

RETENTION OF DOCUMENTS POLICY

1.0 INTRODUCTION

1.1 This policy describes our arrangements for ensuring that we retain legal and other designated documents or information for the length of time required either by legislation or current good practice.

1.2 We are required to retain specific documents or information to comply with a range of legislation, e.g. Companies Acts, Health & Safety at Work Act etc., or with regulations and guidance issued by statutory organisations such as HMRC or OSCR (Office of the Scottish Charities Regulator).

In this policy the terms ‘documents’ and ‘information’ include items which are ‘personal’ or ‘sensitive’ data, as defined by the Data Protection Act 1998.

1.3 This policy complies with Regulatory Standard 1.2 which states:

The RSL’s governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.

2.0 RETENTION OF DOCUMENTS

2.1 We will retain documents and information for at least the minimum statutory period required, or to comply with ‘good practice’ guidance issued by organisations such as the National Federation of Housing Associations, Scottish Federation of Housing Associations, Chartered Institute of Housing, Disclosure Scotland, The Scottish Council on Archives etc.

In specific cases we may also retain documents for longer than the minimum required, e.g. for historical reasons, or where a claim that may be complicated is anticipated.

2.2 To comply with our [Sustainability Policy](#), documents and information will, unless otherwise specified, be held electronically.

2.3 The documents and information that we will retain, and the retention period for each item, are listed in Appendix 1. This list will be revised and updated whenever any relevant new legislation is passed or formal guidance is issued.

2.4 The appropriate Director or Manager will:

- set up the required archive files – electronic or hard copy;
- if required, arrange for hard copy documents to be stored securely, either at Head Office or in commercial off-site premises; and
- ensure that, where documents are to be held for a designated period only, at the end of that period electronic items are deleted from the system, and hard copy items are destroyed, and where destruction occurs off-site, a ‘certificate of destruction’ is provided by the contractor.

3.0 IMPLEMENTATION & REVIEW

3.1 The Chief Executive has overall responsibility for ensuring that this policy is implemented.

3.2 The Chief Executive, each Director and Manager are responsible for ensuring that:

- documents and information for which they are responsible are retained for the length of time prescribed in this policy;
- documents and information are retained in the appropriate format, i.e. either in hard copy or electronically;
- where hard copies are retained, that they are held in appropriate secure storage; and
- documents to be disposed of are either recycled if they do not contain any personal or sensitive data, or are destroyed under confidential arrangements.

3.3 The Chief Executive is responsible for ensuring that this policy is reviewed at least every 3 years.

Approved by the Senior Leadership Team:	May 2017
Approved by the Board of Management:	June 2017
Next review due by:	June 2018

References & sources

Registrar of Industrial & Provident Societies
HM Customs & Revenue (HMRC)
National Federation of Housing Associations
Scottish Federation of Housing Associations
Office of the Scottish Charities Regulator (OSCR)
Care Inspectorate: Guidance on Records that All Registered Care Services must keep
Scottish Council on Archives Local Authority Retention Schedules for Adult Care
Professional organisations, e.g. T C Young, Solicitors, The Internal Audit Association (TIAA)
Companies Acts 1985 & 2006
Data Protection Act 1998
Health & Safety at Work etc. Act 1974 (and supporting Regulations)
Limitation Act 1980
Taxes Management Act 1970
Pensions Acts 1995 & 2004
Equality Act 2010
Protection of Vulnerable Groups (Scotland) Act 2007
Police Act 1997 (Part V)
SMP/SSP and related Regulations
Employer's Liability Regulations

