

Document Retention for Housing Associations

1. Introduction

Storage space costs money. Maintaining an ever-growing set of paper files and archives takes up time and other resources. Even where material is stored on computer (e.g. in a document imaging system), such a system will only be of value if it is manageable and accessible. What documents do housing associations need to keep and for how long? This guidance has been produced in response to requests for advice from Federation members.

It would be impossible to list all the documents housing associations keep, or need to keep. In many cases, it will be a matter of what 'feels right' for the organisation and the exercising of common sense when making a decision on what to keep, what to archive or what to dispose of.

However, you should keep in mind the need to comply with the Data Protection Act 1998 (see 3 below) and specifically its fifth principle, '*personal information is not to be kept for longer than is necessary for the purpose for which it is processed*'. As a rule the Limitation Act of 1980 is followed. This act in many cases sets a six year time length after an event has occurred for keeping documents. This can be after employment ceases (for employment records and personnel charts) or the resolution date for a whistleblowing event or termination of a contract with suppliers, agents etc.

This guidance is designed to provide a basis for a housing association to develop its own policy on document retention. Such a policy must fit in with the organisation's housing management and other policies and procedures, and also with its confidentiality policy.

The table below lists the principal documentation which housing associations should keep, together with details of statutory retention periods and recommended retention periods. It is of course open to an organisation to opt for longer periods if they choose. The format of the table broadly follows the approach taken by the Institute of Chartered Secretaries and Administrators (ICSA).

2. Storage medium

The medium in which documents are stored is largely a matter for each organisation. However, care should be taken to ensure that documents stored electronically will capture all the information on the document (front and back) and allow the information to be presented in a readable format and if necessary, be readily convertible to a paper format. Organisations should bear in mind that conversion of documents to paper form might require specific software and hardware (for example, when data are held on removable disk). When information systems are changed, conversion facilities need to be retained or otherwise remain available.

HM Customs and Excise has particular requirements relating to electronically stored data, and has the power to withdraw approval for such media in any individual case. It is advisable to obtain legal advice on the admissibility of electronically formatted documents for presentation in a court of law.

3. Data Protection Act 1998

The Data Protection Act (DPA) 1998 came into force on 1 March 2000 and was designed to implement the EU Data Protection Directive (EC/95/46). Since then subordinate legislation has come into force and this process is expected to continue. The core objective of the DPA is to provide a framework in which the rights and freedoms of individuals can be protected. It also attempts to strike a balance between that requirement and the needs of organisations to use information for the purposes of their business.

The DPA is underpinned by eight principles that need to be followed to ensure full compliance with the Act. They are:

1. Personal information is to be obtained and processed fairly and lawfully
2. it is to be processed for specified purposes
3. personal information shall be adequate, relevant and not excessive in relation to the purpose for which it is processed
4. personal information shall be accurate and kept up to date where necessary
5. personal information is not to be kept for longer than is necessary for the purpose for which it is processed
6. it is to be processed in accordance with the rights of individuals under the DPA
7. appropriate technical and organisational measures shall be taken to ensure the personal information is secured from damage or destruction
8. not to transfer personal information to a country that does not offer an adequate level of protection for the privacy of the individual

4. Key to statutory retention sources

CA - Companies Act 2006

CAWR - Control of Asbestos at Work Regulations 1987

Ch A - Childrens Act 1989

DPA - Data Protection Act 1998

IPSA - Industrial And Provident Societies Act 1965

IT(E)R - Income Tax (Employment) Regulations 1993

LA /Limitations for legal proceedings – Limitations Act 1980

RIDDOR - Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1985

RBS(IP)R - Retirement Benefits Schemes (Information Powers) Regulations 1995

RRA - Race Relations Act 1976

SDA - Sex Discrimination Acts 1965 & 1975

SMPR - Statutory Maternity Pay Regulations 1982

SSPR - Statutory Sick Pay Regulations 1982

TMA - Taxes Management Act 1970

VATA - Value Added Tax Act 1994

National Council for Voluntary Organisations (NCVO) guidance online: www.ncvo-vol.org.uk/askncvo/index.asp?id=108&terms=document%20retention

The ICSA Guide to document retention, 2nd edition, Andrew C Hamer, ICSA publishing.

