

Student Safety and Wellbeing – Record Retention Policy

Last Review: 24 th June 2025	Constructed / Reviewed by: The Knox School, on advice from Russell Kennedy Lawyers and with input from the School Community.
Next Review: 24 th June 2027 (and every two years thereafter in accordance with the School's review cycle, or more frequently as required)	Approval Required: Board
Document Date: 24 th June 2025	Board Sign Off Date: 24 th June 2025

1 Statement of Context and Purpose

The Knox School (**the School**) is committed to protecting its students from all aspects of harm, and has established strategies, practices, policies and procedures to uphold this public commitment.

The School is committed to ensuring that it adopts recognised best practices with respect to the School's Records, particularly those Records that:

- are required to meet the prescribed minimum standards for the registration of schools;
- demonstrate the School's commitment to the care, safety and welfare of students;
- support the School's compliance with the Child Safe Standards; and
- are otherwise required to be kept at law.

This policy specifically responds to the Child Safe Standards contained in Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and Boarding Premises by adopting the central principles and requirements of the Public Record Office Victoria (**PROV**) Recordkeeping Standards, in particular clauses 6.2(f)-(h), with respect to Records relating to the care, safety and welfare of students.

This policy otherwise voluntarily adopts the PROV Recordkeeping Standards with respect to other Records.

This policy:

- defines the Records covered by this policy;
- sets out the retention period for the Records;
- sets out the manner in which the School meets the PROV Recordkeeping Standards,

and in doing so details the Recordkeeping processes that the School has in place to demonstrate that the care, safety and welfare of students is embedded in the School's leadership, governance and culture.

2 Application

This policy applies to all Board members, employees, volunteers, contractors labour hire workers, secondees and other authorised personnel required to perform functions on the

School's premises, or at School-organised activities and events. Collectively, these individuals are referred to as 'staff'.

This policy relates to Permanent Records and Temporary Records

3 Related Policies and Documents

3.1 Legislation

- *Crimes Act 1958* (Vic)
- *Corporations Act 2001* (Cth)
- *Education and Training Reform Act 2006* (Vic)
- *Education and Training Reform Regulations 2017* (Vic)
- *Fair Work Act 2009* (Cth)
- Ministerial Order No. 1359
- PROV Record Keeping Standards (see Glossary)

3.2 Schedules to this Policy:

- Schedule 1: Record Retention and Disposal
- Schedule 2: Guidelines

3.3 Overview of Student Safety and Wellbeing policies and documents

Document	Overview
Student Safety and Wellbeing Policy	This policy sets out the School's overarching obligations and commitment to ensuring student safety and wellbeing, and summarises the School's strategies for achieving these. The policy also explains how the School's other student safety and wellbeing policies and procedures interact.
Student Safety Staff Code of Conduct	This code outlines what staff behaviours align with the School's commitment to student safety and wellbeing, and what behaviours are unacceptable.
Student Safety and Wellbeing – Raising and Responding to Concerns Policy	This policy outlines how members of the School community may raise concerns about child abuse, reportable conduct and other student safety and wellbeing matters. This policy sets out how the School will respond to such concerns (including by complying with the School's mandatory reporting obligations).
Student Safety and Wellbeing – Record	This policy outlines the School's obligations with respect to keeping records relating to the care, safety and welfare of students, and adopts the Public Record Office Victoria Recordkeeping Standards.

Retention Policy	
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3.4 Related policies and documents

- Procedures for Responding to or Making a Request for Information under the Child Information Sharing Scheme

4 Retention Periods

Permanent Records are to be retained permanently.

Temporary Records are to be retained for the greater of:

- the period set out in Schedule 1;
- the period required under the Laws, or
- where no such period is prescribed, seven years.

5 Policy, planning, governance and accountability with respect to Records

At all times, the governance of Records will be, to the extent relevant, informed by the PROV Pros 19/03 *Strategic Management Standard*.

6 Access to Records

At all times Records must be effectively managed to ensure that they can be retrieved and used for the period of time that they are required to be retained. Accordingly, Records must be described and managed so that they can be identified, retrieved and used for authorised purposes.

7 Creation, preservation and control of Records

In satisfaction of PROV Pros 19/05 *Create, Capture and Control Standard*:

- full and accurate Records must be systematically created and captured;
- Records must be preserved for the period of time that they must be retained including, but not limited to, ensuring that Records are survivable and readable for the required life of the Record, are sufficiently descriptive, are migratable if required, meet minimum metadata requirements and can be saved as Victorian Electronics Records Strategy (VERS) encapsulated objects;
- Records must be controlled in a manner that ensures Records are protected from unauthorised activity including that Records may only be accessed by staff with requisite written authority granted in accordance with approved delegations of the School; and
- the School will maintain a digitisation plan and digitised Records must be created in accordance with the School's digitisation plan, and original source documents cannot be destroyed after imaging unless the requirements of the PROV Recordkeeping Standards have been met.

