Ethical Standards Commissioner

File Plan and Retention Schedule

Corporate Services

Standards

Public Appointments

Provide the office with the property, staff and services required to perform its core functions.

Investigate complaints about the conduct of MSPs, local authority councillors and members of public bodies and when lobbyists fail to carry out specific actions.

Regulate and monitor how appointments are made by the Scottish Ministers to the boards of specified public bodies.

Applicable legislation:

* Ethical Standards in Public Life etc. (Scotland) Act 2000
* Scottish Parliamentary Standards Commissioner Act 2002
* Lobbying (Scotland) Act 2016

Applicable legislation:

* Scottish Parliamentary Commissions and Commissioners Etc. Act 2010
* Public Services Reform (Scotland) Act 2010
* Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013

Applicable legislation:

* Public Appointments and Public Bodies etc. (Scotland) Act 2003

Records stored in the

o:drive

Records stored in the

s:drive and CMS

Records stored in the

p:drive and Knowledge Hub

Manager responsible:

Head of Corporate Services

Manager responsible:

Senior Investigating Officer

Manager responsible:

Public Appointments Manager

| **RETENTION PERIODS - GENERAL RULES** | **Description of Contents** | **Retention Period** | **Trigger** |
| --- | --- | --- | --- |
| Consultation responses | In line with the rules for the folder in which they sit – all our consultation responses should now sit in Admin and Comms unless relating to Codes of Conduct or Codes of Practice.  |
| Contracts or Service Level Agreements (SLAs) | 7 years | End of the financial year in which the contract/SLA expires |
| Service Level Agreements (SLAs) – Public Appointments Advisers | In line with the rules for the folder in which they sit |
| Commissioned research – final report | Retain permanently | None |
| Minutes | In line with the rules for the folder in which they sit |
| Tenders | 7 years | End of the financial year in which the contract awarded |