N.B. In the table below, where the Statutory and Recommended Retention Periods differ, the Recommended Period is the one that should be followed

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
1. Governance Documents				
Certificate of Incorporation	N/A	N/A	Permanently	Implied by CA, Sec.15.
Certificate of change of company name	N/A	N/A	Permanently	Implied by CA, Sec.80.
Memorandum and articles of association (original)	N/A	N/A	Permanently	Best practice.
Articles of association (current)	Permanently	CA	Permanently	Best practice.
Governance Documentation	N/A	N/A	Permanently	Required for charitable status.
Constitution, Aims and Objectives	N/A	N/A	Permanently	Required for charitable status.
Confirmation letter of charitable registration	N/A	N/A	Permanently	Best practice.
HMRC confirmation of charitable status	N/A	N/A	Permanently	Best practice
Registration documentation (I & P Societies)	Permanently	IPSA	Permanently	Best practice.
Certificate of registration with the housing regulator	N/A	N/A	Permanently	Best practice.
Board member documents – apt letters, SLAs, bank details etc	N/A	N/A	6 years after board membership ceases though some details should be destroyed when membership ceases eg bank details etc	DPA 1998 5 th principle CA 2006 recommendation for docs post termination of directorship
2. Meetings (incl AGMs)				
Notices of meetings	N/A	N/A	6 years	In case of challenge to validity of meeting or

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
				resolutions.
Board and committee minutes (companies)	Permanently	CA	Permanently	Signed originals must be kept.
Board resolutions (companies)	Permanently	CA	Permanently	Signed originals must be kept.
Minutes and resolutions of trustees (charities)	N/A	N/A	Permanently	Charity Commission requirement CC48
3. Registrations and Statutory Returns:				
Annual returns to the regulator	N/A	N/A	5years	Best practice.
Audited company returns and financial statements (including I & P Societies' Annual Returns to Registrar of Friendly Societies)	N/A	N/A	Permanently	Best practice.
Declarations of interest	N/A	N/A	6 years	Limitation for legal proceedings.
Register of directors and secretaries	Permanently	CA	Permanently	
Register of Shareholding members	Permanently	CA	Permanently	Records may be removed from register 20 years after membership ceases.
Register of seals	N/A	N/A	Permanently	Best practice.
Register of share certificates	N/A	N/A	Permanently	Best practice.
List of members (I & P Societies)	N/A	N/A	Permanently	Required by Registrar of Friendly Societies.
Nursing home and residential care homes	N/A	N/A	Permanently	Best practice.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
registration certificates				
Nursing home and residential care homes inspection reports	N/A	N/A	6 years following end of management	Limitation for legal proceedings. Reports are public documents.
4. Strategic Management				
Business plans & supporting documentation (e.g. organisation structures, aims, objectives, funding issues)	N/A	N/A	5 years after plan completion	Best practice.
5. Insurances				
Current and former policies	N/A	N/A	Permanently	Limitation can commence from knowledge of potential claim and not necessarily the cause of the claim. N.B. Housing Association Boards must annually reaffirm formally their continuation of the Voluntary Board Members Liability Policy (automatically provided via NHF membership). NCVO recommends 3 years after lapse.
Annual Insurance schedule	N/A	N/A	6 years	Best practice.
Claims and related correspondence	N/A	N/A	2 years after settlement	Zurich Municipal recommendation. NCVO

