Corporate & Health Records Retention and Disposal Schedule

**A guide to management of corporate and health and care records held by NHS Shropshire, Telford and Wrekin Integrated Care Board (ICB)**

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V1.0

Contents

[Introduction 4](#_Toc110977685)

[What is a Record 4](#_Toc110977686)

[Scope and Types of records covered 4](#_Toc110977687)

[Legal Obligations 5](#_Toc110977688)

[Public Records Act 1958 and Local Government Act 1972 5](#_Toc110977689)

[Freedom of Information Act 2000 5](#_Toc110977690)

[Data Protection Act 2018 5](#_Toc110977691)

[Health and Social Care Act 2008 6](#_Toc110977692)

[Limitation Act 1980 6](#_Toc110977693)

[Caldicott Principles 6](#_Toc110977694)

[Records for Permanent Preservation 6](#_Toc110977695)

[Reference Materials 7](#_Toc110977696)

[Retention Schedule 8](#_Toc110977697)

[**AUDITS** 8](#_Toc110977698)

[**CARE RECORDS** 8](#_Toc110977699)

[**COMMISSIONING** 9](#_Toc110977700)

[**EVENT AND TRANSACTION RECORDS** 9](#_Toc110977701)

[**COMMUNICATIONS** 10](#_Toc110977702)

[**CORPORATE GOVERNANCE** 11](#_Toc110977703)

[**HUMAN RESOURCES** 13](#_Toc110977704)

[**FINANCE** 14](#_Toc110977705)

[**LEGAL COMPLAINTS AND INFORMATION RIGHTS** 14](#_Toc110977706)

[**SAFEGUARDING** 16](#_Toc110977707)

# Introduction

This localised retention schedule has been produced to support Shropshire, Telford and Wrekin ICB employees to adopt a consistent approach to the practice of managing records. The schedule is not an exhaustive list and focuses on the types of records as listed in the organisation’s asset register. The schedule is based on the NHS Records Management Code of Practice for Health and Social Care 2021 and the NHS England Corporate Records Retention 2019.

The schedule provides a framework for consistent and effective records management based on established standards. Any local deviations from the national standards, must be reviewed by the ICB’s Information Governance Steering Group and once approved incorporated into the schedule.

## What is a Record

The ISO standard ISO 15489-1:2016 defines a record as:

*“Information created, received, and maintained as evidence and an asset by an organisation or person, in pursuance of legal obligations or in the transaction of business.”*

## Scope and Types of records covered

This schedule is based on guidelines that apply to NHS records that are held by the organisation which can include

* Records of patients treated by NHS organisations
* Staff Records
* Complaints Records
* Corporate Records – administrative records relating to all functions of the organisation

The schedule applies regardless of the media on which the records are held. Examples of records formats that are managed using this schedule are:

* Digital
* Paper
* Audio (including Microsoft Teams Recordings)
* Emails
* Computerised Records
* Text Messages (SMS) and social medial
* Websites and intranet sites that provide key information to patient
* Corporate Records – administrative records relating to all functions of the organisation

## Legal Obligations

### Public Records Act 1958 and Local Government Act 1972

The **Public Records Act 1958** is the principal legislation relating to the public records. Records of NHS organisations are public records in accordance with Schedule 1 of the Act. This means that employees are responsible for any records that they create or use in the course of their duties. This includes records controlled by NHS organisations under contractual or other joint arrangements, or as inherited legacy records of defunct NHS organisations. The Act applies regardless of the format of the records. The Secretary of State for Health and Social Care and all NHS organisations have a duty under the Act to make arrangements for the safekeeping and eventual disposal of all types of records.

### Freedom of Information Act 2000

The **Freedom of Information Act (FOIA)** governs the management of public records. The FOIA was designed to create transparency in government and allow any citizen to know about the provision of public services though the right to submit a request for information. Section 46 of the FOIA is a code of practice on good record management and is used as a statutory statement of good practice by the regulator and the courts.

### Data Protection Act 2018

The **DPA18** supplements the UKGDPR in UK law. It is the principal legislation governing how records, information and personal data are managed. It sets in law how personal and special categories of information may be processed. The DPA 18 principles are relevant to the management of records.

### Health and Social Care Act 2008

Regulation 17 under the Health and Social Care Act 2008 requires health and care providers must securely maintain accurate, complete and detailer cords for patients/service users, employment of staff and overall management.

