

Council meeting, September 17th 2013

Use of the HCPC Retention policy and destruction of duplicate paper versions of information

Executive summary and recommendations

Introduction

Legal advice has recently been sought on the disposal of certain hard copy records held by the Registration Department. The request for legal advice particularly related to the destruction of hard copy (rather than electronically held) documentation. The legal advice received provided that 'in relation to document retention more generally, a distinction needs to be made between the retention/destruction of records in all formats and retention/destruction of records in a particular format.'

In relation to the specific questions asked regarding the retention of hard copy documentation, the advice goes on to provide that 'Those directly concerned with the requests in question will be better placed than me to answer these questions. However, given that all of the records set out in your questions will remain available in soft copy form, that there is no specific legal requirement to maintain those records in hard copy form and it is unlikely that any appreciable risk will arise from those records not being available in hard copy, I can see no reason why the hard copy records to which you refer, should not be destroyed.'

Within HCPC there are specific retention policies for the FTP and HR department with an overall policy in place for the remainder of the organisation. Those policies provide for the retention (or destruction) of content and information and make no specific requirements regarding whether that information is held in hard or soft copy form. This paper proposes that:

- hard copy documentation is destroyed in accordance with the relevant retention policies; and that
- wherever possible, HCPC will store information electronically rather than as hardcopy, other than where there is a historic value to retaining the original paper copy.

The adoption of this approach will mean that:-

- Where new content is received from applicants, registrants, witnesses, complainants, stakeholders, any hard copy will be scanned, saved and named using a logical file naming convention, or stored in a system with its own document control function, and the hardcopy ultimately securely destroyed in accordance with operating protocol within departments.

- Where new documents are created, they should use a logical file naming convention, or be stored within an existing application (eg NetRegulate; FTP, CMS;) where there is document control functionality.
- Where content is created from scratch, and a public version is to be retained a pdf should be created from within the appropriate office application and that version stored for the duration of the retention policy. The Microsoft Office application version (Word, Excel, PowerPoint, Visio etc) may be retained for later editorial activity if required. This may be where the original content will need to be refreshed periodically and retyping avoided. There is no requirement to retain hard copy.
- Where an electronic copy exists (pdf, jpeg, Word document, spread sheet, tiff) there is no requirement for a duplicate hard copy paper version. Therefore the paper version will be securely destroyed.
- Hardcopy documents of historic interest may be retained, either at HCPC in the cabinets or archive boxes, or be placed offsite for long term storage.
- Soft copy documentation and data will be held in accordance with relevant retention policies.

A logical file naming convention will also need to be created for documentation that is stored outside of structured systems (FTP CMS, Net Regulate). Over time, we will also need to mark the security level of the document. More guidance on this will follow

The implementation of these guidelines will result in savings to the archiving budget over time, although initially costs will be increased as paper copies are destroyed.

The move to electronic storage will reduce the opportunity to lose content in paper form, and save archive costs. Search ability should be enhanced, and retention policies become easier to enforce as retention requirements will be implicit from the meta data associated with the electronic file.

There will be some increase in costs due to increased electronic storage of data on the internal IT infrastructure, and any replicated services that we use.

Decision

The Council is asked to agree the following:

- (i) HCPC will adopt a policy of preferred electronic information retention wherever possible, destroying duplicate paper versions where they are available.
- (ii) Existing duplicate paper copies will be progressively destroyed, as time and resources allow.

Background information

See appendices

Resource implications

To be assessed

Financial implications

To be assessed

Appendices

- 1) Memorandum Jonathan Bracken 17th June 2013.
- 2) Requirements for information concerning any document produced.
- 3) Organisational Retention Policy (Audit Committee paper 2012) (HPC updated to HCPC) and minor adjustments highlighted. Note FTP has its own retention policy which is not included here.

