

**Retention and Disposal Authority for Records of the Health
Complaints Commissioner**

Authority number: PROS 07/06 VAR 3



PROS 07/06 VAR 3

**Retention and Disposal
Authority for Records of the
Health Complaints
Commissioner**

Issued Date: 02/09/2019

Retention and Disposal Authority for Records of the Health Complaints Commissioner

Authority number: PROS 07/06 VAR 3

Variation 1

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Office of the Health Services Commissioner

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to the records of the Retention and Disposal Authority for Records of the Office of the Health Services Commissioner, issued as Public Record Office Standard (PROS) 07/06 on 26/10/2007, as follows:

Extension of the application of this Standard until 31/12/2018.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Director and Keeper of Public Records

Date: 22/09/2017

Retention and Disposal Authority for Records of the Health Complaints Commissioner

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Variation 2

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Health Complaints Commissioner

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to the records of the Retention and Disposal Authority for Records of the Office of the Health Services Commissioner, issued as Public Record Office Standard (PROS) 07/06 on 26/10/2007, as follows:

- The title of PROS 07/06 is changed from 'Retention and Disposal Authority for Records of the Office of the Health Services Commissioner' to 'Retention and Disposal Authority for Records of the Health Complaints Commissioner'.
- Extension of the application of this Standard until 31/12/2021.

This Variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Director and Keeper of Public Records

Date: 19/11/2018

Retention and Disposal Authority for Records of the Health Complaints Commissioner

Authority number: PROS 07/06 VAR 3

Variation 3

Public Records Act 1973 (Section 12)

Retention & Disposal Authority for Records of the Health Complaints Commissioner (PROS 07/06)

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to records of the Health Complaints Commissioner, issued as Public Record Office Standard (PROS 07/06) on 26/10/2007, as follows:

The addition of the following text to the scope of the RDA and across the body of the RDA as a footer:

This Retention and Disposal Authority **must not be used** for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.

Instead **agencies must use PROS 19/08** Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Director and Keeper of Public Records

Date of issue: 02/09/2019

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Retention and Disposal Authority for Records of the Health Complaints Commissioner

Authority number: PROS 07/06 VAR 3

Retention and Disposal Authority for Records of the Health Complaints Commissioner

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| Retention and Disposal Authority No | PROS 07/06 VAR 3 |
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| Scope | <p>This retention and disposal authority covers records documenting the function of investigating complaints regarding health services.</p> <p>This Retention and Disposal Authority must not be used for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.</p> <p>Instead agencies must use PROS 19/08 Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.</p> |
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| Status | Issued by Keeper |
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| Issue Date | 02/09/2019 |
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Retention and Disposal Authority for Records of the Health Complaints Commissioner

Authority number: PROS 07/06 VAR 3

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| List of Functions and Activities covered |
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Authority number: PROS 07/06 VAR 3

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 records must be managed and transferred in accordance with PROV Standards.

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Concurrence of Public Office

This Authority has the concurrence of:

Signature: [signed]

Name: Bethia A Wilson

Position: Health Services Commissioner

Date: 19/10/2007

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 records of the Health Complaints Commissioner. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 26/10/2007

Retention and Disposal Authority for Records of the Health Complaints Commissioner

Authority number: PROS 07/06 VAR 3

| No | Function/Description | Status | Disposal Action |
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| 1.0 | <p>ENQUIRIES AND COMPLAINTS MANAGEMENT</p> <p>The management of enquiries and complaints made by members of the public to determine whether they have grounds for complaint, or where a formal complaint is lodged under either the: -</p> <ul style="list-style-type: none"> • <i>Health Services (Conciliation and Review) Act 1987, or -</i> • <i>Health Records Act 2001</i> | | |
| 1.1 | <p>Enquiries and Complaints Registration - Summary Management</p> <p>Summary of all enquiries and complaints received by the Office of the Health Services Commissioner (OHSC). Summary information for formal complaints registered includes information about the type of complaint, file number, name of complainant, name of respondent and summary of the case.</p> | Permanent | Retain as State archives |
| 1.2 | <p>Complaints</p> <p>The investigation of complaints. Includes records relating to the complaint lodgement, assessment, conciliation or investigation.</p> | Temporary | Destroy 7 years after following closure of complaint. |
| 1.3 | <p>Enquiries (Single Contact Complaints)</p> <p>Enquiries received from members of the public seeking general information about or to determine whether they have grounds for complaint under the:</p> <ul style="list-style-type: none"> • <i>Health Services (Conciliation and Review) Act 1987, or</i> • <i>Health Records Act 2001</i> <p>[For enquiries not within OHSC jurisdiction, see <i>General Retention & Disposal Authority for Records of Common Administrative Functions, PROS 07/01, class 2.7.4.</i>]</p> | Temporary | Destroy 5 years after closure of enquiry. |

This Retention and Disposal Authority **must not be used** for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.

Instead agencies **must use PROS 19/08** Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.

Retention and Disposal Authority for Records of the Health Complaints Commissioner

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INQUIRIES MANAGEMENT

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| 2.0 | <p>INQUIRIES MANAGEMENT</p> <p>Investigations carried out by the OHSC as empowered by the Minister under Part 2, Section 9 (l) and (m) of the <i>Health Services (Conciliation and Review) Act 1987</i>. Also includes investigations and rulings by the Health Services Commissioner (HSC) under Division 4 Section 64 (1) of the <i>Health Records Act 2001</i>.</p> | | |
| 2.1 | <p>Inquiries</p> <p>Inquiries undertaken by the OHSC as directed or approved by the Minister. Includes statements, submissions, transcripts of oral evidence and final reports.</p> <p>Rulings made by the HSC include the reasons for the ruling, the action the HSC specifies to remedy the issue and the specified period within which the action must be taken.</p> | Permanent | Retain as State archives |

This Retention and Disposal Authority **must not be used** for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.

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EDUCATION AND TRAINING

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| 3.0 | <p>EDUCATION AND TRAINING</p> <p>The function of providing education, training and information to providers and users about the prevention and resolution of complaints relating to health services under the <i>Health Services (Conciliation and Review) Act 1987</i> and <i>Health Records Act 2001</i>.</p> <p>This may include but is not limited to, training courses, seminars, publications, pamphlets, media releases and promotion and awareness activities.</p> | | |
| 3.1 | <p>Delivery of Educational, Training and Promotional Programs</p> <p>Activities related to educating and training stakeholders which includes media advertising campaigns, the production of fact sheets and participation in trade shows.</p> <p>Includes the development and delivery of training program content for both staff and stakeholder groups.</p> | Temporary | Destroy 7 years after action completed. |

This Retention and Disposal Authority **must not be used** for records about child sexual abuse incidents, allegations nor an agency's prevention, identification and response to such incidents and allegations. This includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies.

Instead agencies **must use PROS 19/08** Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations.