

Records disposal schedule

Regulation Response Directorate

Conduct Investigation Unit

Last updated: 15 December 2008

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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 hard copy (paper) case files dealing with professional misconduct issues which are managed by CIU. It supersedes version 2.0 for records of the unit. Disposal of the electronic matter files on ROAD is covered by a separate schedule.

To dispose of administrative records generated by the unit (such as records, in all formats, relating to staff issues, expenses, team management, office management etc), members of the unit 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 to support their business functions.

To implement disposal rules for records managed by the unit (electronic or hard copy) 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 when their business, regulatory or reference value has expired *or*
2. Keep them permanently as part of the corporate memory.

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 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 Will O'Meara, Head of Conduct and Regulatory Investigations.

Signed...Approved via e-mail

Date ...13 March 2009

The schedule

Regulation Response: Conduct Investigation Unit records disposal schedule [last updated 15 December 2008]

Version 3.0 hard copy records of the unit covering professional misconduct investigations management

Contents list:

1. Investigating third party allegations of misconduct referred from the Legal Complaints Service or received directly from a third party by the SRA
2. Managing referral of complaints to the Legal Services Ombudsman
3. Managing quality control and service standards

Disposal class number	Function	Activity	Record/document type	Medium/format/storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.	Investigating third party allegations of misconduct referred from the LCS or received directly from a third party by the SRA						
1.1		Managing cases designated as conduct matters					

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1.1.1			CDT matter file: Third party complaint, Initial investigation, Correspondence, Referral to other unit, Investigation, Referral to adjudication, Adjudication report, Appeal, Formal closure	Hard copy file; some documentation also stored electronically on ROAD	Transfer hard copy file to Coventry archive store 3 months after last action Destroy hard copy file 6 years after last action other than cases where external action is being taken e.g. by a court, police, employment tribunal or other regulatory body: these should be sentenced for review at further intervals of 2 years	Limitation Act 1980: limitation of 6 years for the bringing of an action founded on tort or relating to breach of contract may apply	SRA policy is to retain such matters for 6 years for MI purposes irrespective of whether matter is summarily closed or whether further investigation is undertaken Separate records disposal schedule agreed for CDT matter file on ROAD

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Disposal class number	Function	Activity	Record/document type	Medium/format/storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.1.2			Adjudication and outcome; Notice of outcome; First instance decision minute; Supplementary decision minute	Documents filed in hard copy file above; also scanned into HRH database within ROAD	Destroy paper copy with file; Retain in electronic format for lifetime of firm	Long-term reference need for regulatory purposes	Medium, format and storage location for long term retention yet to be agreed
1.2		Managing redress conduct matters					

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Disposal class number	Function	Activity	Record/document type	Medium/format/storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.2.1			RDC matter file: Referral from LCS, Complaints details, Initial investigation, Risk assessment, Correspondence, Summary closure, Referral to other unit or RADC or predecessors, Formal investigation, Assessment, Referral to Adjudication, Adjudication report, Appeal, Formal closure	Hard copy file; some documentation also stored electronically on ROAD	Transfer to Coventry archive store 3 months after closure Destroy hard copy file 6 years after last action other than cases where external action is being taken e.g. by a court, police, employment tribunal or other regulatory body: these should be sentenced for review at further intervals of 2 years Firm/individual synopsis report	Limitation Act 1980: limitation of 6 years for the bringing of an action founded on tort or relating to breach of contract may apply	SRA policy is to retain such matters for 6 years for MI purposes irrespective of whether matter is summarily closed or whether further investigation is undertaken Separate records disposal schedule agreed for RDC matters on ROAD

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1.2.2			Adjudication and outcome Notice of outcome; First instance decision minute; Supplementary decision minute	Documents filed in hard copy file above; also scanned into HRH database within ROAD	Destroy paper copy with file; Retain in electronic format for lifetime of firm	Long-term reference need for regulatory purposes	

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2.	Managing referral of complaint to Legal Services Ombudsman						
2.1		Information collation and referral					

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2.1.1			LSO matter file: Background information; Case summary	Hard copy file; some documentation also stored electronically on ROAD	Transfer to Coventry archive store 3 months after last action Dispose of in line with associated CDT/RDC file		Separate records disposal schedule agreed for ROAD data

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2.1.2			LSO final decision note	Documents filed in hard copy file above; also scanned into HRH database within ROAD	Destroy paper copy with file; retain in electronic format for lifetime of firm	Long-term reference need for regulatory purposes	Medium, format and storage location for long term retention yet to be agreed
3.	Managing quality control and service standards						
		Analysing performance in relation to individual conduct complaints					

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			Customer feedback forms	Hard copy; filed by team leaders/caseworkers	Destroy 6 months after receipt	Personal data must be stored securely and destroyed once no longer needed to conform to the Data Protection Act 1998	