8 Disposal of Records

In satisfaction of PROV Pros 10/13 *Disposal*:

- disposal and destruction of Records must be lawful; and

- records are only to be disposed in accordance with the principles set out in *PROV Pros 10/13 Disposal*, including when destroyed by authorised destruction protocols or through an authorised custody transfer to an approved place of deposit.

For the avoidance of doubt, Records (both Permanent Records and Temporary Records) may hold evidentiary value at law. The destruction or prevention of documents from being used as evidence in a legal proceeding is an offence under legislation including, but not limited to, the *Crimes Act 1958* (Vic).

9 Management and Storage of Records

In satisfaction of PROV Pros 19/04 *Operational Management Standard* and PROV Pros 20/02 *Storage Standard*:

- Records must be managed and stored in accordance with the principles as they relate to the School set out in *PROV Pros 19/04 Operational Management Standard* and *PROV Pros 20/02 Storage Standard* and in accordance with the following specifications, to the extent applicable;
 - PROV Pros 20/02 S1: *Aprocess*
 - PROV Pros 20/02 S2: Specification for place appointed to store and manage state archives; and
 - PROV Pros 20/02 S3: Class B Place of Deposit Requirements.

10 Glossary

Term	Means
Permanent Record	<p>A permanent record is a record that the School will retain forever. The School considers Permanent Records to be:</p> <ol style="list-style-type: none"> 1 Records that are legislatively determined to be held as a Permanent Record. 2 Governance and operational records including: <ol style="list-style-type: none"> (a) governance documents, relating to the establishment and closure of the School, all strategic plans and formal planning documents and all Records relating to corporate identity; (b) documents relating to the structure, membership and operation of the School Board, Council, any Committees of the Board, Executive Management Team and Student Council and all records ordinarily related to the company secretarial function of the School; (c) all records relating to the acquisition and disposal of land or buildings including acquisition through purchase, donation, bequest or other forms of acquisition; (d) records relating to the accreditation, licensing and quality accreditation of the School including correspondences with its regulators and other government bodies including a master record of all accredited or approved courses, programs modules and units provided for staff of the School or of other Schools; (e) all records that summarises the School's financial position that are audited or are used for other reporting including but not limited to asset registers, annual financial statements, statutory financial reports and accompanying notes, building funds, trust funds, loans (made and received), and bequests;

Term	Means
	<ul style="list-style-type: none"> (f) records of delegation or formal exercise of power; (g) records evidencing the creation or registration of the intellectual property of the School; (h) a register of all contracts and agreements entered into by the School; (i) records of the development and review of all School policies and procedures; (j) records relating to major litigation especially those litigious matters that are in the public interest or are prone to controversy; and (k) records of insurance taken out by the School including property, contents, vehicles, public liability, professional indemnity and workers compensation;
3	<p>Student records including:</p> <ul style="list-style-type: none"> (a) records relating to students including but not limited to student enrolment records, performance records, attendance records; records relating to the development of and student participation in any student health and welfare records, and all incident and accident management Records; (b) all records pertaining to child protection, student safety and wellbeing, child abuse, including allegations investigated and not proven, all records of investigations, all records of determination and/or finding, and all records pertaining to the police or an enforcement body; and (c) all records of complaint made about the School, or about a teacher, student counsellors, or another student by a student;
4	<p>Personnel Records including:</p> <ul style="list-style-type: none"> (a) employment records of teachers and student counsellors and support workers including volunteers including name of individual, date of birth, date of appointment, date of separation, rates of salary and allowances, individual employment agreement, position titles and dates positions held, teach and non teacher practising registration, security check completion, evidence of professional learning, grievances, and disciplinary matters;
5	<p>Recordkeeping records</p> <ul style="list-style-type: none"> (a) a record of the controls and actions taken with respect to recordkeeping systems and archival collections;
6	<p>Other</p> <ul style="list-style-type: none"> (a) any other record determined to be a Permanent Record by resolution of the School Board.
PROV Record Keeping Standards	<ul style="list-style-type: none"> 1 Access Standard Pros 19/06 https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1906-access-standard 2 Creation, Capture and Control Standard Pros 19/05 https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1905-create-capture-and-control-standard 3 Specification Pros 19/05 S1: Digitisation https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1905-s1-digitisation-specification

