



Ministry
of Justice



HM Courts &
Tribunals Service

Employment Appeals Tribunal (HM Courts and Tribunals Service) Records Retention and Disposition Schedule

Introduction

1. This schedule applies to the records that are created and managed by staff employed in the Employment Appeals Tribunal (EAT) of HM Courts & 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, 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 EAT is governed by the Employment Appeal Tribunal Rules 1993, (as amended). The EAT retains a general power to regulate its own procedure under s30 (3) Employment Tribunals Act 1996. Under this power, the EAT has issued a number of Practice Directions, the current Practice Direction 2018 came into force on 19 December 2018 and supersedes all previous Practice Directions.

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 three sections:
 - a. Records unique to the Employment Appeals Tribunal.
 - 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 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
A. Unique records held by the Employment Appeals Tribunal		
1.	Appeal cases	Keep for three years after last action/date of disposal then destroy
2.	Orders	Restriction of Proceedings Orders: keep permanently in the Chamber. All other orders: keep for ten years from seal date and then destroy.
3.	Legal action cases (e.g. Judicial Review)	Keep for three years after last action/date of disposal then destroy
B. Records managed by a common retention and disposition policy across HMCTS (applies to more than one jurisdiction)		
4.	Tribunal Decisions ¹	Keep permanently in the Chamber
5.	Court logs	Keep permanently in the Chamber
6.	Bundles	Judges' bundles: keep for three years from last hearing date and then destroy Lay members' bundles: keep for up to one month from last hearing date
7.	Recordings of judgments (on the Digital Audio Recording and Transcription System (DARTS))	Keep for seven years and then destroy
8.	Local copies of Fee-paid Judge and Lay Member fee/expense claims	Keep for seven years then destroy
9.	Listings, bookings, and similar operational records	Keep for two years from date of disposal and then destroy

¹ Some decisions are published and can be found at: <https://www.gov.uk/employment-appeal-tribunal-decisions>

No.	Record type	Retention and disposition
10.	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
C. Records managed by a common retention and disposition policy		
11.	Paper copies of records that have been digitised	Keep for no longer than 30 days from date scanned and then destroy ² .
12.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> ³ guidance
13.	Business continuity plans	Updated annually. Keep previous versions for three years and then destroy.
14.	Finance and risk management information	Keep for seven years and then destroy.
15.	All other types of record not specified above, including copies of records which are owned by other business areas ⁴	Keep for up to three years and then destroy.

Robert Evans
Departmental Records Officer
Ministry of Justice
102 Petty France
London SW1H 9AJ
Signed: 8 April 2021 (minor amendments June 2021)

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

² This allows for time to check that digital copies are usable before destruction

³ *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

⁴ If the business identifies record types which need a new retention period, they should contact the DRO's team.