

# West Sussex County Council Adults' Services Retention Schedule

## Introduction

The County Council's record retention and disposal schedule for Adults' Services has been developed by the Records Management Service in collaboration with Adults' Services and the Data Protection team. The schedule applies to both hard copy and electronic records.

This retention schedule identifies all the activities in the Adults' Services department and the record types that exist within them. Each of these record types has then been allocated a retention period based on legislation, business need, best practice, or a combination of these. The schedule also includes information on what happens to records once they pass their retention period. This is usually either confidential destruction or appraisal for possible permanent preservation in the corporate archive.

The schedule is a vital tool to ensure the council complies with the Data Protection Act 2018 and UK GDPR.

## Why this schedule is important

Adults' Services produce a large number of records relating to individuals, administration, finance and more. It is vital that these records are organised in a manner that makes them retrievable and retained for a suitable period of time.

The council has a legal duty not to retain information longer than is necessary, as outlined in the [Principle \(c\): Data minimisation](#) of UK GDPR. It is also important that council resources are not being used to store records and data that are no longer required, whilst also ensuring these are not destroyed or deleted too soon. Having a fully implemented, comprehensive and regularly updated retention schedule enables the council to meet these legislative duties.

A further explanation as to why a retention schedule is important can be found on the Information Commissioner's Office website as part of [Principle \(e\): Storage Limitations](#) of UK GDPR.

## Using the Record Retention and Disposal Schedule

The retention schedule is not based on the current directorates and business units of the council, but rather the overall functions and activities. This means it will remain relevant in the event of future re-structuring or renaming of directorates and business units.

## Definition of terms

Term	Definition
Function	The top-level function within the County Council, e.g. Children's Services
Activity	The activity within the function, e.g. social care
Code	A unique code given to each record type
Record Type	The different types of record used to carry out the activity, e.g. case file
Retention Period	The number of years the record type should be retained before being reviewed for destruction or permanent archive
Retention Period Calculated From	The point at which the retention period begins. This may be the date of birth or the last contact with an individual, the end of a contract, or something else
Statutory Provision / Justification	The reason for the retention period. This is usually based on legislation, business need, best practice or a combination of these
Contains Personal Data?	Yes/No - Does the record type contain any of the following information about an individual: name, address, telephone number, email address or any other information that could identify the individual?
Action	A description of what happens once the retention period is up. This will usually be that the record will be reviewed for destruction or further retention, or appraised for permanent preservation in the County Archives
Additional Notes	Any additional information or caveats relating to the record type, the retention period or the action
Fileplan	List of functions, activities, and record types to form the main reference tool of the retention schedule

### **When should information be retained beyond agreed retention schedule?**

Information may occasionally be retained beyond the agreed retention period. The 'Retention Period Calculated From' date may begin again if:

- a case has been re-opened;
- a new case activity has occurred relating to the individual;
- it is felt there is an ongoing business or care need to retain the record; or
- an inquiry or police investigation require a record or group of records to be retained

### **Destruction process**

Paper records authorised for destruction are confidentially destroyed. Electronic records are deleted from council systems.

### **What items go into permanent archive?**

When a record has been designated for destruction or deletion it may be randomly selected or appraised by an archivist from the West Sussex Record Office to determine if it holds historical value. If this is the case, it may be retained permanently in the council's corporate archive.

### **Limitations**

Many types of record do not have specified retention periods in law or in official local government guidance. To develop this schedule, departments have reviewed and provided updates for their areas to establish a 'best practice' retention period where there is not one in legislation. Further, a review of the best practices adopted by some other local authorities was conducted during the creation of the schedule.

Deleting information from a system is not always a straightforward matter. Where an IT system does not allow for part-deletion of a record, the Council will consider data protection legislation and guidance from the Information Commissioner's Office (ICO).

