



Ministry
of Justice



HM Courts &
Tribunals Service

Employment 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 Tribunal (ET) of HM Courts & Tribunals Service (HMCTS). It has been agreed following consultation between the ET and the Departmental Records Officer's (DRO) team in the Ministry of Justice (MoJ).
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 Employment Tribunal's work is governed by The Employment Tribunals Rules of Procedure 2013 (as amended).¹

More about this schedule

4. Some of the records listed below have been selected for permanent preservation under the Public Records Act² and are awaiting transfer to The National Archives (TNA).
5. The DRO's team oversees the preparation and transfer of records to TNA.
6. This schedule is split into three tables:
 - a. Records unique to the Employment Tribunal.
 - b. Records held by various teams within HMCTS where a common retention and disposition policy is applied.
 - c. Records subject to MoJ's corporate retention policies

¹ The rules can be read here: <https://www.gov.uk/government/publications/employment-tribunal-procedure-rules>

² Public Records Act 1958 s.3(6)

7. 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.
8. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its work, the moratorium on the destruction of records of potential interest remains in place.
9. While the Infected Blood Inquiry continues its investigations, ET will comply with the moratorium on the destruction of records relevant to this Inquiry. Further information about the Inquiry's requirements can be found on its website: <https://www.infectedbloodinquiry.org.uk/evidence/>.
10. While the UK Covid-19 Inquiry continues its investigations, any records of potential interest to the Inquiry, as set out in published Terms of Reference, will be retained. Further information can be found at: <https://covid19.public-inquiry.uk/uk-covid-19-inquiry-terms-of-reference-2/>.
11. 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

Table A: Records unique to the Employment Tribunal.

No.	Record type	Retention and disposition
1.	Case records (Heard and Determined) including: <ul style="list-style-type: none"> • Employment Case Management System • Online claim and response forms • associated documents including emails • Where applicable electronic files 	<p>Cases sent to appeal:</p> <ul style="list-style-type: none"> • Where an appeal has been lodged and accepted by the Employment Appeal Tribunal (EAT), keep for 2 years 6 months from the date that the decision was sent to the parties or the appeal process has been completed (that may include further appeals from the EAT) (whichever is the longest), and then destroy. • If the appeal has not been accepted, keep for 12 months from the decision was sent to the parties and then destroy. <p>All other cases: Keep for 12 months from the date the decision was sent to the parties and then destroy.</p>

Table B: Records held by various teams within HMCTS where a common retention and disposition policy is applied.

No.	Record type	Retention and disposition
2.	Bundles	<p>Judges' bundles and witness statements: Keep for the same period as for case records and then destroy. (If the bundle is only available in hard copy, only one copy of the bundle is kept.)</p> <p>Members' bundles: Destroy at the conclusion of the case.</p>
3.	Judgments	<p>Keep until arrangements for transfer to TNA have been completed.</p> <p>From 2017 Judgments can be obtained from the online judgment register published at: https://www.gov.uk/employment-tribunal-decisions [England & Wales and Scotland].</p> <p>Audio/digital recordings Keep for six months and then destroy.</p>
4.	Registers	<p>Keep until arrangements for transfer to TNA have been completed.</p>
5.	Audio recordings of judgments	<p>Keep for same period as the case records (see row 1 above).</p>
6.	Audio recordings of hearings (if made)	<p>Keep for same period as the case records (see row 1 above).</p>
7.	Record of proceedings for Fee-paid Judiciary, panel members and parties (known as ETRPs IT57s) (including financial records)	<p>Keep for seven years financial and then destroy.</p>

No.	Record type	Retention and disposition
8.	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 equivalentents 	Destroy in line with the HMCTS Governance and Assurance RRDS ³ .

Table C: Records subject to MoJ’s corporate retention policies

No.	Record type	Retention and disposition
9.	Paper copies of records that have been digitised	Destroy no later than 30 days from date scanned and then destroy ⁴ .
10.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> ⁵ guidance.
11.	Finance and risk management information	Keep for seven years and then destroy.
12.	All other types of record not specified above, including copies of records which are owned by other business areas ⁶	Keep for up to three years and then destroy.

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

⁴ This allows for time to check that digital copies are usable before destruction

⁵ *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

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