

***Document Retention and
Destruction Policy
POCS001***



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1. Overview

This policy provides for:

- 1.1 The requirements that must be met for the records of the Scottish Legal Complaints Commission to be considered as a proper record of the activity of the organisation.
- 1.2 The requirements for systems and processes that deal with records.
- 1.3 The quality and reliability which must be maintained to provide a valuable information and knowledge resource for the organisation.
- 1.4 Review of the policy and checking the quality of implementation.
- 1.5 An overall statement of records management policy which is supplemented by detailed procedures.
- 1.6 It covers records in all formats, created in the course of Scottish Legal Complaints Commission's business, including records received in the course of an investigation belonging to third parties.

2. Statement

- 2.1 Information is a corporate asset and the records of the Scottish Legal Complaints Commission are important sources of client and practitioner information in relation to complaints handling, legal business, the administration of justice and the history and course of legal disputes. They are vital to the organisation in its current and future work, for the purposes of fulfilling its statutory role as well as accountability. Records are the corporate memory of the organisation.
- 2.2 In consultation with organisations that may be concerned with the management of its records, the Scottish Legal Complaints Commission will create, use, manage and destroy or preserve its records in accordance with all statutory requirements.
- 2.3 Systematic records management is fundamental to organisational efficiency. It ensures that the correct information is:
 - captured, stored, retrieved and destroyed or preserved according to need
 - fully utilised to meet current and future needs, and to support change
 - accessible to those who need to make use of it

and that the appropriate policies and systems are in place to make this possible.

3. The Records Management System

Aims to ensure that:

- 3.1 the record is present. The Scottish Legal Complaints Commission has the information that is needed to fulfil its statutory obligations, meet legitimate requests for information and form an accurate record of its activities and decisions.

- 3.2 the record can be accessed. It is possible to locate and access the information and display it in a way consistent with initial use.
- 3.3 the record can be interpreted. It is possible to establish the context of the record: who created the document, who owns the record, what work has been carried out and by whom, what stage the record is at in relation to the SLCC processes and how the record is related to other records.
- 3.4 the record can be trusted. The record reliably represents the information provided to the SLCC, that was used in decision making or progression and is an accurate record whose integrity and authenticity can be demonstrated.
- 3.5 the record can be securely stored and maintained through time.
- 3.6 The record whether paper or electronic is securely stored and can be readily accessed if retained or its disposal is recorded in accordance with policy and that information.
- 3.7 All staff of the Scottish Legal Complaints Commission who create, use, manage or dispose of records have a duty to protect them and to ensure that any information that they add to the record is necessary, accurate and complete. The confidentiality and security of SLCC records must always be of primary concern to Scottish Legal Complaints Commission. All staff involved in managing records will receive appropriate training and formally acknowledge their duty of care with regard to records.
- 3.8 The records management policy is a specific part of the Scottish Legal Complaints Commission information management strategy and cannot be viewed in isolation to other policies or legislative requirements, such as:
- **Following best practice**
Records should be managed in accordance with relevant standards for records management which provides an overall guide to best practice in records management
 - **Data Protection**
Records need to be managed in accordance with procedures under the Data Protection Act 1998
 - **Freedom of Information**
Records need to be managed in accordance with the Freedom of Information (Scotland) Act 2002 and its related Codes of Practice
 - **Audit**
Records have to meet audit requirements
 - **The organisation's information strategy**
Effective record management will underpin the work of the SLCC and appropriate security and retention protects the SLCC against unauthorised disclosure or misuse

4. Records Registration

- 4.1 Accurate recording ensures a link between the record and its origin.
- 4.2 Registration will follow best practice in records management
- Ensuring records are recorded in WorkPro and Respond or are allocated a corporate unique number.
 - Place a responsibility on staff creating records to ensure accuracy and re-allocate them appropriately.
 - Having sequences of reference numbers that can facilitate paper and electronic (where appropriate) storage and retrieval.
 - Checking that individual documents are recorded and stored using meaningful titles in the recognised corporate format.
 - Auditing lists of the references used so that the registration system makes sense and records can be found in appropriate search sequences.

