

Retention and Disposal Authority for Records of Complaint Handling Functions

Authority number: PROS 21/04



Public Record
Office Victoria



VICTORIA
State
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PROS 21/04

Retention and Disposal Authority for Records of Complaint Handling Functions

Issued Date: 23/06/2021

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Scope	<p>This Retention and Disposal Authority applies to complaints authorities, and covers records of complaints and enquiries handling and investigations and inquiries. Agencies covered under the scope of this RDA are:</p> <ul style="list-style-type: none">• Victorian Ombudsman• Victorian Equal Opportunity and Human Rights Commission• Road Safety Camera Commissioner• Health Complaints Commissioner• Mental Health Complaints Commissioner• Victorian Disability Worker Commission• Office of the Racing Integrity Commissioner• Local Government Inspectorate• Judicial Commission of Victoria (function 1)• Disability Services Commissioner• Other agencies by application to PROV <p>This Retention and Disposal Authority must not be used for records of 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	23 June 2021
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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). The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 20/02 Storage.

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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 Office of the Ombudsman (Ombudsman Victoria); Equal Opportunity and Human Rights Commission; Health Complaints Commissioner; Road Safety Camera Commissioner; Mental Health Complaints Commissioner; Victorian Disability Worker Commission. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[Approved]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 23 June 2021

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No	Function/Description	Status	Disposal Action
1.0	<p>Complaints and Enquiries Management</p> <p>The function of the receipt, investigation, and resolution of complaints and enquiries, where that is a core purpose of the agency. Complaints and enquiries are received from parties external to the agency. Includes:</p> <ul style="list-style-type: none"> • The management of enquiries received from members of the public or service providers seeking general information about their rights and/or obligations or to determine whether they have grounds for a complaint • The management of enquiries received from members of the public or service providers seeking guidance on which agency has the authority to respond to their enquiry, to provide a dispute resolution service, or to investigate their complaint • The receipt of formal and informal complaints • The receipt of notifications from an individual, employer, service provider, or other government agency under mandatory reporting requirements • The lodgement of a formal complaint under an applicable Act for which the agency has jurisdiction • The management and investigation of formal complaints and notifications, including the collection of documentation, research materials, analysis, and records of interviews and site visits • Internal meetings held at the agency regarding the progress of a complaint • Correspondence between the agency, the complainant, the subject/s, and any other relevant parties • Any action taken to resolve a complaint, including direct or early resolution, dispute resolution, and restorative justice services • Recommendations made to the subject/s of a complaint or other relevant entities to prevent reoccurrence • Responses from subject/s of the complaint to the investigation and recommendations made • Enforcement and compliance action undertaken by the agency as a result of the management 		

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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/Description	Status	Disposal Action
<i>Complaints and Enquiries Management</i>			
	<p>and investigation of a complaint.</p> <p>See <i>Complaint Handling Functions 2. Investigations and Inquiries</i> for records of agency-initiated investigations and inquiries</p> <p>See <i>PROS 16/02 Non-Accredited Training</i> for records of training provided by the agency about receiving and resolving enquiries and complaints</p> <p>See <i>PROS 19/08 Organisational Response to Child Sexual Abuse Incidents and Allegations</i> for records of complaints, allegations, or incidents of child sexual abuse</p>		
1.1	<p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> the receipt and resolution of complaints considered significant as they either set precedents, or lead to major changes in policy, or lead to legislative reform, or involved intense media attention or public notoriety, or lead to a Board of Inquiry or Royal Commission. Includes all records created from the first contact by the complainant until the complaint is finalised or resolved, including records of any enforcement or compliance action taken against the subject/s. 	Permanent	Retain as State Archives, Transfer to PROV
1.2	<p>Records of medium term value documenting:</p> <ul style="list-style-type: none"> summary record of all enquiries and complaints received by the agency. Summary information recorded for complaints received includes the type of complaint, file number, name of complainant, name of subject/s, summary of assessment and any outcomes, and summary of the case. Summary information recorded for enquiries received includes the type of enquiry, file number and summary of the enquiry, and if provided the names of the complainant and/or subject/s. 	Temporary	Destroy 25 years after action completed.
1.3	<p>Records of short term value documenting:</p> <ul style="list-style-type: none"> the receipt, investigation, and resolution of complaints of a routine nature. Includes all records created from the first contact by the complainant until the complaint is finalised, including records of any enforcement or compliance action taken against the subject/s. Also includes records of internal meetings held 	Temporary	Destroy 7 years after action completed.

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Complaints and Enquiries Management

	during the management of the complaint.		
1.4	<p>Records documenting:</p> <ul style="list-style-type: none"> • routine enquiries received from members of the public seeking information about their rights and/or obligations or grounds for submitting a formal complaint • routine enquiries into whether the agency has jurisdiction over a particular complaint • routine enquiries about compliance • records of the receipt and response to enquiries that don't become formal complaints <p>Also includes data and research collected during investigation of a complaint which is deemed not relevant and it not then used as evidence or included in a case file.</p>	Temporary	Destroy 2 years after action completed.

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Investigations and Inquiries

2.0	<p>Investigations and Inquiries</p> <p>The function of conducting an investigation or inquiry into an issue under the agency's jurisdiction, initiated by the agency. Includes all records of:</p> <ul style="list-style-type: none"> • Investigations and inquiries launched on the agency's 'own motion', including those initiated by the Commissioner or head of agency • Investigations and inquiries that initiated from a complaint or notification, where it is determined that to fully resolve the issue it would not be sufficient to confine the investigation to one complainant • Investigations following the finalisation of a complaint or own-motion inquiry, where undertakings agreed to by the subject/s are alleged not to have been implemented • Investigations and inquiries into systemic issues or infractions that concern a particular class or group of people, e.g. people with a disability, Aboriginal and Torres Strait Islander people • Investigations and inquiries undertaken at the request of a Minister or the Parliament • Information that prompts the establishment of an investigation or inquiry, such as complaints or research • Correspondence between the agency and other parties involved in the investigation • Internal meetings held within the agency about an investigation or inquiry • Records created during investigation, including documentation collected, research materials, analysis, and records of interviews and site visits • Any findings from an investigation or complaint, including a final report • Recommendations made to the subject/s of an investigation or inquiry, any other related entity, or government, to prevent reoccurrence or a future breach • Responses from subject/s to the investigation and recommendations made 		
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No	Function/Description	Status	Disposal Action
<i>Investigations and Inquiries</i>			
	<ul style="list-style-type: none"> Enforcement and compliance action undertaken by the agency in response to the findings of an investigation or inquiry. <p>See <i>Complaint Handling Functions 1.Complaints and Enquiries Management</i> For records of the receipt, investigation and resolution of complaints lodged by individuals or service providers</p>		
2.1	<p>Records of continuing value documenting:</p> <ul style="list-style-type: none"> investigations and inquiries initiated within the agency that set precedents, lead to major changes in policy, or involve intense media attention or public notoriety investigations and inquiries directed or approved by a Minister or Parliament investigations or inquiries into systemic issues or infractions relating to a class or group of people, or where the circumstances are such that the lodging of a complaint by one complainant would not be sufficient to resolve the issue investigations or inquiries that lead to a Royal Commission or Board of Inquiry. 	Permanent	Retain as State Archives, Transfer to PROV
2.2	<p>Records of short term value documenting:</p> <ul style="list-style-type: none"> investigations and inquiries initiated within the agency that don't set precedents, did not lead to major changes in policy nor did they involve intense media attention or public notoriety. 	Temporary	Destroy 7 years after action completed.
2.3	<p>Records documenting:</p> <ul style="list-style-type: none"> data and research collected during an investigation or inquiry which is deemed not relevant and is not then used as evidence or included in a case file. 	Temporary	Destroy 2 years after action completed.

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