



Human Resources records (core) Records Retention and Disposition Schedule

Introduction

1. This schedule applies to the **core employee records** that are created and managed in the Ministry of Justice, its agencies and associated bodies (MoJ) and which should be held centrally.
2. It has been agreed following consultation between the MoJ People Group, the Shared Services Client Team and the Departmental Records Officer's (DRO) team in the Ministry of Justice.
3. 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.
4. All employers hold records about their employees in order to manage their contracts of employment, pay, pensions, etc. There is a wide range of legislation which governs this work. Some legislation is mentioned in this schedule because of its impact upon medical records.

More about this schedule

5. This schedule **does not** include Human Resources (HR) records for the Judiciary, Tribunal Members and Magistrates.
6. This schedule applies to staff records held on any case management system, as well as to legacy core staff records (held in legacy case management systems, paper files, microfiche or in any other format). **Where the record is held on a central system, managers and staff should delete their local copies in email, on personal drives, etc, as soon as possible.**

7. Retention policies for staff records held by line managers, volunteers and staff is set out in the *What to keep*¹ guidance. **Staff should consult this guidance and ensure that they only hold unique records not held elsewhere.**
8. None of the records listed below are selected for permanent preservation and transfer to The National Archives (TNA).
9. The foundation for this schedule is the newly adopted cross-Whitehall schedule for HR records adopted by the Government Shared Services (GSS) in November 2020.
10. Core employee records are held by the MoJ and Shared Services Connected Limited (SSCL) on various case management systems including the Standard Operating Platform (SOP).
11. If a Freedom of Information Act 2000 request or a Subject Access Request under the UK 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.
12. Currently all staff records are subject to a moratorium on destruction. This is a cross-Whitehall moratorium. Once it is lifted, destruction of records that have passed their retention period should restart. The moratorium does not apply to records held locally by line managers and business support teams.
13. 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 *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

The schedule

Pre-employment

No.	Record type	Retention and disposition
1.	Unsuccessful job applications	Keep for one year from advert closing date or interview date and then destroy
2.	Character, references	Keep for three years from document date and then destroy
3.	BPSS documents and supporting documents (e.g. copies of utility bills)	Keep for seven years from date of copy and then review: <ul style="list-style-type: none">• Where operationally relevant, keep for another year. Repeat until no longer needed• Where no longer needed, destroy immediately
4.	Entries on the Vetting exclusions list	Keep on the list for 10 years and then review: <ul style="list-style-type: none">• Where operationally relevant, keep for another year. Repeat until no longer needed• Where no longer needed, destroy immediately
5.	Copies of criminal records checks	Keep for one year from date vetting decision was made and then destroy
6.	Offered-then-retracted, or accepted-then-declined job offers	Keep for one year from date of offer retracted or declined and then destroy

Joining/recruitment during employment

No.	Record type	Retention and disposition
7.	a) Vetting b) BPSS documents and supporting documents (e.g. copies of utility bills) c) Right to work	Keep for seven years from date of copy and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for another year. Repeat until no longer needed • Where no longer needed, destroy immediately
8.	Successful applications, interview notes and assessment results, sifting, supporting documents	Keep for three years from advert closing date or interview date and then destroy

At work

No.	Record type	Retention and disposition
9.	Record of Employment	Keep until employee is 85 years and then review: <ul style="list-style-type: none"> • If the employee is still employed, keep until the employee's last day of service plus one year • Otherwise, where operationally relevant, keep for a further three years. Repeat until no longer needed • Where no longer needed, destroy immediately
10.	Fitness tests	Keep for three years from last date of service and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately

