

## Annex

### **The retention schedule of the Independent QC Investigation (IQCI)**

This schedule has been annotated by the Secretary to the Independent QC Investigation (IQCI) into the [then] First Minister's actions and decisions in relation to Carl Sargeant's departure from his post as Cabinet Secretary for Communities and Children and thereafter.

It sets out how in drawing up the permanent record of the Investigation, the Investigation team have used, interpreted and applied The National Archives guidance for Public Inquiries, including the published retention schedule for public inquiries for inquiries set up under the Inquiries Act 2005 and recommended for adoption as best practice by other inquiries.

It is an annex to the Investigation's Retention Schedule, which discusses in some detail the history of the Investigation; the information held by it; the Investigator's approach to the retention of information; the information in the permanent record; and the information that is being destroyed by the Investigation.

Once the permanent record has been transferred to the Welsh Government and the Departmental Records Officer assumes responsibility for it, any and all documents held by the Investigator and his team relating to the Investigation will be destroyed.

Jim Barron CBE

Secretary, IQCI

20 October 2021

## Retention schedule

	<b>TNA: type of information and retention period</b>	<b>IQCI comments</b>	<b>IQCI retention period</b>
1.	<p>Inquiry report</p> <ul style="list-style-type: none"> <li>the final published version</li> </ul> <p>Permanent</p>	The Investigation did not produce a final report	Not applicable
2.	<p>Inquiry report</p> <ul style="list-style-type: none"> <li>the initial draft report</li> <li>subsequent drafts in which substantial changes were made</li> </ul> <p>Retain for seven years after the final report</p>	The investigation did not produce any draft reports.	Not applicable
3.	<p>The entire contents of the inquiry website</p> <p>Permanent</p>	The website has been captured by The National Archives through the UK Government Web Archive. It is available on <a href="https://webarchive.nationalarchives.gov.uk">https://webarchive.nationalarchives.gov.uk</a>	Permanent

4.	Audio records (not transcribed in full) of interviews of potential witnesses (both redacted and unredacted)  Permanent	No potential witnesses were interviewed formally and therefore no audio records were made	Not applicable
5.	Transcripts of interviews of potential witnesses (both redacted and unredacted)  Permanent	No potential witnesses were interviewed formally and therefore no transcripts of interviews were made.	Not applicable
6.	Court transcripts of evidence which were relevant to the terms of reference (both redacted and unredacted)  Permanent	Mr Sargeant's family pursued a judicial review against the Welsh Government, including over the terms of the Operational Protocol set by them for the Investigation: the record of those proceedings will be kept by the Welsh Government. The Coroner for North Wales (East and Central) carried out an inquest into Mr Sargeant's death: the record of those proceedings will be kept by the Coroner.	Not applicable
7.	All minutes of the inquiry panel or meetings held during the course of the inquiry by the panel (both redacted and unredacted)  Permanent	The notes of meetings of the Investigation team appear in the permanent record. However, in line with the Investigator's decisions on the retention of information, extracts of information in six of the notes are being destroyed because they discuss evidence received by the Investigation and/or could lead to the identification of witnesses or potential witnesses. The notes of the team's meetings with other parties also appear in the permanent record apart from one with the Cabinet Office which discussed the handling of other inquiries.	Permanent (some extracts are being destroyed)

8.	<p>Correspondence (format blind; both redacted and unredacted) between the inquiry team and:</p> <ul style="list-style-type: none"> <li>• members of the general public</li> <li>• relatives</li> <li>• other government bodies</li> </ul> <p>Permanent</p>	<p>Correspondence with Core Participants (Mr Sargeant's family, the Welsh Government and Mr Carwyn Jones AM (as former First Minister) and with most other parties with whom the Investigation dealt is in the permanent record apart from (and in line with TNA guidance): (i) emails which say "please see the attached letter" or words to that effect; and (ii) emails arranging meetings or telephone discussions.</p> <p>The other parties include H.M. Coroner for North Wales (East and Central), individuals consulted about setting up the Investigation, individuals seeking core participant status and/or public funding, Sir Brendan Barber, The National Archives and others such as the BBC. (Although correspondence with the Coroner is included in the permanent record, the evidence he provided to the Investigation is being destroyed.)</p> <p>Correspondence with some parties ie the independent auditor appointed by the Welsh Government and suppliers to the Investigation has not been included because such information is normally only kept for</p>	Permanent (some information is being destroyed)

		<p>seven years and the Welsh Government has confirmed that it will keep its copy of the correspondence.</p> <p>Generic letters to several individuals about a range of matters including the retention of documents, hearing dates and the submission of evidence are also in the permanent record (these individuals were identified from media coverage of Mr Sargeant's departure from the Cabinet and his death, and not from any other knowledge held by the Investigation team). However, further correspondence with those individuals is being destroyed in line with the Investigator's decisions on the information that should appear in the permanent record and in particular in relation to information that could lead to the identification of witnesses or potential witnesses.</p> <p>Correspondence with other members of the public who might have been potential witnesses is also being destroyed for the same reason.</p>	
9.	<p>Legal opinion and related correspondence</p> <p>Permanent</p>	<p>Counsel to the Investigation gave his opinion on several topics and his advice is in the permanent record.</p> <p>The Government Legal Department (GLD) represented the Investigator in relation to the Sargeant family's judicial review against the Welsh Government, where the Investigator was an interested party. The permanent record includes some early</p>	<p>Permanent (but not all information is being retained)</p>

		<p>correspondence between the GLD and Mr Sargeant's family and, separately, the Welsh Government in respect of the family's letter before claim, but none after the formal judicial review proceedings were launched. As noted in (6), the Welsh Government is keeping its record of the judicial review proceedings and there is no need for the Investigation to add a separate copy to the permanent record. In respect of the Investigation's legally privileged correspondence with the GLD about the approach the Investigator should take as an interested party in the judicial review proceedings, the Investigator has decided that GLD's advice to him was not relevant for any purposes for which the Investigation was established and that therefore it will not appear in the permanent record.</p>	
10.	<p>Witness preparation files</p> <p>Permanent</p>	<p>The Investigation did not reach this stage and no such files were prepared.</p>	<p>Not applicable</p>
11.	<p>Witness statements and expert reports, whether or not they were signed (both redacted and unredacted)</p> <p>Permanent</p>	<p>Several witness statements were received by the Investigation. In line with the Investigator's decisions on the retention of information and in particular information relating to evidence, these statements are being destroyed.</p> <p>The Investigation did not reach the stage of taking reports from experts.</p>	<p>Information is being destroyed</p>

12.	Restriction notices and rulings on such notices which were made public and given under section 21 of the <a href="#">Inquiry Act 2005</a>  Permanent	No such notices or rulings were made.	Not applicable
13.	Evidence of steps taken to secure the attendance of witnesses  Retain for seven years after the final report	Correspondence with the Core Participants on possible hearing dates and their attendance is in the permanent record.  The generic letters to several individuals about a range of matters including hearing dates are also in the permanent record (these individuals were identified from media coverage of Mr Sargeant's departure from the Cabinet and his death, and not from any other knowledge held by the Investigation team). However, further and more specific correspondence with those individuals and with other potential witnesses about possible hearing dates is being destroyed in line with the Investigator's decisions on the information that should appear in the permanent record and in particular information that could lead to the identification of witnesses or potential witnesses.  No hearing dates were finally fixed.	Permanent (some information is being destroyed)
14.	All written submissions and transcripts of oral submissions, unless a restrictions notice applies  Permanent	The Core Participants made written submissions on several issues related to the setting up, suspension and possible resumption of the Investigation, and the relevant correspondence is in the permanent record.	Permanent

