



Ministry
of Justice



HM Courts &
Tribunals Service

Health, Education and Social Care Chamber (HM Courts and Tribunals Service) Records Retention and Disposition Schedule

Introduction

1. This schedule has been drawn up following consultation between the Health, Education and Social Care Chamber (HESC) of HM Courts and Tribunals Service (HMCTS) and staff working for the Departmental Records Officer (DRO) 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, UK 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 Health, Education and Social Care Chamber's work is governed by Tribunals, Courts and Enforcement Act 2007 and the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008.
4. The Health, Education and Social Care Chamber covers the following jurisdictions:
 - a. Mental Health (MH)
 - b. Care Standards (CS)
 - c. Special Educational Needs and Disability (SEND)
 - d. Primary Health Lists (PHL)

More about this schedule

5. The records described in this schedule are not selected for permanent preservation and transfer to The National Archives. This and transfer to The National Archives. schedule is split into three sections:
 - a. Records unique to the HESC
 - 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.¹
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>.

¹ See rows 13 and 14 for maximum retention period

The schedule

No.	Record type	Retention and disposition
1. Unique records held by HESC		
1a. Mental Health		
1.	Cases where a decision is made (includes patient records)	<p>a. Apart from final decisions (or other documents listed in row 4 below) and special interest cases (see row 3): Keep documents for six months and then destroy.</p> <p>b. Case records: Keep for four years from date of final decision and then destroy.</p>
2.	Cases where the application is withdrawn or the patient is withdrawn or discharged from section prior to the substantive hearing	<p>Documents Keep for six months from date of withdrawal or discharge and then destroy</p> <p>Case records Keep for four years from date of final decision and then destroy</p>
3.	Special interest cases	Judicial guidance required on a case by case basis
4.	Tribunal decisions: a) Final decisions (including reasons for the decisions) b) Deferred decisions where there has been a conditional discharge, including the reasons for the decision	Keep until patient is 110 years' old and then destroy.
1b. Care Standards, Special Educational Needs and Disability, and Primary Health Lists		
5.	Cases where a decision is made (for PHL this may include patient records)	Keep for three years from date of final decision and then destroy.
6.	Cases where the application is withdrawn or conceded	Keep for six months from date of withdrawal or discharge and then destroy
7.	Tribunal decisions ²	Permanently retained by the chamber.

² Covers decisions that had been retained in digital format – paper records had been destroyed after three years

No.	Record type	Retention and disposition
2. Records managed by a common retention and disposition policy across HMCTS (applies to all jurisdictions)		
8.	Recordings of hearings	Keep for the same period as the case papers (or case files) and then destroy
9.	Members' contact details and hearing bookings	MH: Keep for four years and then destroy CS, SEND, PHL: Keep for three years and then destroy
10.	Judicial training records	Keep for five years from date of last update (unless financial records in which case keep for seven years and then destroy).
11.	Judicial HR records	Destroy in line with the Presidents' Support Offices RRDS ³
12.	Records created as part of governance and assurance processes including: <ul style="list-style-type: none"> • Key Control Check Sheets (KCCS) • Standard Operating Controls (SOC) • Previous equivalents 	Destroy in line with the HMCTS Governance and Assurance RRDS
3. Records managed by a common retention and disposition policy		
13.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> ⁴ guidance
14.	Responses to Subject Access Requests	Keep for nine months and then destroy.
15.	Background information (held by business) for responses to information requests made under: <ul style="list-style-type: none"> • Freedom of Information Act⁵ • Environmental Information Regulations <p>NB. See footnotes showing where the answers to these requests are held</p>	Keep for one year and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for another year and then repeat the process until the item is no longer needed. • Where no longer needed, destroy immediately.

³ This RRDS is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

⁴ *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

⁵ The answers to these requests are held by Disclosure (see row 40 of the MoJ HQ schedule)

No.	Record type	Retention and disposition
16.	Finance and risk management information	Keep for seven years and then destroy.
17.	Business continuity plans (held by business)	Updated annually. Keep previous versions for three years and then destroy.
18.	All other types of record not specified above, including copies of records which are owned by other business areas ⁶	Keep for three years and then destroy.

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Signed: 13 September 2021 (minor amendments December 2021)

Date of Original Issue of RRDS: December 2011
 Previously amended: July 2015

⁶ If the business identifies record types which need a new retention period, they should contact the DRO's team.