No.	Record type	Retention and disposition
11.	<p>Pay:</p> <ul style="list-style-type: none"> a) Payslips b) P45s, P60s, P11Ds and related documents c) Childcare scheme d) Real Time Information in relation to absences, payments, pensions etc e) Real Time Information Migration details 	<p>Keep for seven years from last date of service and then review:</p> <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
12.	<p>Pay:</p> <ul style="list-style-type: none"> a) Pay and adjustments to pay b) Bonuses c) Allowances d) Unpaid absences e) Maternity, Paternity, Adoption, Paternal or Shared Parental leave f) Sick Pay g) Pensions g) Paid absences 	<p>Keep until employee is 85 years and then review:</p> <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
13.	<p>Leave:</p> <ul style="list-style-type: none"> a) Annual leave b) Public Holidays and Privilege Days c) Flexible working hours (flexi timesheet) 	<p>Keep for three years from end of employee leave year and then destroy</p>
14.	<p>Leave:</p> <ul style="list-style-type: none"> a) Maternity b) Paternity c) Adoption d) Paternal or Shared Parental leave 	<p>Keep until employee is 85 years and then review:</p> <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
15.	<p>Leave:</p> <ul style="list-style-type: none"> a) Special leave b) Injury leave c) Disability leave 	<p>Keep until employee is 85 years and then review:</p> <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately

No.	Record type	Retention and disposition
16.	Occupational sick pay override entitlements ²	Keep for seven years from last day of service and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
17.	a) Attendance management b) Sick leave c) Workplace Adjustments	Keep until employee is 85 years and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
18.	Return to Work Information	Keep for seven years from date of return to work and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
19.	Absence certification	Keep for seven years from point of closure and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
20.	Unsatisfactory Attendance Absence	Keep for seven years from end of improvement period and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately

² Occupational Health records, medical records and certificates are held by the supplier who has the contract for providing Occupational Health services to the MoJ. The contract states that records should be held for the legally prescribed period.

No.	Record type	Retention and disposition
21.	Poor performance	Keep for seven years from last date of last activity and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
22.	Unsatisfactory Attendance for Probationers Information	Keep for seven years from end of probation and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
23.	a) Discipline or capability cases, including appeals (Non-Dismissal) b) Discipline/capability including appeals (Non-Dismissal - Penalty not issued) c) Grievance and Appeals (Not upheld)	Keep for seven years from date case closed and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
24.	a) Discipline/capability (Dismissal) b) Grievance and Appeals (Upheld)	Keep until employee is 85 years and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
25.	Mediation	If upheld: Keep from seven years from date of last action and then destroy If not upheld: Keep from three years from date of last action and then destroy

No.	Record type	Retention and disposition
26.	Change of Legal Status (Marriage, Divorce, Death)	Keep until employee is 85 years and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
27.	Expenses and benefits in kind	Keep for seven years from end of financial year and then destroy
28.	Visas	Keep for one year from date sponsorship ends and then destroy
29.	Unaccepted severance quotes	Keep for one year from date of quote and then destroy
30.	Performance ratings	Keep for seven years from end of performance year and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
31.	Apprenticeship	Keep for three years from end of Apprenticeship and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
32.	Volunteering	Keep for three years from last day in service and then destroy
33.	Diversity information	Keep for three years from last date in service and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately

No.	Record type	Retention and disposition
34.	Data voluntary supplied by employees including: a) Professional Membership b) Reservist	Keep for three years from last date of service and then destroy
35.	Employee bank details	Keep for three years from last date in service and then destroy
36.	Corporate records held by People Group: Declarations of interest statements	Keep for seven years from last date in service and then destroy

Achieving

No.	Record type	Retention and disposition
37.	a) Performance including plans and objectives b) Talent and development c) Justice Academy	Keep for three years from end of current financial year and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately
38.	Honours	Keep for seven years from date of decision and then destroy

Leaving

No.	Record type	Retention and disposition
39.	Exit questionnaires	Keep for three years from last day in service and then destroy

No.	Record type	Retention and disposition
40.	Resignation, Termination, Pensions, Record of Service	Keep until employee is 85 years and then review: <ul style="list-style-type: none"> • Where operationally relevant, keep for three years. Repeat until no longer needed • Where no longer needed, destroy immediately

References

No.	Record type	Retention and disposition
41.	Any employment references or financial references issued	Keep for one year from date of reference and then destroy

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Signed: 6 March 2023