

## **Records disposal schedule**

Legal Directorate

### **Adjudication**

Last updated: 9 March 2009

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## Purpose

The records disposal schedule which follows will form part of a set of procedures setting out minimum standards for records management in the Solicitors Regulation Authority (SRA). They will provide evidence of compliance with legislation such as the Data Protection Act 1998, our Freedom of Information Code of Practice and eventually the Freedom of Information Act 2000, as well as adherence to best practice standards.

The schedule will assist the SRA to:

- Reduce multiple sets of identical records and data.
- Remove obsolete or inaccurate information.
- Improve business processes.
- Meet legislative compliance standards in record keeping.
- Create corporate rules for records disposal as part of new system implementation.

## Scope

This version of the schedule covers the records (paper and electronic) generated, received and managed by the Legal Directorate's Adjudication team.

The schedule does not apply to data entered into the ROAD or HRH systems by the team; this data will be covered by a separate schedule.

To dispose of administrative records generated by the unit (electronic and paper), staff should refer to the general records disposal schedule: records documenting functions and activities common to most business units. This schedule recommends retention periods for the administrative records which business units create or use in the course of their business.

To implement disposal rules for records managed by the team (paper or electronic) which are not covered by the above schedules, the directorate's records officer should be contacted. S/he will liaise with the SRA records manager for the production of an updated version of the schedule to include those records.

## Disposal of records

There are only two ways to dispose of records:

1. Destroy them *or*
2. Keep them permanently

Records of permanent value should be as a rule transferred to the corporate archives. This is currently located in the Law Society's Library at Chancery Lane.

Hard copy (paper) records which have to be kept for a period of time before destruction (e.g. longer than 1-3 months after closure) should be transferred to the Midlands archive store.

The provisions of this schedule have been formally approved by Martin O'Reilly, Chief Adjudicator.

Signed.....

Date.....9/03/2009.....

Destruction of records should be suspended if it becomes apparent that there is any possibility of anticipated litigation or regulatory investigation. Deliberate destruction of relevant records in such cases could involve the criminal offence of obstructing or perverting the course of justice. A court is also likely to draw adverse inferences from such an exercise and it is unlikely that a court would be satisfied with any explanation for deliberate record destruction after the commencement of proceedings

## The schedule

<p><b>Legal Directorate – Adjudication</b> (last updated 9 March 2009); version 1.0: records relating to the management of professional misconduct investigations and quality control and service standards</p> <p>For disposal of administrative or housekeeping records or records of team meetings refer to the general records disposal schedule</p>							
<p>Contents list:</p> <ol style="list-style-type: none"> <li>1. Managing the resolution by adjudication of service, conduct and compensation cases</li> <li>2. Providing pastoral support, feedback and training to caseworkers and managers</li> </ol>							
Disposal class number	Function	Activity	Record type/sub-type	Medium/ format/ storage location	Recommended disposal by team	Statutory retention requirement or best practice	Notes
1.	Managing the resolution by adjudication of service, conduct and compensation cases						

Destruction of records should be suspended if it becomes apparent that there is any possibility of anticipated litigation or regulatory investigation. Deliberate destruction of relevant records in such cases could involve the criminal offence of obstructing or perverting the course of justice. A court is also likely to draw adverse inferences from such an exercise and it is unlikely that a court would be satisfied with any explanation for deliberate record destruction after the commencement of proceedings

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1.1		Providing independent decisions on matters referred for adjudication by the SRA, including:  Conduct complaints, Compensation Fund applications, Statutory Trust fund distribution proposals, Regulatory breaches and applications					

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1.1.1			Case note for adjudicators:  Regulatory history schedule, Solicitors' comments, Complainant's comments, Casework synopsis, Discretion vested, Conditions on practising certificate	Hard copy bundle sent to adjudicators (duplicates documentation in original case files) Caseworker puts e-documents in Adjudication folder on ROAD Some documents may be sent by e-mail and stored in Adjudication group folder	Adjudicators should  destroy local copies (electronic and hard copy) of documentation when appeal period expires or the value of documentation for reference/re-use in relation to another case has expired		Original hard copy case files will be disposed of as per policy of responsible business unit  Separate schedule agreed for ROAD data

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1.1.2			Adjudicators' decision: <ul style="list-style-type: none"> <li>• First instance decision</li> <li>• Supplementary decision</li> </ul>	Adjudicators fill in template decision document which is entered into Decisions Made folder on ROAD for caseworker to action	Adjudicators should return or destroy any copies of documentation when appeal period expires or the value of documentation for reference/re-use in relation to another case has expired	Appeal period for conduct/ regulatory matters is 14-28 days  No right of review of a decision to vest a discretion	A paper copy of the decision may be added to the original hard copy matter file by the caseworker. These files will be disposed of as per policy of responsible business unit Separate schedule agreed for ROAD data. Decisions (and sometimes appendices) are scanned into the HRH database against individual matter by the Legal Department and retained permanently

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1.1.3			Decisions records which are assessed as having secondary value as best practice models, for re-use or for training purposes	Decisions and related material	Review annually to determine whether reference need still exists; destroy when secondary reference value ceases	General records disposal schedule s.4	

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1.1.4			Adjudicators' contact details	Word document in group folder	Delete entries as superseded	Personal data (e.g. individuals' personal addresses) must be stored securely and destroyed once superseded to conform with the Data Protection Act 1998	
1.2		Managing and monitoring casework allocation					

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1.2.1			SRA and LCS case tracker	Excel spreadsheet	Delete entries annually on a rolling basis e.g. 1 year after case closed		This spreadsheet will soon be redundant
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1.2.3			Workload status forms	Excel spreadsheet	Delete entries annually on a rolling basis	Need to be retained for 1 year for performance management	
1.2.4			Weekly and monthly throughput reports	Word document in group folder	Destroy as superseded		

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2.	Providing pastoral support, feedback and training to caseworkers and managers						
2.1		Providing advice, guidance and training					

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2.1.1			Casework feedback reports	Excel spreadsheet sent to caseworker  May occasionally include a covering e-mail	Destroy any documentation once action completed*		*As a rule Adjudication does not keep any documentation

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2.1.2			Documentation on: <ul style="list-style-type: none"> <li>• Surgeries;</li> <li>• Workshops;</li> <li>• Presentations</li> </ul>	Group folder	Destroy as superseded		