

Document Retention Policy

Issue	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	8 th May 2019	Nick Owen
7	29 th April 2020	Nick Owen
8	28 th July 2021	Nick Owen
9	27 th July 2022	Nick Owen
10	25 th October 2023	Caroline Frankland

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
Purchase invoices and supplier documentation		
Record of payments made/purchase ledger/invoices - revenue/petty cash	6 years from the end of the financial year in which the transaction was made	Companies Act/Charities Act (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 HMRC
Invoice – capital item	10 years	Companies Act/Charities Act/HMRC
Successful quotations for capital expenditure	Permanently	Commercial considerations
Income/monies received		
Bank paying in slips, bank statements and bank reconciliations. Remittance advices, correspondence re donations	6 years from the end of the financial year in which the transaction was made	Companies Act/Charities Act
Receipts cash book/Sales Ledger	10 years	Companies Act/Charities Act and HMRC
Deeds of covenant/Gift Aid declarations	6 years after the last payment made. 12 years if payments outstanding or dispute regarding the deed	Data Protection Act
Legacies	6 years after the estate has been wound up	Data Protection Act

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

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

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: