

## Document Retention Policy

Issue	Updates	Date	Responsibility
1		Apr 2009	Bev Wynne
2		Jan 2016	Madelyn Brown
3		Aug 2017	Danny Myers
4		Nov 2017	Nick Owen
5		Apr 2018	Nick Owen
6		08/05/2019	Nick Owen
7		29/04/2020	Nick Owen

## Introduction

At the Mighty Creatives we recognise that a clear and systematic approach to Document Retention is essential to ensure our funders, partners, stakeholders and staff have confidence in the way we process and store important information relating to our work. This Policy sets out our commitment to complying with all the relevant legislation which governs both the use and storage of information. In the table below we categorise the various types of documentation and indicate the amount of time that is appropriate to retain each type. This provides the Framework of our Document Retention Policy (Section 1). Following on from this we then highlight specific areas which warrant further attention - Section 2 which covers the enhanced retention schedules required by the European Regional Development Fund (ERDF).

### Section 1: Framework for Document Retention

DOCUMENT TYPE	TMC RETENTION PERIOD	REASON FOR RETENTION
<b>Purchase invoices and supplier documentation</b>		
Record of payments made/purchase ledger/invoices - revenue/petty cash	<b>6 years</b> from the end of the financial year in which the transaction was made	<b>Companies Act/Charities Act</b> (it is the Charities Act that states 6 years, 3 years is normally sufficient for private companies under the Companies Act) Petty cash records are also required by <b>HMRC</b>
Invoice – capital item	<b>10 years</b>	<b>Companies Act/Charities Act/HMRC</b>
Successful quotations for capital expenditure	<b>Permanently</b>	<b>Commercial considerations</b>
<b>Income/monies received</b>		
Bank paying in slips, bank statements and bank reconciliations. Remittance advices, correspondence re donations	<b>6 years</b> from the end of the financial year in which the transaction was made	<b>Companies Act/Charities Act</b>
Receipts cash book/Sales Ledger	<b>10 years</b>	<b>Companies Act/Charities Act and HMRC</b>
Deeds of covenant/Gift Aid declarations	<b>6 years</b> after the last payment made. <b>12 years</b> if payments outstanding or dispute regarding the deed	<b>Data Protection Act</b>
Legacies	<b>6 years</b> after the estate has been wound up	<b>Data Protection Act</b>

<b>Payroll Documentation</b>		
Income tax records re employees leaving i.e P45	<b>6 years</b> plus current year	<b>Taxes Management Act</b>
Notice to employer of tax code (P6), Annual return of employees and directors expenses and benefits (P11D), Certificate of pay and tax deducted (P60), Notice of tax code change, Annual return of taxable pay and tax deducted	<b>6 years</b> plus current year	<b>Taxes Management Act</b>
Records of pension deductions (including superannuation)	<b>6 years</b> plus current year	<b>Pensions Act</b>
Payroll and payroll control account	<b>6 years</b> plus current year	<b>Companies Act/Charities Act and Taxes Management Act</b>
<b>Employee/Personnel records</b>		
Accident books, accident records/reports	<b>3 years</b> after last entry or end of investigation if later	<b>RIDDOR 1995</b>
Organisation charts	Permanently	<b>Commercial</b>
Personnel files and training records	<b>6 years</b> after employment ceases	<b>Limitations Act 1980</b>
Wages and salary records, Expenses accounts/records, Overtime records/authorisation	<b>6 years</b> plus the current year	<b>Taxes Management Act</b>
Redundancy details, calculations of payments, refunds	<b>6 years</b> after employment has ceased	<b>Data Protection Act</b>
Applications forms and interview notes (for unsuccessful candidates)	<b>6 months to a year</b>	<b>Disability Discrimination Act 1995 and Race Relations Act 1976</b> recommend 6 months.
Statutory Maternity Pay records, calculations, medical certificates	<b>3 years</b> after the end of the tax year in which maternity period ends	<b>The Statutory Maternity Pay Regulations</b>
Statutory Sick Pay records, calculations, certificates, self-certificates	<b>3 years</b> after the end of each tax year for Statutory Sick Pay purposes	<b>Statutory Sick Pay (General) Regulations</b>
Records relating to working time	<b>2 years</b> from date on which they were made	<b>The Working Time Regulations</b>
National minimum wage records	<b>3 years</b> after the end of the pay reference period following the one that the records cover	<b>National Minimum Wage Act</b>
<b>Pension records</b>		
All trust deeds and rules/Trustees' minutes relating to pensions/Annual Accounts	<b>Permanently</b>	<b>Companies Act, Commercial, Pensions Act</b>
Pension scheme investment policies	<b>12 years</b> from the ending of any benefit payable	<b>Companies Act, Commercial, Pensions Act</b>
Actuarial reports and contribution records	<b>Permanently</b>	<b>Companies Act, Commercial, Pensions Act</b>