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
				recommends 3 years after settlement
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings. 12 years if related to land.
Group health policies	N/A	N/A	12 years after cessation of benefit	Best practice
Employer's liability insurance certificate	N/A	N/A	40 Years	2008 regs removed requirement to retain for 40 years but need to be mindful of 'long tail' industrial disease claims etc.
6. Finance, Accounting & Tax Records				
Accounting records for Limited Company	3 years from the date made	CA Sec 388	6 years	TMA Sec.20. may require any documents relating to tax over 6 (plus) years.
Accounting records for I&P Society or Charity	N/A	N/A	6years	Required by Registrar of Friendly Societies and Charity Commissioner.
Balance sheets and supporting documents	N/A	N/A	6 to 10 years	Best practice. To relate to accounting records.
Loan account control reports	N/A	N/A	6years	Best practice.
Social Housing Grant documentation	N/A	N/A	Permanently	Best practice.
Signed copy of report and accounts	N/A	N/A	Permanently	Best practice.
Budgets and internal financial reports	N/A	N/A	2 years	Best practice.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
Tax returns and records	N/A	N/A	10 years	TMA Sec.20. may require any documents relating to tax over 6 (plus) years.
VAT records	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
Orders and delivery notes	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
Copy invoices	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
Credit and debit notes	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
Cash records & till rolls	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
Journal transfer documents	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
Creditors, debtors & cash income control accounts	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
VAT related correspondence	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
7. Other Banking Records (including Giro)				
Cheques	N/A	N/A	6 years	Limitation for legal proceedings.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
Paying in counterfoils	N/A	N/A	6 years	Limitation for legal proceedings.
Bank statements and reconciliations	3 years from the end of the financial year the transactions were made	CA	6 years	Limitation for legal proceedings.
Instructions to bank	N/A	N/A	6 years	Limitation for legal proceedings.
8. Contracts and Agreements:				
Contracts under seal and/or executed as deeds	N/A	N/A	12 years after completion (including any defects liability period)	Limitation for legal proceedings.
Contracts for the supply of goods or services, including professional services	N/A	N/A	6 years after completion (including any defects liability period)	Limitation for legal proceedings (12 years if related to land).
Documentation relating to small one-off purchases of goods and services, where there is no continuing maintenance or similar requirement	N/A	N/A	3 years	Best practice. Suggested limit: goods or services costing up to £10,000.
Loan agreements	N/A	N/A	12 years after last payment	Best practice.
Licensing agreements	N/A	N/A	6 years after expiry	Limitation for legal proceedings.
Rental and hire purchase agreements	N/A	N/A	6 years after expiry	Limitation for legal proceedings.
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
Documents relating to successful tender	N/A	N/A	6 years after end of contract	Best practice.
Documents relating to unsuccessful tenders	N/A	N/A	2 years after notification	Best practice.
Forms of tender	N/A	N/A	6 years	Best practice.
9. Charitable Donations				
Deeds of covenant	6 years after last payment	TMA	12 years after last payment	Limitation for legal proceedings if related to land.
Index of donations granted	N/A	N/A	6 years	Best practice.
Account documentation	3 years	CA	6 years	Best practice.
10. Application and Tenancy Records:				
Applications for accommodation	N/A	N/A	6 years after offer accepted	Best practice.
Continuous Recording of lettings and sales (CORE) data record form	N/A	N/A	None	Best practice in DPA compliance requires form to be destroyed immediately statistics have been recorded.
Housing Benefit notifications	N/A	N/A	2 years	Recommendation of Institute of Rent Officers (now merged with CloH).
Rent statements	N/A	N/A	2 years	Best practice.
Tenants' tenancy Files, including rent payment records, and details of any complaints and harassment cases	N/A	N/A	In general, for the length of the tenancy up to 6 years post tenancy. There may be occasion to weed very old, but still current, files.	Limitations Act 1980 and Best practice with DPA compliance 5 th principle. For rent payment details, best practice suggests live system holds 2 years records plus current year.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
			Judgement should be used in what to keep and destroy. Any live issues must be kept.	
Former tenants' Tenancy Agreements, and details of their leaving	N/A	N/A	6 years	Best practice with DPA compliance 5 th principle
Care plans for children and related documents	75 years	Ch A	Permanently	Some documents may be transferred to subsequent caring agency.
Care plans for adults and related documents	N/A	N/A	Permanently	May be subject to DPA. Some documents may be transferred to subsequent caring agency.
Documentation, correspondence and information provided by other agencies relating to special needs of current tenants	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Medical and Social Services records liable to be confidential. To be returned or passed to subsequent agency at end of tenancy, or destroyed.
Records relating to offenders, ex-offenders and persons subject to cautions	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Police sourced records may be confidential. To