Date of paper 6 September 2013

Memorandum

To: Roy Dunn, HCPC
From: Jonathan Bracken
Date: 17th June 2013

Retention of hard copy documents

Roy,

By email on 28th May 2013, you asked for my advice on the disposal of certain hard copy records held by the Registration Department and, in particular, asked me to answer the following five questions:

- can the Registrations Department destroy hard copy of any or all applications received by CPSM up to or shortly after 2002?
- can the Registrations Department destroy hard copy of any or all applications received by HPC & HCPC after 2002?
- can all hardcopy registration renewals, readmissions and return to practice applications received by HCP/HCPC be destroyed?
- can any hardcopy registration renewals, readmissions and return to practice applications received by CPSM be destroyed?
- can all hard copy CPD audit profiles with supporting information and assessments can be destroyed once scanned and linked to the record?

In relation to document retention generally, a distinction needs to be made between the retention/destruction of records in all formats and retention/destruction of records in a particular format.

In relation to the former, the destruction of a particular record in all formats will have significant implications. The information will be lost to the organisation completely and, therefore, a decision to destroy a record in all formats needs to need to take account of any legal requirements to maintain such records (but, if personal data is involved, balanced against the data protection principles), any applicable limitation periods, the accepted practice for documents of that class and other relevant factors, including the business/commercial aspects of doing so.

In relation to the latter, which is the basis of your five questions, the situation is far more straightforward. As the record would be maintained a 'soft' format, the information will remain available to the HCPC. Consequently, the decision on disposal of hard copy records where the same record is kept in another format simply becomes a commercial decision, based on the following questions:

- *is there any legal obligation or imperative to maintain the records in a particular form?*

Some documents, such as certain public records and health and safety forms, must be retained for specified periods in the particular form in which they were created. For some other documents, such as insurance policies, there will be a commercial legal imperative (rather than requirement) to maintain the records in their original form, as it may be the only evidence of cover if a claim needs to be after a lengthy period of time.

- *If there is no legal obligation or imperative to maintain paper records, how likely is it that they need to be kept in that format so they can be referred to in that format?*

Some records may simply not yield all of the information required if they are only kept in soft copy form. For example, transactional documents may have embossed marks, stamps or punches which can only be seen and verified from the hard copy.

- *How often are the original hard copy records in a particular class consulted?*

This is a fairly obvious but important question which will help inform a commercial decision. If records which do not need to be maintained for legal purposes are rarely or never consulted in their original, hard copy, form then it is unlikely that they need to be retained for lengthy periods in that format.

- *If records are referred to, how likely is it that a legal, reputational or other risk will arise from the original, hard copy, record not being available?*

If it is necessary to prove that a person signed a document, producing the original version of that document will undoubtedly be 'best evidence', but the need to do so is quite rare. Today, a huge volume of business is conducted without documents being signed (for example, car or home insurance purchased online), reliance being placed upon the subsequent 'course of dealing' between the parties (use of email or IP address, payment, issue of documents etc.) as proof of their contract. A registrant who claimed that a registration-related record was not theirs because the HCPC could not produce an original, signed, document would need to answer the difficult but obvious question of, if that was the case, why they had been practising in reliance upon that registration?

Those directly concerned with the records in question will be better placed than me to answer these questions. However, given that all of the records set out in your questions will remain available in soft copy format, that there is no specific legal requirement to maintain those records in hard copy form and it is unlikely that any appreciable risk will arise from those records not being available in hard copy, I can see no reason why the hard copy records to which you refer should not be destroyed.

JKB

APPENDIX 2

Requirements for information concerning any document produced.

Meta data convention will include the following items:

- Originating department
- Author
- Data created
- Status of document (draft / final)
- Security (protection) level required
- Retention period proposed

Record Retention and Disposal Policy

Introduction

The HCPC recognises that its records are a vital asset which need careful management to enable the HCPC to conduct its business and comply with its statutory obligations. This policy sets out the HCPC's arrangements for the management of its records.

The effective management of records in all formats depends as much on their efficient disposal as well as their long-term preservation. The untimely destruction of records may adversely affect service delivery but so will the unnecessary retention of outdated and potentially inaccurate records. Disposal is necessary not only to reduce administrative burdens but also to ensure that information is not retained for longer than necessary and that accurate records are maintained for appropriate periods to satisfy applicable operational and legal requirements.