RETENTION OF DOCUMENTS - SCHEDULE

ITEM	RETAIN FOR	FORMAT	RESPONSIBLE
Governance			
Association Rules (Constitution)	Permanent	Electronic	Chief Executive
Registration Certificates (Registered Society, SHR)	Permanent	Electronic	Chief Executive
Annual returns to FSA, SHR, OSCR etc.	Permanent	Electronic (scanned if required)	Chief Executive
Annual returns – working papers	3 years	Electronic	Chief Executive
Register of Members & Share Certificates	Permanent	Electronic (Register) Electronic (Certificates)	Chief Executive
AGM & EGM minutes (signed copy)	Permanent	Paper (for current & previous years) then electronic (scanned)	Chief Executive
Register of Board Members	Permanent	Electronic	Chief Executive
Board & Sub-Committee minutes (signed copies)	Permanent	Paper (for current & previous years) then electronic (scanned)	Chief Executive
Sub-Committee minutes (unsigned)	Permanent	Electronic	Chief Executive
Senior Leadership Team minutes	Permanent	Electronic	Chief Executive
Declarations of Interest/Register of Interests Register of Benefits or Payments to Board/Staff	Permanent	Electronic	Chief Executive
Register of Undertakings & Seal Register	Permanent	Paper and Electronic	Chief Executive
Register of Interests	Permanent	Electronic (scanned)	Chief Executive
Register of Disposals (Section 107 Register)	Permanent	Paper	Chief Executive
Complaints records	5 years (from final reply)	Electronic	Chief Executive
Business Plan	5 years (from completion)	1 st year – paper, then electronic	Chief Executive
Policies – current versions	Permanent	Electronic	Chief Executive
Policies – all previous versions	Permanent	Electronic	Chief Executive

ITEM	RETAIN FOR	FORMAT	RESPONSIBLE
Insurance			

Policies	3 years after lapse	Electronic (scanned if required)	Head of Quality & Compliance
Annual insurance schedule	6 years	Electronic (scanned if required)	Head of Quality & Compliance
Employer's Liability Insurance Certificate	40 years	Electronic	Head of Quality & Compliance
Indemnities and guarantees	6 years after expiry	Electronic	Head of Quality & Compliance
Claims correspondence	3 years after settlement	Electronic (scanned if required)	Head of Quality & Compliance
Finance, Accounting & Tax			
Annual accounts & annual review – signed copy	Permanently	hard copy or scanned	Director of Finance & Housing
Financial records – including purchase & sales ledgers, cash, VAT, journals, In Trust accounts	6 years after year end	hard copy or scanned	Director of Finance & Housing
Tax returns and records	6 years from year end	hard copy or scanned	Director of Finance & Housing
Budgets & internal finance reports	2 years	Electronic	Director of Finance & Housing
HAG documentation	6 years after project end	hard copy or scanned	Director of Finance & Housing
Cheque books, pay-in books	6 years after last date	Hard copy	Director of Finance & Housing
Bank statements	6 years after year end	hard copy or scanned	Director of Finance & Housing
Contracts and Agreements			
Contracts under Seal and/or executed as deeds	12 years after project end incl. defects period	1 st year – hard copy, then scanned	Director of Finance & Housing
Contracts for the supply of goods & services, incl. professional services and agreements with Local Authorities on support packages	6 years after contract end	1 st year – hard copy, then scanned	Director of Finance & Housing
Loan agreements	12 years after last payment	1 st year – hard copy, then scanned	Director of Finance & Housing

ITEM	RETAIN FOR	FORMAT	RESPONSIBLE
Contracts and Agreements (cont'd)			
Licensing, rental and hire purchase agreements	6 years after expiry	1 st year – hard copy, then scanned	Director of Finance & Housing
Indemnities and guarantees	6 years after expiry	1 st year – hard copy, then scanned	Director of Finance & Housing
Documents relating to successful tenders	6 years after contract end	1 st year – hard copy, then scanned	Director of Finance & Housing
Documents relating to unsuccessful tenders	2 years after notification	1 st year – hard copy, then scanned	Director of Finance & Housing
Care and Support			
Service file- Residential Home/ Home Care/ Housing Support Services- major records such as strategy, planning, monitoring, register of admissions and discharges, visitors books, meetings, correspondence	6 years from current	Hard copy	Director of Care and Support
Service file- Residential Home/ Home Care/ Housing Support Service management records- minor records	2 years from current	Hard copy	Director of Care and Support
Notification records from a residential home/home care/ Housing Support service to the Scottish Commission for the Regulation of Care- eg Death of service user, details of medication administered to service user without their consent (or the consent of people authorised to consent on their behalf), the appointment of a manager for a home care service, proposed absence of a manager of a home care service for a continuous period of 28 days or more , proposed changes to the management of a home care service	3 years from current	Hard copy	Director of Care and Support
Case file – client- Records documenting the preparation, review and revision of a 'personal plan' for a service user, financial transactions undertaken for a service user; administration of medicines to a service user; Liaison with social workers regarding the type of care being provided to a service user or problems with providing home care.	Either: 5 years from termination of service provision (eg termination of contract) or 3 years from death of service user	Hard copy	Director of Care and Support
Employment			
Former employees' personnel records, including copy contracts, sickness records, references to	6 years from termination	1 st year hard copy, then scanned	Director of People and Organisational