| **Level 1** | **Level 2** | **Level 3** | **Description of Contents** | **Retention Period** | **Trigger** |
| --- | --- | --- | --- | --- | --- |
| Standardss:driveFolder Structure | Codes of Conduct  | Annual Folders | Drafts, research, reviews, correspondence, etc. related to codes of conduct, guidance and the public bodies we cover | 3 years | End of the financial year in which the document created/finalised |
| Critical Documents | Current and archived Codes of Conduct; list of codes and guidance | 10 years | End of the financial year in which the document created/finalised |
| Complaints | Archived Complaints: Historic closed cases not available on the CMS | ESC decision, ESC web summary decision (if available), SPSO final decision (if applicable), also SCS or SPPA final decision and Court final decision (if breach). Register of enquiries (redact personal data after 3 years) | Retain permanently | None |
| Reports to the Standards Commission for Scotland and reports following an investigation under the Ethical Standards in Public Life, etc (Scotland) Act 2000 concluding there was no breach of a relevant Code of Conduct (non breach and breach reports) | Retain until organisation is dissolved; then transfer to National Records of Scotland | Dissolution of the ESC  |
| Cllr, M + Lobbying: Complaint sub-folders including: “Initial”, “Interview”, “Decision”, “Hearing”, “Post Decision”, “FOI” including triage notes | 3 years | End of the financial year in which the final decision was issued |
| MSP: Complaint sub-folders including: “Initial”, “IO/Office”, “Interview”, “Decision”, “Hearing”, “Post Decision”, “FOI”*.*  | 5 years | End of the financial year in which the final decision was issued |
| Enquiries | Communication relating to general complaint related enquiries (how to make a complaint, complaints outwith jurisdiction). Stored by year in which received.  | 1 year | End of the financial year after the last activity date |
| Post Decision Correspondence | PDC Correspondence tracker | 3 years | End of the financial year in which the final decision was issued |
| SCS Hearings | Cllr, M + Lobbying: Hearing materials  | 3 years  | End of the financial year in which the final decision was issued  |
| MSP: Hearing materials  | 5 years | End of the financial year in which the final decision was issued |
| Database | Annual Folders | Development and maintenance of CMS, maintenance of Access database, contract negotiation, helpdesk requests  | 2 years | End of the financial year in which the document created/finalised |
| Approved (live and archived) | Back-ups – Access Dbase; PREVIOUS CLLR + M dbases; PREVIOUS MSP dbases  | Retain permanently | None |
| Instructions; Location and password | Retain until replaced | When document superseded  |
| Development details (CMS) | 7 years | End of financial year in which the document created/finalised |
| Approved contracts (7 years) | Tenders, Contracts and extensions  | 7 years | End of the financial year in which the document created/finalised |
| External Communication and Events  | Annual Folders | General correspondence with external bodies relating to standards issues, event dates, drafts, agenda, training events etc. (Anything relating to office management or HR should be stored in the o:\drive). | 3 years | End of the financial year in which the document created/finalised |
| Legislation (specific to function) | Annual Folders | Research, drafts and correspondence relating to new legislation impacting our CHF | 3 years | End of the financial year in which the document created/finalised |
| Critical Documents | Legislation, legal advice, directions and guidance relating to complaints/Codes of Conduct | Retain permanently  | None |
| MSP Material | Annual Folders – certain items also on CMS | ESC final decision, ESC report to parliament and associated material TBC (if applicable), SPPA final decision and Court final decision (if breach). | Retain permanently  | None |
| Complaint sub-folders including: “Initial”, “IO/Office”, “Interview”, “Decision”, “Hearing”, “Post Decision”, “FOI”. | 2 years – held on CMS for 5 years | End of the financial year in which the final decision is issued |
| Internal and External communications on general handling of MSP complaints  | 2 years | End of the financial year in which the document created/finalised |
| Critical Documents | Precedents, contracts and action plans | 7 years | End of the financial year in which the document created/finalised |
| Procedures and Templates | Annual Folders | Research, drafts correspondence etc around developing procedures and templates | 2 years | End of the financial year in which the document created/finalised |
| Critical Documents | CMS Procedures and Instructions, Complaints Procedures, Complaints Templates, Press Procedure, Signatures and Unacceptable Behaviour Template | Move to archive | When document replaced  |
| Archived CMS Procedures and Instructions and Archived Press Procedure | 10 years | End of the financial year in which the document was archived |
| Archived complaint investigation procedures | 10 years; then transfer to National Records of Scotland | End of the financial year in which the document was archived |
| Statistics and targets | Annual Folders | Working, correspondence, daily, weekly monthly stats, etc. | 2 years | End of the financial year in which the document created/finalised |
| Annual Stats and Targets | Annual summaries and published statistics and targets. | Retain permanently  | None |
| Working folders | Personal Folders | IO Working folders relating to case work.  | 2 years | End of the financial year in which the document created/finalised |
| IO Meetings | Annual folders of IO meetings  | 2 years | End of financial year in which the document created/finalised  |
| Final Minutes | 7 years | End of financial year in which the document created/finalised |
| Old | Old employee working folders relating to case work. | 2 years | After relevant employees leaving date |

| **Level 1** | **Level 2** | **Level 3** | **Description of Contents** | **Retention Period** | **Trigger** |
| --- | --- | --- | --- | --- | --- |
| StandardsCMSStructure | Cases | Case Documents | ESC decision, SPSO final decision (if applicable), SCS final decision, SPPA final decision and Court final decision (if applicable) | Retain permanently  | None |
| Reports to the Standards Commission for Scotland and reports following an investigation under the Ethical Standards in Public Life, etc (Scotland) Act 2000 concluding there was no breach of a relevant Code of Conduct (non breach and breach reports) | Retain until organisation is dissolved; then transfer to National Records of Scotland | Dissolution of the ESC  |
| Other Cllr/M/Lobbyist complaint documents including: Initial Complaint, Requests for information, general correspondence etc. | 3 years | End of the financial year in which the final decision is issued |
| Other MSP complaint documents including: Initial Complaint, Requests for information, general correspondence etc. | 5 years | End of the financial year in which the final decision is issued |
| Enquiries | Communication relating to general complaint related enquiries (how to make a complaint, complaints outwith jurisdiction).  | 1 year | End of the financial year after the last activity date |
| Contacts and Organisations |  | Contact details for complainers, respondents and others involved in cases. | Retain permanently  | None |
| Hearings, Complaints and PD/Serv Comments |  | Links to main case files, contacts and occasional hard data | Retain permanently | None |