5. Accountability

- 5.1 The Chief Executive and Senior Managers have a duty to ensure that the Scottish Legal Complaints Commission complies with the requirements of legislation affecting management of the records and with supporting regulations and codes.
- 5.2 A named Senior Manager will be charged with corporate Records Management responsibilities and will work closely with all staff to ensure that there is consistency in the management of records and that advice and guidance on good records management practice is provided throughout the organisation.
- 5.3 Senior Managers with responsibility for functional areas are responsible for ensuring that records and information systems in their business areas conform to this policy and to the requirements of legislation.
- 5.4 All members of staff are responsible for documenting their actions and decisions in the records and for maintaining the records in accordance with Scottish Legal Complaints Commission policy, good records management practice and professional guidelines.
- 5.5 SLCC will continue to archive and retain files in line with the SLSO retention and destruction policy. Case files where Opinions were issued to be held and destroyed after 5 years. Case files without Opinions destroyed after 3 years.

6. Monitoring Compliance

- 6.1 The Scottish Legal Complaints Commission will follow this records management policy within all relevant procedures and guidance used for operational activities. Interpretation of the policy will be monitored and there will be regular planned inspections by the Internal Auditor to assess how the policy is being put into practice. These inspections will seek to:

- identify areas of good practice
- highlight where non-compliance
- suggest improvements

6.2 Destruction of files will be arranged by the Manager highlighted as having responsibility in the attached table. This will be in accordance with legal requirements and SLCC agreed timescales and carried out quarterly/annually. A schedule will be maintained of the action taken, by whom and when and retained by the Office Manager. Destruction of files should be witnessed and all parties witnessing the disposal should sign the destruction schedule. Electronic records should be amended as soon as practicable after the destruction of files. All paper documents or files will be dealt with as confidential waste for secure destruction.

7. References

- Freedom of Information (Scotland) Act 2002
- International Standard on Records Management (ISO 15489)
- Electronic Records Management: Toolkits (PRO, 2000-2002)
- Data Protection Act 1998: A Guide for Records Managers and Archivists (PRO, PRONI, NAS, in association with ODPC, 2000)
- The Lord Chancellor's Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act

8. Table of retention periods

Area/No	Description	Retention Period	Responsibility	Action/Paper	Action/Electronic	Comments
Corporate	Annual accounts Final version of published accounts	Life of SLCC	CEO	Archived and moved to Level 2 after 2 Years	Revised after 10 years	
Corporate	Annual reports Final version of published Annual Report	Life of SLCC	CEO	Archived and moved to Level 2 after 2 Years	Revised after 10 years	
Corporate	Audit Reorts	6 years	CEO	Archived and moved to Level 2 after 2 Years	Destroy after 6 years	
Corporate	Cash & Banking	Current Year + 6 years	Office Manager	Archived and moved to Level 2 after 2 Years	Destroy after 7 years	
Corporate	Commercial Suppliers & Mediation	6 years from end of contract	Office Manager	Archived and moved to Level 2 after 2 Years	Destroy after 7 years	
Corporate	Commercial Contracts	6 years from end of contract	Office Manager	Archived and moved to Level 2 after 2 Years	Destroy after 7 years	
Corporate	Unsuccessful Commercial Contracts	1 year from award of contract	Office Manager	Destroy	N/A	
Corporate	Finance/Accounting	Current Year + 6 years	Office Manager	Archived and moved to Level 2 after 2 Years	Destroy after 7 years	
Corporate	FOISA	See under 'Office'	Office Manager	Destroyed at 14 months after last significant action	Anonymised at 14 months and held for statistical analysis only	
Corporate	Insurances Employers Liability	Current policy + 40 years	Office Manager	Archived and moved to Level 2 after 7 years	N/A	