This policy is also important in assisting HCPC to comply with its obligations under the Data Protection and Freedom of Information Acts.

The Data Protection Act 1998 requires that personal data must be:

- adequate, relevant and not excessive;
- accurate and where necessary kept up to date;
- not kept for longer than is necessary for its purpose.

The Freedom of Information Act 2000 provides rights of access to information held by public bodies and the link between that Act and effective records management will be immediately apparent. The quality of the records which the HCPC holds will affect its ability to respond to requests under the Act. If records are not created and managed effectively then they will not be found when needed.

Retention Periods

The Retention Schedule which forms part of this policy (**the Schedule**) sets out the length of time that records should be retained and extends to all records identified in the Schedule, irrespective of the media on which they are created or held including:

- paper;
- digital files (including databases, Word documents, spread sheets, webpages and e-mails);
- photographs and videotapes.

Retention periods are determined based upon the nature of the information held, not the medium in which it is maintained. For example, information which is held in a digital format should only be retained for the same period as it would be kept if it was in paper form. However, it is not necessary to retain both paper and digital versions of the same

record, nor to retain duplicate copies of records. Retention arrangements for digital records should ensure that they will remain complete, unaltered and accessible throughout the retention period.

The value of information tends to decline over time, so the majority of records should only be retained for a limited period of time and eventually be destroyed. A recommended minimum retention period, derived from operational or requirements, is provided for each category of record in the Schedule and applies to all records within that category.

During their retention period, operational needs may require records to be held in different locations and on different media, but they should always be properly managed in accordance with this policy.

A small proportion of records which are considered to be of permanent historical significance will be preserved in the HCPC's archives. The Information Services Manager, working in consultation with the Chief Executive, is responsible for the selection of records for permanent preservation and the maintenance of the archives of the HCPC and its predecessor entities.

Disposal

Records should be reviewed as soon as possible after the expiry of the retention period. It need not be a detailed or time consuming exercise but there must be a considered appraisal of the contents of the record.

A record should not be destroyed without verification that:

- no work is outstanding in respect of that record and it is no longer required by any department within the HCPC;
- the record does not relate to any current or pending complaint, investigation, dispute or litigation;
- the record is unaffected by any current or pending request made under the Freedom of Information Act or Data Protection Act.

A record must be made of all disposal decisions and destruction should be carried out in a manner that preserves the confidentiality of the record. Confidential paper records should be placed in confidential waste bins and digital records will need to be either physically destroyed or erased to the current standard. Deletion of digital files is not sufficient. All copies of a record, in whatever format, should be destroyed at the same time.

Variation

Information needs are dynamic and therefore this policy is a 'living' document which the HCPC will amend as the need arises.

Any review of retention periods should take account of relevant statutory and legal requirements and consideration of the overall operational value of records, including:

- on-going operational, accountability and audit needs;
- best practice in the applicable professional field;
- the probability of future use;
- the long-term historical or research value of the record;
- the costs of retention or destruction;
- the risks associated with retaining or destroying the record.

Other Records

Many records have no significant operational or evidential value and are not subject to retention under this policy but may be destroyed once they have served their primary purpose. These include:

- requests for forms and brochures;
- meeting rooms reservation requests;
- compliment slips and similar items which accompany documents;
- superseded distribution or mailing lists;
- drafts of documents;
- working papers which are the basis of the content of other documents;
- notices of meetings and other events;
- invitations and notices of acceptance or apologies;
- magazines, marketing materials, catalogues, directories, etc.

This is not an exhaustive list but merely indicates the types of record which have no significant operational or evidential value and may be destroyed once their effective use has ended.

