 and 2002
Risk assessments	Indefinite	Recommended practice (CIPD)
Statutory and regulatory training	6 years after employment	Limitation Act 1980
Payroll and Finance		
Accounting records	3 years (private company) 6 years (public)	Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006
Expense accounts	6 years following year end (public companies)	Companies Act 1985, section 222 as modified by the Companies Act 1989 and Companies Act 2006
Income tax and NI returns, income tax records and correspondence with HMRC	Not less than 3 years after the end of the financial year to which they relate	The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended
Inland Revenue/HMRC approvals	Permanently	Recommended practice (CIPD)
National minimum wage records	3 years after the end of the pay reference period following the one that the records cover	National Minimum Wage Act 1998
Statutory Maternity Pay records, calculations, certificates (Mat B1s) and leave	3 years after the end of the tax year in which the maternity period ends	The Statutory Maternity Pay (General) Regulations 1986 as amended and Maternity & Parental Leave Regulations 1999

Statutory Adoption Pay records, calculations, matching certificates and leave	3 years after the end of the tax year in which the maternity period ends	Maternity & Parental Leave Regulations 1999
Statutory Paternity Pay records, calculations and leave	3 years after the end of the tax year in which the maternity period ends	Maternity & Parental Leave Regulations 1999
Statutory Shared Parental Pay records, calculations, certificates (Mat B1s), notices and leave	3 years after the end of the tax year in which the maternity period ends	Maternity & Parental Leave Regulations 1999
Wage/salary records (also overtime, bonuses, expenses)	6 years	Taxes Management Act 1970.
Benefits		
Pension scheme investment policies	12 years from the ending of any benefit payable under the policy however no information should ever be retained unless it is a necessary consequence of the funding	Recommended practice (ICO)
Pension records	12 years after benefit ceases. Avoid access unless required	Recommended practice (CIPD)
Retirement Benefits Schemes – records of notifiable events	6 years from the end of the scheme year in which the event took place	The Retirement Benefits Schemes (Information Powers) Regulations 1995
Private medical	Avoid access unless required as part of making a reasonable adjustment etc	Recommended practice (ICO)
Working time		
Timesheets, overtime records and other documents relating to working time	2 years from date on which they were made	Working Time Regulations 1998 Part II
Young people and children		
Records relating to children and young adults	Until the child/young adult reaches the age of 21	Limitation Act 1980 - limitation for negligence (made by public etc.) Conditions for processing may need to be reviewed when a child turns 13