

Retention and Disposal Authority for Records of Working with Children Check Function

Authority number: PROS 08/07 VAR 2



PROS 08/07 VAR 2

**Retention and Disposal Authority for Records of
Working with Children Check Function**

Issued Date: 02/09/2019

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Variation 1

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of the Working with Children Check Function

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of the Working with Children Check Function, issued as Public Record Office Standard (PROS) 08/07 on 5/12/2008, as follows:

Extension of the application of this Standard until varied or revoked

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 Working with Children Check Function

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Variation 2

Public Records Act 1973 (Section 12)

Retention & Disposal Authority for Records of Working with Children Check Function (PROS 08/07)

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to records of the Working with Children Check Function, issued as Public Record Office Standard (PROS 08/07) on 05/12/2008, 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 Working with Children Check Function

Retention and Disposal Authority No	PROS 08/07 VAR 2
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Scope	<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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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: Robyn White

Position: A/Executive Director Community Operation and Strategy

Date: 1/12/2008

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 Working with Children Check Function. 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: 05/12/2008

Retention and Disposal Authority for Records of Working with Children Check Function

Authority number: PROS 08/07 VAR 2

No	Function/Activity	Description	Status	Disposal Action
1	Check Management	<p>The receipt, evaluation and management of applications from individuals who apply for a Working with Children Check Assessment Notice and Card.</p> <p>Includes the checking of persons with regard to their suitability to work or volunteer with children under the provisions of the <i>Working with Children Act 2005</i> through investigation of whether any previous criminal history or adverse findings by prescribed professional bodies that an individual may have (or may acquire whilst holding an Assessment Notice), affect their ability to hold an Assessment Notice and Card.</p> <p>Also includes associated ongoing management activities such as preparation for appearances before any Tribunal or Court regarding applicant appeals and the management of internal reviews.</p>		
1.1	Assessment	<p>The receipt, assessment and investigation of applications made by individuals for a Working with Children Check. If applicants are approved, a Working with Children Check Assessment Notice and Card are issued, allowing them to work with children for a period of five years. Applicants found to be unsuitable to work with children receive a Negative Notice and are prevented from re-applying for five years. Both five-year periods in which individuals hold an Assessment Notice or a Negative Notice are referred to as an 'outcome period'.</p> <p>Applicants issued with a Negative Notice are able to</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.

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

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No	Function/Activity	Description	Status	Disposal Action
<i>Check Management - Assessment</i>				
		make a complaint, or apply to the Victorian Civil and Administrative Tribunal (VCAT) or failing that, appeal to the Supreme Court.		
1.1.1	Assessment - Summary Management	The management of applications for Working with Children Check Assessment Notices and Cards and their outcome in summary form. Includes the summary management of all applicants' criminal records and prescribed professional bodies checks and of processes that are involved in applicants consenting to checks.	Temporary	Destroy 75 years after last entry.
1.1.2	Applications	Records documenting the administration of applications received from individuals for a Working with Children Check Assessment Notice and Card. Includes application forms and accompanying identifying information as well as any correspondence with the applicant to confirm application details and/or proof of identity.	Temporary	Destroy 1 year after outcome period concluded.
1.1.3	Assessment - No Complaints or Litigation	Records documenting the initial receipt and assessment of criminal and prescribed professional body records to determine an individual's eligibility to hold an Assessment Notice and Card and any investigation into whether an individual should continue to hold an Assessment Notice and Card where the final outcome does not lead to any complaints, VCAT applications, or applications to the Supreme Court.	Temporary	Destroy 3 months after outcome period concluded.

