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| **Title and Description** | **SEND Retention Policy** |
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| **Date of Last Review** | New Policy February 2025 |
| **Approved by** | Trust Board |
| **To be reviewed by** |  |
| **Responsibility** | Director of Safeguarding |
| **Review period** | Annually  |
| **Date of next review** | February 2026 |

**SEND Data Retention Policy**

**1. Introduction**

This policy outlines the procedures for storing, retaining, and securely disposing of data related to pupils with Special Educational Needs and Disabilities (SEND) at Framwellgate School Durhamin compliance with:

* **UK GDPR & Data Protection Act 2018**
* **The Education (Pupil Information) (England) Regulations 2005**
* **SEND Code of Practice 2015**
* **Keeping Children Safe in Education (KCSIE) 2024**
* **Limitation Act 1980**
* **Health & Safety at Work Act 1974**

**2. Scope**

This policy applies to all pupil records containing SEND-related information, including:

* **Education, Health & Care Plans (EHCPs)**
* **SEND support files (IEPs, Provision Maps, specialist assessments)**
* **Safeguarding and child protection records**
* **Medical records and therapy reports**
* **Accident/incident reports related to SEND pupils**
* **CCTV footage (where applicable to SEND pupils)**

**3. Retention Periods for SEND Data**

| **Record Type** | **Retention Period** | **Reason/Legislation** |
| --- | --- | --- |
| **General Pupil Records** | **Date of birth + 25 years** | Limitation Act 1980 (potential legal claims) |
| **Education, Health & Care Plans (EHCPs)** | **Until the pupil is 25 years old** | SEND Code of Practice 2015, Limitation Act 1980 |
| **SEND Support Plans (IEPs, Provision Maps, Specialist Reports, etc.)** | **Date of birth + 25 years** | Best practice to ensure access if legal claims arise |
| **Safeguarding Records** | **Date of birth + 75 years** | Keeping Children Safe in Education (KCSIE) |
| **Exclusion Records (if related to SEND needs)** | **Date of birth + 25 years** | Potential legal disputes |
| **Medical Records** | **Date of birth + 25 years** | NHS guidance & Limitation Act 1980 |
| **Accident/Incident Reports** | **Date of incident + 25 years** | Health & Safety at Work Act 1974 |
| **CCTV Footage** | **30 days (unless part of an investigation)** | Data Protection Act 2018 |

**4. Secure Storage & Access**

* SEND records are stored **securely** in **locked filing cabinets** or **password-protected digital systems**.
* Only authorised staff (e.g., SENCO, Designated Safeguarding Lead, Headteacher) have access.
* Digital records are encrypted and protected by **role-based access control**.
* A record of who accesses sensitive SEND data is maintained.

**5. Secure Transfer of SEND Data**

* When a pupil transfers to another school, **SEND records** are securely sent to the receiving school.
* A **receipt of transfer** is requested and stored for auditing purposes.
* Electronic transfers must be done via a **secure portal (e.g., S2S, encrypted email)**.

**6. Disposal of SEND Records**

* At the end of the retention period, physical records are **shredded** using a **cross-cut shredder**.
* Digital records are permanently **deleted** using secure erasure software.
* A **Data Disposal Log** is maintained to track destroyed records.

**7. Data Subject Rights & Compliance**

* Parents and pupils (if over 13) have the right to **request access** to their SEND records.
* Data breaches are reported in line with **UK GDPR requirements**.
* Regular audits ensure compliance with **data retention laws**.

**8. Policy Review**

This policy is reviewed **annually** by the **SENCO and Data Protection Officer** to ensure continued compliance with legislation.