| **Level 1** | **Level 2** | **Level 3** | **Description of Contents** | **Retention Period** | **Trigger** |
| --- | --- | --- | --- | --- | --- |
| Office Operationo:driveFolder Structure | Accommodation | Annual Folders | Facilities maintenance, SLAB H&S items, annual lease negotiations, building closures, etc. | 2 years | End of the financial year in which the document created/finalised |
| Critical Documents | Signed annual leases and spreadsheet summary of costs.  | Retain permanently | None |
| Tenders - identification, negotiation, recommendation, approval of office location | 7 years | End of the financial year in which the document created/finalised |
| SLAB policies  | None | Replace when superseded |
| Relocation documents | 7 years | End of the financial year in which the document created/finalised |
| Administration and Communication | Annual Folders | Presentations by, and communications with, external parties (non-core function), meeting requests (non-core), media articles, press releases, media liaison, media interviews, communications strategy development, presentations to external parties, PR events, brand development, COG arrangements, purchase orders (stationery, office furniture, printer toner, post, courier, catering, photocopier, etc), potential suppliers, TV licensing, corporate memberships, consultations. | 2 years | End of the financial year in which the document created/finalised |
| Critical Documents | Logos, brand images, etc. Archive folder contains selection of previous items. | Retain a selection of items permanently | When superseded |
| Templates, distribution list, key register, organisation charts, potential supplier list, procurement template contracts and register etc. Archive folder contains selection of previous items.  | None | Replace when superseded |
| Photocopier lease | 7 years | Expiry of contract |
| COG Minutes and Terms of Reference, final consultation responses and comms strategy.  | 5 years | End of the financial year in which the document created/finalised or when superseded |
| Annual Reports and Accounts | Annual Folders | Workings, laying papers, distribution, workings and research for accounts direction, annual accounts, external audit, appointment of auditors, etc.  | 7 years | End of the financial year in which the document created/finalised |
| Drafts | None | On publication of final version |
| Critical Documents | Final version of reports, key working documents and whistleblowing reports, appointment of auditors, accounts direction, annual accounts, AAB minutes and terms of reference.  | Retain permanently | None |
| Corporate Governance  | Annual Folders | Workings and research for MTM, Scheme of Delegation, Standing Orders, policies and procedures (those not covered by contract of employment – see Staff), business and strategic plans, SPCB operating agreements, risk management, risk registers, health and safety items, changes to CESPLS underpinning legislation, prescribed persons material, complaints about us, UBP implementation, etc. | 3 Years | End of the financial year in which the document created/finalised |
| Critical Documents | Health and safety – accident books, incident records, health and safety audits, risk assessments. | 5 Years | End of the financial year in which the document created/finalised |
| Restructure, complaints handling procedures (about us), contingency plan *(remove personal details when archiving)*, COPFS Protocol, declaration of interests and gifts & hospitality register, equality duties, general legal advice, laying procedures, PAA SLA and expense policy, KPIs, prescribed persons material, risk management policy and current register, Scheme of Delegation, Standing Orders, strategic plans, SPCB operating agreements and procedures, final policies and procedures (those not covered by contract of employment, e.g. UBP – see Staff), etc. Policy, contract, consultation, unacceptable behaviour policy and documents laid registers. | Transfer to archive folder and retain permanently | When superseded |
|  |  | Annual business plans and SMTM minutes | 10 years; then transfer to National Records of Scotland | Dissolution of the ESC  |
| Finance | Annual Folders | PSR Act information, insurance, desk instructions, fixed asset registers, RBS bank accounts, etc. Annual bank statements, budgets & MI, credit card statements, direct debit mandates, expense claims, funding drawdown requests, invoices issued and received, journals, pension set-up and maintenance, petty cash and sage back-ups.  | 7 years | End of the financial year in which the document created/finalised |
