

North Yorkshire County Council

Health and Adult Services

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| Title | Retention and Destruction of Health and Adult Records Procedure |
| Document type | Procedure held in Section 5.4 in the General Procedures on the Health and Adult Services procedures site on the intranet. |
| Author | Maureen Howard, Principal Officer (Performance and Change). |
| Approved by | Approval by Anne Marie Lubanski Assistant Director on behalf of the Health and Adult Services Leadership Team |
| Approval date | 27.5.14 |
| Issue date | June 2014 |
| Review date | June 2015 |
| Reviewing officer | Maureen Howard Principal Officer (Performance and Change) |

Introduction

1.1 This procedure lists the required periods of retention for case records and other records when they are closed which are held within Health and Adult Services. Once these retention periods have been reached the records must be securely destroyed. This procedure should also be used in conjunction with the other procedures in Section 5 of the General Procedures on the intranet and these are listed below. This procedure should also be used in conjunction with the corporate policies at 1.3 below.

The policy statement for this procedure is:

'It is the policy of Health and Adult Services that personal information about people who wish to use Health and Adult Services will be collected, recorded, stored and used in accordance with statutory requirements and guidance for the proper use and safeguarding of that information'

Section 5 of the General Procedures Manual

Section 5(1) Health and Adult Services Case Recording Procedure
Section 5(2) Health and Adult Services Records Policy and Procedures
Section 5(3) Confidentiality of Personal Health and Adult Services Records Procedure
Section 5(5) Open, Closed and Transfer of Health and Adult Services Cases Procedure.
Corporate policies and procedures at ICT policies as follows;

Email policy
Internet usage policy
Social media policy
Portable media and encryption policy
Information security; and
Information security – incident reporting policy and procedure

Scope

- 1.2 This procedure should be used by Health and Adult Services staff in all areas of the County.

Equality and Diversity

- 1.5 Our policies and procedures support the commissioning and delivery of services that meet the needs of communities and individuals. Ensuring equity of access and outcomes is central to this. In developing and applying our policies and procedures, we will take account of:

Equality and diversity
Anti-discriminatory practice
Dignity and respect
Human Rights

Contact Points

- 1.6 Care Services Managers
Team Managers
Registered Managers
START Managers
Finance and Support Managers
Business Support Manager
Business Support Team Leaders
Managers of Community Mental Health Teams and Learning Disability Teams
NYCC Legal Services
Principal Officer (Performance and Change)
Service Improvement Outcomes Managers

Legislation and Guidance

- 1.7 Data Protection Act 1998
Data Protection Act 1998 Guidance to Social Services (Department of Health, March 2000).
Human Rights Act 1998
Recording with Care Inspection of Case Recording In Social Services Departments SSI January 1999.
Care Standards Act 2000
'The Victoria Climbié Inquiry'. Report Of An Inquiry by Lord Laming (January 2003).
The Mental Capacity Act 2005

The Caldicott Guardian Manual 2010 (Department of Health)
Checklist for Handling Request for Personal Information (subject access requests),
Issued by the Information Commissioners Office in January 2007
Dealing with Subject Access Requests Involving Other People's Information, Issued
by the Information Commissioners Office in August 2007
Subject Access Requests and Social Services Records, Issued by the Information
Commissioners Office in September 2008
A guide to confidentiality in health and social care (Health and Social Care
Information Centre September 2013)
A guide to confidentiality in health and social care: references (Health and Social
Care Information Centre September 2013)
Striking the Balance Practical Guidance on the application of Caldicott Guardian
Principles to Domestic Violence and MAROCS (Multi Agency Risk Assessment
Conferences) (Department of Health April 2012)

Linked Procedures

- 1.8 See 1.1 above
Freedom of Information Act 2000 Procedure, Section 5.6 General Procedures on the
intranet

Action Flowcharts/Appendices

- 1.8 Appendix 1 - Form for Closing Case Files or Documents and Form for Returning
Case Modules or Documents

Consultation

- 1.9 Assistant Director – Operations on behalf of Health and Adult Services Leadership
Team
Service Improvement Outcomes Managers
Senior Commissioning and Change Officer, PSI Strategy
Legal Services

Key Performance Indicators/Outcomes

- 1.10 Not Applicable

Authority

- 1.11 Health and Adult Services Management Board

Review Date

- 1.12 June or sooner if required.

