

# LYCÉE INTERNATIONAL DE LONDRES

## WINSTON CHURCHILL

(The “School”)

### Policy #30: Management and retention of records

#### **Mission**

Through a rigorous, bilingual programme and innovative methods, we educate pupils to become responsible, creative, and principled global citizens. We teach them to think critically and act ethically, to form and express their own opinions and respect those of others, to define their own life goals, and to make sense of and embrace change.

Our values are excellence, creativity, integrity, awareness and community.

In support of these aims and values we are committed to ensuring the following:

#### **Introduction**

Lycée International de Londres complies with the regulations regarding the retention and management of records. This policy should be read in conjunction with the school’s Privacy Notices.

The policy itself is non-statutory but certain documents must be retained under Acts of Parliament or regulations. The school also has responsibilities for the retention of documents under the Companies Act 2006 and Charities Act 2011.

Data Protection Law makes it clear that records should be kept for no longer than necessary. This means that school managers need to be aware of how long each type of record needs to be retained in law, where it might be judicious to retain records for a longer period, and how to destroy records that are no longer needed.

This policy is based upon the recommendations made by the Independent Schools’ Bursars Association. Lycée International de Londres recognises that the efficient

management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the organisation and that produced by Buzzacott LLP for compliance with the Charity Commission's requirements. This document provides the policy framework through which this effective management can be achieved and audited.

## **1. Objectives and targets**

This policy applies to all records created, received or maintained by staff of the school in the course of carrying out its functions. This policy also applies to all accounting records required for retention by the Charity Commission under the Charities Act 2011 and under the Companies Act 2006, as well as those records required by HMRC and others to be retained. Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

A small percentage of the school's records will be selected for permanent preservation as part of the school's archives and for historical research.

## **2. School Records**

The school keeps records under a wide variety of headings:

- Child protection.
- Governors.
- Management.
- Students.
- Curriculum.
- Personnel records of staff.
- Health and safety.
- Administration.
- Finance.
- Property.
- School meals.
- DFE, local authority (LA).
- Work experience and careers.
- Family liaison.

The school has a corporate responsibility to maintain these records and record keeping systems in accordance with the regulatory environment. The person with

overall responsibility for this policy is the Proviseur. The person responsible for records management in the school will give guidance for good records management practice and will promote compliance with this policy so that information can be retrieved easily, appropriately and in a timely fashion. Members of staff are expected to manage their current record keeping using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems. The guidelines follow those suggested in the “Guidelines for independent schools on the storage and retention of records and documents” provided by the Independent Schools’ Bursars Association in September 2017.

There are a number of benefits from the use of a complete retention schedule:

- Managing records against the retention schedule is deemed to be ‘normal processing’ under the Data Protection Act 2018 and the Freedom of Information Act 2000. Provided members of staff are managing record series using the retention schedule they cannot be found guilty of unauthorised tampering with files once a freedom of information request or data subject access request has been made.
- Members of staff can be confident about shredding information at the appropriate time.
- Information which is subject to freedom of information and data protection legislation will be available when required.
- The school is not maintaining and storing information unnecessarily.
- Additional guidelines specifically for schools which have financial reporting responsibilities under the Companies Act 2006 and to the Charity Commission, are also followed and are set out in the Charity Commission’s guidance document ‘Retention of accounting records’ produced by Buzzacott LLP.

### **3. Archives**

Old accounting and personnel records, and some other records, will be archived until being disposed of. Archived records will:

- Be treated as being as confidential as current records.
- Not necessarily be as accessible as current records, but will still be retrievable.
- Have adequate storage made available or may be kept electronically.

Before deciding on whether records will be stored electronically the school will consider:

- Whether the records may need to be kept in the original format (for legal reasons).
- Whether the medium chosen to archive the records has an acceptable lifespan for records that will have to be retained for a very long time.
- Where records are archived electronically, whether there will be an adequate means for accessing and printing the record.

A record of all documents that have been archived electronically will be kept.

#### **4. Disposal of records**

When the period of retention has expired, and there is no other reason to keep them, the records may be disposed of. The records will be completely destroyed by shredding paper, wiping Hard Drives and deleting files stored in the Cloud Storage. Non-sensitive papers will be bundled and disposed of to a waste paper recycling merchant. A list is kept of records which have been destroyed. This list includes:

- The file reference.
- The file title or a brief description.
- The number of files and date range.
- The name of the authorising officer.
- The date the file was destroyed.

