



Document Retention Guidelines

A charitable company limited by guarantee registered in Scotland No. 165677
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Recognised by the Inland Revenue as a Scottish Charity - No. SCO 17286

Introduction

This retention guide covers areas where document retention times are important. It is not intended to be fully comprehensive and it is up to each third sector organisation to ensure they know what documents they are required to hold, and for how long they should be retained. Please note that whilst we believe that the information in this guidance is correct at the time of compilation this can change.

Under the Data Protection Act 1998, all data including electronic data, must not be kept longer than is necessary for a particular purpose.

The aims of these guidelines are to:

- Assist third sector organisations identify records that must be kept.
- Prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial and other requirements
- Provide consistency for the destruction of those records not required after specified periods.
- Promote improved record management practices within third sector organisations

Accounts and Finance

Charities

Section 44 of the Charities Accounts (Scotland) Regulations 2006 specifies that charities must keep accounting records for **at least 6 years** from the end of the financial year in which they are made. OSCR advise that, “the charity trustee’s annual report (TAR) is an integral part of the accounts, and as such should be retained with accounts of this period.”

Companies e.g. Company Limited by Guarantee and Scottish Charitable Incorporated Organisation (SCIO)

Legislation states that all companies must keep financial records (including annual reports) and retain them for six years from the end of that accounting period. This includes VAT returns where applicable.

Voluntary Groups

If a third sector organisation is not a charity and is unincorporated (not a company) the responsibility to report is more moral than legal. However, it is common for funders to require the production of proper accounts as a condition of funding and it is recommended to retain these financial records for at least 6 years.

Staff and Recruitment including Volunteers

The same guidance is applicable for volunteers and paid staff.

Application forms/Interview notes for all candidates, whether successful or not, should be retained for a period of 6 months in case of any discrimination challenges.

In the case of termination of employment not all records should be deleted; there may be a real business need to retain some of them for example, it may be necessary to keep information to enable references to be provided in the future, information regarding employee's pension arrangements or to be able to defend future employment claims.

Personnel records should be kept for 6 years after employment ceases.

Redundancy records should be kept for 6 years from the date of redundancy.

Disciplinary records should be retained for 6 years after employment ceases. Certain disciplinary records will have time limits and this will vary dependent upon the type of action taken and the outcome.

Disclosure and PVG information must not be retained for longer than it is relevant. Organisations should be aware at all times of the need to comply with the Data Protection Act 1998 which requires that personal information should be kept only for as long as it is required and for the purposes for which it was obtained. This may be the date on which the recruitment or other relevant decision has been taken, or after the date on which any dispute about the accuracy of the disclosure information has been resolved.

Income Tax and National Insurance returns and correspondence with the Inland Revenue must be retained for 6 years after the end of the tax year they relate to.

Pension Scheme records should be kept for 12 years following the ending of any benefit payable under the scheme.

Salary records should be retained for 6 years after the pay period following the one the records cover. However because the limit to commence any civil cases is 6 years, it is recommended these records be kept to cover that period.

Board Meeting Minutes and Resolutions

A charity which is also a company limited by guarantee must retain minutes etc for a minimum of 10 years.

An unincorporated charity does not have to comply with company law, however the charity regulator, OSCR advises the period such information is retained should be decided by the charity trustees and should be suitable for the requirements of their charity being mindful of conditions attached to their record keeping procedures by funding agencies and other regulators.

Please note some funders require organisations to retain complete records of financial and other project documentation for audit purposes and it is very important to be aware of these grant conditions and to comply with their requirements.

Health and Safety

Accident report records should be kept for 3 years from the date of last entry.

Health and safety risk assessments should be retained on a permanent basis; the superseded copy plus 1 year.

Insurance

Employers are advised to retain a complete record of their employer's liability insurance to ensure that any future claim can be met.

Other insurance documents should be kept for 5 years.

Storage

All archive material needs to be kept in secure accommodation. If storage areas are shared all archive material must be clearly marked with contents and the third sector organisation's details. Any dates should include review dates. If any items are removed, you must inform administration staff.

All confidential material must be kept in a secure accommodation where access is limited and controlled.

Destruction

General Information

This can generally be disposed off through the usual means and if there are large amounts each organisation is responsible for taking to the incinerator for disposal.

Confidential Information

All confidential information must be shredded before disposal.