Distribution

- 1.13 General Procedures Section 5.4 on the Health and Adult Services procedures site on the intranet

History of the Procedure

- 1.14 General Procedures Section 4(4) Issued October 1993
Re-issued July 2002
Re-issued October 2003 Procs o3/ AS02S0004
General Procedures
Section 5(4)
Re-issued: July 2009
Re- issued: May 2011

Procedure

- 1.15 **Action required by staff:**
- 1.16 This procedure should be used in conjunction with the four related procedures at 1.1 above and the corporate policies at 1.1 above.
- 1.17 This procedure applies to both manual and computerised Health and Adult Services records i.e. the timescales for retention and destruction of manual and computerised records are the same.
- 1.18 In Community Mental Health Teams Health and Adult Services case records made by staff with a Health and Adult Services contract of employment will be retained in joint case files for the same periods as those for health records made by staff in these teams.
- 1.19 The Data Protection Act 1998 requires that Health and Adult Services records shall be adequate, relevant and not excessive for the purpose/s for which they are held (the Third data protection principle); accurate and where necessary kept up to date (Sixth principle); and not kept for longer than is necessary for its purpose/s (Fifth principle). (See details of the data protection principles in the Access to Health and Adult Services Records Policy and Procedures referred to at 1.2 on page 1). These three principles require all Local Authority Councils with Social Services responsibilities to have procedures in place which cover the review of information held by them in relation to the retention and destruction of records. Health and Adult Services staff must follow this procedure to ensure we fulfil our legal obligations in relation to these principles.
- 1.20 A number of case records are subject to legal requirements about how long we have to keep records. Where no legal requirement to retain information beyond the closure of the record exists we are required to establish our own retention periods. Normally personal information should not be held for longer than 6 years after the subject's last contact with us unless this can be justified because:-

- (i) need to be retained because the information contained in them is relevant to legal action which has been started;
- (ii) are required to be kept for longer by statute;
- (iii) are archived for historical purposes;
- (iv) consist of a sample of records maintained for the purpose of retrospective comparison;
- (v) involve the transfer of significant information, with subject identification, on to aggregated files;
- (vi) relate to individuals and providers of services who have, or whose staff have been judged unsatisfactory;
- (vii) are held in order to provide, for the subject, aspects of his/her personal history.

- 1.21 It is the responsibility of NYCC Legal Services to provide information on pending legal action. Any member of Health and Adult Services staff who receives information about possible legal action should contact NYCC Legal Services. If such action is pending a note should be attached to the case file confirming that the records must not be destroyed.
- 1.22 It is the responsibility of the member of staff (i.e. the case holder) and their manager to agree when a case can be closed or in the case of documents the member of staff concerned and their manager. Staff must ensure that retention periods and case closure details are entered on the Liquidlogic Adults System.
- 1.23 Once it is agreed that a case file/s or module/s or document/s are to be closed, the case holder and/or manager must ensure they complete the Form For Closing Case Files or Documents at Appendix 1 unless they use local forms which contain this information. They should then give this form to Administrative staff to secure the form at the front of the case file/s or document/s and to store these. Where it has not been possible to bring all the case records together for closure, the case holder or manager must ensure they also complete the Form For Returning Case Modules and Documents at Appendix 1 unless they use local forms which contain this information. They should then give this form to Administrative staff to secure the form at the front of the case module/s or document/s. Those staff maintaining a module of the case file must return this when it is closed to Administrative staff for secure storage with the other closed case file/s or document/s. See 4.3 in the Case Recording Procedure referred to at 1.1 on page 1.
- 1.24 Case files in relation to older persons in either residential or nursing homes or those who receive domiciliary care which is funded by Health and Adult Services should be retained for the same periods as those stipulated in this procedure.
- 1.25 Where NYCC residential homes close, case records should be returned to the relevant Social Care Assessor/Social Care Co-ordinator for storage with the case file. Where the case is closed these case records should be stored with the closed case file/s. Where independent sector homes close and Health and Adult Services have contract with any of these homes on behalf of a service user/s then the records on this service user/s from any of these home/s should be sent to the relevant Social Care Assessors/ Social Care Co-ordinators for storage with the case file/s. Where

the case has been closed these case records should be stored with the closed case file/s,

- 1.26 Records on a service user/s in an independent sector home where Health and Community Services have contracted with the home on behalf of the service user can be requested by Health and Adult Services where these records are required for any reason.
- 1.27 Case files and modules in relation to people who have died should be retained for the same retention periods as those who have not died.
- 1.28 The types of Health and Adult Services case files and documents are listed as follows with their retention period and include, case records, financial and personnel records and also Occupational Therapy, sensory loss and registered disabled records. Records also refer to allegations of abuse about Health and Adult Services staff, volunteers and staff from the independent sector and records about investigations into complaints (See Case Recording Procedure referred to at 1.1 on page 1, for the definition of a case file).

