

Wolverhampton Information, Advice and Support Service

*"For Special Educational
Needs and Disability."*



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Records Retention Policy

Service user details and records of service user activity with the IASS will be held on a secure database created solely for the use of IAS services by a none council company (as per the IASS confidentiality policy).

The Council's retention period for SEN records is 31 years from date of birth. This is based on the age limit of the Education Health Care Plan being 25 years and an additional 6 years for the Limitation Act to mitigate the risk to the Council of an action being bought. (Limitation Act 1980, Section 2, The Children and Families Act 2014). Although not a specific legal requirement, this retention period is widely used by Local Authorities and is standard practice.

The exceptions to the 31 years retention period are SEN records for looked after children, which the Council keeps for 75 years from date of birth, and any records where there is mention of child sexual abuse. Under the Terms of Reference of the Independent Inquiry into Child Sexual Abuse (formerly the Goddard Inquiry), any records where there is direct, or indirect, mention of child sexual abuse cannot be destroyed. The latter is a legal requirement.

The issue with IASS records is the IASS would be unable to identify those falling under the Terms of Reference of the Independent Inquiry, or those relating to looked after children, without a major exercise for which resources are not currently available. As the Independent Inquiry has statutory authority, the IASS will need to keep all SEN records until any other instructions are received from the Inquiry, or until the IASS is in a position to carry out an exercise. The IASS will think about how to identify and flag up these cases going forward.

Written by Lucy Harris: Wolverhampton Information, Advice and Support Service Manager

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