Retention Schedule

Description	Disposal Period
Annual plans	25 years
Annual plan reviews	25 years
Quarterly reviews	25 years
Quarterly reports	25 years
Risk registers	6 years after superseded
Other meeting minutes	6 years
Presentations	6 years
Memoranda of Understanding with other public bodies	6 years after superseded
Other correspondence	6 years
Formal consultations and responses	25 years

Corporate Plan	25 years
Annual Report and Accounts	25 years
Report to Parliament	25 years
Legal advice	6 years
Litigation papers	6 Years
External correspondence	6 Years
External briefing notes etc.	6 Years
Committees' terms of reference	Life of the organisation
Council and Committee papers	Life of the organisation
Council and Committee agendas	Life of the organisation
Council and Committee minutes	Life of the organisation
Gifts and Hospitality Register	Life of the organisation
Conflicts of Interest Register	Life of the organisation
General formal correspondence	6 Years

Description	Disposal Period
Financial authorities or delegations	6 years after authority or delegation is superseded
Asset registers	6 years after disposal

Land registers	12 years after disposal
Audit investigations (external)	6 years after action
Financial records relating to Capital works projects	6 years after action/project is completed
Investment records	2 years after investments are liquidated or matured
Procedure manuals	2 years after superseded
Cancelled cheques	2 years
Dishonoured cheques	2 years
Paid/presented cheques	2 years
Stoppage of cheque payment notices	2 years
Record of cheques opened books	2 years
Cheque registers	2 years
Record of cheques drawn for payment	6 years
Bank deposit books/slips/stubs	2 years
Bank deposit summary sheets; summaries of daily banking; cheque schedules	2 years
Reconciliation files / sheets	2 years
Unpaid cheque records	2 years
Bank statements, periodic reconciliations	7 years
Electronic banking and electronic funds transfer – Cash transactions; payment instructions; deposits; withdrawals	Disposal action in line with paper records
Electronic banking and electronic funds transfer – Audit trails	Retain for the same period as the base transaction record
Expenditure sheets	6 years
Cash books/sheets	6 years
Summary cash books	2 years
Creditors' history records; lists/reports	6 years
Statements of accounts outstanding; outstanding orders	2 years
Statements of accounts – rendered/payable	2 years
General and subsidiary ledgers produced for purposes of preparing certified financial statements or published information	6 years

Creditor's ledgers	6 years
Other ledgers	2 years
Audit – ledger postings	2 years
Journals – prime records for raising of charges	6 years
Journals – routine adjustments	2 years
Year-end balances, reconciliations and variations to support ledger balances and published accounts	6 years
Receipt books/butts; office copies of receipts	6 years
Postal remittance books / records	6 years
Receipt books/records for imposts	6 years
Revenue cash books/sheets/records	6 years
Copies of invoices/debit notices rendered on debtors	6 years
Source documents/records used for raising invoices/debit notes	6 years
Copies of invoices and copies of source documents	2 years
Employee pay histories	6 years
Salary ledger cards/records	6 years
Copies of salaries/wages payroll sheets	2 years
Equipment registers/records	6 years after disposal or asset or last asset in the register
Records relating to the calculation of annual depreciation	6 years after disposal or asset or last asset in the register
Financial statements/summaries prepared for inclusion in quarterly/annual reports	6 years
Periodic financial statements prepared for management on a regular basis	Destroy when cumulated into quarterly/ annual reports
Travel and subsistence claims and authorisations	6 years
Personal payroll history	Until age 107
Authorisation of overtime or travel time claims	6 years
Applicants & Registrants direct debit mandates	Until age 107

Contract Records

Description	Disposal Period
Initial proposal – end user requirement	6 years
List of approved suppliers	Regularly updated active document
Statement of interest	1 year from date of last paper
Draft specification	Destroy when specification has been agreed
Agreed specification	6 years from end of contract
Evaluation criteria	6 years from end of contract
Invitation to Tender	6 years from end of contract
Unsuccessful tender documents	1 year from date of last paper
Successful tender document	6 years from award of contract
Interview panel – report and notes of proceedings	1 year from end of contract
Commissioning letter 1 year from end of contract	1 year from end of contract
Signed contract	6 years from end of contract or 12 years if under seal
Reports from contractors	2 years from end of contract
Records of complaints	6 years from end of contract
Disputes over payment	6 years from end of contract
Final accounts	6 years from end of contract
Minutes and papers of meetings	25 years
Changes to requirements	6 years from end of contract
Forms of variation	6 years from end of contract
Extensions to contract	6 years from end of contract

Internal Audit

Description	Disposal Period
Audit reports (including interim), where these have included the examination of long term contracts	6 years
Report papers used in the course of a fraud investigation	6 years after legal proceedings have concluded
Other audit reports (including interim)	3 years

Terms of reference	3 years
Programmes/plans/strategies	One year after last date of the plan
Correspondence	3 years
Minutes of meetings and related papers	3 years
Working papers	3 years
Internal audit guides	When superseded
Manuals and guides relating to departmental procedures	When superseded
Local auditing standards	When superseded
Internal Audit Plan	Disposal after audit completed

Health and Safety

Description	Disposal Period
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995	3 years
Health and safety inspection reports	Review 12 years after issue
Accident books	Review 3 years after date of last entry
Accident reports	Review 5 years after action or 6 years after any claim is settled

Buildings Records

Description	Disposal Period
Specifications Review	25 years after contract end
Bills of quantity	Review 16 years after completion
Tender documents - rejected	Review 16 years after completion
Tender documents - accepted	Review 16 years after completion
Agreements with contractors and consultants	Review 16 years after completion
Maintenance manuals	Destroy when no longer required
Final accounts	Review after 25 years
Client project board minutes and papers	Review 25 years after date

	of last paper
Mechanical and electrical engineering records	Review 15 years after issue
Fire precautions and services	Review 10 years after issue
Asbestos Inspections	Review 40 years after issue
Other specialist reports	Review 10 years after issue
Consultants and contractors drawings and associated records	Review 16 years after project completion
'As built' or 'as installed ' drawings	Review 15 years after settlement of contract
Maintenance schedules	Review 16 years after superseded
Installation survey	Review 16 years after date of survey
Maintenance and Operational manuals	When equipment disposed of, destroy or transfer to new owner
Maintenance contacts and related correspondence	Review 12 years after end of contract
Agenda, Minutes etc of meetings with contractors	Review 5 years after date of meeting
Subletting agreements	Destroy 12 years after termination
Landlords' consent	Destroy 16 years after surrender, expiry or termination of lease
Licences	Destroy 16 years after surrender, expiry or termination of lease
Test and statutory certificates	Destroy 12 years after expiry or superseded
Fire certificates	Destroy 12 years after expiry or superseded
Consultant and contractors correspondence	Review 16 years after date of last paper
Statutory authorities correspondence	Review 25 years after date of last paper
Utility and communications companies correspondence	Review 16 years after date of last paper

Project Records

Description	Disposal Period
Approved project proposals	10 years after completion of project
Rejected or deferred project proposals	6 years after completion of project
Feasibility studies	10 years after completion of project
Plans and specifications	6 years after completion of project
Approved lists of contractors	When new list issued
Tender Board	At end of project
Tender board – working papers	2 years after date of last paper
Tender Board Minutes	10 years after completion of project
Maps plans drawings and photographs	10 years after completion of project
Equipment and Supplies Documentation	6 years after completion of project
Project Board Minutes and correspondence	6 years after completion of project
Project reports, plans and charts	5 years after issues
Product descriptions	6 years after completion of project
Project operating manuals	6 years after completion of project
Miscellaneous project records	2 years after completion of project

Complaint Records

Description	Disposal Period
Policy Statements	When superseded
Case enquiries and correspondence	6 years
Register of complaints	10 years
Review reports	6 years

Information Management Records

Description	Disposal Period
Records relating to the control of record keeping systems	5 years after system/policy is superseded
Information about the number of FOIA requests answered and their outcomes	10 years
Policy records and internal documents on implementation and compliance with FOIA	5 years after policy or procedures have been superseded
Records relating to FOI requests including the information subject to the request	3 years after date of request
Records relating to DPA requests including the information subject to the request	3 years after date of request
Record Retention and Disposal policy	When superseded

Human Resources Records

Retention periods are based on guidance published by the Chartered Institute of Personnel and Development (CIPD) for employee records. Where applicable, the retention periods set out below also apply to Partner records.