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
				be dealt with as required by police.
11. Property Records				
Rent registrations (superseded)	N/A	N/A	6 years	6 years if it has been superseded by a subsequent registration.
Rent Registration (not superseded)	N/A	N/A	Permanently	When no new fair rent has been registered (for example because there is no longer a Rent Act tenant in the property) the maximum recoverable rent will be applicable if a Rent Act tenant is ever moved into the property.
Fair rent documentation	N/A	N/A	6years	Rent Officer recommendation.
Leases and deeds of ownership	N/A	N/A	While owned Deeds of title –permanently or until property disposed of. Leases – Fifteen years after expiry [from NCVO]	Best practice.
Copy of former leases	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal.
Wayleaves, licences and easements	N/A	N/A	12 years after rights given or received cease	Limitation for legal action relating to land or contracts under seal.
Abstracts of title	N/A	N/A	12 years after interest	Limitation for legal action

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
			ceases	relating to land or contracts under seal.
Planning and building control permissions	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal.
Searches	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal.
Property maintenance records	N/A	N/A	6 years	Limitation for legal action.
Reports and professional opinions	N/A	N/A	6 years	Limitation for legal action.
Development documentation	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal.
Invoices	6 years	VATA	12 years	Limitation for legal action relating to land or contracts under seal.
VAT documentation	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section
Insurance	See Insurances section	See Insurances section	See Insurances section	See section on insurance.
12. Vehicles				
Mileage records	N/A	N/A	2 years after disposal	Best practice.
Maintenance records, MOT tests	N/A	N/A	2 years after disposal	Best practice.
Copy registrations	N/A	N/A	2 years after disposal	Best practice.
13. Capital Assets	N/A	N/A	Date of purchase to at least 6 years after date sold, transferred or disposed of.	Best practice

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
Fixed Asset Register	CA Charities Act	N/A	Permanently	
14. Employees: Tax and Social Security				
Record of taxable payments	6 years	TMA	6 years	Inland Revenue require retention of each payment for 3 years.
Record of tax deducted or refunded	6 years	TMA	6 years	Inland Revenue require retention of each payment for 3 years.
Record of earnings on which standard National Insurance Contributions payable	6 years	TMA	6 years	Inland Revenue require retention of each payment for 3 years.
Record of employer's and employee's National Insurance Contributions	6 years	TMA	6 years	Inland Revenue require retention of each payment for 3 years.
NIC contracted-out arrangements	6 years	TMA	6 years	
Copies of notices to employee (e.g. P45, P60)	6 years plus current year	TMA	6 years plus current year	
Inland Revenue notice of code changes, pay & tax details	6 years	TMA	6 years	
Expense claims	N/A	N/A	6 years after audit	Best practice.
Record of sickness payments	3 years following year to which they relate	SSPR	6 years	Inland Revenue require retention of each payment for 3 years.
Record of maternity payments	3 years following year to which they relate	SMPR	6 years	Inland Revenue require retention of each payment for 3 years.
Income tax PAYE and NI returns	3 years following year to which they relate	IT(E)R	6 years	Best practice.
Redundancy details and record of	N/A	N/A	12 years	Institute of Personnel

