

LEAFLET 55

RETENTION OF RECORDS

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LEAFLET FOR LINE MANAGERS

REGULATIONS COVERED

1 The major Regulations relevant to this leaflet include, but are by no means restricted to, those listed below. This leaflet reflects the Regulations in force at the time of publication of this leaflet, but Regulations listed here are regularly updated and amended. Regulations include:

- 1.1 Control of Substances Hazardous to Health Regulations (COSHH)
- 1.2 Control of Lead at Work Regulations (CLAW)
- 1.3 Control of Asbestos at Work Regulations (CAWR)
- 1.4 Management of Health and Safety at Work Regulations (MHSW)
- 1.5 Health and Safety (Display Screen Equipment) Regulations (DSE)
- 1.6 Chemicals (Hazard Information and Packaging for Supply) Regulations (CHIP)
- 1.7 The Dangerous Substances and Explosive Atmospheres Regulations (DSEAR)
- 1.8 The Notification of Installations Handling Hazardous Substances Regulations
- 1.9 The Dangerous Substances (Notification and Marking of Sites) Regulations
- 1.10 The Carriage of Dangerous Goods by Road Regulations
- 1.11 The Carriage of Dangerous Goods by Rail Regulations
- 1.12 The Carriage of Dangerous Goods by Road (Driver Training) Regulations
- 1.13 The Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations
- 1.14 Ionising Radiations Regulations (IRR)

1.15 Radioactive Substances Act (RSA)

INTRODUCTION

2 There are many reasons for making and keeping records associated with health and safety issues. While the statutory requirement is easily defined (for example, all of the Leaflets describing a need for risk assessment make clear that all but the most trivial risk assessments must be recorded) it is the management and financial requirements that are increasingly important to the employer. Accurate records can provide simple evidence that an action was taken, a defence against fraudulent claims or evidence for genuine claims, and valuable data for continually reducing risks to people and the environment. However, the law on health and safety and employment, and the variety of MOD policies covering Service and Civilian personnel, property management, equipment and systems management provide a huge variety of standards and timescales. It is neither practical nor possible to attempt to provide a resume of all of the requirements here. However, while primacy must always be given to the original statutory requirement and then in turn to the requirements in the relevant JSPs sponsored elsewhere in MOD, this leaflet seeks to provide practical guidance for the line manager, at all levels.

GENERAL

3 Where there is a statutory or explicit MOD policy requirement to make and keep records, the minimum retention period will normally be specified by the relevant statute or MOD policy document. For example, records of health surveillance required under the Control of Substances Hazardous to Health Regulations must be kept for at least 40 years. The records may be kept in an electronic format provided that there are suitable backup systems in the event of a serious computer failure. In MOD policy, civilian personnel files (P files) and, for example, medical-in-confidence papers contained within the medical part of the file must be preserved for 100 years from the date of birth of the individual (PI 113/01 refers). Both paper and electronic copies of risk assessments, training records and other health and safety information are compliant with the Data Protection Act 1998 and can be retained for both legal and business reasons. All parts of the MOD are regarded as an entity and therefore no additional registrations are required for line managers or directorates to hold risk assessments etc.

4 In some cases, while there is a requirement to make and keep records, there is no specific legal requirement to retain them once they have been replaced. This would apply to some risk assessments, for example, where the assessment has been replaced by a new, revised assessment and the old no longer applies. However, the statutory requirement is only directed at ensuring there is a current risk assessment in force for a given process or site.

5 To merely comply with the statutory requirement for retaining risk assessments would not protect MOD from subsequent litigation: it would not be possible to defend against an accusation of having failed to carry out a suitable and sufficient assessment if that assessment was destroyed. Nor would simple compliance ease the task of learning lessons.

6 In their 2001/2002 Claims annual report, DC&L(F&S)Claims note that prompt and accurate documentation enables them to process a claim efficiently and effectively, to the benefit of both the Claimant and MOD as liability is established quickly and the burden of additional investigation kept to a minimum.

NOTE

In the event of a claim, the following documents amongst many others are commonly required: accident book entry, accident report (MOD Form 2000), complaint record, first aider report, health surveillance records, instructions for using personal protective equipment, maintenance and repair records, risk assessments, training records and syllabuses, witness statements, war diaries, ships logs, contamination records.

WHAT SHOULD BE RETAINED?