### Limitation Act 1980

The Limitation Act sets out the length of time you can bring a legal case after an event and sets it at six years.

### Caldicott Principles

All NHS staff are expected to adhere to the seven principles in addition to the UK DPA18.

## Records for Permanent Preservation

The Public Records Act 1958 requires organisations to select records for permanent preservation. Select to transfer under this Act is separate to the operational review of records to support current services provision. It is designed to ensure the permanent preservation of small core (typically 2-5%) of key records, which will:

* Enable the public to understand the working of the organisation and its impact on the population it serves
* Preserve information and evidence likely to have a long-term research or archival value

Selection may take place at any time in advance of transfer however the selection and transfer must take place at or before records are 20 years old. Records may be selected as a class (for example all board minutes) or at lower levels down to individual files or items.

Records can be categorised as follows

* Transfer to Place of Deposit (PoD) – this class of records should normally transfer in its entirety to the PoD
* Consider transfer to PoD – all, some or none of this class may be selected
* No PoD interests

Records selected for permanent preservation should be transferred to the assigned Place of Deposit (POD) appointed by the Secretary of State for Digital, Culture, Media and Sport. The assigned PoD for the ICB’s is:

Shropshire Archives

Castle Gates

Shrewsbury

Shropshire

SY1 2AQ

Email: archives@shropshire.gov.uk

Once transferred to the Place of Deposit (PoD), records will still be owned by the organisation transferring them and all relevant laws will apply. Individual records deposited with PoDs are still protected by the UK DPA18, FOIA and duty of Confidentiality. Where records are kept for permanent preservation for reasons other than care, consideration should be given to preserving the records in an anonymised way to protect confidentiality. Where this is not possible, then consider removing as many identifiers as possible.

When Staffordshire and Stoke on Trent Archive Service holds records and access is requested, the PoD will liaise with the Staffordshire and Stoke on Trent ICB’s before releasing any information (including any checks for subject access requests required by DPA18 and any exemptions under FOIA).

## Reference Materials

[NHS Records Management Code of Practice 20](https://www.nhsx.nhs.uk/information-governance/guidance/records-management-code/)21

[NHS England Corporate Records Retention Schedule](https://www.england.nhs.uk/publication/corporate-records-retention-disposal-schedule-guidance/)

## Retention Schedule

The retention periods listed in this retention schedule must always be considered the **minimum period**. With justification a retention period can be extended.

