

**Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations**

Authority number: PROS 19/08



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Issued Date: 10/07/2019

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Authority number: PROS 19/08

## Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations

<b>Retention and Disposal Authority No</b>	PROS 19/08
<b>Scope</b>	This RDA applies to all public offices. If another RDA applies to your office that specifies a longer retention period, then the longer retention applies. See <b>Introduction</b> for further information.
<b>Status</b>	Issued by Keeper
<b>Issue Date</b>	10/07/2019

## Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations

Authority number: PROS 19/08

List of Functions and Activities covered

Reference	Function	Activity	Page
1	Organisational response to child sexual abuse incidents and allegations		10

# Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations

Authority number: PROS 19/08

## Introduction

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### 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](http://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.

# Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations

## Authority number: PROS 19/08

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.

## Background

This Retention and Disposal Authority (RDA) has been developed to meet recommendations made in the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse 2017.

All attempts have been made to use language that is not offensive to survivors of child sexual abuse.

Within scope are the records concerning organisational response to allegations and incidents of child sexual abuse, i.e. reporting, inquiring and investigation of incidents and allegations, as well as the provision of support and redress to individuals. It also includes the development, implementation and review of organisational policy, guidelines and training in relation to the prevention, identification and response to allegations and incidents of child sexual abuse.

This RDA applies to all public offices and includes records of this nature created through an agency's reporting, oversight or regulatory relationships with other agencies. There are some important exemptions, see the section below [Relationship with other RDAs](#).

*If unsure seek further guidance from PROV.*

# Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations

**Authority number: PROS 19/08**

NB: This RDA is not to be used by a public office if another RDA that specifies a longer retention period has been issued for its use. The longer retention period must always be applied.

## Out of Scope

Please note this RDA does not include contextual records that might be used as evidence (such as staff rosters, attendance records) unless those records are required as part of an investigation or report at which time this RDA will apply.

Agencies may continue to use their existing RDA and the Common Administrative Records RDA to sentence contextual records if records of that type are not required, whilst assessing the likelihood that the contextual records may be required for a future investigation or legal proceeding and the risk should the records not be available.[1]

See also *Creating, Managing and Retaining Records for Current and Future Child Sexual Abuse Allegations*, PROV 2018 for further advice on what is meant by contextual records that may be required.

## Relationship with other RDAs

This RDA does not apply to records concerning allegations and incidents of child sexual abuse involving children who are or were under the care or custody of the State. Use the RDAs for Records of Child Protection and Family Services Functions (PROS 08/12) and Youth Services and Youth Justice Functions (PROS 08/16).

This RDA does not apply to the patient information records of hospitals and health services who have provided medical care or treatment to children who are victims of child sexual abuse. Use the RDA for Patient Information Records (PROS 11/06).

This RDA does not apply to the investigation records of Victoria Police for criminal investigations undertaken into allegations and incidents of child sexual abuse. Use the RDA for Records of Victoria Police.

The RDA does not apply to the Office of Public Prosecution and court / tribunal records in relation to the prosecution and trial of persons for child sexual abuse. Use the RDAs of the respective courts / tribunals and the Office of Public Prosecutions.

## Glossary Terms

### Glossary Terms

**Child** is anyone being below the legal age of majority in Australia, which is 18 years of age.

**Child sexual abuse** is any act which exposes a child to, or involves a child in, sexual activity beyond his or her understanding or contrary to accepted community standards. The Royal Commission into Institutional Responses to Child Sexual Abuse provides a comprehensive definition.

# **Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations**

**Authority number: PROS 19/08**

**Redress** is an action to remedy or set right. The use of the term 'redress' within this RDA is used in its broader sense and not limited to redress that may be provided through the National Redress Scheme.

## **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.

## **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*



## **Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations**

**Authority number: PROS 19/08**

### **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 Public Offices, all. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

**Justine Heazlewood**, Keeper of Public Records

Date of Issue: 10/07/2019

## Retention and Disposal Authority for Records of Organisational Response to Child Sexual Abuse Incidents and Allegations

