



DA 2020-003

**General Retention and Disposal Authority for
Incidents and Allegations of Child Abuse or
Neglect**

DA Type: General

General Retention and Disposal Authority for Incidents and Allegations of Child Abuse or Neglect

Disposal Authority No	2020-003
Disposal Authority Type	General
Organisation/s	[Applies to all State organisations]
Disposal Authority Scope	General Retention and Disposal Authority for records of incidents and allegations of child abuse or neglect, created and/or kept by State and local government organisations.
Disposal Authority Status	Approved by SRC
Status Date	7/12/2020

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INTRODUCTION

1. ABOUT THIS DISPOSAL AUTHORITY

1.1 Important Note

Disposal Freeze for government records relating to children

In April 2018, the SRO issued a Disposal Freeze for government records relating to children. The SRO is currently working with government organisations to address retention and disposal of relevant records in organisation-specific retention and disposal authorities. **Until the Director State Records advises that this process is complete, all government records relating to children must be retained in accordance with the Disposal Freeze.** In the interim, this GRDA may be used to identify and sentence relevant records held by government organisations.

1.2 Background

The Final Report of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), released in December 2017, contains several recommendations concerning recordkeeping by institutions (including government organisations) which provide services to, or otherwise interact with, children.

The State Records Office of Western Australia (SRO) is the lead agency for implementing certain Royal Commission recommendations relating to recordkeeping and has developed this General Retention and Disposal Authority (GRDA) as part of its response to these recommendations. The Final Report of the Royal Commission may be viewed at <https://www.childabuseroyalcommission.gov.au/final-report> .

This GRDA was developed in consultation with the External Royal Commission Implementation Committee, led by the Department of Communities. The SRO would like to thank members of this Committee for their consideration and review of the document.

1.3 Purpose

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This GRDA identifies record categories which document:

- incidents, allegations and reports of child abuse and neglect; and
- organisational processes for creating and maintaining a safe environment for children, including responses to the Royal Commission's recommendations.

This GRDA acts as the continuing authority for the retention and disposal of these records in government organisations. The unauthorised destruction of government records is an offence under the *State Records Act 2000*.

Each category in this GRDA outlines a minimum retention period. Once the retention period has elapsed, the ultimate disposal action will be either:

- *Retain as State archives:* records that are to be retained permanently as part of the State Archives Collection; or
- *Destroy:* records that will be retained for a minimum period before they may be destroyed.

The minimum retention periods in this GRDA were developed with consideration to Royal Commission recommendations and legal requirements including the 2018 amendment to the Western Australian *Limitation Act 2005*, which removed the limitation period relating to child sexual abuse.

1.4 Scope

This GRDA applies to government organisations as defined by the *State Records Act 2000*. Non-government organisations may voluntarily adopt the retention periods in this document, in conjunction with relevant law and policy.

This GRDA must be applied in conjunction with any other disposal authorities which apply to the organisation (including other General Disposal Authorities, Sector Disposal Authorities and/or organisation-specific Retention and Disposal Schedules). If similar records categories are referenced in one or more disposal authority, the longer retention period must be applied.

This GRDA does **not** include records that may become relevant as evidence for future child abuse incidents or allegations (such as staff rosters or attendance records). These will be addressed as relevant disposal authorities are reviewed.

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Organisations must be mindful of recorded information that may be relevant to child sexual abuse incidents or allegations in future. Each organisation is responsible for assessing and determining the risk that business information may be required for such incidents or allegations. See the SRO document *Guidance for identifying and retaining records which may become relevant to an actual or alleged incident of child sexual abuse* for further information.

2. SPECIFIC MATTERS

2. DEFINITIONS

Action completed: conclusion of the business as documented in the record/s (e.g. a project has been completed, a case has been closed, etc.). It does **NOT** mean the date the record/s were last used or accessed.

Child: a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age (Source: *Children and Community Services Act 2004*)

Child abuse: may include physical abuse, sexual abuse, or emotional abuse (as defined in the *Children and Community Services Act 2004*).

Child sexual abuse: see **Sexual abuse**.

Custody: the minimum period the records will be retained before they are maintained as State archives, or destroyed.

