

Legal Aid Agency

Records Retention and Disposition Schedule

Introduction

1. This schedule has been drawn up following consultation between the Legal Aid Agency (LAA) 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, the Data Protection Act 2018, Freedom of Information Act 2000 and amending legislation. The MoJ uses Records Retention and Disposition Schedules (RRDSs) to manage its compliance with its statutory obligation to identify what we hold, how long we keep it and what should happen to these records at the end of that time.
3. The Legal Aid Agency's work is governed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and supporting rules. This schedule is split into three sections:
 - a. Records unique to the LAA
 - b. Records unique to the Public Defender Service (PDS)
 - c. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
4. 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 destruction of relevant records until 20 working days after the request is resolved.
5. 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: www.iicsa.org.uk/news/chair-of-the-inquiry-issues-guidance-on-destruction-of-documents.

6. While the Infected Blood Inquiry continues its investigations, the Legal Aid Agency 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: www.infectedbloodinquiry.org.uk/evidence/.
7. As part of its commitment to transparency, this schedule will be published on the MoJ's webpage: www.gov.uk/government/publications/record-retention-and-disposition-schedules.

The schedule

No.	Record type	Retention and disposition
1. Unique records held by Legal Aid Agency		
1.	Regional Business plans	Keep for seven years from date created and then destroy.
2.	Legal Aid Agency Executive Team papers	Keep for seven years from date created and then destroy.
3.	Legal Aid Agency annual report	Keep for six years from date of report and then destroy
4.	Legal Aid Agency framework document	Keep for seven years from the date it is superseded and then destroy
5.	Legal Aid Agency honours register	Keep for three years from the date of the last entry and then destroy
6.	Legal Aid Agency Committee papers	All committees: keep for seven years and then destroy
7.	Submissions to the Ministry of Justice and policy briefings to the Ministry of Justice	Keep for three years from year end and then destroy
8.	Legal Aid Agency Contract Review Body papers	Keep for seven years from date of issue and then destroy
9.	<ul style="list-style-type: none"> • Legal Aid Agency Code of Conduct • Legal Aid Agency security guidance 	Keep until superseded and then destroy

No.	Record type	Retention and disposition
	<ul style="list-style-type: none"> Security Training and Education Legal Aid Agency security policies 	
10.	Briefings for Non-Executive Directors of the Legal Aid Agency	Keep for three years from the date of the meeting and then destroy
11.	Statistical reports (Quarterly returns and annual returns)	Keep for until year end and a further two years and then destroy
12.	Legal Aid Agency internal audits (includes the auditing of legal aid providers) <ul style="list-style-type: none"> Audit Results Audit Reports Corrective action, audit results and correspondence following an audit 	Keep until next audit completed and then destroy Keep for three years from completion of audit and then destroy Keep until termination of contract and then destroy
13.	Legal Aid Agency <ul style="list-style-type: none"> Media Briefings Transcripts of Media Interviews Media Enquiries & Replies 	Keep for five years and then destroy
14.	Training Contract Grants Scheme	Apart from the exceptions listed below, keep for six years from expiry of agreement and then destroy Exceptions <ul style="list-style-type: none"> Unsuccessful Applications Keep for one year from rejection date and then destroy
15.	Court Duty Scheme (CDS) Duty Solicitor rotas	Keep for seven years from date of issue and then destroy
16.	Duty Solicitor applications (CRM12)	Keep for seven years from date of issue and then destroy
17.	Legal Aid Agency correspondence (other than Ministerial Correspondence), including Court Duty, complaints and representations	Keep for the remainder of the current year and for one further year (from date of response or last correspondence) and then destroy

No.	Record type	Retention and disposition
18.	Customer services quality control	Keep for one year and then destroy
19.	Digital live call recordings	Destroy once the enquiry has been completed, or at six months, whichever is the earlier.
20.	Criminal case files	Keep for seven years from date of final decision or date when debt has been discharged, if applicable.
21.	Civil applications case files refused and refused on appeal	Keep for two years from date of refusal and then destroy
22.	Appeal agenda papers	<ul style="list-style-type: none"> Where appeal is heard by the Special Controls Review Panel (SCRCP) or Committee, keep for two years from the date of decision and then destroy All other appeals keep for one year from date of decision and then destroy
23.	Civil case files ¹ - Statutory Charge Civil case files - Land Charge	Keep for three years from the date that the (statutory) charge is satisfied and then destroy
24.	Civil case files resulting in costs order	Keep for three years from date of resolution and then destroy
25.	Civil case files resulting in no charge	Keep for three years from the date of the final payment or discharge (whichever is the later) and then destroy
26.	Customer Services team files	Apart from the exceptions listed below, keep for one year from the date of the last entry/update and then destroy.