Area/No	Description	Retention Period	Responsibility	Action/Paper	Action/Electronic	Comments
	Other	Exp of policy + 6 years		Archived and moved to Level 2 after 7 years	N/A	
	Claims	End + 6 years				
Corporate	Invitations to tender	1 year after award	PA	Destroy after 1 year	Destroy after 1 year	
Corporate	Records of establishment and governance	Life of SLCC	CEO	Archived and moved to Level 2 after 2 Years	N/A	
Corporate	Records of appointment of members	End of appt + 5 years	HR Manager	Destroy after 6 years	Destroy after 6 years	
Corporate	Hospitality register	Current year + 3 years	PA	Destroy after 4 years	Destroy after 4 years	
Corporate - Finance	Complaint Levies	Life of SLCC	CEO	Archived and moved to Level 2 after 2 Years	Revised after 10 years	
Corporate	Survey Monkey	Current year only	PA	Destroyed after 1 year	Destroyed after 1 year	
Current year is considered to be the operational year unless it specifically says HMRC tax year						
HR	Absence, Medical Certs (all absence)	End of employment + 40 years	HR Manager	Archive electronically at end of employment	Destroy at end of employment + 40 years	
HR	AL/Flexi leave	Current year + 2 years	HR Manager	Destroy after 3 years	Destroy after 3 years	
HR	All Conflicts of Interests registers	Current year + 3 years	HR Manager	Destroy after 4 years	Destroy after 4 years	
HR	All Contracts of employment	End of appt + 6 years	HR Manager	Destroy after 7 years	Destroy after 7 years	
HR	All Diversity/Equal Opportunities	Current year + 5 years	HR Manager	Destroy after 6 years	Destroy after 6 years	
HR	EWTD compliance	Current year + 2 years	HR Manager	Destroy after 3 years	Destroy after 3 years	
HR	Grievances	Current year + 5 years	HR Manager	Destroy after 6 years	Destroy after 6 years	

Area/No	Description	Retention Period	Responsibility	Action/Paper	Action/Electronic	Comments
HR	Payroll - SLCC records	Current year + 6 years	HR Manager	Includes HMRC NI and redundancy	Destroy after 7 years	
HR	Payroll – provided records	Current year + 6 years	HR Manager	Destroy after 7 years	Destroy after 7 years	
HR	Parental leave	5 years 18 years if child receives disability allowance	HR Manager	Destroy after 5 years or 18 years if child receives disability allowance	N/A	
HR	Payroll Expense claims	Current year + 6 years	HR Manager	Destroy after 7 years	Destroy after 7 years	
HR	Pension scheme – Actuarial valuation reports	Permanent	HR Manager	N/A	N/A	
HR	Pension scheme decisions	End of relationship + 6 years	HR Manager	Destroy after end of relationship + 6 years	N/A	
HR	Pension Scheme - Investment Policies	12 years from ending of any benefit payable under policy.	HR Manager	Destroy 12 years from ending of any benefit payable under policy.	N/A	
HR	Pension Scheme - Pensioners records	12 years after benefit ceases	HR Manager	Destroy 12 years after benefit ceases	N/A	
HR	Pension Scheme - Money purchase	6 years after transfer or money taken	HR Manager	Destroy 6 years after transfer or money taken	N/A	
HR	Personal contact details and next of kin	Current record only	HR Manager	Destroy immediately change made	Destroy immediately change made	
HR	Personnel records Except absence	End of relationship + 6 years Includes	HR Manager	Destroy at end of relationship + 6 years	Destroy at end of relationship + 6 years	

Area/No	Description	Retention Period	Responsibility	Action/Paper	Action/Electronic	Comments
		disciplinary records				
HR	Recruitment adverts	Filling of vacancy + 6 months	HR Manager	Destroy after filling of vacancy + 6 months	Destroy after filling of vacancy + 6 months	
HR	Recruitment Successful applicants	Transfer to staff personal records	HR Manager	N/A	N/A	
HR	Recruitment Unsuccessful applicants	Filling of vacancy + 6 months	HR Manager	Destroy after filling of vacancy + 6 months	Destroy after filling of vacancy + 6 months	
HR	References for former staff	Provision of reference + 1 year	HR Manager	Destroy after provision of reference + 1 year	Destroy after provision of reference + 1 year	
HR	Statutory maternity Pay & calculations	Current Tax Year + 3 years	HR Manager	Destroy after 4 years	Destroy after 4 years	
HR	Statutory Sick Pay including calculations and certification	Current Tax year + 3 years	HR Manager	Destroy after Current Tax year + 3	Destroy after Current Tax year + 3	
HR	Trades Union correspondence	Current Tax Year + 20 years	HR Manager	JISC guidance	N/A	
HR	Training records	Current year + 5 years	HR Manager	Destroy after 6 years	Destroy after 6 years	
SLSO Work	Respond Database					
Investigation	'Respond' Record without Opinions	3 years	Admin	Destroy after 3 years	Destroy after 3 years	
Investigation	Opinions, original letter and recommendation letters	5 Years	Admin	Destroy after 5 years	Destroy after 5 years	
SLCC Work	WorkPro					
Complaint handling	Enquiry Initial letter complaint	14 Months	Office Manager	Destroy paper file after 14 months	Anonymise and archive thereafter	