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| **AUDITS** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| Audit Reports – Non- Clinical Quality assurance | End of the year to which the assurance relates | 12 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Clinical Audits | Date of the audit | 5 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| **CARE RECORDS** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| CHC Care Record | Discharge or patient last seen | 8 years | Review and consider transfer to PoD  | CHC activity is covered in law by the Commissioning Board and NHS ICB Regulations  |
| Individual Funding Requests (IFRs) | Discharge or patient last seen | 8 years | Review and consider transfer to PoD  | As IFRS are unique to an individual it may be that the care package given to the patient/service user is unique and bespoke to that person. This may mean that the record may have long-term archival value, due to the uniqueness of the care given. Local discussions with PoD should be held to determine level of local interest |
| Referrals – NOT ACCEPTED | Two years from the end of the year to which they relate | 2 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Requests for care funding – NOT ACCEPTED | Date of decision | 2 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| **COMMISSIONING** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| Commissioning decisions (including appeal and decision documentation) | Date of appeal/decision | 6 years | Review and destroy if no longer required | NHS England Corporate Records Retention 2019 |
| Contracts | Termination of contract | 6 years | Review and destroy if no longer required | NHS England Corporate Records Retention 2019 |
| Tendering -successful | End of Contract | 6 years | Review and destroy if no longer required | NHS England Corporate Records Retention 2019 |
| Tender Documentation (unsuccessful) | Award of Tender | 6 years | Review and destroy if no longer required | NHS England Corporate Records Retention 2019 |
| Procurement documentation, including Business Cases and Project Costings | End of financial year to which records relates | 6 years | Review and destroy if no longer required | NHS England Corporate Records Retention 2019 |
| Commissioning Templates – Medicines Management | Until superseded | 2 years | Review, archive or destroy under confidential conditions | Localised Retention Schedule |
| **EVENT AND TRANSACTION RECORDS** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| Datasets released by NHS Digital and its predecessors | Delete with immediate effect | See notes | Delete in line with NHS Digital Instructions | NHS Digital issue guidance through the DARS process on the retention and disposal of data released by them. NHS Records Management Code of Practice 2021 |
| **COMMUNICATIONS** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| Intranet Site | Date of publication | 6 years | Review and consider transfer to PoD | NHS Records Management Code of Practice 2021 |
| Press Releases and important internal communications | Date of release | 6 years | Review and consider transfer to PoD | Press release may form part of a significant part of the public record of an organisation which may need to be retained.NHS Records Management Code of Practice 2021 |
| Public Consultations | Date of last actions | 5 years | Review and consider transfer to PoD | The possibility of wider public interest in the outcome of the consultation and so may have historical value.NHS Records Management Code of Practice 2021 |
| Surveys (patient/ staff) individual Responses/ analysis | Completion of survey | 1 year after return  | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Surveys (patient/staff) – Final reports | Completion of survey | Permanent retention | Review and consider transfer to PoD | NHS Records Management Code of Practice 2021 |
| Telephony systems record | Date of Recording | 1 year | Review and destroy if no longer required | This is the minimum specified to meet NHS contractual requirements.NHS Records Management Code of Practice 2021 |
| Video Conferencing – Microsoft Teams | Date of Recording | 6 years | Review and destroy if no longer required | Recorded conversations which may be needed for legal purposes. Retention period runs from the date of the recording and is intended to cover the Limitation Act 1980. NHS Records Management Code of Practice 2021 |
| Website | Date of Publication | 6 years | Review and consider transfer to PoD | NHS Records Management Code of Practice 2021 |
| **CORPORATE GOVERNANCE** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| Board Meetings  | Creation | Up to 20 years | Review and transfer to PoD | NHS Records Management Code of Practice 2021 |
| Board Meetings (Closed Boards) | Creation | Up to 20 years | Review and transfer to PoD | Although these may still contain confidential or sensitive material, they are still a public record and must be transferred at 20 years, and any exemptions noted, or indications that the duty of confidentiality applies.NHSX Records Management Code of Practice 2021 |
| Business Continuity Planning | Date of last action | 30 years | Review and transfer to PoD | NHS England Corporate Records Retention 2019 |
| Chief Executive Records | Creation | Up to 20 years | Review and transfer to PoD | This may include emails and correspondence where they are not already included in board papers.NHS Records Management Code of Practice 2021 |
| Committees (Major) – Listed in a scheme of Delegations or report direct into the Board  | Creation | Up to 20 years | Review and transfer to PoD | NHS Records Management Code of Practice 2021 |
| Committees (Minor) | Creation | 6 years | Review and consider transfer to PoD | Includes minor meetings/projects and departmental business meetings. These may have local historical value required transfer consideration.NHS Records Management Code of Practice 2021 |
| Conflicts of Interest Register | Date last updated | 6 years | Review and destroy if no longer required | NHS England Corporate Records Retention 2019 |
| Data Protection Impact Assessments (DPIAs) | End of processing activity  | 6 years | Review and destroy if no longer required | Should be kept for the life of the activity to which it relates, plus six years after that activity ends. NHS Records Management Code of Practice 2021 |
| Data Processing Agreement | End of processing activity | 6 years | Review and destroy if no longer required | NHS England Corporate Records Retention 2019 |
| Information Sharing Protocols/Memorandum of Understanding/Service Level Agreements | Date of last action | 10 years | Review and consider transfer to PoD | NHS England Corporate Records Retention 2019 |
| Incidents - Serious | Date of incident | 20 years | Review and consider transfer to PoD | NHS Records Management Code of Practice 2021 |
| Incidents - Not Serious | Date of incident | 10 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Merger Pack | Date of Publication | 10 years | Review and consider transfer to PoD | NHS England Corporate Records Retention 2019 |
| Patient Advice and Liaison Service (PALS) records | End of the financial year to which the record relates | 10 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Policies/ Strategies and Operating Procedures | Date of publication | Life of organisation plus 6 years | Review and consider transfer to PoD | Retention begins from when the document is approved, until superseded. If the retention period reaches 20 years from the date of approval, then consider transfer to PoDNHS Records Management Code of Practice 2021 |
| Risk Registers | See note | 6 years | Review and destroy if no longer required | Retention period in accordance with the Limitation Act and Corporate awareness of risks.NHS Records Management Code of Practice 2021 |
| Visitor Book | Date of last action | 3 years | Review and destroy if no longer required | NHS England Corporate Records Retention 2019 |
| **HUMAN RESOURCES** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| Personnel Files | Staff member leaves | 75th Member | Create Staff Record Summary 6 years after staff member leaves then review or destroy the main file under confidential conditions | This includes (but is not limited to) evidence of right to work, security checks and recruitment documentation for the successful candidate including job adverts and application forms.NHS Records Management Code of Practice 2021 |
| Staff Salary Information Files | Close of financial year to which they refer | 10 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Statutory and mandatory training records | Completion of Training | 10 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Employee – Line Management Records  | End of contract of employment | 6 years | All information should be recorded centrally for a complete employment record | Types of records sick notes, annual leave records, PDR, appraisal, objective monitoring documentation.  |
| **FINANCE** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| Expenses | From end of financial year to which they relate | 6 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Final Annual Accounts Report | See notes | Up to 20 years | Review and transfer to PoD | NHS Records Management Code of Practice 2021 |
| Financial Transaction Records | End of financial year to which they relate | 6 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Invoices | End of financial year to which they relate | 6 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| **LEGAL COMPLAINTS AND INFORMATION RIGHTS** |
| Record Type | **Retention Start** | **Retention Period** | **Disposal Action**  | **Notes** |
| Complaints – Case Files | Closure of the complaint | 10 years | Review and destroy if no longer required | The complaint is not closed until all processes (including potential and actual litigation) have ended.NHS Records Management Code of Practice 2021 |
| Freedom of Information (FOI) requests, responses to the request and associated correspondence | Closure of the FOI request | 3 years | Review and destroy if no longer required | Where redactions have been made it is important to keep a copy of the response sent to the requestor.NHS Records Management Code of Practice 2021 |
| FOI requests – where there has been an appeal | Closure of the appeal process | 6 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| Subject Access Requests (SAR), response and subsequent correspondence | Closure of the SAR  | 3 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |
| SAR – where there has been an appeal | Closure of SAR appeal | 6 years | Review and destroy if no longer required | NHS Records Management Code of Practice 2021 |