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No	Function/Activity	Description	Status	Disposal Action
<i>Check Management - Assessment</i>				
		Includes the receipt and review of summary and individual reports from the federal government agency that coordinates national criminal check services and from prescribed professional registration bodies (for example the Victorian Institute of Teaching) that detail an applicant's criminal or prescribed professional body history and those which notify the Working with Children Check Unit of charges, findings of guilt or findings from prescribed professional bodies against an existing Assessment Notice holder.		
1.1.4	Assessment - Complaints or Litigation	<p>Records documenting the initial receipt and assessment of criminal and prescribed professional body records to determine an individual's eligibility to hold an Assessment Notice and Card and any investigation into whether an individual should continue to hold an Assessment Notice and Card where the final outcome leads to a complaint, an application to VCAT or failing that, an application to the Supreme Court.</p> <p>Includes the receipt and review of summary and individual reports from the federal agency that coordinates national criminal check services and from prescribed professional registration bodies (for example the Victorian Institute of Teaching) that detail an applicant's criminal or prescribed professional body history and those which notify the Working with Children Check Unit of charges,</p>	Temporary	Destroy 3 months after outcome period concluded OR 2 months after any complaint or applications to VCAT or the Supreme Court are finalised (whichever period is longer).

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No	Function/Activity	Description	Status	Disposal Action
<i>Check Management - Assessment</i>				
		findings of guilt or findings from prescribed professional bodies against an existing Assessment Notice holder. [For management of complaints, see the General Retention and Disposal Authority for Records of Common Administrative Functions] [For management of appearances before VCAT or the Supreme Court see class 1.1.5]		
1.1.5	Preparation for Tribunal or Court Appearances	Records documenting the preparation for and appearance at any Tribunal or Court proceedings concerning the issuing of any Negative Notices. Includes preparation for proceedings initiated by applicants to VCAT under the Act and for Supreme Court hearings that might occur following a VCAT hearing.	Temporary	Destroy 10 years after date of decision.
1.2	Check Administration	The final administrative approval of applications for an Assessment Notice and Working with Children Check Card and on-going processes related to the administration of cards and information about cardholders.		
1.2.1	Assessment Notice Final Administrative Approval	Administrative reports detailing all applicants who have been approved and issued with an Assessment Notice and a Working with Children Check Card.	Temporary	Destroy after administrative use has concluded.

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Check Management - Check Administration

1.2.2	Administration of Card and Cardholders' Information	<p>Records documenting the routine administration of cards and information about cardholders.</p> <p>Includes records of cards issued, requests for the replacement of lost cards and changes to personal details.</p>	Temporary	Destroy 1 year after outcome period concluded.
1.3	Internal Review	<p>The internal review and audit of decisions made about Working with Children Check applications.</p> <p>Reviews and audits may occur following decisions that are considered controversial or potentially incorrect. These reviews are not carried out to reconsider or change decisions, but for quality assurance purposes to improve processes and to avoid future errors.</p>		
1.3.1	Internal Decision Reviews	<p>Records documenting the review and audit of the decisions made about individual applications for the Working with Children Check.</p> <p>These reviews and audits may evaluate if the overall assessment processes are leading to correct decisions across the board, that authorised processes are being followed and if individual decisions are correct.</p> <p>[For the development of policies and procedures or any staff disciplinary processes following the conduct of a review, see the General Retention and Disposal</p>	Temporary	Destroy 7 years after the conclusion of review or audit.

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No	Function/Activity	Description	Status	Disposal Action
<i>Community Awareness</i>				
		Authority for Records of Common Administrative Functions]		
2	Community Awareness	Activities that aim to promote a greater understanding and awareness of the Working with Children Check process and advance its aims. Includes activities to inform people within relevant industries that might be required to undergo and pass a check in order to continue to work or volunteer in an organisation.		
2.1	Community Awareness Development	The development of information materials and information sessions that aim to inform and educate specific audiences on the existence of the Working with Children Check and its aims. Information about the check process is often delivered directly to stakeholder groups such as junior sporting clubs through visits and information sessions on how the Working with Children check affects them and what they are required to do in order to undergo and pass a check.		
2.1.1	Information Materials	Records documenting the creation of materials for use to inform specific audiences on the existence, aims, effects and requirements of the Working with Children Check.	Temporary	Destroy 7 years after administrative use has concluded.
2.1.2	Information Delivery	Records relating to the delivery of information sessions to specific audiences on the existence, aims,	Temporary	Destroy 7 years after administrative use has

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No	Function/Activity	Description	Status	Disposal Action
<i>Community Awareness - Community Awareness Development</i>				
		effects and requirements of the Working with Children Check.		concluded.

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