Description	Disposal Period
Application forms, records and interview notes (for unsuccessful candidates)	12 months
Application form and interview notes (for successful candidate, to be scanned)	6 years after employment ends
HR handbook and policies	50 years after being superseded
Pay and performance management framework and relating documents	50 years after being superseded
Records of Criminal Records Bureau (CRB) checks	6 months after check is completed
Parental leave records	5 years from birth/adoption of the child or 18 years if the child receives disability allowance
Employee contracts and other particulars of employment	6 years after employment ends
Job History - Consolidated record of employee's whole career and supporting papers	6 years after employment ends

Qualifications and references	6 years after employment ends
Annual assessment reports	6 years after employment ends
Training history	6 years after employment ends
Annual leave records	6 years after employment ends
Job applications	6 years after employment ends
Recruitment, appointment or promotion selection papers	6 years after employment ends
Health Declaration	6 years after employment ends
Health referrals and reports	6 years after employment ends
Papers relating to any injuries on duty	6 years after employment ends
Medical/Self Certificates – unrelated to industrial injury and Statutory Sick Pay forms	6 years after employment ends
Unpaid leave periods	6 years after employment ends
Resignation, termination and retirement letters	6 years after employment ends
Authorisation of deputising or substitution allowances	6 years after employment ends
Season ticket loans	6 years after employment ends
Bank details	6 years after employment ends
Pension records	6 years after employment ends
Executive Management Team records	Permanently for historical purposes
Key documents related to major employee issues e.g. gross misconduct, fraud	50 years after employment ends to ensure that the individual concerned is not re-employed

A summary of basic leaver information (start date, leaving date, leaving reason, etc.) based on ACAS guidance, will be retained permanently in electronic format for historical purposes.

Communications Records

Description	Disposal Period
Press releases	7 years
Press conference reports/previews	3 years
Press report digests	7 years
Correspondence with media	7 years
Policy and administrative records	25 years after superseded
Handbooks and guides to media relations	Destroy when superseded
Image library	When no longer required
Brochures and guides	3 years
Presentations	3 years
Survey results (Ipsos MORI)	When no longer required

Policy & Standards records

Description	Disposal Period
Consultation documents	Life of the organisation
Consultation responses	Life of the organisation
External facing Policy documents – Standards	Life of the organisation
HCPC's responses to other organisation's consultations	Life of the organisation
Correspondence	7 years
Project specific documentation	7 years
Presentations	3 years

Registration records

Description	Disposal Period
Consolidated registration record comprising application, readmission, renewal forms and all registration related correspondence, including name, date of birth and address.	Until age 107

List of persons successfully completing approved qualifications	Life of the organisation
History of payments (not including bank details)	Life of the organisation
Datasets derived from registration records prior to destruction with personal data removed.	Life of the organisation
Recordings of telephone conversations	3 months

Education records

Description	Disposal Period
List of currently approved programmes	Life of the organisation
List of historically approved programmes	Life of the organisation
Education provider quality assurance documents	6 years after programme closure
Visitor reports	Life of the organisation
Programme approval decision records and correspondence	Life of the organisation
Education provider complaint documentation	6 years after programme closure
Education electronic newsletter "Education Update"	10 years
Education provider contact details	Destroyed when superseded
Quality assurance planning and implementation records	10 years
Education presentations	10 years
Workforce management records	10 years
Work plans	Life of the organisation

IT records

Description	Disposal Period
Back up to tape	2 years

Business process improvement records

Description	Disposal Period
Disaster recovery plans	When superseded

Risk log	When superseded
Information Security control assets	When superseded

Secretariat records

Description	Disposal Period
Governance documents including code of corporate governance	Life of the organisation
Historic record of Council membership	Life of the organisation
Election results and records of decisions regarding Council & Committee member appointments	Life of the organisation
Application forms and recruitment administration files of successful candidates	6 years after term ends
Application forms and recruitment administration files of unsuccessful candidates	12 months after application decision
Council & Committee members personal files	6 years after term ends
Pension scheme records	Life of the organisation
Attendance books	6 years