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| **SAFEGUARDING** |
| Record Type | **Guidance to be followed below** |
| Child Health Notifications | Before making any decisions about this record you are advised to review the POVA – (The Protection of Vulnerable Adults and Children’s Scheme) and check for any further update from the inquiry website at [www.iicsa.org.uk](http://www.iicsa.org.uk)  |
| Concerns Raised | Before making any decisions about this record you are advised to review the POVA – (The Protection of Vulnerable Adults and Children’s Scheme) and check for any further update from the inquiry website at [www.iicsa.org.uk](http://www.iicsa.org.uk)  |
| Court of Protection | Before making any decisions about this record you are advised to review the POVA – (The Protection of Vulnerable Adults and Children’s Scheme) and check for any further update from the inquiry website at [www.iicsa.org.uk](http://www.iicsa.org.uk)  |
| Deprivation of Liberty Reviews | Before making any decisions about this record you are advised to review the POVA – (The Protection of Vulnerable Adults and Children’s Scheme) and check for any further update from the inquiry website at [www.iicsa.org.uk](http://www.iicsa.org.uk) Retention solely for any persons who have been sectioned under the Mental Health Act 1983 must be considerably longer than 20 years where the case may be ongoing. Very mild forms of adult mental health treated in a community setting where a full recovery is made may consider treating as an adult record and keep for 8 years after discharge. All must be reviewed prior to destruction taking into account any serious incident retentions.  |
| Domestic Homicide Reviews | Before making any decisions about this record you are advised to review the POVA – (The Protection of Vulnerable Adults and Children’s Scheme) and check for any further update from the inquiry website at [www.iicsa.org.uk](http://www.iicsa.org.uk)  |
| Internal Health Reviews | Before making any decisions about this record you are advised to review the POVA – (The Protection of Vulnerable Adults and Children’s Scheme) and check for any further update from the inquiry website at [www.iicsa.org.uk](http://www.iicsa.org.uk)  |
| Safeguarding Adult Reviews | Before making any decisions about this record you are advised to review the POVA – (The Protection of Vulnerable Adults and Children’s Scheme) and check for any further update from the inquiry website at [www.iicsa.org.uk](http://www.iicsa.org.uk)  |
| Serious Case Reviews | Before making any decisions about this record you are advised to review the POVA – (The Protection of Vulnerable Adults and Children’s Scheme) and check for any further update from the inquiry website at [www.iicsa.org.uk](http://www.iicsa.org.uk)  |