| Payroll | Information related to payroll split into annual folders. Not stored in standard ‘annual folders’ to allow for restricted access permissions. | 7 years | End of the financial year in which the document created/finalised |
| Critical Documents | Bank account setup, insurance policies & certificates, desk instructions, fixed asset registers and supporting documentation, HMRC setup, contracts, key pensions documents, etc. | Transfer to archive folder and retain permanently | When superseded |
| ICT | Annual Folders | Helpdesk requests (ICT and website), activity reports (ICT and website), project working papers, workings for software and hardware purchases, cyber resilience, CMS maintenance and development, broadband, telephone, etc. | 2 years | End of the financial year in which the document created/finalised. |
| Critical Documents | Registration certificates, licence agreements, warranties, service and support agreements and contracts. | 7 years | End of the financial year in which the document expires. |
| Secure disposal certificates, purchase and installation of hardware and software, cyber essentials key documents, development of website, CMS ad other projects (significant records). | Retain permanently  | None |
| Instructions for ICT equipment, software and processes, domain name register, router access, permissions register, software white list, users and equipment list.  | None | Replace when superseded |
| Records Management | Annual Folders | Data protection subject access requests, data protection workings (compliance, breaches, training, policy), DPA notifications, EIR requests, FOISA requests, FOISA publication scheme workings, FOISA workings (compliance, training), workings for records management (draft retention schedules, classification schemes, etc), submissions to NLS, meetings, FOISA statistics, workings for data sharing agreements. | 3 years | End of the financial year in which the document created/finalised |
| Critical Documents | Data protection – audits, breaches, sharing agreements, guidance, privacy notices, policies and impact assessments.FOI – publication scheme, policy, register, guidance, templates.Records management – destruction log, agreements with NLS, NRS and British Library, records management plan, keepers assessments, classification scheme and retention schedules (final versions).  | Transfer to archive folder and retain permanently | When superseded |
| Staff | Annual Folders | Correspondence with SPCB (staff numbers, terms), draft job descriptions, policies and terms and conditions, training course files and materials, workforce planning, annual leave allowance and calculations, SPCB pay and travel awards, SPCB training scheme, staff communications, public sector employment stats, induction, living wage accreditation and LSS.  | 2 years | End of the financial year in which the document created/finalised  |
| Recruitment - unsuccessful applications, equal opportunities monitoring forms, all personal data. | 6 months | Date of appointment  |
| Recruitment - advert, application pack, all templates (evaluation, interview, timetables, summaries of monitoring form, applicant tracker, etc). ALL PERSONAL DATA TO BE REMOVED. | Transfer to critical documents | Six months after date of appointment |
| Personnel Files | Contact details, personal details, application for employment, contract of employment (initial and updated), leave allowances, references (incoming and outgoing), medical assessments, disciplinary proceedings (founded), maternity/paternity leave, performance management records, sickness, termination of employment, induction, training, declaration of interests and gifts & hospitality, DSE and H&S assessments, excess fares claims. | 5 years | Termination of employment |
| Timesheets | 2 years | End of the financial year in which the document created/finalised |
| Disciplinary proceedings (unfounded) | Not held | Case closure |
| Individual pension records | Retain permanently  | None |
| Critical Documents | Job descriptions, terms and conditions (policies), performance management scheme, induction and recruitment material, role instructions, living wage accreditation and pay scales.  | Transfer to archive folder and retain permanently  | When superseded  |
| Register of staff contact details. | None | Replace when superseded |