## The Retention Schedule

### Adult Services

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
<b>AS1 Social Care</b>							
AS1.1	Case record of customer living at home – such as contact information, assessments and care plans	8 years	Last Activity	Records Management Code of Practice 2021 - NHSX	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a
AS1.2	Case record of customer living at home – such as contact information, assessments and care plans (deceased)	8 years	Date of death	Best practice / business need	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a
<b>AS2 Occupational Therapy</b>							
AS2.1	Occupational Therapy Case Record	8 years	Last Activity	Best Practice and in line with Adult Social Care Case record retention	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a
<b>AS3 Mental Health</b>							
AS3.1	Mental Health Case Record	20 years	Last Activity	Records Management Code of Practice 2021 - NHSX	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	Covers records made where the person has been cared for under the Mental Health Act 1983 as amended by the Mental Health Act 2007. This includes psychology records.
AS3.2	Mental Health Case Record (deceased)	10 years	Date of death	Records Management Code of Practice 2021 - NHSX	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	Covers records made where the person has been cared for under the Mental Health Act 1983 as amended by the Mental Health Act 2007. This includes psychology records.
AS3.3	Customer record relating to the Deprivation of Liberty Safeguards (DoLS), Mental Capacity Act 2005	20 years	Last Activity	In line with Mental Health case record	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a
AS3.4	Customer record relating to the Deprivation of Liberty Safeguards (DoLS), Mental Capacity Act 2005 (deceased)	8 years	Date of death	In line with Mental Health case record (deceased)	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a

West Sussex County Council Adults' Services Retention Schedule – June 2024

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
<b>AS4 Financial Information</b>							
AS4.1	Financial records	8 years	Last Activity	This information is likely to be included in case file so retention period mirrors that of the case file	Y	Review and if no longer needed destroy	n/a
AS4.2	Ordering and stock control	8 years	Last Activity	This information is likely to be included in case file so retention period mirrors that of the case file	N	Review and if no longer needed destroy	n/a
AS4.3	Payments documentation	8 years	Last Activity	This information is likely to be included in case file so retention period mirrors that of the case file	Y	Review and if no longer needed destroy	n/a
AS4.4	Banking and cheque documentation	8 years	Last Activity	This information is likely to be included in case file so retention period mirrors that of the case file	N	Review and if no longer needed destroy	n/a
AS4.5	Customer financial records	8 years	Last Activity	This information is likely to be included in case file so retention period mirrors that of the case file	Y	Review and if no longer needed destroy	n/a
AS4.6	Appointeeship and Lasting Power of Attorney records	8 years	Last Activity	This information is likely to be included in case file so retention period mirrors that of the case file	Y	Review and if no longer needed destroy	n/a
AS4.7	Budget monitoring files	8 years	Last Activity	This information is likely to be included in case file so retention period mirrors that of the case file	N	Review and if no longer needed destroy	n/a
<b>AS5 Safeguarding</b>							
AS5.1	Adult safeguarding record	10 years	Last Activity	Limitation Act 1980 + best practice	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a
AS5.2	Adult safeguarding record (person deceased)	8 years	Date of death	Limitation Act 1980 + best practice	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a

West Sussex County Council Adults' Services Retention Schedule – June 2024

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
AS5.3	Overarching safeguarding cases (OSARS)	10 years	Date of closure of the overarching safeguarding enquiry	Best practice	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a
<b>AS6 Residential / Day Care</b>							
AS6.1	Customer in residential care	8 years	Last Activity	Records Management Code of Practice 2021 - NHSX	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a
AS6.2	Customer in residential care (person deceased)	8 years	Date of death	Best practice / business need	Y	Review and if no longer needed destroy. Retain 5% sample for archive or those with historical or archival significance	n/a
AS6.3	Staff timesheets	8 years	Date of timesheet	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.4	Statement and aims and objectives of the establishment	8 years	When superseded	Limitation Act 1980 + best practice	N	Reviewed for archive	n/a
AS6.5	Daily register	8 years	Last date on register	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.6	Admission and discharge records	8 years	Last date on record	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.7	Medical and dental records	8 years	Last date on record	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.8	Administration of medicines	8 years	Last date on record	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.9	Scale of charges	8 years	Last date on record	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.10	Staff rosters	8 years	Last date on record	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.11	Official inspection records	8 years	Date of inspection	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.12	Notification of customer absence, accident, illness or death	8 years	Date of incident	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.13	Notification of staff accidents	8 years	Date of accident	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.14	Fire drill tests and procedure	8 years	Last date on record	Limitation Act 1980 + best practice	N	Reviewed for archive	n/a