Authority number: PROS 19/08

No	Function/Activity	Description	Status	Disposal Action
1	<p><b>Organisational response to child sexual abuse incidents and allegations</b></p>	<p>The response by organisations to allegations and incidents of child sexual abuse. The function comprises:</p> <p>Development, implementation and review of policy, procedure and training to prevent the occurrence of abuse and to regulate and guide organisational response.</p> <p>Reporting, inquiring and investigation of allegations, disclosures and incidents which includes:</p> <ul style="list-style-type: none"> <li>• receipt of disclosures, allegations and complaints</li> <li>• conducting investigations and inquiries</li> <li>• collecting and managing evidence</li> <li>• conducting interviews with witnesses</li> <li>• liaising and referrals to other bodies</li> <li>• imposing any disciplinary actions</li> <li>• conducting legal proceedings</li> <li>• managing appeals and reviewing agency decisions.</li> </ul> <p>Provision of support and redress to individuals which includes:</p> <ul style="list-style-type: none"> <li>• counselling or referral to counselling services</li> <li>• redress action including support, compensation and mediation.</li> </ul>		

## 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
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*Organisational response to child sexual abuse incidents and allegations*

1.1	<b>Policy, strategy and procedure</b>	<p>Records of the development and establishment of organisational requirements, policy, process and guidance to;</p> <ul style="list-style-type: none"> <li>• identify and prevent abuse</li> <li>• codify and regulate the response to abuse incidents and allegations</li> <li>• conduct inquiries, investigations and redress schemes.</li> <li>• manage the outcomes of investigations, including redress schemes</li> </ul> <p>Includes final versions, major drafts, supporting research and results of stakeholder consultation.</p> <p>Records of major internal reviews of the process of responding to child sexual abuse incidents and allegations; including final reports, findings and recommendations.</p>	Permanent	Retain as State Archives, Transfer to PROV
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*Organisational response to child sexual abuse incidents and allegations*

1.2	<b>Reporting and Investigations</b>	<p>Records documenting the reporting and investigation of child sexual abuse incidents, allegations and disclosures, including those not proven and those referred to external law enforcement agencies.</p> <p>Includes records of activities undertaken to provide support and redress.</p> <p>Records of investigation include:</p> <ul style="list-style-type: none"> <li>• records of the initiating allegation, complaint or disclosure including incident reports</li> <li>• records of investigations carried out including cases referred to external law enforcement agencies</li> <li>• evidence collected and collated including records and transcripts of interviews, witness statements, notes of meetings or discussions</li> <li>• any physical exhibits collected such as photographs and audio visual records</li> </ul> <p>Records of actions taken to address child sexual abuse that has occurred or is alleged to have occurred include:</p> <ul style="list-style-type: none"> <li>• records relating to any disciplinary action taken</li> <li>• records of any appeals or reviews of</li> </ul>	Temporary	Destroy 99 years after action completed.
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No	Function/Activity	Description	Status	Disposal Action
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*Organisational response to child sexual abuse incidents and allegations*

		<p>organisational decisions</p> <ul style="list-style-type: none"> <li>• records of cases referred to external law enforcement including legal proceedings or cases heard by other bodies, tribunals or courts and any decisions made <b>(NB: Disposal of records of courts, tribunals or Office of Public Prosecutions is not authorised by this RDA, use the RDA issued for use by the court, tribunal or Office of Public Prosecutions. For the criminal investigation records of Victoria Police, use the Victoria Police RDA.)</b></li> </ul> <p>Also includes correspondence and liaison with other government agencies relating to child sexual abuse that has occurred or is alleged to have occurred.</p> <p>Records of activities undertaken to provide support and redress include:</p> <ul style="list-style-type: none"> <li>• records of mediation</li> <li>• records of services provided including counselling or other medical care <b>(NB: The Patient Information Records RDA is to be used by hospitals and health services who provide this care.)</b></li> <li>• records of claims and any resulting compensation.</li> </ul>		
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No	Function/Activity	Description	Status	Disposal Action
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*Organisational response to child sexual abuse incidents and allegations*

1.3	<b>Training and Development</b>	<p>Records documenting the development of training programs devised to instruct agencies on how to respond to incidents of abuse that has occurred or alleged to have occurred. Includes training on how to prevent abuse; training on how to identify possible incidents of abuse; training on the conduct of investigations and training to implement redress schemes. Includes:</p> <ul style="list-style-type: none"> <li>• final high-level strategies and operational plans supporting the development and delivery</li> <li>• plans relating to training assessment and course delivery</li> <li>• master set of material and resources developed for training course delivery</li> </ul> <p>See <i>PROS 16-02 Non-Accredited Training Records</i> for records of non-accredited training not described in this RDA</p>	Temporary	Destroy 45 years after action completed.
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