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
payments & refunds				and Development (IPD) recommendation.
Inland Revenue approvals	N/A	N/A	Permanently	IPD recommendation
Annual earnings summary	N/A	N/A	12 years	Best practice.
15. Employees: Pension Schemes				
Actuarial valuation reports	N/A	N/A	Permanently	IPD recommendation.
Detailed returns of pension fund contributions	N/A	N/A	Permanently	Best practice.
Annual reconciliations of fund contributions	N/A	N/A	Permanently	Best practice.
Money purchase details	N/A	N/A	6 years after transfer or value taken	IPD recommendation.
Qualifying service details	N/A	N/A	6 years after transfer or value taken	IPD recommendation.
Investment policies	N/A	N/A	12 years from end of benefits payable under policy	IPD recommendation.
Pensioner records	N/A	N/A	12 years after benefits cease	IPD recommendation.
Records relating to retirement benefits	6 years after year of retirement	RBS(IP)R	6 years after year of retirement	Statutory requirement.
16. Employees (Personnel Procedures):				
Terms and conditions of service, both general terms and conditions applicable to all staff, and specific terms and conditions applying to individuals	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings.
Service contracts for directors (companies)	3 years	CA	6 years after directorship ceases	Best practice.
Remuneration package	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
Former employees' Personnel Files	N/A	N/A	6 years	IPD recommendation.
References to be provided for former employees	N/A	N/A	20 years or until former employee reaches age 65 (whichever comes first)	Best practice.
Training programmes	N/A	N/A	6 years after completion	Best practice.
Individual training records	N/A	N/A	6 years after employment ceases	IPD recommendation.
Short lists, interview notes and related application forms,	N/A	N/A	1 year	IPD recommendation.
Application forms of non-shortlisted candidates	Three months after notification	SDA & RRA	6 months	Recommendation of Commission for Racial Equality and Equal Opportunities Commission. LA – 1 year limitation for defamations
CRB (Now DBS) clearance documentation	Date of clearance + up to a maximum of six months		Date of clearance + up to a maximum of six months	DBS check code of practice (Home office)
Time cards	N/A	N/A	2 years after audit	IPD recommendation.
Trade union agreements	N/A	N/A	10 years after ceasing to be effective	IPD recommendation.
Trust deeds, rules and minutes (for joint employee/employer sports/social clubs, etc, set up under trust)	N/A	N/A	Permanently	IPD recommendation.
Employer/employee committee minutes	N/A	N/A	Permanently	IPD recommendation.
Insurance claims	See Insurances section	See Insurances	See Insurances section	See Insurances section.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
		section		
17. Employees: Health and Safety				
Medical records relating to control of asbestos	40 years	CAWR	40 years	
Health and Safety assessments	N/A	N/A	Permanently	IPD recommendation.
Health and Safety policy statements	N/A	N/A	Permanently	Good practice.
Records of consultations with safety representatives	N/A	N/A	Permanently	IPD recommendation.
Accident records, reports	3 years after date of settlement	RIDDOR	6 years after date of occurrence	Limitation for legal proceedings. DPA
Accident books	N/A	N/A	6 years after date of last entry	Limitation for legal proceedings.
Sickness records	Three years after the end of each tax year for Statutory Sick Pay purposes	SSP (general) regulations	6 years from end of sickness	Limitation for legal proceedings. NCVO recommends 3 years. However for industrial injuries not detectable within that period e.g. asbestos, the time period may be extended. Also for employees exposed to hazardous substances.
Health and safety statutory notices	N/A	N/A	6 years after compliance	Limitation for legal proceedings
18. Technical and research				NCVO recommends 12-15 years after requirements have ended for both Records & reports and drawings & other data

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
19. ASB case files and associated documents				5 years or until end of legal action
20. Supporting people – subsidy claims / support plans / single assessments including supporting information				Duration of tenancy
21. Resident meeting minutes	N/A	N/A	One year	DPA