

Rivermead Gate Medical Centre

RECORDS RETENTION POLICY – ENGLAND

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Rivermead Gate Medical Centre follows the Records Management Code of Practice Section 3 - NHS Digital Records Retention Schedule.

See- S:\Global\SURGERY PROTOCOLS “NHS Digital rmcop-retention-schedules”

NHS Digital on records retention and handling patient information: <https://digital.nhs.uk/codes-of-practice-handling-information>

The Medical Protection Society recommend that any records not specifically mentioned elsewhere should be retained for 10 years after conclusion of treatment, the patient’s death or after the patient has permanently left the country.

Government guidance on employee data: <https://www.gov.uk/data-protection-your-business>

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Appendix A

For countries other than England and Scotland the guidelines are unclear.
The following resources may be of assistance to those practices unable to trace local guidelines.

Wales

Guidance document is accessed via the NHS Wales website.
<http://www.wales.nhs.uk/sites3/page.cfm?orgid=950&pid=51799>

Scotland

REVISED RECORDS MANAGEMENT: NHS CODE OF PRACTICE NOW AVAILABLE (Scotland) The Scottish Government has published a revised Records Management: NHS Code of Practice. The code is intended to be a guide to the required standards of practice in the management of records for those who work within, or under contract, to NHS organisations in Scotland.
<http://www.scotland.gov.uk/Publications/2010/04/20142935/0>

Northern Ireland

DoH NI website but excludes GP records.

| <https://www.health-ni.gov.uk/topics/good-management-good-records>

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Appendix B

Employment Records Retention Periods

National minimum wage

Record: Records sufficient to establish that every worker is being, or has been, remunerated at a rate at least equal to the national minimum wage.

Retention period: Three years from the day the pay reference period immediately following that to which the records relate ends.

Form of record: Records must be in a form that enables the information kept about a worker in respect of a pay reference period to be produced in a single document.

Legislation: National Minimum Wage Regulations 2015 (SI 2015/621), reg.59.

Working time restrictions

Record: Records that are adequate to show that the limits on weekly working time, daily and weekly working time for young workers, and night work (including night work involving special hazards or heavy physical or mental strain); the restriction on employing young workers during the "restricted period"; and the requirement to give every worker an opportunity of a free health assessment before he or she is transferred from day work to night work and at regular intervals thereafter are being met.

Retention period: Two years from the date on which the records were made.

Form of record: None prescribed.

Legislation: Working Time Regulations 1998 (SI 1998/1833), reg.9.

Incapacity for work and statutory sick pay

Record:

- all sickness periods lasting at least four days;
- statutory sick pay (SSP) payments; and

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- weeks SSP not paid and why.

Retention period: Three years after the end of the tax year in which the sickness periods occurred and SSP payments were made.

Form of record: None prescribed. An approved form is available from HM Revenue and Customs (SSP2 SSP record sheet) (on the HMRC website).

Legislation: Not a statutory requirement, but HM Revenue and Customs may check that employers are paying SSP correctly, and has the power to impose penalties for a failure to keep records.

Absence during pregnancy and statutory maternity pay

Record:

- the date of an employee's first day of absence from work wholly or partly because of pregnancy or confinement as notified by her and, if different, the date of the first day when such absence commenced;
- the weeks in that tax year in which statutory maternity pay (SMP) was paid to that employee and the amount paid in each week;
- any week in that tax year within the employee's maternity pay period for which no payment of SMP was made (and why); and
- any medical certificate or other evidence relating to the employee's expected week of confinement or, as appropriate, her confinement.

Retention period: Three years after the end of the tax year in which the employee's maternity pay period ended.

Form of record: None prescribed. An approved form is available from HM Revenue and Customs (SMP2 SMP record sheet) (on the HMRC website).

Legislation: Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960), reg.26.

Note: Where an employer returns a medical certificate to an employee for the purpose of enabling her to make a claim for benefit, it will be sufficient for a copy of that certificate to be retained.

An employer shall not retain any certificate of birth provided as evidence of confinement by a woman who is or was an employee, but shall retain a record of the date of birth.