#### **5. Monitoring and Evaluation**

This policy has been drawn up within the context of the Freedom of information policy, the Data protection policy/Privacy Notices and with other legislation or regulations (including audit, equal opportunities and ethics) affecting the school and will be monitored to ensure that the retention guidelines updated by the Records Management Society periodically are adhered to. In addition Lycée International de Londres recognises the specific requirements for retention of accounting records by the Charity Commission, HMRC and under the Companies Act 2006 and will therefore monitor the guidelines as recommended by the Charity Commission in the document 'Retention of Accounting Records'.

## 6. Review

The governing body is responsible for the maintenance of this policy and will review it bi-annually in the light of recommendations and any changes made by the Information and Records Management Society and the Charity Commission.

Policy created in April 2018

Policy reviewed in:

- February 2023
- April 2022
- April 2019

### Additional information: Table of retention periods

Type of Record/Document	<u>Suggested</u> <sup>1</sup> Retention Period
<u>SCHOOL-SPECIFIC RECORDS</u> <ul style="list-style-type: none"><li>• Registration documents of School</li><li>• Attendance Register</li><li>• Minutes of Governors' meetings</li><li>• Annual curriculum</li></ul>	Permanent (or until closure of the school)  6 years from last date of entry, then archive.  10 years from date of meeting  From end of year: 3 years (or 1 year for other class records: eg marks / timetables / assignments)

<p><u>INDIVIDUAL STUDENT RECORDS</u></p> <ul style="list-style-type: none"> <li>• Admissions: application forms, assessments, records of decisions</li> <li>• Examination results (external or internal)</li> <li>• Student file including: <ul style="list-style-type: none"> <li>o Student reports</li> <li>o Student performance records</li> <li>o Student medical records</li> </ul> </li> <li>• Special educational needs records (<i>to be risk assessed individually</i>)</li> </ul>	<p><b><i>NB - this will generally be personal data</i></b></p> <p>25 years from date of birth (or, if student not admitted, up to 7 years from that decision).</p> <p>7 years from student leaving school</p> <p>ALL: 25 years from date of birth (subject to where relevant to safeguarding considerations: any material which may be relevant to potential claims should be kept for the lifetime of the pupil).</p> <p>Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period)</p>
<p><u>SAFEGUARDING</u></p> <ul style="list-style-type: none"> <li>• Policies and procedures</li> <li>• DBS disclosure certificates (if held)</li> <li>• Accident / Incident reporting</li> <li>• Child Protection files</li> </ul>	<p>Keep a permanent record of historic policies</p> <p><u>No longer than 6 months</u> from decision on recruitment, unless DBS specifically consulted - but a record of the checks being made must be kept, if not the certificate itself.</p> <p>Keep on record for as long as any living victim may bring a claim (NB civil claim limitation periods can be set aside in cases of abuse). Ideally, files to be reviewed from time to time if resources allow and a suitably qualified person is available. <sup>2</sup></p> <p>If a referral has been made / social care have been involved or child has been subject of a multi-agency plan - indefinitely.</p> <p>If low level concerns, with no multi-agency act - apply applicable school low-level concerns policy rationale (this may be 25 years from date of birth OR indefinitely).</p>

<p><u>CORPORATE RECORDS (where applicable)</u></p> <ul style="list-style-type: none"> <li>· Certificates of Incorporation</li> <li>· Minutes, Notes and Resolutions of Boards or Management Meetings</li> <li>· Shareholder resolutions</li> <li>· Register of Members/Shareholders</li> <li>· Annual reports</li> </ul>	<p>Permanent (or until dissolution of the company)</p> <p>Minimum - 10 years</p> <p>Minimum - 10 years</p> <p>Permanent (minimum 10 years for ex-members/shareholders)</p> <p>Minimum - 6 years</p>
<p><u>ACCOUNTING RECORDS</u><sup>3</sup></p> <ul style="list-style-type: none"> <li>· Accounting records (<i>normally taken to mean records which enable a company's accurate financial position to be ascertained &amp; which give a true and fair view of the company's financial state</i>)</li> </ul> <p>Capital item Successful quotes for capital expenditure Deeds of covenant/Gift aid declarations</p> <p>Legacies</p> <ul style="list-style-type: none"> <li>· Tax returns</li> <li>· VAT returns</li> <li>· Budget and internal financial reports</li> </ul> <p>Annual accounts and review</p>	<p>Minimum - 6 years for UK charities from the end of the financial year in which the transaction took place</p> <p><i>Internationally: can be up to 20 years depending on local legal/accountancy requirements (not currently relevant)</i></p> <p>10 years Permanently (<i>commercial considerations</i>) 6 years after last payment. 12 years if payments outstanding or deed is in dispute 6 years after estate has been wound up</p> <p>Minimum - 6 years</p> <p>Minimum - 6 years (<i>not currently relevant</i>)</p> <p>Minimum - 3 years</p> <p>Permanently</p>
<p><u>CONTRACTS AND AGREEMENTS</u></p> <ul style="list-style-type: none"> <li>· Signed or final/concluded agreements (<i>plus any signed or final/concluded variations or amendments</i>)</li> </ul>	<p>Minimum - 7 years from completion of contractual obligations or term of agreement, whichever is the later</p>