Term	Means
4	Specification Pros 19/05 S2: Minimum Metadata Requirements https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1905-s2-minimum-metadata-requirements-specification
5	Specification Pros 19/05 S3: Long Term Sustainable Formats https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1905-s3-long-term-sustainable-formats-specification
6	Specification Pros 19/05 S4: Constructing VEO's https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1905-s4-constructing-veos-specification
7	Specification Pros 19/05 S5: Adding metadata packages to VEO's https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1905-s5-adding-metadata-packages-veos
8	Standard Pros 10/13 Disposal https://prov.vic.gov.au/recordkeeping-government/document-library/pros-2204-disposal-standard
9	Operational Management Standard Pros 19/04 https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1904-operational-management-standard
10	Storage Standard Pros 20/02 https://prov.vic.gov.au/recordkeeping-government/document-library/pros-2002-storage-standard
11	Specification Pros 20/02 S1: Apress https://prov.vic.gov.au/recordkeeping-government/document-library/pros2002s1-apress-specification
12	Specification for place appointed to store and manage state archives Pros 20/02 S2 https://prov.vic.gov.au/recordkeeping-government/document-library/pros-2002-s2-places-appointed-manage-state-archives
13	Specification Pros 20/02 S3: Class B Place of Deposit Requirements https://prov.vic.gov.au/recordkeeping-government/document-library/pros-2002-s3-class-b-place-deposit-requirements
14	Strategic Management Standard Pros 19/03 https://prov.vic.gov.au/recordkeeping-government/document-library/pros-1903-strategic-management-standard
Record	<p>A document or other source of information that has been collated, recorded or stored in written or electronic form.</p> <p>Examples of Records include, but are not limited to, student records, employment records, accounting and financial documents, contracts, legal documents, litigation, payroll documents, taxation documents, property documents, health and safety documents.</p> <p>A record must be either a Permanent Record or a Temporary Record.</p>
Temporary Records	<p>A temporary Record is a record that the School will retain temporarily. The School considers temporary Records to be:</p> <p>(a) Records that are legislatively determined to be held as a temporary record;</p> <p>(b) A Record that is not a Permanent Record.</p>

11 Additional Resources

For additional guidance, staff may refer to the Records Retention & Disposal Schedule for Non-Government Schools 2nd Edition published by the Australian Society of Archivists, as amended.

12 Communication and Implementation

12.1 Communication

This policy is made publicly available on the School's website.

This policy is available to staff as part of the School's and the Board's internal policies and procedures. Aspects of (and updates to) the School's student safety and wellbeing framework, including this policy will be addressed in the School's professional development updates, training programs, bulletins and newsletters.

12.2 At Board / Principal Level

To properly implement this policy:

- (a) The Board and Principal will review this policy and the School's student safety and wellbeing practices at least every two years (or more frequently after a significant Record-related incident) and implement improvements where applicable.
- (b) Families and the school community will be afforded the opportunity to contribute to the review and development of the School's student safety and wellbeing policies and practises (including this policy).
- (c) Periodic training and refresher sessions on this policy are provided to all staff.
- (d) The Principal is responsible for monitoring staff compliance with this policy. All staff must ensure that they abide by this policy and assist the School implementing this policy.

12.3 At Other Levels

To properly implement this policy, all staff must ensure that they will abide by this policy and assist the School in the implementation of this policy.

Schedule 1: Record Retention and Disposal

Document Category	Document sub-category	Guidelines Re Retention Period
		(Note: documents must not be destroyed if the School is on notice of a potential claim for which the working documents may be relevant)
Agreements, administrative documents, and general documents	Agreements and memoranda	7 years after their conclusion
	Any agreement reduced to a deed	12 years (and indefinitely in the case of trust funds, deeds of gift and/or bequests under wills)
	General School administrative documents	2 years after administrative use concluded
	Working documents (drafts, duplicates, administrative emails)	Destroyed once use is no longer required
	Any other agreements, administrative documents and general documents not falling into the above sub-categories	7 years
Board documents	Notices; papers; minutes and correspondence	7 years
Student safety and wellbeing and duty of care policies, procedures and staff training records		Ideally, indefinitely with version control; otherwise, at least 25 years after the date the relevant version of the policy ceased to be in force (unless there is a record of a student safety and wellbeing or duty of care allegation, in which case relevant versions should be kept indefinitely).
Company documents	ASIC records; AGM/SGM notices, papers and minutes, membership or share registers	Indefinitely where practicable, and 7 years in the minimum