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Statutory paternity pay, statutory shared parental pay and statutory adoption pay

Record:

the date the paternity pay period, shared parental pay period or adoption pay period began;

the evidence provided by the employee in support of his or her entitlement to statutory paternity pay (SPP), statutory shared parental pay (ShPP) or statutory adoption pay (SAP) (in compliance with the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (SI 2002/2822), regs.9, 15 and 24, or statutory shared parental pay (ShPP) (in compliance with the Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051) regs.6, 7, 19 and 20);

the weeks in that tax year in which payments of SPP, ShPP or SAP were made and the amount paid in each week; and

any week in that tax year which was within the employee's paternity pay period, shared parental pay period or adoption pay period but for which no payment was made (and why).

Retention period: Three years after the end of the tax year in which payments of SPP, ShPP or SAP were made.

Form of record: None prescribed. Approved forms are available from HM Revenue and Customs SAP2 SAP record sheet, SPP2 SPP record sheet (on the HMRC website).

Legislation: Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002 (SI 2002/2820), reg.9 and Statutory Shared Parental Pay (Administration) Regulations 2014 (SI 2014/2929), reg.9

Accidents at work and work-related illness

Record: Every employer with 10 or more employees must keep readily accessible a means by which an employee may record the particulars of any accident causing personal injury to him or her.

Retention period: Minimum of three years from the date on which the record was made.

Form of record: Form BI 510 (available from the HSE books website) or an equivalent record (written or electronic) which includes the prescribed particulars, as set out in sch.4 to the Regulations.

Legislation: Social Security (Claims and Payments) Regulations 1979 (SI 1979/628), reg.25.

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Injuries, fatalities, diseases and dangerous occurrences

Record: Record of any: reportable incident under regs.4-7 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (SI 2013/1471); reportable diagnosis under regs.8-10 of the Regulations; injury to a person at work resulting from an accident arising out of or in connection with that work, incapacitating him or her for routine work for more than three consecutive days; and other particulars approved by the Health and Safety Executive or the Office of Rail Regulation for demonstrating compliance with the approved manner of reporting under part 1 of sch.1.

Retention period: Minimum of three years from the date on which the record was made.

Form of record: None prescribed. The particulars required to be kept are set out in part 2 of sch.1 to the Regulations. Alternatively, approved forms are available from the incident reporting page on the Health and Safety Executive website, including F2508IE - Report of an injury, F2508DOE - Report of a dangerous occurrence and F2508AE - Report of an occupational disease).

Legislation: Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (SI 2013/1471), reg.12.

Risk assessments

Record: Where an employer employs five or more employees, it shall record:

the significant findings of the risk assessment (as prescribed by the Management of Health and Safety at Work Regulations 1999, reg.3(1));

any group of employees identified by the risk assessment as being especially at risk; and

any arrangements for the effective planning, organisation, control, monitoring and review of preventive and protective measures, made in accordance with reg.5(1).

Retention period: No time limit specified.

Form of record: None prescribed. For guidance on carrying out a risk assessment see INDG163 (Five steps to risk assessment) (PDF format, 114K) (on the HSE website).

Legislation: Management of Health and Safety at Work Regulations 1999 (SI 1999/3242), regs.3 (6) and 5.

Note: The employer must review the risk assessment if there is reason to suspect that it is no longer valid or there has been a significant change in the matters to which it relates.

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Exposure to specified hazardous substances

Record: Record of health surveillance, containing particulars approved by the Health and Safety Executive (HSE), of persons where appropriate (see the Control of Substances Hazardous to Health Regulations 2002, reg.11 (2)) who are, or are liable to be, exposed to substances hazardous to health.

Retention period: 40 years from the date of the last entry made in it.

Form of record: None prescribed, but must contain the information specified in Control of substances hazardous to health: Approved Code of Practice and guidance (fifth edition) (PDF format, 919K) (on the HSE website).

Legislation: Control of Substances Hazardous to Health Regulations 2002 (SI 2002/2677), reg.11.

Wages and deductions

Record: PAYE records that employers are not otherwise required to send to HM Revenue and Customs under the Income Tax (Pay As You Earn) Regulations 2003. Employers should keep full and accurate payroll records for each employee, including name; address; payslips (or other record showing gross earnings, tax, national insurance contributions and student loan deductions, and net pay); and records used to complete P11Ds. HM Revenue and Customs can ask for evidence of calculations and supporting information.

Retention period: Three years after the end of the income tax year to which the records relate.

Form of record: None prescribed.

Legislation: Income Tax (Pay As You Earn) Regulations 2003 (SI 2003/2682), reg.97.