

Records disposal schedule

Regulation Response: Regulatory Investigations

Last updated: 26 January 2009

Contents

Contents	2
Purpose	3
Scope	3
Disposal of records	3
The schedule.....	5

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 those hard copy (paper) case files dealing with professional misconduct issues which are managed by the Regulatory Investigations unit. It supersedes an earlier version approved on 26 March 2008.

The schedule does not apply to data entered into or referred to in ROAD by the unit; this data is covered by a separate schedule.

To dispose of routine administrative records generated by the unit, 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 a number of records which all or most business units will create or use in the course of their business.

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

Approved....via e-mail

Date.....3 March 2009

The schedule

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management							
Contents list:							
1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations							
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints							
3. Quality control and service standards management							
Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes

For alternative formats, email contactcentre@sra.org.uk or telephone 0870 606 2555.

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.	Collecting and evaluating information on breaches of the Solicitors Act and Regulations						

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.1		Evaluating: 1) External data received from Police, Courts, Solicitors 2) Internal data received via Fraud Intelligence reports, Copies of complaints, RegIS history, ROAD data, Disciplinary record.					

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.1.1			"Miscellaneous" file (where creation of matter files is not necessary)	Hard copy file; some documentation also stored electronically on ROAD, RegIS and in individual mailboxes	Destroy hard copy file after 2 years	Personal data must be stored securely and destroyed when no longer needed to conform to the Data Protection Act 1998	Separate records disposal schedule agreed for ROAD data

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
1.1.2			Matter file (where matter is founded)	Hard copy file; some documentation also stored electronically on ROAD, RegIS and in individual mailboxes	For matter file disposal see s. 2 below	Personal data must be stored securely and destroyed when no longer needed to conform to the Data Protection Act 1998	Separate records disposal schedule agreed for ROAD data

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
2.	Undertaking appropriate regulatory action in relation to conduct and regulatory complaints						
2.1		Managing investigations designated as serious misconduct cases					

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
2.2.1			Investigating individual cases involving breach of rules or principles and regulatory applications (REG matter): Referral from another unit; Risk assessment; Case conference notes;	Hard copy file; some documentation also stored electronically on ROAD, RegIS and in individual mailboxes	Destroy 6 years after last action other than the following cases which should be sentenced for review at further intervals of 2 years: Cases where an intervention results Cases in relation to pending criminal proceedings where an outcome or conviction is	Limitation Act 1980: limitation of 6 years for the bringing of an action founded on tort or relating to breach of contract may apply	As per current practice Separate records disposal schedule agreed for ROAD data

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
			Contact details; requests for waivers, extensions or dispensations; Advice to solicitors; Intelligence and supporting documentation; Inspection request; Notice of inspection;		awaited		

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
			File requests; Regulatory schedule; Progress reports; Accounts and costs; Referral to adjudication E&D questionnaire forms: section 2 data adjustment requests				

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
2.1.2			Adjudications and outcomes: 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	Separate records disposal schedule agreed for ROAD data Medium, format and storage location for long term retention yet to be agreed

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
2.2		Investigating applications for a practising certificate under S12 of the Solicitors Act 1974 which have been referred to Regulatory Investigations					

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
2.2.1			S12 matter file: Recommendation to Adjudication; Report; Solicitor's response; Schedule of solicitor's history compiled from RegIS and ROAD	Hard copy file compiled from Resolution Team's S12 file; scanned into REG matter file on ROAD Adjudicator's decision currently scanned into ROAD (HRH)	Dispose of hard copy file as per recommendations in s.2 above		Separate records disposal schedule agreed for ROAD data

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
2.2.2			Adjudications and outcomes: 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	Separate records disposal schedule agreed for ROAD data Medium, format and storage location for long term retention yet to be agreed

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
3.	Quality control and service standards management						
3.1		Managing the collection and collation of information for quality control and performance management					

Regulation Response: Regulatory Investigations (last updated 26 January 2009) version 3.0: records of the unit covering professional misconduct investigations management

Contents list:

1. Collecting and evaluating information on breaches of the Solicitors Act and Regulations
2. Undertaking appropriate regulatory action in relation to conduct and regulatory complaints
3. Quality control and service standards management

Disposal class number	Function	Activity	Record type/ sub-type	Medium/format/ storage location	Recommended disposal	Statutory retention requirement or best practice	Notes
3.1.1			Customer feedback forms	Hard copy forms received from LCS	Destroy once feedback provided to caseworker (no later than 6 months after receipt)	Personal data must be stored securely and destroyed when no longer needed to conform to the Data Protection Act 1998	