2. Types of Case Files/Modules/Document/s

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| 1.1 Health and Adult Services Records | |
| 1.2 Health and Adult Services referrals resulting in no further action | 6 years |
| 1.3 Health and Adult Services (after closure) case files and modules | 6 years |
| 1.4 Adult Provider Services Registration and Inspection Record | All previous records prior to 1.7.02 and subsequent records are located with the Care Quality Commission. From 1.4.09 the Care Quality Commission became responsible for these records. |
| 2.1 Occupational Therapy Records in Health and Adult Services | |
| 2.2 Major adaptation to an adults home | 12 years from date of approval |
| 2.3 Major items on contract | 6 years from cessation of the maintenance contract with NYCC |
| 2.4 Major items not on contract | 6 years from date of approval |
| 2.5 Minor adaptations | 6 years from date of approval |
| 2.6 Minor equipment | 6 years from date of approval |
| 3.1 Sensory Loss | |
| 3.2 CVI Registration (blind or partially sighted) | 6 years after movement from area or deregistration or cessation of services |
| 4.1 Disabled Registration Documentation | |

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| 4.2 Documentation relating to disabled registration. | <p>At the point where the person would have attained the age of 115 years the case will be retained for 115 years unless the person has died and Health and Adult Services has been advised of this, in which case the person's records will be retained for 6 years after their death. The records to be retained are the person's assessment relating to their disabled registration and a copy of the letter they receive advising them of their disabled registration.</p> <p>The person's full case record must be retained for 6 years after the case has closed; unless they have had a major adaptation fitted in their home in which case the full record must be retained for 12 years.</p> |
| 5.1 Policies and Procedures | |
| 5.2 Policies and Procedures, Precedent, Instructions. Records relating to Policies and Procedures implementation and development. | Indefinitely. |
| 6.1 Accountancy/Financial | |
| 6.2 Abstract of accounts | 6 years |
| 6.3 Budgetary control records | 6 years |
| 6.4 Costing records | 6 years |
| 6.5 Estimate working papers | 2 years + current year |
| 6.6 Financial ledgers | 6 years |
| 6.7 Grant claim records | 6 years |
| 6.8 Investment records | 2 years + current year |
| 6.9 Journals etc. | 6 years |
| 7.1 Leasing Records | |
| 7.2 Records re closing ledgers | 6 years |
| 7.3 Telephone call records | 2 + current year |
| 7.4 VAT records | 3 years |
| 7.5 Voluntary fund accounts | 6 years |
| 8.1 Bank Related Records | |
| 8.2 Bank paying-in books/slips | 6 years |
| 8.3 Bank reconciliation | 6 years |

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| 8.4 | Bank statements | 6 years |
| 8.5 | Cancelled cheques | 6 years + current year |
| 8.6 | Cheque books and counterfoils | 3 years |
| 8.7 | Loan records and correspondence | 2 years + current year |
| 8.8 | Returned cheque records | 2 years + current year |
| 9.1 Contracts | | |
| 9.2 | Successful tenders | 3 years after final payment |
| 9.3 | Unsuccessful tenders | Retain until final payment is made |
| 10.1 Creditor Records | | |
| 10.2 | Copy orders | 2 years + current year |
| 10.3 | Credit notes | 2 years + current year |
| 10.4 | Creditor invoices | 2 years + current year |
| 10.5 | Delivery notes | 2 years + current year |
| 10.6 | Import documentation (eg petty cash) | 2 years + current year |
| 10.7 | Periodic payment records | 2 years + current year |
| 11.1 Income Records | | |
| 11.2 | Cash books | 6 years |
| 11.3 | Correspondence (income) | 2 years + current year |
| 11.4 | Debtor accounts (records non-current) | 2 years + current year |
| 11.5 | Income posting slips and tabulations | 2 years + current year |
| 11.6 | Periodic income records | 2 years + current year |
| 11.7 | Receipt books | 2 years + current year |
| 11.8 | Record of receipt books issued | 2 years + current year |
| 11.9 | Sales records | 2 years + current year |
| 12.1 Miscellaneous Records | | |
| 12.2 | Capital works tabulations | 2 years + current year |
| 12.3 | Car leasing and mileage records | 6 years from end of lease or repayment |
| 12.4 | Car loans | 6 years from end of lease or repayment |
| 12.5 | Computer system documentation | 2 years + current year |
| 12.6 | Inland revenue documentation | 6 years |
| 12.7 | Internal requisition (e.g. printing) | 1½ years |
| 12.8 | Inventory records | 6 years |

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| 12.9 | Minutes | 2 years + current year |
| 12.10 | Postal remittance registers | 2 years + current year |
| 12.11 | Road fund licence records | 2 years + current year |
| 12.12 | Stamp requests | 1½ years |
| 12.13 | Stock lists | 2 years + current year |
| 12.14 | Travel claims | 6 years |
| 12.15 | Vehicle logs | 2 years + current year |
| 12.16 | Till rolls | 6 years and current year |
| 12.17 | Register and Admission Records | 3 years (no less than 3 years since last used) |
| 13.1 | Personal Work Diaries | 6 years |
| 14.1 | Personnel | |
| 14.2 | Personnel files | 6 years |
| 14.3 | <p>First written disciplinary warnings will be disregarded for disciplinary purposes</p> <p>Final written disciplinary warnings will be disregarded for disciplinary purposes</p> <p>Dismissal/Action Short of Dismissal</p> <p>Employee Relations Investigations File (Investigation Officer's File)</p> <p>Personnel - Cases Not Found</p> | <p>After 12 months satisfactory conduct</p> <p>After 15 months satisfactory conduct</p> <p>Information in Personnel File disregarded for disciplinary purposes after 18 months</p> <p>3 years after action</p> <p>Retain for six months from conclusion of the case</p> |
| 14.4 | Staff supervision records (See Health and Adult Services Staff Supervision Policy and Procedure, in Section 2 of the General Procedures on the Intranet) | 6 years |
| 14.5 | Unsuccessful applicants' employment application form | 6 months |

15.1 Serious Allegations About Health and Adult Services NYCC Staff

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| <ul style="list-style-type: none">• Where staff disciplinary proceedings are or have been conducted in relation to a Safeguarding Adults investigation in respect of allegations of abuse about a member of staff, information relating to the investigation will be retained on the staff member's NYCC Personnel File for the required retention period as this is a corporate requirement.• When there has been a Safeguarding Adults investigation in respect of allegations of abuse about staff, which was not subject to disciplinary proceedings, careful consideration should be given in each case as to whether the records of this should be placed on their Personnel File of the staff concerned.• This is to ensure that a record of historical allegation/s is kept. | <p>Same period as for service user listed in this procedure. A note must be made in the service user case records to advise on the location of the staff member's personnel records by the investigating Health and Adult Services Manager.</p> <p>A note must be made on this Personnel File to ensure these records are kept for the correct retention period.</p> |
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16.1 Serious Allegations About Volunteers and Staff from the Independent Sector

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| <p>16.2 All records of all Safeguarding Adults investigations, for example about any allegations of abuse made by a service user about a volunteer and any staff and/or volunteers under contract to NYCC from the independent sector. The Manager responsible for the commissioning of the service users placement must liaise with the Health and Adult Services Contracting Procurement and Quality Assurance Unit to discuss any issues relating to the approved provider list status. The Manager responsible must carefully consider where best to safeguard any records of the investigation and whether this can be achieved by locating this information in the restricted section of the service users case file or is filed in separate secure arrangements. A note must be made on these records to ensure these records are kept for the correct retention period.</p> | <p>Same period as for service user listed in this procedure. A note must be made in the service user case records to advise on the location of records in relation to volunteers and staff and/or volunteers from the independent sector; if it does not form part of the restricted section of the case file, by the investigating Health and Adult Services Manager.</p> |
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| 16.3 Complaints Procedures | |
| <p>16.4 Copies of all records regarding complaints which do not involve Safeguarding Adults investigations or staff disciplinary proceedings in relation to allegations of abuse are kept by the complaints team at County Hall. The Complaints Manager and the local operational manager must decide, in consultation with the complainant and service user as appropriate, what information about each complaint will also be held on the service user's case file. For further details discuss with the Complaints Manager in the interim.)</p> | <p>For the purposes of determining a retention period, these records should be considered to be part of the service user's case file/module and hence the relevant retention periods apply from the date of the closure of the main case file/module. Where the complaint is not connected with an open case file, the records shall be kept for 6 years from the last point of contact with the complainant. Local Government Ombudsman complaints records must be kept for 6 years.</p> |

NORTH YORKSHIRE COUNTY COUNCIL

HEALTH AND ADULT SERVICES

Retention and Destruction of Health and Adult Services Records Procedure

Form for Closing Case Files or Documents

Administrative staff must secure this form at the front of the case file when the case is closed or on the front of any document/s that are to be closed and the following details must be completed by the case holder or manager.

1. Type of Record (for example, Health and Adult Services Case File/s or Budgetary Control Records):

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2. Date case file/s or documents closed:

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3. Length of Retention Period (for example, 6 years or 10 years):

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4. Date case file/s or documents are to be destroyed:

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5. Type of Record and location of any module of the case file or documents:

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NORTH YORKSHIRE COUNTY COUNCIL

HEALTH AND ADULT SERVICES

Retention and Destruction of Health and Adult Services Records Procedure

Form for Returning Case Modules or Documents

Administrative staff must secure this form at the front of the case module/s when the case is closed or on the front of any document/s that are required to be kept in a different location from the closed case file/s or document/s.

1. Type of Record (for example, Health and Adult Services Case file/s or Budgetary Control Records):

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2. Date of closed case file/s or document/s:

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3. Location of closed case file/s or document/s:

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NB Please ensure case file module/s and document/s are returned, as soon as it is possible to do so, to be stored with the closed case file/s or document/s.