Document Category	Document sub-category	Guidelines Re Retention Period
School policies and procedures (which do not relate to student safety and wellbeing or duty of care policies) generally		(Note: documents must not be destroyed if the School is on notice of a potential claim for which the working documents may be relevant)
Staff records	Registers of staff service periods	At least 7 years after the date of each version
	Other	Indefinitely 7 years after the staff member's employment ends (unless there is a record of a student safety and wellbeing or duty of care allegation against the staff member, in which case relevant records should be kept indefinitely)
Student Records	Health information (including counselling and psychologist session records) and Nationally Consistent Collection of Data on School Students with Disability (NCCD) information	At least until the student reaches 25 years of age (unless there is a record of a student safety and wellbeing or duty of care allegation, in which case relevant records should be kept indefinitely)
	Other / student records generally	50 years after the student's date of birth (unless there is a record of a student safety and wellbeing or duty of care allegation, in which case relevant records should be kept indefinitely)
Rosters and timetables		7 years (unless there is a critical incident, in which case the relevant rosters and timetables should be stored on the relevant staff, student or critical incident record)

Schedule 2: Guidelines

1 Where We Keep Records Related to Student Safety and Wellbeing

The Principal is responsible for keeping all records relating to student safety and wellbeing incidents or concerns, including records of allegations, investigations and findings made, up to date and secure.

Hardcopy records relating to actual or alleged child abuse and reportable conduct are stored in a fireproof, locked safe in an onsite secure room. Softcopy records are stored on the School's Record of Communication (ROC) system.

Where a student safety and wellbeing incident or concern relates to an allegation against a staff member (including about breaches of the *Student Safety Staff Code of Conduct*), records may also be maintained as part of Reportable Conduct records and People and Culture Management records.

2 Documenting the Student Safety and Wellbeing Incident or Concern and the School's Response

Documenting observations and communications about all student safety and wellbeing incidents or concerns, including those that do not meet the relevant threshold for external reporting, ensures that:

- all information about individual students can be taken into account should future student safety and wellbeing incidents or concerns arise,
- any patterns that might arise from student safety and wellbeing incidents or concerns can inform reviews of the School's student safety and wellbeing strategies.

Therefore, all observations of and verbal and written communications about student safety and wellbeing incidents or concerns (including notes of observations, student disclosures, meetings and telephone calls) must be properly documented, regardless of whether or not the student safety and wellbeing incident or concern meets the relevant thresholds for external reporting. The records should include dates and times and enough detail to record key observations or conversations, especially those relating to the student's disclosure.

In addition, where a staff member:

- believes on reasonable grounds that a student is in need of protection as a result of physical or sexual abuse, such that a Mandatory Report to Child Protection has been or will be made,
- believes on reasonable grounds that a student is in need of protection for any reason or is in need of therapeutic treatment for sexually abusive behaviour, such that a Non-Mandatory Report to Child Protection has been or will be made,
- has significant concerns for the wellbeing of a student, such that a Non-Mandatory Report to Child Protection has been or will be made,
- believes on reasonable grounds that a sexual offence has been committed against a child, or that student sexual offending has occurred, such that a Report to Police has been or will be made,
- believes that other circumstances exist such that a Non-Mandatory Report to Police is required, they must record written and dated notes of their observations and concerns to assist in reporting the concerns to Child Protection or Police.

3 How to Document the Student Safety and Wellbeing Incident or Concern

The School requires a Student Safety ROC to be completed to record all student safety and wellbeing incidents and concerns. Student Safety ROC which must be completed by a Student Safety Officer.

Staff members should document all student safety and wellbeing incidents and concerns, including observations, beliefs, suspicions, disclosures or allegations of student abuse or other harm. This form must be used regardless of whether the alleged perpetrator may be a parent/carer, other student, staff member, or any other person and must be attached to the Student Safety ROC.

For volunteers, contractors labour hire workers and secondees, a Student Safety Officer can complete a form on their behalf.

Staff members should only record what information is observed or offered during the incident, disclosure or allegation and then be sure to report the matter in accordance with the *Student Safety and Wellbeing – Responding to Concerns Policy*.

The 'Process of Review' section in the form must be completed between four to six weeks after an incident, suspicion or disclosure of abuse, in conjunction with the Principal, a Student Safety Officer or, if the incident or concern involves the Principal, the Chair of the School Board.

The Student Safety ROC must be updated by a Student Safety Officer as Critical Actions are completed. All Critical Actions listed on the form must be completed for the incident to be closed.

