



Ministry  
of Justice



HM Courts &  
Tribunals Service

# Social Entitlement Chamber (HM Courts and Tribunals Service) Records Retention and Disposition Schedule

## Introduction

1. This schedule covers the records held by the Social Entitlement Chamber (SEC) of HM Courts & Tribunals Service (HMCTS). It has been agreed following consultation between HMCTS and the Departmental Records Officer (DRO)'s 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 Social Entitlement Chamber covers the following jurisdictions:
  - a. Social Security and Child Support Tribunal (SSCS)
  - b. Asylum Support Tribunal (AS)
  - c. Criminal Injuries Compensation (CIC)
4. The SEC's work is governed by The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 and the Practice Statement: Record of Proceedings in Social Security and Child Support cases in the Social Entitlement Chamber on or after 3 November 2008.

## More about this schedule

5. None of the records listed below are selected for permanent preservation and transfer to The National Archives (TNA). This schedule is split into three sections:
  - a. Records unique to the Social Entitlement Chamber (SEC)
  - b. Records held by various teams within HMCTS where a common retention and disposition policy is applied.
  - c. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
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 to IICSA 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 SEC</b>		
<b>1a. Social Security and Child Support Tribunal (SSCS)</b>		
<b>1.</b>	SSCS case records <sup>1</sup>	Keep for <b>18 months</b> from date of last action and then destroy
<b>1b. Asylum Support Tribunal (AS)</b>		
<b>2.</b>	a) AS case records <sup>2</sup> b) AS Decisions, decision notices and reasons for the decision	<p><b>Cases sent for Judicial Review:</b> Once all stages of the Judicial Review and any subsequent appeal processes have been completed, keep for a further <b>three years</b> and then destroy.</p> <p><b>All other cases:</b> Keep for <b>three years</b> and from date of last action (Reason Statement) and then destroy all documents <b>except the Reason Statement</b>.</p> <p>The Reason Statement is permanently held by the Tribunal.</p>
<b>3.</b>	Register of AS cases <sup>3</sup>	Permanently held by the Tribunal
<b>4.</b>	AS policies and procedures	Keep <b>until superseded</b> and then destroy
<b>1c. Criminal Injuries Compensation Tribunal</b>		
<b>5.</b>	CIC case records (including CCTV footage and original photographs)	Keep for <b>two years</b> and from date of last action and then destroy

<sup>1</sup> Everything pertaining to the case including digital and audio records, and Decision Notices)

<sup>2</sup> Currently paper files

<sup>3</sup> Currently held on ASAAC database (from 2000 onwards)

No.	Record type	Retention and disposition
<b>2. Records managed by a common retention and disposition policy across HMCTS (applies to all jurisdictions)</b>		
6.	Recordings of hearings	Keep for the same period as the case records and then destroy
7.	Panel Members' contact details	Continually updated and details are removed when no longer required
8.	Hearing bookings	Keep for <b>six years</b> and then destroy
9.	Records created as part of governance and assurance processes including: <ul style="list-style-type: none"> <li>• Key Control Check Sheets (KCCS)</li> <li>• Standard Operating Controls (SOC)</li> <li>• Previous equivalents</li> </ul>	Destroy in line with the HMCTS Governance and Assurance RRDS <sup>4</sup>
10.	Judicial HR records	Destroy in line with the Presidents' Support Offices RRDS <sup>5,6</sup>
11.	Case management system records needed for statistical purposes	Copied and transferred to HMCTS Analysts at regular intervals under the terms of the Data Privacy Impact Assessment
<b>3. Records managed by a common retention and disposition policy</b>		
12.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> <sup>7</sup> guidance
13.	Finance and risk management information	Keep for <b>seven years</b> and then destroy.
14.	Business continuity plans	Updated annually. Keep previous versions for <b>three years</b> and then destroy.
15.	All other types of record not specified above, including copies of records which are owned by other business areas <sup>8</sup>	Keep for up to <b>three years</b> and then destroy.

<sup>4</sup> This RRDS is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

<sup>5</sup> This RRDS is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

<sup>6</sup> Judicial complaints are managed in line with the same schedule. Administrative complaints are held and managed on the HMCTS Optic system and are not kept by the Chamber.

<sup>7</sup> *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

<sup>8</sup> If the business identifies record types which need a new retention period, they should contact the DRO's team.

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**Signed: 14 March 2022**

Supersedes the three schedules for the individual tribunals dated July 2015.