

Retention and Disposal Authority for Records of Youth Services and Youth Justice Functions

Authority number: PROS 08/16



PROS 08/16

**Retention and Disposal Authority for Records of
Youth Services and Youth Justice Functions**

Issued Date: 12/02/2009

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Retention and Disposal Authority for Records of Youth Services and Youth Justice Functions

Retention and Disposal Authority No	PROS 08/16
Scope	
Status	Issued by Keeper
Issue Date	12/02/2009

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Introduction

Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*. The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

Context of this Authority

Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

Normal Administrative Practice

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
- drafts not intended for retention as part of the office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
- extra copies of documents and published material preserved solely for reference.

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Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

Explanation of Authority Headings

Class Number

The class number or entry reference number provides citation and ease of reference.

Description

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

Status

This entry provides the archival status of each class - either permanent or temporary.

Custody

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 - Management of Electronic Records (Version 2). The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*

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Concurrence of Public Office

This Authority has the concurrence of:

Name: Fran Thorn (signed)

Position: Secretary, Department of Human Services

Date: 06/02/2009

Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Department of Health and Human Services. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked prior to that date.

Justine Heazlewood, Keeper of Public Records

Date of Issue: 12/02/2009

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No	Function/Activity	Description	Status	Disposal Action
1	ADMISSION & REGISTRATION	The management of Youth Justice clients who are young offenders under either community supervision or custodial orders.		
1.1	Admission Into Youth Justice System	The activities related to the admission of a young offender into Youth Justice management and control.		
1.1.1		Pre-sentence reports and advice provided to the Childrens Court, County Court, Magistrates' Court & Supreme Court to assist the courts to determine an appropriate sentence for a young offender. Includes the requests which are made under s.571 of the <i>Children Youth and Families Act 2005</i> .	Temporary	Destroy 7 years after the offender has reached 18 years of age or the date of completion of sentence (whichever is longer).
1.2	Registration	The activities related to the registration of youth justice clients.		
1.2.1		The records that uniquely identify each youth justice client. Includes name, date of birth, gender, offence committed, date and duration of court order, offence history, date of admission, date of discharge and/or order expiry. Includes hard copy registers and indexes and the registration data contained in any electronic case management system.	Permanent	Retain as State archives
1.2.2		Community supervision court orders (i.e. non-custodial) pertaining to clients. Includes probation orders, youth supervision orders and youth attendance orders.	Temporary	Destroy 7 years after completion of order.

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No	Function/Activity	Description	Status	Disposal Action
<i>ADMISSION & REGISTRATION - Registration</i>				
1.2.3		Custodial court orders pertaining to clients.	Temporary	Destroy 7 years after the offender has reached 18 years of age or the date of completion of sentence (whichever is longer).
1.2.4		Bail orders placing a client on bail prior to appearing in court for a remand hearing.	Temporary	Destroy 1 year after completion of order.
1.2.5		Remand warrants placing a client on remand pending appearance in court.	Temporary	Destroy 2 years after completion of remand period.
1.2.6		Order and summons for clients on remand or on a custodial order to attend court.	Temporary	Destroy 1 year after the custodial order is completed.
1.2.7		Charge and summons issued by the police that relate to a client on a custodial order.	Temporary	Destroy 1 year after the custodial order is completed.
1.2.8		Parole orders authorising the release of a client from custody.	Temporary	Destroy 7 years after completion of parole.
2	COMMUNITY SUPERVISION SERVICES	The function of managing community supervision clients. Community supervision clients are young offenders under a community supervision order.		
2.1	Assessment and Planning	The activity of determining the required services for clients.		

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No	Function/Activity	Description	Status	Disposal Action
<i>COMMUNITY SUPERVISION SERVICES - Assessment and Planning</i>				
2.1.1		<p>The assessment of the needs of a client to establish a rehabilitation plan [client service plans].</p> <p>Plans incorporate any conditions of bail or requirements under Probation Youth Supervision or Youth Attendance Orders. Also includes referrals of a client to service providers such as alcohol and drug counselling, mental health services and employment services.</p>	Temporary	Destroy 7 years after the client has reached 18 years of age or the date of expiry of the court order (whichever is longer).
2.1.2		<p>The monitoring of community supervision clients to:</p> <ul style="list-style-type: none"> • ensure services are being accessed and attendance is regular; and/or • assess status of progression through the client service plan (and adjust if necessary); and/or • ensure conditions of a probation, Youth Attendance, Youth Supervision or parole order are being met (e.g. attendance at community service work program, compulsory reporting (in person) to Youth Justice unit, service referrals are taken up etc.). 	Temporary	Destroy 7 years after the client has reached 18 years of age or the date of expiry of the court order (whichever is longer).
3	CUSTODIAL SERVICES	The function of managing custodial clients and custodial centres. Custodial clients are young offenders under a custodial order including remand, youth justice centre and youth residential centre orders.		
3.1	Admissions Into	The activities related to the admission of a client into		

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CUSTODIAL SERVICES - Admissions Into Custody

	Custody	a custodial centre.		
3.1.1		<p>Registration of admission of a client into a custodial centre. Includes name, date of birth, gender, client identifier (ID), offence*, date of admission, discharge date.</p> <p>*In cases where more than one offence is listed on the warrant accompanying the client upon admission, the offence listed in the Admissions Register will be the most serious offence listed on the warrant.</p>	Permanent	Retain as State archives
3.1.2		<p>Records created at the admission of a client into a custodial centre. Includes records of the initial interview to record physical description; next of kin; former address; cultural, dietary or religious requirements; belongings; nominated visitors and telephone contacts. Also includes details of any immediate medical treatment requirements. Also includes notification of admission to:</p> <ul style="list-style-type: none"> • Parents, guardians or next of kin • Carers or accommodation placement staff (where the child is in care or receiving accommodation services) • Custody health services • Protective Services, Disability Services, Community Service Organisations (where the child is also a client of these services) • The most senior person on duty at the 	Temporary	Destroy 17 years after the client has reached 18 years of age or the date of completion of sentence (whichever is longer).

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No	Function/Activity	Description	Status	Disposal Action
<i>CUSTODIAL SERVICES - Release From Custody</i>				
		custody centre <ul style="list-style-type: none"> • The on-call manager (where there are significant concerns about the clients wellbeing) • Aboriginal support worker (for Aboriginal clients) [For records of clients who have died in custody, use class 3.7.0]		
3.2	Release From Custody	The activities related to the discharge of a client from a custodial centre.		
3.2.1		Records created when clients are released from custody Include: <ul style="list-style-type: none"> • the return of belongings lodged upon admission • arrangements for the collection of the client from the centre • provision of a copy of Youth Parole/Residential Board papers to the client • registration of a copy of Youth Parole/Residential Board papers against the client summary record or copy of order granting remissions 	Temporary	Destroy 17 years after the client has reached 18 years of age or the date of completion of sentence (whichever is longer).
3.3	Assessment and Planning	The activity of determining the required services for clients.		

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No	Function/Activity	Description	Status	Disposal Action
<i>CUSTODIAL SERVICES - Assessment and Planning</i>				
3.3.1		<p>The assessment of the needs of a client to establish a rehabilitation plan [client service plans]. Records include referrals of a client to</p> <ul style="list-style-type: none"> • On-site technical & further educational programs (eg. Technical and Further Education (TAFE) programs) • Exercise and/or training programs (e.g. Young Mens Christian Association (YMCA) programs) • Alcohol and drug counselling • Mental health services • Behaviour management services (specific to the problem behaviour e.g. violence, sexual offences, persistent offending etc.) • Work experience programs • Cultural support programs e.g Koori Youth Justice <p>[For records of clients who have died in custody, use class 3.7.0]</p>	Temporary	Destroy 75 years after the client has reached 18 years of age or the date of completion of sentence (whichever is longer).
3.3.2		<p>The monitoring of custodial clients to ensure effectiveness of rehabilitation plan.</p> <p>[For records of clients who have died in custody, use class 3.7.0]</p>	Temporary	Destroy 75 years after the client has reached 18 years of age or the date of completion of sentence (whichever is longer).
3.4	Movements	The activities relating to the recording and		

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No	Function/Activity	Description	Status	Disposal Action
<i>CUSTODIAL SERVICES - Movements</i>				
		authorising movements of all persons in and out of custodial centres.		
3.4.1		Register of movements of persons other than custodial clients in and out of a custodial centre. Includes authorisation of visitors.	Temporary	Destroy 7 years after the date of last entry.
3.4.2		Authorisation of the movements of a custodial client in and out of a custodial centre. [For records of clients who have died in custody, use class 3.7.0]	Temporary	Destroy 7 years after the sentence is completed.
3.5	Client Finances	The activities related to the management and administration of client monies.		
3.5.1		Records of client income and expenditure within a youth custodial centre. Includes records documenting the allocation of wages to clients for work undertaken, the requisition of items by clients and the approval of the requisitions.	Temporary	Destroy 7 years after sentence is concluded.
3.6	Staff Communications	The activities related to the reporting of staff communications.		
3.6.1		Staff reporting at shift handover of all events that occurred within the centre during a shift. Includes records about any incidents, visits, client leave, phone calls, observations, facility or equipment breakages and repairs that may be required and details of where staff were stationed	Temporary	Destroy 7 years after the date of last entry.

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<i>CUSTODIAL SERVICES - Deaths in Custody</i>				
		and at what time etc.		
3.7	Deaths in Custody	The management of the records of any client who dies while in custody.		
3.7.1		<p>Records of clients who have died in custody. Includes the following records:</p> <ul style="list-style-type: none"> • Admission (including allocation of unit/bedroom) • Custodial Service Planning (including work/study rosters) • Monitoring • Movement (including leave passes) • Incidents (other than that leading to death or the serious injury) • Warrants, Orders and Notices • Notices from the Youth Residential or Youth Parole Boards 	Permanent	Retain as State archives
4	CLIENT COMPLIANCE	The function of ensuring youth justice clients comply with court orders. Includes the reporting of incidents.		
4.1	Warrant Applications	The activities of applying for warrants for escapees and absconders.		
4.1.1		The process of applying for and obtaining a warrant from the Magistrate's Court for the apprehension of	Temporary	Destroy 7 years after the date of execution of

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CLIENT COMPLIANCE - Warrant Applications.

		<p>an escapee from a youth custodial centre, or for a custodial client who has absconded while on temporary leave from a youth custodial centre.</p> <p>Includes Executed Warrants returned to the custodial centre with the client.</p>		warrant.
4.1.2		Application for a warrant from the Magistrate's Court for the apprehension of an escapee from a youth custodial centre, or for a custodial client who has absconded while on temporary leave from a youth custodial centre that is withdrawn.	Temporary	Destroy 7 years after the application is withdrawn.
4.2	Warnings & Penalties	<p>The issuing of warnings or penalty notices to clients where: '</p> <ul style="list-style-type: none"> • they have not complied with compulsory requirements (e.g. reporting to police or the Department, attendance at counselling services, completing community work sessions etc.) • they have breached conditions of bail or parole (e.g. use of drugs or alcohol, association with criminal elements etc.) • their behaviour has not been of an acceptable standard (specific to custodial services) • they absconded while on a temporary leave pass (specific to custodial services). 		
4.2.1		Submissions of breach reports to Court, or the Youth Residential or Youth Parole Boards, regarding a	Temporary	Destroy 75 years after the client has reached

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CLIENT COMPLIANCE - Warnings & Penalties.

		<p>breach of the conditions of a custodial, community supervision or parole order by a client.</p> <p>Includes breaches of probation, youth supervision orders, youth attendance orders and parole conditions.</p> <p>[For records of incidents that have led to the issue of breach reports see class 4.4.0 Incident Reporting.]</p> <p>[For records of clients who have died in custody, use class 3.7.0].</p>		18 years of age or the date of completion of sentence/court order (whichever is longer).
4.2.2		<p>Records of the issue of a verbal warning by the Unit or Centre Manager (custodial) case manager (community service).</p> <p>Verbal warnings may be issued when e.g. the client:</p> <ul style="list-style-type: none"> • bullies or stands over other clients or staff • does not comply with a program or fails to attend a counselling session or supervisions session (first instance, for repeats see 4.2.1 above) • abuses staff • is caught under the influence of a banned substance (See class 4.2.1 above.) <p>[For records of clients who have died in custody, use class 3.7.0].</p>	Temporary	Destroy 2 years after the completion of the order.
4.2.3		<p>Formal written warnings issued by the Unit or Centre Manager (custodial) or the case manager</p>	Temporary	Destroy 5 years after the completion of the

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No	Function/Activity	Description	Status	Disposal Action
<i>CLIENT COMPLIANCE - Searches</i>				
		(community service) to a client. Written warnings may be issued when e.g. the client: <ul style="list-style-type: none"> • repeatedly misbehaves or • continually fails to attend counselling sessions or supervision sessions • exhibits threatening behaviour towards other clients or • is caught with a banned substance. [For records of clients who have died in custody, use class 3.7.0].		order.
4.3	Searches	The conduct of searches within custodial centres.		
4.3.1		Records of the conduct of searches within custodial centres of: <ul style="list-style-type: none"> • custodial clients returning to the centre e.g. from temporary leave or work outside the centre; • the person, room or belongings of clients; • the grounds or buildings within the centre; and • visitors to the centre. [For records of clients who have died in custody, use class 3.7.0] [For records of Incidents arising from searches see	Temporary	Destroy 7 years after the date of last entry.

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CLIENT COMPLIANCE - Incident Reporting

		class 4.3.0] [For records of Warnings/Penalties arising from searches see 4.2.1, 4.2.2, 4.2.3].		
4.4	Incident Reporting	The reporting of incidents that occur and affect the client. Includes the process of investigating the incident and resolving any underlying issues or addressing risks that may have contributed to the incident.		
4.4.1		Records of Category One incident reporting, investigation and review. Category One incidents include: <ul style="list-style-type: none"> • death or serious injury • physical or sexual assault • significant property or contents damage, that results in a threat to the health and safety of staff and clients (e.g fire, vandalism etc.) • escape by a person in a youth custodial centre, or a person on temporary leave from a youth custodial centre absconds • apparent drug or alcohol related death of a client (irrespective of the clients location at the time of the incident) • repeated incidents of a lower category that appear to be systemic • an event that has the potential to involve the 	Permanent	Retain as State archives

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No	Function/Activity	Description	Status	Disposal Action
<i>CLIENT COMPLIANCE - Incident Reporting</i>				
		<p style="text-align: center;">relevant Minister and/or</p> <ul style="list-style-type: none"> • an event that has the potential to subject the Department to high levels of public scrutiny <p>Includes any briefings given to the Minister, other members of Parliament, the Secretary or other stakeholders that result from incident investigation and reporting.</p> <p>Includes records of any decisions made regarding the resolution of issues or risk mitigation that may assist in the prevention of similar incidents occurring.</p> <p>Includes summary record.</p> <p>[For records of policy or procedure review, or staff education /training, or staff discipline, or litigation arising from an incident, please see the General Retention and Disposal Authority for Records of Common Administrative Functions.].</p>		
4.4.2		<p>Records of Category Two incident reporting, investigation and review.</p> <p>Category Two incidents include:</p> <ul style="list-style-type: none"> • injury for which medical treatment is sought, but which does not require hospitalisation • assaults that do not classify as category one incidents • serious threats made against clients or staff • unethical behaviour by staff, particularly if it 	Temporary	Destroy 7 years after the date of incident, or any resulting investigation concludes, or any applicable appeal period expires, whichever is longer.

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<i>CLIENT COMPLIANCE - Incident Reporting</i>				
		<p>involves taking advantage of clients</p> <ul style="list-style-type: none"> • client behaviour that poses a threat to other clients or staff • criminal behaviour resulting in police intervention • incidents that have the potential to escalate to a category one incident and/or • repeated incidents of a lower category that appear to be systemic. <p>Includes any briefings given to the Secretary or other stakeholders that result from incident investigation and reporting.</p> <p>Includes records of any decisions made regarding the resolution of issues or risk mitigation that may assist in the prevention of similar incidents occurring.</p> <p>[For records of policy or procedure review, or staff education /training, or staff discipline, or litigation arising from an incident, please see the General Retention and Disposal Authority for Records of Common Administrative Functions.].</p>		
4.4.3		<p>Summary record of Category Two incidents.</p> <p>Summary includes date of incident, location of where incident occurred, nature of incident, names of people involved, reporting officer, summary of incident report and outcome.</p>	Temporary	Destroy 75 years after the client has reached 18 years of age or the date of completion of sentence (whichever is longer).

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No	Function/Activity	Description	Status	Disposal Action
<i>CLIENT COMPLIANCE - Incident Reporting</i>				
4.4.4		<p>Records of Category Three incident reporting, investigation and review.</p> <p>Category three incidents are considered to be those that interrupt normal work or routines, but the significance of the incident does not extend beyond the workplace or facility e.g. a broken window or similar minor damage to the facility, loss or breakage of client personal items (not including theft).</p> <p>Category Three incidents are not reported to Head Office, and are dealt with at the Regional Office level. Includes records of any decisions made regarding the resolution of issues or risk mitigation that may assist in the prevention of similar incidents occurring.</p> <p>Includes summary record.</p> <p>[For records of policy or procedure review, or staff education /training arising from an incident, please see the General Retention and Disposal Authority for Records of Common Administrative Functions.]</p>	Temporary	Destroy 2 years after the date of incident.
5	PROGRAMS & SERVICES	<p>The management of programs and services that assist:</p> <ul style="list-style-type: none"> • youth in need of short-term accommodation; • children or youth who are refugees to Australia and are not accompanied by a relative or carer; • youth who are at risk of entering the justice system; 		

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No	Function/Activity	Description	Status	Disposal Action
<i>PROGRAMS & SERVICES - Establishment, Monitoring & Review</i>				
		<ul style="list-style-type: none"> • youth and their families staying together; • indigenous youth interact with the justice system through culturally relevant mechanisms; • youth within the youth justice system access health and counselling services; or • youth who have committed serious offences, or who show persistent offending behaviour to access targeted rehabilitation programs. 		
5.1	Establishment, Monitoring & Review	The activities related to the establishment, review and monitoring of programs and services.		
5.1.1		<p>The establishment and review of programs, including the content, audience and delivery mechanisms of the program.</p> <p>Includes the nomination and selection of members of the community to participate as role models, advocates, mentors and/or champions e.g. Koori elders for participation in the Koori Justice Program.</p>	Permanent	Retain as State archives
5.1.2		The routine monitoring and administrative arrangements of program and service delivery including enrolments, attendance, venue management, session timetabling, and/or rostering.	Temporary	Destroy 7 years after the date of last entry..
6	REFUGEE MINOR PROGRAM	<p>The management of services provided for the Refugee Minor Program.</p> <p>Includes:</p>		

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No	Function/Activity	Description	Status	Disposal Action
<i>REFUGEE MINOR PROGRAM - Case Management</i>				
		<ul style="list-style-type: none"> • liaison with the relevant Federal Government departments; • collection of the client upon arrival; • placement with close relatives or suitable care-givers; • liaison with ethnic or cultural associations; • service planning and referrals; and • case supervision until the client is 18 years of age. 		
6.1	Case Management	The activities related to the case management of Refugee Minor clients.		
6.1.1		<p>Summary record of refugee minor clients.</p> <p>Includes clients name, date of birth, gender, visa type / reasons for entry / refugee status, date of entry to Australia, country of origin, and assigned guardian.</p>	Permanent	Retain as State archives
6.1.2		<p>The management of a refugee minor client who has no immediate relative or guardian in Australia who are able or willing to take responsibility for their care (whether they qualify as being a Ward of the Commonwealth or not).</p> <p>Includes records of medical treatment, interstate travel, reunification applications with overseas relatives, school enrolments, vaccinations, copies of identity papers (birth certificates, passport), and</p>	Temporary	Destroy 75 years after the date on which the client turns 18 years of age.

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REFUGEE MINOR PROGRAM - Case Management

		<p>detailed referral information from the Commonwealth Government.</p> <p>Also includes decisions made in conjunction with the Commonwealth Government on an appropriate residential placement in the absence of family or a guardian.</p>		
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