other employers etc. (excl. ID & Disclosure details – removed)			Development
General statements of Terms & Conditions	6 years from date replaced	Electronic	Director of People and Organisational Development
Former employees - training records database	50 years from termination	Electronic	Director of People and Organisational Development
Applications/Interviews: Unsuccessful applications, shortlists, interview notes	6 months after interview	Hard copy	Director of People and Organisational Development
Trade union agreements	10 years from date replaced	Electronic (scanned)	Director of People and Organisational Development
Employment (cont'd)			
Salary/wage details incl.: PAYE, NI, P45, P60, SSP, Mat. pay, expenses etc. – current staff	Duration of employment	Electronic	Director of People and Organisational Development
Salary/wage details incl.: PAYE, NI, P45, P60, SSP, Mat. pay, expenses etc. – former staff	6 years from termination	Electronic	Director of People and Organisational Development
Redundancy details, payments & refunds	12 years from termination	1 st year hard copy, then scanned	Director of People and Organisational Development
Pension schemes			
Actuarial valuations	Permanently	Electronic (scanned)	Director of Finance & Housing
Pension fund contribution returns	Permanently	Electronic (scanned)	Director of People and Organisational Development
Annual reconciliations of fund contributions	Permanently	Electronic (scanned)	Director of People and Organisational Development
Money purchase details	6 years after transfer or value taken	1 st year hard copy, then scanned	Director of People and Organisational Development
Qualifying service details	6 years after transfer or value taken	1 st year hard copy, then scanned	Director of People and Organisational Development
Pensioner records	12 years after benefits cease	Electronic (scanned)	Director of People and Organisational Development
Records relating to retirement benefits	6 years after	1 st year hard copy,	Director of People and Organisational

	retirement	then scanned	Development
Health & Safety (H & S)			
Incident reports (including accidents)	10 years from incident date	Electronic	Head of Quality & Compliance
H & S assessments, Risk Assessments	While they are relevant*	Electronic (scanned)	Head of Quality & Compliance
Consultations, meetings etc. with safety reps.	Permanently	Electronic	Head of Quality & Compliance
Health & Safety statutory notices	5 years after compliance	Electronic (scanned)	Head of Quality & Compliance
*‘Relevant’ above means ‘whilst the associated work task or activity is being undertaken, and risks are identified as part of that task or activity, and for a period of 3 years after the activity or task has ceased’			
Tenancy records			
Current tenant files – application form, tenancy agreement, housing benefit notifications	Duration of tenancy	Hard copy	Head of Housing Services
Former tenant files – excl. non-essential details NB: Data Protection requirements re. details received from 3 rd parties - Police, Social Work etc. - e.g. re. anti-social behaviour cases	3 years	1 st year hard copy, then scanned	Head of Housing Services
Cancelled applications	3 months from cancellation	Hard copy	Head of Housing Services
Rent payment records	6 years after year end	Hard copy	Head of Housing Services
Property records			
Lease of property from/to another agency/organisation	12 years after end of lease	1 st year hard copy, then scanned	Director of Finance & Housing
Abstracts of title	12 years after interest ceases	1 st year hard copy, then scanned	Director of Finance & Housing
Planning & Building Control permissions	12 years after interest ceases	1 st year hard copy, then scanned	Head of Property & Maintenance
Property maintenance records – general repairs, planned/cyclical maintenance, major repairs, improvements	Permanent (or until no longer used/owned)	Electronic, or current plus 1 st year paper then scan	Head of Property & Maintenance
Property maintenance records – annual/statutory safety or maintenance checks	Permanent (or until no longer used/owned)	Electronic, or current plus 1 st year paper then scan	Head of Property & Maintenance
Development/refurbishment projects - general	12 years after all	1 st year hard copy	Head of Property &

	issues settled	then scanned	Maintenance
Development/refurbishment projects – building plans, Health & Safety files	Permanent (or until no longer used/owned)	Hard copy or scanned, depending on requirements	Head of Property & Maintenance
Consultants reports, professional opinions	6 years from receipt	Electronic, or 1 st year hard copy & scanned	Head of Property & Maintenance
HMO License	Duration of valid period	Hard copy	Head of Property & Maintenance
Expired HMO License	Last valid copy only	Hard copy	Head of Property & Maintenance