



# Committees on Justices of the Peace

## Records Retention and Disposition Schedule

### Introduction

1. This schedule applies to the records that are created and managed by staff employed in the Advisory Committees on Justices of the Peace (Advisory Committees). It has been agreed following consultation between the Advisory Committees and the Departmental Records Officer's (DRO) team in the Ministry of Justice.
2. As a public body, the MoJ takes its responsibilities for managing information seriously. These responsibilities include compliance with the Public Records Act 1958, General Data Protection Regulation (GDPR), the Data Protection Act 2018, Freedom of Information Act 2000 (FoIA) and amending legislation. The MoJ uses Records Retention and Disposition Schedules (RRDS) to manage its compliance with statutory obligations to identify what information and records we hold, how long we keep it and what should happen to these records at the end of that time.
3. The Advisory Committees' work is governed by the and the Lord Chancellor and Secretary of State's Directions for Advisory Committees on Justices of the Peace<sup>1</sup> and Judicial Conduct (Magistrates') Rules 2014. (In 2019, the work of the committees was split into Recruitment Advisory and Conduct Advisory Committees.)

### More about this schedule

4. None of the records listed below are selected for permanent preservation and transfer to The National Archives (TNA).
5. This schedule is split into two sections:
  - a. Records unique to the Advisory Committees on Justices of the Peace
  - b. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.

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<sup>1</sup> These directions can be found at: <https://www.judiciary.uk/publications/advisory-committees-justices-peace/>

6. If a Freedom of Information Act 2000 request or a subject access request under the General Data Protection Regulation and Data Protection Act 2018 is received, a hold must be put on the relevant records for at least **three months** after the request is resolved.
7. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its investigations, the moratorium on the destruction of records of potential interest remains in place. All government departments and their associated bodies (in common with other public sector bodies) are required to comply with the moratorium. All business areas should apply the moratorium to any records covered by the following criteria:
  - a. documents which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care
  - b. the document types include, but are not limited to, correspondence, notes, emails, and case files, regardless of the format in which they are stored (digital, paper, CDs, etc)
  - c. for the purposes of this instruction, the word “children” relates to any person under the age of 18
  - d. further information about the moratorium is available on IICSA’s website at: <https://www.iicsa.org.uk/news/chair-of-the-inquiry-issues-guidance-on-destruction-of-documents>.
8. As part of its commitment to transparency, this schedule will be published on the MoJ’s webpage: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>.

## The schedule

No.	Record type	Retention and disposition
<b>1. Unique records held by Advisory Committees on Justices of the Peace</b>		
1.	<p>Magistrate Personnel Records which include</p> <ul style="list-style-type: none"> <li>• Recruitment</li> <li>• Training</li> <li>• Appraisal</li> <li>• Leave</li> <li>• Conduct</li> <li>• Pastoral matters</li> <li>• Honours</li> </ul> <p>Magistrates transferred on retirement or resignation to the Supplemental List:</p> <p>a) Magistrates transferring at mandatory retirement age b) Magistrates resigning to list before mandatory retirement age</p>	<p>Keep for <b>six years from date of mandatory retirement age</b></p>
2.	<p>Personnel Records (as above)</p> <p>c) Magistrates not transferred to the Supplemental List upon resignation</p>	<p>Keep for <b>six years from date of resignation or the Conduct Advisory Committee's decision not to add to the Supplemental List</b> and then destroy</p>
3.	<p>Records for unsuccessful Applicants to the Magistracy</p> <ul style="list-style-type: none"> <li>• Application Form</li> <li>• Referee Form</li> <li>• Diversity Monitoring Form</li> <li>• References</li> <li>• Candidate interview assessment forms</li> <li>• Feedback letters</li> <li>• Any other correspondence relating to application</li> </ul>	<p>Keep for <b>two<sup>2</sup> years from date of receipt of application</b> and then destroy</p>

<sup>2</sup> Reduced from six years following revisions to Lord Chancellor and Secretary of State's Directions for Advisory Committees on Justices of the Peace in January 2022

No.	Record type	Retention and disposition
4.	Complaints: a) those investigated by a conduct investigation panels b) those dismissed without a conduct investigation panel	Keep for <b>five years</b> from date of last action and then destroy
5.	Personnel records for lay members of Recruitment and Conduct Advisory Committees: a) Successful applicants b) Unsuccessful applicants	a) Keep for <b>three years after the appointment ends</b> and then destroy b) Keep for <b>two years from the end date of the recruitment campaign</b> and then destroy <sup>3</sup>
6.	Minutes of Advisory Committee meetings and other internal documents	Keep for <b>seven years</b> and then destroy
<b>2. Records managed by a common retention and disposition policy</b>		
7.	Paper copies of records that have been digitised	Keep for no longer than <b>30 days</b> from date scanned and then destroy <sup>4</sup> .
8.	Data loss incident records (held by business)	Keep for <b>three years</b> from incident closure and then destroy
9.	All other types of record not specified above, including copies of records which are owned by other business areas <sup>5</sup>	Keep for <b>three years</b> and then destroy.

Rob Evans  
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<sup>3</sup> This enables the Advisory Committees to comply with any requests from the Commissioner for Public Appointments who may investigate a complaint about a specific campaign which ended in the previous 12 months.

<sup>4</sup> This allows for time to check that digital copies are usable before destruction

<sup>5</sup> If the business identifies record types which need a new retention period, they should contact the DRO's team.