<b>Insurance documents</b>		
Policies	<b>3 years</b> after lapse	<b>Data Protection Act</b>
Claims correspondence	<b>3 years</b> after settlement	<b>Data Protection Act</b>
Employer's Liability insurance certificate	<b>40 years</b>	<b>Employers' Liability (Compulsory Insurance) Regulations 1998</b>
Accident reports and relevant correspondence	<b>3 years</b> after settlement	<b>Data Protection Act</b>
<b>Other company documents</b>		
Trustee/director minutes of meetings including decisions/ agreements of significance to company Annual accounts and annual review	<b>Permanently</b>	<b>Data Protection Act</b>
Investment certificates	<b>Permanently</b>	<b>Companies Act, Charities Act, Commercial</b>
Health and safety records	<b>3 years</b> for general records ( Permanently for records relating to hazardous substances)	<b>Personal injury actions</b> must generally be commenced within three years of injury
Investment ledger and Fixed assets register	<b>Permanently</b>	<b>Companies Act, Charities Act, Commercial</b>
Contract with customers, suppliers or agents, licensing agreements, rental/ hire purchase agreements, indemnities and guarantees and other agreements or contracts	<b>6 years</b> after expiry or termination of the contract (If the contract is executed as a deed, the limitation period is twelve years)	<b>Limitations Act 1980</b>

## Section 2: Specialist Retention Schedules – ERDF

At the Mighty Creatives, we recognise that some of our grant funders may require enhanced retention schedules to meet their own audit requirements. This is the case with the European Regional Development Fund (ERDF) and therefore, as The Mighty Creatives has been a Grant Recipient of this fund, additional details are included here to ensure we comply fully with ERDF record keeping standards:

The ERDF National Handbook states that 'Applicants must ensure that all original ERDF project documentation relating to the project and its implementation and financing are retained until **'3 years after the closure of the Programme currently estimated to be at least 31 December 2025'**. The following **core documentation** must therefore be retained:

- all ERDF related documentation including work carried out during the development, pre application, application and during and after the project;

- the Funding Agreement including any revised versions supported by appropriate correspondence from DCLG (Department for Communities and Local Government) of the approval of changes to the Funding Agreement;
- correspondence from/to DCLG;
- quarterly or monthly claim forms; working papers showing how claims were calculated, including any flat rate methodologies;
- the audit trail for all procurement undertaken for the project;
- the State Aid approved scheme used where relevant; and
- an Asset Register.

In addition, as a Grant recipient, all **documentation relating to the ERDF project** must be retained. This includes:

- evidence of all project expenditure. This must include invoices and bank statements or equivalent to show the payments were made
- where indirect overhead costs and salaries have been apportioned to the project, records must show the agreed methodology for calculating these costs
- records of eligible beneficiaries and the steps taken to discern their eligibility, including proof that an organisation qualifies as an SME (as per ERDF definition)
- evidence of open and fair procurement of goods and services. Including proof of advertising and contract notices, quotations or tenders received and the scoring methodology used for selecting the successful candidate. This will include details of all preparatory work prior to the procurement process and the delivery/use of the procured service and goods (This will be carried out in reference to The National Procurement Requirements ERDF-GN-004)
- evidence of auditable, accountable match funding, including copies of match funding acceptance letters and bank statements showing receipt of match funding
- compliance with publicity requirements. Copies of all publicity materials, including press releases and marketing must be retained to demonstrate the correct use of the EU logo and required text. (This will be carried out in reference to the ERDF Publicity Requirements ERDF-GN-1-005)
- compliance with Equal Opportunities and Environmental Sustainability requirements (with reference to section 4 of The National ERDF Handbook)

- clear records of businesses supported for state aid purposes, including signed SME declarations and that they are operating under any state aid rules, such as de minimis, or any other state aid ruling (with reference to ERDF State Aid Law Requirements ERDF-GN-1-003)
- documentary evidence substantiating the outputs and results declared in ERDF claims and on completion of projects. This could include, for example, evidence of the types of assistance provided, and evidence of jobs created or safeguarded as a result of this assistance

### **Additional notes on acceptable forms of documentation**

It is noted in the ERDF National Handbook that Paper documentation is preferred by auditors and that original documentation will need to be kept wherever possible. Paper documents will therefore be retained as the primary source with Electronic document storage utilised as back up.

Where photocopies or electronic versions of original documents are retained, each copy must be certified as conforming to the original document. A declaration as per the example below will be used to satisfy this condition:

**I certify that this is a true copy of the original document**

**Signed:**

**Date:**

**Position in organisation:**

**Name of organisation:**