West Sussex County Council Adults' Services Retention Schedule – June 2024

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
AS6.15	Fire equipment maintenance	8 years	Date of maintenance	Limitation Act 1980 + best practice	N	Reviewed for archive	n/a
AS6.16	Food provided	8 years	Last date on record	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.17	Complaints log	8 years	Date of last complaint	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
AS6.18	Visitors Book	8 years	Date of last visit in book	Limitation Act 1980 + best practice	Y	Reviewed for archive	n/a
<b>AS7 Staff Supervision</b>							
AS7.1	Supervision record	4 months	End of employment	Health and Safety at Work Act + best practice	Y	Review and if no longer needed destroy	n/a
AS7.2	Supervision records where there has been an injury at work	40 years	Date of record	Health and Safety at Work Act + best practice	Y	Review and if no longer needed destroy	n/a
AS7.3	Supervision records where the employee had died in the course of their work	40 years	Date of record	Health and Safety at Work Act + best practice	Y	Review and if no longer needed destroy	n/a
AS7.4	Appraisal (previously known as Personal Development Review)	7 years	End of employment in that particular team	Limitation Act 1980	Y	Review and if no longer needed destroy	n/a
AS7.5	Disciplinary	7 years	Closure of case	Limitation Act 1980	Y	Review and if no longer needed destroy	n/a
<b>AS8 Complaints</b>							
AS8.1	Stage 1 Complaints by or about people in contact with Adults' Services and their own care and support	2 years	Last contact	The two-year period enables Adults' Services to access the record in the event of a further or repeat complaint. The legal advice (received 14th October 2016) is that there is no good business reason to extend this retention period for a complaint record, provided the issues dealt with by the complaint are also copied to the person's care record.	Y	Review and if no longer needed destroy	Any formal complaint record that is managed and kept separately from a person's documented case records will be kept according to these timeframes. A copy of the specific complaint and any issues about service delivery to the person will also be kept on the care record.

West Sussex County Council Adults' Services Retention Schedule – June 2024

Code	Record Type	Retention Period	Retention Period Calculated From	Statutory Provision / Justification	Contains Personal Data?	Action	Additional Notes
AS8.2	Stage 2 (complaints to the Local Government and Social Care Ombudsman) Complaints by or about people in contact with Adults' Services and their own care and support	6 years	Last contact		Y	Review and if no longer needed destroy	Any formal complaint record that is managed and kept separately from a person's documented case records will be kept according to these timeframes. A copy of the specific complaint and any issues about service delivery to the person will also be kept on the care record.
AS8.3	Complaints relating to the business of Adults' Services	7 years	From resolution	Limitation Act 1980	Y	Review and Destroy	n/a
<b>AS9 Substance Misuse</b>							
AS9.1	Records for customers who misuse drugs and alcohol	8 years	Last Activity	In line with case file	Y	Review and Destroy	n/a
<b>AS10 Visual / Hearing Impairment</b>							
AS10.2	Register of visual impairment	3 years	Date of Death	Section 77(1) of Care Act 2014 Statutory Guidance 22.4.	Y	Review and Destroy	n/a
AS10.3	Register of hearing impairment	0 years	Date of Death	Best practice - no statutory requirement to retain after date of death	Y	Review and Destroy	n/a
<b>AS11 Radicalisation</b>							
AS11.1	Records relating to the activities of the Channel Panel including case records	6 years	Date individual is no longer on the programme	Home Office Channel Panel data privacy information notice	Y	Review and Destroy	Individual is deemed no longer in the programme once the 12-month review (after closure of case) is complete

## West Sussex County Council Adults' Services Retention Schedule – June 2024

### Footnotes

1. If there are other people who are contacts of a person, and they themselves have never had any services, nor are they connected to other service users, then their record will be deleted / destroyed at the same time
2. Where the care IT system does not allow for part-deletion of a record, the longest retention period for the different classes of data within the record will apply
3. Where a person's record is clearly marked as 'potentially violent', 'a danger to children' the record will be retained until that person's death
4. Owing to changes in systems, functionality and practice over time, it is not possible to be certain that the correct classification of the person records relative to the schedule is made in all cases. The best assessment will be made with the information available.
5. Where a person record for a living person with a service history is outside their retention period, but is also acting as a contact for a case which is inside its own retention period, the person record will be retained until the related case also falls outside retention.
6. For the purposes of retention and deletion, persons with care records suggesting they are 120 years of age or older will be considered as deceased.