<ul style="list-style-type: none"> <li>· Deeds (or contracts under seal)</li> </ul> <p>Leases</p> <p>Asbestos register</p>	<p>Minimum - 13 years from completion of contractual obligation or term of agreement 12 years after the lease and liabilities under the lease have terminated</p> <p>Permanently</p>
<b><u>INTELLECTUAL PROPERTY RECORDS</u></b>	
<ul style="list-style-type: none"> <li>· Formal documents of title (trademark or registered design certificates; patent or utility model certificates)</li> <li>· Assignments of intellectual property to or from the school</li> </ul>	<p>Permanent (in the case of any right which can be permanently extended, eg trade marks); otherwise expiry of right plus minimum of 7 years.</p> <p>As above in relation to contracts (7 years) or, where applicable, deeds (13 years).</p>
<ul style="list-style-type: none"> <li>· IP / IT agreements (including software licences and ancillary agreements eg maintenance; storage; development; coexistence agreements; consents)</li> </ul>	<p>Minimum - 7 years from completion of contractual obligation concerned or term of agreement</p>
<b><u>EMPLOYEE / PERSONNEL RECORDS</u></b>	
<ul style="list-style-type: none"> <li>· Single Central Register of employees</li> <li>· Contracts of employment</li> <li>· Employee appraisals or reviews</li> <li>· Staff personnel file</li> <li>· Payroll, salary, maternity pay records</li> <li>· Pension or other benefit schedule records</li> <li>· Job application and interview/rejection records (unsuccessful applicants)</li> </ul>	<p><b><i>NB this will contain personal data</i></b></p> <p>Keep a permanent record of all mandatory checks that have been undertaken (but <u>not</u> DBS certificate itself: 6 months as above)</p> <p>7 years from effective date of end of contract</p> <p>Duration of employment plus minimum of 7 years</p> <p>As above, but <u>do not delete any information which may be relevant to historic safeguarding claims.</u></p> <p>Minimum - 6 years plus current year</p> <p>Possibly permanent, depending on nature of scheme</p> <p>12 months</p>

<ul style="list-style-type: none"> <li>Immigration records</li> <li>Health records relating to employees</li> </ul>	<p>Minimum - 4 years</p> <p>7 years from end of contract of employment</p>
<p><u>INSURANCE RECORDS</u></p>	
<ul style="list-style-type: none"> <li>Insurance policies (will vary - private, public, professional indemnity)</li> <li>Correspondence related to claims/renewals/ notification re: insurance</li> </ul> <p>Employer's liability insurance certificate</p>	<p>Duration of policy (or as required by policy) plus a period for any run-off arrangement and coverage of insured risks: ideally, until it is possible to calculate that no living person could make a claim.</p> <p>Minimum - 7 years</p> <p>40 years</p>
<p><u>ENVIRONMENTAL, HEALTH &amp; DATA</u></p>	
<ul style="list-style-type: none"> <li>Maintenance logs</li> <li>Accidents to children <sup>4</sup></li> <li>Accident at work records (staff) <sup>4</sup></li> <li>Staff use of hazardous substances <sup>4</sup></li> </ul>	<p>10 years from date of last entry</p> <p>25 years from birth (longer for safeguarding)</p> <p>Minimum - 4 years from date of accident, but review case-by-case where possible</p> <p>Minimum - 7 years from end of date of use</p>
<ul style="list-style-type: none"> <li>Risk assessments (carried out in respect of above) <sup>4</sup></li> <li>Data protection records documenting processing activity, data breaches</li> </ul>	<p>7 years from completion of relevant project, incident, event or activity.</p> <p>No limit: as long as up-to-date and relevant (as long as no personal data held)</p>