¹ Civil Applications funding granted forms are kept with the appropriate case file and the same retention/destruction period applies

No.	Record type	Retention and disposition
		Exceptions <ul style="list-style-type: none"> • TTRO representations Keep for three months from date of receipt and then destroy
27.	Weekly statistics Compensation files	Keep for one year from the date of production and then destroy
28.	Ombudsman statistics	Keep for two years from the date of production and then destroy
29.	Recovery services – accepted offers	Keep for seven years after debt has been discharged and then destroy
30.	Debts written off	Keep for seven years after debt has been discharged and then destroy
31.	Debit notes	Keep for seven years from the date that the debt is cleared and then destroy
32.	Recovery of Defence/Cost Orders	Keep for seven years from date of last payment and then destroy
33.	Black and Minority Ethnic (BAME) Staff Workshop Papers and ASPIRE Programme & related papers	Review when 10 years old and if no longer needed, destroy immediately. Where still required, keep for another 10 years and repeat the process until the item is no longer needed.
34.	All other equality and diversity records unique to the Legal Aid Agency	Keep for three years from date of production and then destroy
35.	All other equality and diversity records unique to the Legal Aid Agency	Keep for three years from date of production and then destroy
36.	Counter Fraud & Investigations All relevant case material used in support of prosecution and / or recovery action	<ul style="list-style-type: none"> • Investigation into Clients Keep for six years (plus an additional three years if recovery action is taken) from the

No.	Record type	Retention and disposition
		<p>conclusion of the investigation and then destroy</p> <ul style="list-style-type: none"> • Investigation into Providers Keep for six years (plus an additional three years if there is a conviction) from the conclusion of the investigation and then destroy
2. Records unique to the Public Defender Service		
37.	Public Defender Service business planning	Keep for three years from end date of plan and then destroy
38.	Public Defender Service solicitors' case files (all jurisdictions)	Keep for six years from date of closure and then destroy
39.	PDS Advocacy team's files for Crown Court cases	<p>Keep until case is closed.</p> <ul style="list-style-type: none"> • Paper files to be returned to instructing solicitors at the end of the case (as is the standard practice for barristers) • Electronic or paper copies of case materials downloaded or printed from the Crown Court Digital Case System to be destroyed at the end of the case
40.	Public Defender Service Advocacy Team's case records held on Meridian Legal Connect case management system (and any replacement systems)	Keep for six years from date of closure and then destroy
41.	Public Defender Service correspondence (other than Ministerial Correspondence)	Keep for the remainder of the current year and for one further year (from date of response or last correspondence) and then destroy
42.	Public Defender Service annual report	Keep for six years from date of report and then destroy
43.	Public Defender Service reference materials (including, but not limited to,	Keep until superseded and then destroy

No.	Record type	Retention and disposition
	client information brochures, best practice guides, training guides)	
3. Records managed by a common retention and disposition policy		
44.	Finance, including financial decisions, financial reports, and reporting documents	<p>Apart from the exceptions listed below, keep for seven years from the date of the last entry/update and then destroy.</p> <p>Exceptions</p> <ul style="list-style-type: none"> • Statement of Accounts and Reconciliation Summaries of Account Keep for two years from issue date and then destroy • Financial (non-personal) data retained for developing financial models Once separated from personal data, keep for 10 years. Where no longer needed, destroy immediately. Where still required, keep for another 10 years and repeat the process until the data is no longer needed.
45.	Contracts and the tendering process	<p>Apart from the exceptions listed below, keep for six years from the date that the contract ends and then destroy.²</p> <p>Exceptions</p> <ul style="list-style-type: none"> • Unsuccessful Tender Documents Keep for one year from rejection date and then destroy • Unsuccessful Applications for contracts Keep for one year from refusal date and then destroy • Contract Notices Keep for three years from end of contract notice and then destroy
46.	Business continuity plans	Updated annually. Keep previous versions for three years and then destroy.

² Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years

No.	Record type	Retention and disposition
47.	Risk management	Keep for seven years from the date of the last entry/update and then destroy.
48.	Other corporate information (for the whole agency)	Keep for three years from date of last entry/update and then destroy.
49.	Litigation (against LAA)	Keep for six years from the closure of proceedings and then destroy
50.	HR information (held by line managers)	Keep and destroy in line with the <i>What to keep</i> guidance ³
51.	Freedom of Information Act and Data Protection Act responses	Keep for three years from the date of the last correspondence unless requests are investigated by the Information Commissioner (ICO). ICO investigations should be reviewed four years after last correspondence/folder closed.
52.	Records confirming destruction of records	Keep for 99 years and then destroy. ⁴
53.	Parliamentary Questions (PQs) and Select Committees	Keep for two years from date of response and then destroy.
54.	Ministerial Cases (MCs)	Destroy five years after date of response unless there is ongoing correspondence, in which case keep until five years from the date of the last correspondence and then destroy.
55.	All other types of record not specified above, including copies of records	Keep for three years from date of last entry, or year end, and then destroy.

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

⁴ Personal data will only be kept where necessary to identify a specific record. This information retained as evidence of a record's destruction that can be provided to a Statutory Inquiry if requested.

No.	Record type	Retention and disposition
	which are owned by other business areas ⁵	

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⁵ If the business identifies record types which need a new retention period, they should contact the DRO's team.