Area/No	Description	Retention Period	Responsibility	Action/Paper	Action/Electronic	Comments
	form and decision record(s) essential supporting documents					
Investigation	Eligibility, Investigation, Determination Initial letter, complaint form, statement of complaint F/V/TWOM reports and decision records(s) essential supporting documents investigation plan, investigation report Decision records and final letters Appeals at any stage above	14 Months	Office Manager	Destroy paper file after 14 months	Anonymise and archive thereafter	
Investigation	<u>Copies</u> of solicitors files taken during investigation	Date of last action + 60 days	Case Investigator	Destroy as confidential waste		
Mediation	Letter offering mediation Blank agreement to mediate Signed confirmation forms Signed Agreement to Mediate Letter advising mediation will not take place Letter confirming agreement reached at mediation	14 Months	Mediation Manager	Destroy paper file after 14 months	Anonymise and archive thereafter	

Area/No	Description	Retention Period	Responsibility	Action/Paper	Action/Electronic	Comments
	Letter advising settlement terms fulfilled and case closed Completed settlement agreement	At closure of file		Destroy paper file (Confidential doc in WorkPro)		
FOISA	Freedom of Information Policy and procedures	Current + previous major version	Office Manager	Destroy previous versions	Destroy previous versions	
FOISA	FOISA Publication Scheme	Current + previous major version	Office Manager	Destroy previous versions	Destroy previous versions	
FOISA	FOISA cases	14 Months	Office Manager	Destroy paper file after 14 months	Anonymise and archive thereafter	
Office	Accidents, Injuries Occurrences	Current year + 5 years	Office Manager	Review after 6 years	Review after 6 years	
Office	Administration	Life of SLCC	CEO	Review after 5 years	Review after 5 years	
Office	Data Controller Records	5 years	CEO	Destroy after 5 years	N/A	
Office	Destruction of Records	Life of SLCC - Indefinite	CEO	Review after 5 years	Review after 5 years	
Office	General Correspondence	Current year + 1	PA	Destroy after 2 years	Destroy after 2 years	
Office	Fire Risk Assessment	Current year + 5 years	Office Manager	Destroy after 6 years	Destroy after 6 years	
Office	Health and Safety Instruction and training	Current year + 5 years	Office Manager	Destroy after 6 years	Destroy after 6 years	
Office	H & S – appointment of staff to safety roles	Current year + 5 years	Office Manager	Destroy after 6 years	Destroy after 6 years	
Office	H & S reports and records	Current year + 5 years	Office Manager	Destroy after 6 years	Destroy after 6 years	
Office	H & S reports	Current year + 40	Office Manager	Archived and	Revised after 10	

Area/No	Description	Retention Period	Responsibility	Action/Paper	Action/Electronic	Comments
	identifying long term health issues (re building)	years		moved to Level 2 after 2 Years	years	
Office	Inspection Reports internal/external	Current Year + 6 years	Office Manager	Destroy after 7 years	Destroy after 7 years	
Office	Minutes - Board	Life of SLCC	CEO	Archived and moved to Level 2 after 2 Years	Revised after 10 years	
Office	Minutes - Other	Life of SLCC	CEO	Archived and moved to Level 2 after 2 Years	Revised after 10 years	
Office	Policies	Current + previous major version	CEO	Destroy previous versions	Destroy previous versions	
Office	Risk Assessments	Current Year + 6 years	Office Manager	Destroy after 7 years	Destroy after 7 years	
Office	SLA's	Current Year + 6 years	Office Manager	Destroy after 7 years	Destroy after 7 years	
Office	Rooms - booking	Current record only				