		As the Investigation did not reach the oral hearings stage no oral submissions were made.	
15.	Indices of documents copied and provided to the panel during the course of the hearing  Permanent	As the Investigation did not reach the oral hearings stage no such indices were drawn up.	Not applicable
16.	All documents provided to the inquiry which were relevant to the terms of reference (evidence used by the inquiry) from the general public and relatives and government bodies (format blind; redacted and un-redacted)  Permanent	The Investigator decided that all evidence received by the Investigation should be destroyed, given that: (i) individuals specifically requested that the evidence that they provided should be kept confidential. (The Investigation's Management Information Policy stated that any information provided under express conditions of confidentiality would not be disclosed to others or published without the individual's consent.) (ii) retention was not in the public interest because only limited evidence was collected, disclosure of which would give only a partial, and therefore potentially misleading, account of the relevant factual background. (iii) the evidence did not form the basis of any material findings.  The position on correspondence relating to evidence is set out in point (8).	Information is being destroyed

17.	<p>Establishment documentation including:</p> <ul style="list-style-type: none"> <li>• terms of reference</li> <li>• protocols created by the inquiry to regulate its conduct</li> <li>• policies concerning the conduct of the inquiry</li> <li>• advice given by counsel to the inquiry in relation to its conduct</li> <li>• certificates of full disclosure by those who provided documents to the inquiry</li> <li>• work plans</li> <li>• Internal procedures</li> <li>• criteria used for deciding relevant and irrelevant material presented to the inquiry from all sources</li> <li>• overall costings</li> <li>• copyright and licensing</li> <li>• notebooks of inquiry team (format blind)</li> </ul> <p>Permanent</p>	<p>The documentation is in the permanent record apart from:</p> <p>(i) certificates of full disclosure because the Investigation did not reach the stage when they would become operative and none were therefore drawn up.</p> <p>(ii) criteria used for deciding relevant and irrelevant material because the Investigation did not reach the stage when such criteria needed to be drawn up and none were.</p> <p>(iii) notebooks of the inquiry team because the preference of the team was to work digitally and paper notebooks were not routinely kept. The Secretary took a manuscript note of team and other meetings before writing up formal (digital) record. He then destroyed the manuscript note in accordance with the Investigation's Information Management Policy.</p>	Permanent
-----	---	---	-----------

18.	Counsel's reports and notes  Permanent	The Investigation did not reach the stage when Counsel's reports and notes would be made. Counsel's legal advice to the Investigation is covered in points (9) and (17), and is in the permanent record	Not applicable
19.	Litigation records  Permanent	As noted in point (9), Mr Sargeant's family pursued a judicial review against the Welsh Government (the Investigator was an interested party). The Welsh Government will keep a record of the court proceedings including pleadings and court bundles. The Investigator has decided that because the Welsh Government will be keeping its record, it does not also need to appear in the permanent record	Not applicable
20.	Schedules of witnesses  Retain for seven years after the final report	The Investigation did not reach the stage when such schedules would have been drawn up.	Not applicable
21.	Research gathered by the inquiry team  Retain for seven years after the final report	The Investigation did not reach a stage when research would have been carried out. The Investigation's task lists, which are in the permanent record, indicate several areas in which research might have been undertaken.	Not applicable
22.	Financial records  Retain for seven years after the final report	The Welsh Government appointed an independent auditor to scrutinise the Investigation's expenditure. She was involved in all significant financial decisions and approved team members' monthly fee claims. Her regular summaries of the Investigation's expenditure are in the permanent record.	Permanent

		However, as the Welsh Government has confirmed that it will keep her more detailed records including her correspondence with the Investigation, and also its own records relating to the financial affairs of the Investigation, the Investigator has decided that there is no need for the Investigation to produce and retain its own copy of the detailed correspondence.	Not applicable
23.	Cost solicitor's records  Retain for seven years after the final report	The independent auditor acted as the cost solicitor in relation to the legal representatives of Mr Sargeant's family, and she or the Welsh Government will retain her records.	Not applicable
24.	Parliamentary questions  Retain for seven years after the final report	The Welsh Government was responsible for answering any questions raised in the Welsh Assembly about the role and work of the Investigation.	Not applicable