



# Phoenix Community Care Ltd Foster Care Agency Policy & Procedure

## 0223 - Records – Preservation, Retention and Destruction

Version	Written	Updated/ Reviewed	Scheduled Review Date	Author/ reviewer	Approving Body	Date Approved
1	Oct 2013		Oct 2014	J A Coates	PCC Foster Directos	5.2.14
		Jan '15	Jan '16	J A Coates	PCC directors	Feb '15
		July '16	Juy'19	J A Coates	PCC Directors	July'16

## **Scope**

This policy applies to all PCC Foster Care Agency's employees, including:

- Permanent staff
- Voluntary staff
- Placements and Work Experience
- Temporary staff

## **Purpose**

To inform staff of the PCC Foster Care Agency requirements in relation to retention and destruction and what is expected of them.

To ensure that PCC Foster Care Agency complies with the relevant legislation and codes of practice.

## **Introduction**

PCC Foster Care Agency is committed to fulfilling its duties and responsibilities in regard to the preservation, retention and destruction of the records as outlined in the:

- Foster Service Regulation 2011 (Sections 22, 30, 31, 32)
- Foster Services: National Minimum Standards 2011 (Standard 26)
- Data Protection Act 1998
- Freedom of Information Act 2000 (Section 46)
- Public Records Act 1958.
- Common Law on Confidentiality

This document will apply to all information recorded and held by PCC Foster Care Agency, both corporate, health records and service user's records in any format. This document provides the procedures for the preservation, retention and destruction of all records.

Common Law on Confidentiality

## **Responsibilities**

### Directors

PCC Directors has overall responsibility for record management in PCC. As accountable persons they are responsible for the management of the organisation and for ensuring appropriate mechanisms are in place to support service delivery and continuity.

PCC has a particular responsibility for ensuring that it corporately meets its legal responsibilities, and for the adoption of internal and external governance requirements.

### Departmental Managers

Departmental Managers are responsible for raising issues to the PCC board of Directors as appropriate.

All members of staff

Must be aware of this policy and store and destroy records according to this policy and procedure.

### **Storage of personal data**

Locked cabinets

All personal data whether that of Directors, employees, foster carers, looked after children, service users or any of persons linked to PCC, will be stored in filing cabinets or cupboards that are lockable and only authorised personnel will hold the keys.

### **Preservation, retention and destruction of records**

Retention and destruction schedule

PCC Foster Care Agency has an approved retention and destruction schedule in place that identifies the retention periods for a number of records.

The retention and destruction schedule should be regularly reviewed but as a minimum at least every two years. Details of the schedule are included in this document.

Appraisal of records

Records should be appraised in line with the Retention and Destruction Schedule to determine whether they should be retained or destroyed.

Records for permanent preservation

If material is in a category selected for permanent preservation, the original document must be preserved.

The records that should be permanently preserved are indicated in the Retention and Destruction Schedule.

Records that are the subject of a request for information under the Freedom of Information Act 2000

It is essential that all records that are the subject of a request for information under the Freedom of Information Act 2000 should be retained until the processing of the request for information is completed.

Destruction of records that are not identified on the Retention and Destruction Schedule

For all records that need to be destroyed, that are not identified on the Retention and Destruction Schedule, a review should take place as to whether the record should be retained.

The Directors should be contacted and if the destruction of the record(s) is appropriate they will authorise the destruction. The Departmental Manager will log all decisions to destroy the records, recording:

- the title and description of the record
- the date of the request to destroy the record
- the reason destruction has been requested
- the date authorisation was given to destroy the record.

#### Destruction of electronic records

Records held in a network folder/ email server must be deleted from the system (and from the recycle bin). For records held on mobile devices, if the mobile device is being reused then the record should be simply deleted from the device. If the device and its records are no longer of any use, it must be disposed of securely.

#### Destruction of paper records

Paper records that contain personal identifiable or business confidential information must be destroyed securely by:

- shredding

Records that are not confidential can be destroyed locally in waste bins.

### **PCC retention and destruction schedule**

#### General

- Minute books/files will be kept forever. These are legal documents and must not be destroyed. These will be kept in a secure cabinet/storage area.
- Title deeds, leases, agreements etc. will be kept whilst the organisation owns/occupies property/land. These will be kept in a secure cabinet/storage area.
- Insurance documents, Certificates of Employer's Liability and Public Liability will be kept as required by law, which is currently 40 years.
- The organisation will keep documents as required by individual funders.

#### Statutory accounts and all supporting paperwork

- Statutory accounts and all supporting documentation are to be retained for six years plus the current year.

## HR records retention period

- Application forms for candidates are to be retained for six months after notifying the unsuccessful candidate.
- Application forms – duration of employment.
- References obtained from third parties – one year.
- Sickiness and leave records – three years after the end of each tax year.
- Statutory maternity pay records to be retained for three years after the end of the tax year in which the maternity period ends.
- Records relating to accident or injury at work – three years.
- Annual appraisal records – five years.
- Redundancy details to be retained six years after employment has ceased.
- Promotion, transfer, training and disciplinary records – one year from end of employment.
- Payroll records, P45, other HMRC documentation and forms to be retained for six years plus current year.
- Personnel file will be retained for two years after employment terminates. After this time the file will be destroyed and a summary or record of service e.g. name, position held, dates of employment, etc. will be retained for ten years from end of employment. This will include references given or details retained to enable reference to be provided for future employment.

## Records of Looked After Children

Files of children who are looked after, or who cease to be looked after before the age of 18 years, should be retained completely intact until the 18th birthday is reached.

When children who have previously been looked after reach the age of 18 or they cease being looked after at 18 take the following actions immediately:

- Examine the file and give any personal document to the child. This will include birth and baptismal certificates, photographs and any other documents that help to support a sense of identity. In the case of a deceased child, these documents should be given to the parents or next of kin where this is considered appropriate.
- Remove and destroy all documents on the file, which are of a routine nature including forms relating to such matters as clothing, employment, and holidays. Provide evidence of such destruction in list form to be recorded as “Routine culling of (describe which type of documents) took place on... (insert date) by... (insert name)”. In addition, destroy documents that duplicate information already recorded elsewhere on the file.
- Retain the file for 75 years from the child's date of birth OR, if the child has died before attaining the age of 18, for the period of 15 years from the date of death or at the age of 18 whichever is the later. As soon as the case is closed, store the files by:
  - Scanning them into a named file on the computer
  - Condense the file
  - Save the file in ‘Archived Files’
  - Record the person’s name, DOB, when they came into the care of PCC and When they moved on from PCC, on the spread sheet entitled past clients.

- The paper file will then be archived in the attic.

### **Records of Foster Carers**

The retention period for records of foster carers is 10 years after approval has ended under satisfactory circumstances. As soon as approval has ended, all existing material and records should be archived by:

- Scanning them into a named file on the computer
- Condense the file
- Save the file in 'Archived Files'
- Record the person's name, DOB, when they came into the care of PCC and When they moved on from PCC, on the spread sheet entitled 'Past Clients'.
- The paper file will then be archived in the attic.

### **Destruction of records**

Once a record has surpassed the required retention period it should be destroyed and logged in the following manner:

- All paper records should be shredded.
- All electronically saved files should be deleted
- The person's entry on PCC's spreadsheet entitled 'Past Clients' should now contain the entry 'File Destroyed'.

All electronic records and files are regularly backed up and if and when PCC's systems are updated all files and records are transferred and this policy and procedure will be updated to include any changes in procedure. When a file is destroyed it is removed from the master file and any copied or backed up systems that may exist.