Destroy: the disposal action for records identified as having temporary value, and which ultimately will be destroyed.

Disposal Action: the action that occurs to records once the retention period has expired. The final disposition will typically be "Destroy" or "Required as State archives".

Neglect: includes failure by a child's parents to provide, arrange, or allow the provision of adequate care for the child, or effective medical, therapeutic or remedial treatment for the child. (Source: *Children and Community Services Act 2004*)

Required as State archives: the disposal action for records to be retained permanently.

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Sexual abuse - in relation to a child, includes sexual behaviour in circumstances where (a) the child is the subject of bribery, coercion, a threat, exploitation or violence; or (b) the child has less power than another person involved in the behaviour; or (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour. (Source: *Children and Community Services Act 2004*)

A detailed definition is in the Royal Commission into Institutional Responses into Child Sexual Abuse Final Report, Volume 1, available at <https://www.childabuseroyalcommission.gov.au/final-report> .)

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No	Function/Activity	Description	Disposal Action	Custody
1	ALLEGATIONS / INCIDENTS	<p>Records of allegations or incidents of child abuse (including child sexual abuse) or neglect, concerning a staff member or other person engaged by the organisation.</p> <p>This category does NOT include records (such as staff rosters or attendance records) that may become relevant as evidence for future allegations or incidents of child abuse or neglect. Such records will be addressed as relevant disposal authorities are reviewed.</p>		
1.1		<p>Records of allegations or incidents of child abuse or neglect, including:</p> <ul style="list-style-type: none"> • initial allegations, complaints or reports • other reports including statutory reporting requirements • case files, diaries, or notes • investigation or inquiry records • evidence gathered, including statements and interviews • supporting information relevant to the incident or allegation (e.g. staff rosters, attendance records) • liaison with, and referrals to, other bodies 	Destroy	Retain 100 years after action completed, then Destroy.

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No	Function/Activity	Description	Disposal Action	Custody
GOVERNANCE				
		<ul style="list-style-type: none">• assessment reports or other records• legal proceedings• outcomes of investigations• further actions or recommendations• support or remedial action for individuals who have made allegations• sanctions, penalties and disciplinary actions• appeals and reviews		
2	GOVERNANCE	<p>Records of organisational governance, planning and processes for:</p> <ul style="list-style-type: none">• creating and managing a safe environment for children, and• handling and investigating allegations or incidents of child abuse or neglect. <p>Includes the organisation's response to the Royal Commission and its recommendations, and how the National Principles for Child Safe Organisations have been embedded into organisational governance.</p>		
2.1	Strategic	Strategic level activities associated with creating and managing a safe environment for children, and	Retain as State archives	Retain permanently

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No	Function/Activity	Description	Disposal Action	Custody
<i>GOVERNANCE</i>				
		handling and investigating allegations or incidents of child abuse or neglect. Includes: <ul style="list-style-type: none">• Policy and procedures - development and implementation• Codes of Conduct / Codes of Practice• Risk assessment and management• Strategic level planning for projects, programs and services• Strategic level evaluations and reviews		
2.2	Operational	Operational level activities associated with creating and managing a safe environment for children, and handling and investigating allegations or incidents of child abuse or neglect. Includes: <ul style="list-style-type: none">• Operational level planning for projects, programs and services• Operational level evaluations and reviews	Destroy	Retain 45 years after action completed, then Destroy.
2.3	Training	Training and other guidance in formalised processes for managing a safe environment for children, and handling and investigating allegations or incidents of child abuse or neglect. Includes: <ul style="list-style-type: none">• Training planning, development and delivery	Destroy	Retain 45 years after action completed, then Destroy.

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No	Function/Activity	Description	Disposal Action	Custody
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REPORTING

		<ul style="list-style-type: none">• Training material• Staff attendance records• Staff completion / attainment records		
3	REPORTING	Formal reporting of incidents or allegations of child abuse or neglect. This section applies to reporting not covered under section 1. For example, where an organisation is required to report an incident or allegation to another entity, but does not conduct an investigation themselves.		
3.1		Formal reporting of incidents or allegations of child abuse or neglect, as required under mandatory reporting schemes or other requirements.	Destroy	Retain 100 years after action completed, then Destroy.