7 It is not possible to produce a comprehensive list of what should be retained, but the categories are relevant.

7.1 Records directly related to health and safety for which guidance in JSP 375 is given include, amongst others:

- Organisation and arrangements statements, and locally produced health and safety manuals.
- Site and process risk assessments, their reviews and updates or amendments.
- Maintenance, examination and testing records (including ventilation, respiratory and other personal protective equipment).
- Exposure monitoring records.
- Health surveillance records.
- Health and safety training records.
- Safety inspections, walkrounds, etc.
- Safe Operating Procedures and Safe Systems of Work.
- Personnel and work records – people, places, tasks.
- Accident and incident investigations, including Boards of Inquiry and local investigations predominantly involving people.

7.2 Records directly related to health and safety for which policy, instruction and guidance is given in other JSPs and by other MOD or single Service Policy Directorates include amongst others:

- Ionising Radiation records [JSP 392]
- Medical records [Service and Civilian Medical and Personnel Policy Groups].
- Personnel Records [Service and Civilian Personnel Policy Groups].
- Equipment records, including safety cases [Equipment Safety Management Groups].
- Accident and incident investigations, including Boards of Inquiry and local investigations predominantly involving land systems, sea/marine systems, air systems, nuclear systems and ordnance, munitions and explosives systems [relevant Equipment Safety Management Organisations]
- War diaries (Commanders Diaries) and single Service equivalents [Single Service requirements].
- Unit Historical Records and single Service equivalents [Single Service requirement].
- Operational data related to health and safety [CJO].
- Building and estates records, for example as listed in the DE Site Closure Guide [Defence Estates].

8 The sponsors for relevant JSPs, BRs etc will be responsible for archiving previous versions of their sponsored documents.

HOW LONG, AND WHERE?

9 Notwithstanding the guidance given here, any statutory requirement or extant policy requirement defined elsewhere in MOD, e.g. in JSP 392 (Radiation Protection), JSP 430 (Ships Safety), etc., should take primacy if it exceeds the requirements given here.

10 While they remain active, records should normally be retained locally, or as required by local rules. When no longer active, retention will normally be achieved by archiving. Archiving must be conducted in accordance with local rules and procedures. In the absence of local archiving facilities or on the direction of the local records management administration, the central archiving facility administered by DG Info-Records must be used.

11 Information on the procedures for archiving documents is available in JSP 441 (Defence Records Management Manual) and via MOD-Web on the DG Info-Records Web site.

12 As retention by definition is only of value if the records can be retrieved, particular attention should be paid to the accurate completion of the Registered File Disposal Form (MOD Form 262F) and the Disposal Schedule. It is vital that accurate records of what will be archived are kept, and it is vital that the reason for archiving is clear, for example retained as required by health and safety legislation, etc.

Table 1 Examples of where records should be retained

What	Retain where
Site and process risk assessments (including their reviews and updates) and details of any actions taken.	Retain locally until they are replaced and no longer need to be accessed locally. Then send to archive
Maintenance, examination and testing records (including ventilation, respiratory and other personal protective equipment tests). Records of site safety inspections, etc.	Keep the previous calendar years records locally until the current years records are complete. Then archive the previous years records.
Exposure monitoring records. Health and safety training records. Safe Operating Procedures and Safe Systems of Work	Keep accessible locally while the process is still being carried out. When the process is no longer used, and there is no future plan to resurrect the process, send them to archive
General health surveillance records.	Keep accessible locally while the process is still being carried out. When the process is no longer used, and there is no future plan to resurrect the process, send them to archive. Where health surveillance relates to named individuals, copies should also be placed on their occupational health record, which forms a medical-in-confidence part of their personnel record.
Personnel and work records – people, places, tasks.	Personnel records should be maintained and retained as defined by the relevant Personnel Policy leads. Information that may not be seen as forming part of the personnel file, but is nonetheless relevant to the history of who carried out which hazardous task, and under whose supervision, should be kept locally while named individuals remain on site and thereafter be archived.
Accident and incident investigations, including Boards of Inquiry and local investigations predominantly involving people.	Further guidance is being developed for. In the interim, such information should be retained locally for 5 years and then be archived.

HOW LONG SHOULD RECORDS BE RETAINED IN ARCHIVE?

13 Records which relate to individuals, including health surveillance or that could provide evidence in a war pension assessment or a claim for compensation, e.g. contamination measurements or equipment records, should be retained in archive, and be retrievable, for at least 50 years after the date of the last entry or until all of the named individuals are at least 75 years of age. The archive period specified elsewhere, for example in personnel policy, may well be longer.

14 Records relating to control measures or equipment, should be archived for at least 50 years after the process was last used.

15 Records relating more generally to a site, such as those defined in the DE Site Closure Guide, should be archived for the life of the site, and should form part of the information passed to Defence Estates at disposal.