| **Level 1** | **Level 2** | **Level 3** | **Description of Contents** | **Retention Period** | **Trigger** |
| --- | --- | --- | --- | --- | --- |
| Appointmentsp:driveFolder Structure | Advisers | Annual Folders | Appraisal documents, communication and networking event correspondence, general correspondence, records relating to SLA agreements with PAAs | 5 years | End of the financial year in which the document created/finalised |
| Adviser Allocation  | Allocation database, database back up and desk instructions | Retain permanently | When superseded or obsolete |
| Adviser Files | PAA files – archive | 7 years | End of the financial year in which contract expires |
| PAA files – current | Transferred to archive | End of the financial year in which contract expires |
| Training register, legal advice, resource library | Retain permanently | None |
| Contact details register, specialisms register. | Retain permanently | Content edited in line with PAA file movement |
| Empty folders for records move | Template folder structure | Not records – records management tool |
| Tendering Processes | Tenders for PAAs – dated folders | 7 years (if successful) | End of the financial year in which tender process finalised |
| 1 year (if unsuccessful) | End of financial year following tender process |
| Code of Practice | Code Folders | Background/Drafts/Consultation/Distribution | Lifespan of current Code (plus 2-year transition period) | 2 years after publication of revised Code |
| Complaints Procedures | Archive Procedures | Previous versions of procedures for reference in Code Files. | 10 years | Publication of revised Code |
| Complaint Handling Process | Procedures and templates | Transfer to archive folder | When superseded or obsolete |
| Investigations Process | Procedures and templates | Transfer to archive folder | When superseded or obsolete |
| Procedure development | Background, research, workings, correspondence and drafts | 2 years | Publication of revised procedures |
| Critical Documents | Subject Folders | Any document laid before parliament, diversity strategy, breach of compliance reports, historic relationships with key stakeholders, applicant survey, commissioned research etc. | Retain permanently  | None |
| Diversity  | Diversity Delivers Strategy Folder | Background, development materials, drafts, consultation and implementation guidance relating to any diversity strategy implemented during or relevant to the Code. | Lifespan of current strategy (plus 2 year transition period) | Publication of revised strategy |
| Guidance on the Code | Code Folders | Audits / best practice - innovative ideas / code decision database / general correspondence / general guidance / handbook / statutory guidance)/ guidance provided by CESPLS to the Scottish Government / drafts (statutory guidance, general guidance, handbook etc) | Lifespan of current code (plus 2-year transition period) | 2 years after publication of revised code |
| Empty folders for records move | Template folder structure | Not records – records management tool |
| Monitoring of the Code | Code Folders | Diversity initiatives, process initiatives, review forms, reappointments, statistics, training and events, work undertaken by the Scottish Government | Lifespan of current code (plus 2-year transition period) | 2 years after publication of revised code |
| Empty folders for records move | Template folder structure | Not records – records management tool |
| NDPBs | Code Folders | All working documents relating to the body – identification that round pending, allocation of risk level and PAA if relevant, any queries, reports and feedback relevant to the round (including investigations and complaints). Abolished bodies or removed from remit / NDPBs general / regulated bodies / unregulated bodies / draft versions of investigation reports | Lifespan of 3 Codes | Publication of revised Code |
| Empty Folders for records move | Template folder structure  | Not records – records management tool |
| Scottish Government | Annual Folders | Meetings, Minister Correspondence, PAT Correspondence  | 5 years | End of the financial year in which the document created/finalised |
| Empty folders for records move | Template folder structure | Not records – record management tool |

| **Level 1** | **Level 2** | **Description of Contents** | **Retention Period** | **Trigger** |
| --- | --- | --- | --- | --- |
| AppointmentsKnowledge Hub | Forum | ESC regulation, General governance, good practice links, improvement projects and a PAA toolkit | Retain until replaced | When document is superseded or obsolete  |
| Library  | Terms of use for Knowledge Hub group, Service Level Agreements and associated policies and a PAA toolkit | Retain until replaced | When document is superseded or obsolete |
| End of Involvement Reports | Duration of the Code version and for 4 years following the introduction of a new Code | 4 years after the introduction of a new Code |
| Events | No material currently in this folder |  |  |
| Members | Names and contact details of members of the ESC Public Appointments Advisor Knowledge Hub group  | Retain until replaced | When document is superseded or obsolete |

This file plan and retention schedule was approved for use by:

 

Ian Bruce, Acting Ethical Standards Commissioner Date: 24 February 2022