Any other notes and records obtained or made by staff members regarding student safety or wellbeing incidents or concerns should also be given to the Principal or a Student Safety Officer and attached to the Student Safety ROC. Notes and records may include:

- handwritten notes taken during a disclosure by a student,
- copies of any written reports made to the Police or external bodies about the matter,
- if the allegation includes claims of inappropriate online activity, any digital copies of correspondence between the student and the person or staff member who is the subject of the allegation.

4 Working with Children Check Documentation

It is the responsibility of the HR Business Partner to verify and monitor the WWC clearance status of all staff members.

The status of volunteer, contractor labour hire workers, secondees WWC clearances is monitored by the Schools Student Information System platform, a third-party platform subscribed to by the School.

The following information for all staff members who are required to hold a WWC clearance is recorded electronically in a consolidated register, which is updated regularly:

- first name
- family name
- WWC Check Application Receipt Number
- WWC Check Card Number
- WWC clearance expiry date
- notices sent by Working with Children Check Victoria

- notices provided by the worker.

The School also maintains records (electronic or hard copy format) of relevant volunteers who are required to hold a WWC clearance including:

- first name
- family name
- WWC Check Application Receipt Number
- WWC Check Card Number
- WWC clearance expiry date
- notices sent by Working with Children Check Victoria.

The School maintains the WWCC registers and other WWC documentation indefinitely

5 Records of Teacher Registration and VIT Notifications

The School maintains a register of the registration status of all teachers at the School. This register includes:

- full name
- registration number
- the VIT category of registration
- the expiry and renewal date
- a record of the date and type of any notifications made to the Victorian Institute of Teaching (**VIT**) by the School about a registered teacher.

It is the responsibility of the HR Business Partner to ensure that the register of teachers is maintained up to date with relevant notifications.

6 Reportable Conduct Records

When a reportable allegation is made, the School must document certain information throughout the Reportable Conduct process:

- the allegation
- the School's initial response to the person making the allegation, the alleged victim(s) and the employee who is the subject of the allegation
- any communication with the Police or other authorities
- the Investigation Plan, detailing how the investigation is to be carried out
- the Stage One risk assessment conducted by the Principal
- all interviews including details of questions and responses. Details should also include the location of the interview, who was present and start and finish times
- any decision made, both during and at the conclusion of the investigation, including the person making the decision's rationale, the position and name of the person making the decision and the date that the decision was made
- any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name of the person making the contact, details of their position and where appropriate, the reason for the contact)

- the Investigation Report
- the final report for the CCYP that sets out details of the findings in relation to each allegation and the reasons for the findings, the final risk assessment which includes any final decision about the employee and the factors that have been considered and any subsequent action that is to be or has been taken.

All records created in accordance with the Reportable Conduct Scheme, including all allegations, outcomes of internal investigations and decisions to make or not make a report to the CCYP are maintained by the Principal.

The School keeps these records in a file that is separate to the employee's personnel file and retains them indefinitely.

7 Record Keeping About Information Sharing

The School must record the following information when sharing, or responding to a request to share, information about the safety, welfare and wellbeing of a student (Information):

- who requested the Information and the date of the request (if any)
- who shared the Information
- why the Information was shared (e.g. whether it was shared pursuant to a statutory or other legal obligation)
- who the Information was shared with
- whether informed consent was sought from, and if so whether it was provided by, the student and/or their parent/carer
- the approval of the Principal's EA to share the Information
- the date that the Information was shared.

Whenever a request for Information is made to the School or the School otherwise shares Information, the person managing the Information sharing request or disclosure must record the above information.

Completed forms must be attached to the Information Sharing Scheme ROC which must be completed by a Student Safety Officer.

8 Other Student Safety People and Culture Management Records

It is the responsibility of the HR Business Partner to record and maintain (electronically or hard copy format) all records relating to student safe human resources management, including records in relation to:

- recruitment
- screening and suitability assessment
- supervision, performance monitoring and development
- personnel files.

Through the School's Staff Learning System, the School creates and maintains electronic records of all student safety and wellbeing training completed by staff members.

The School maintains these records indefinitely.

9 Recording Other Student Safety and Wellbeing Actions

Section 91 of the *Wrongs Act 1958* (Vic) (**Wrongs Act**) imposes a duty of care on the School, as a child-related organisation, schools to take reasonable precautions to:

- prevent the physical or sexual abuse of a student under its care, supervision or authority;
- by an individual associated with the School.

If a victim of physical or sexual abuse alleged to have occurred at the School or to have involved staff brings a negligence claim against the School, a court will presume that the School breached its duty of care unless the School can prove that it took reasonable precautions to prevent the abuse.

Whether or not the School took reasonable precautions will be assessed by the court in accordance with considerations set out in the *Wrongs Act* and case law.

It is critical that the School maintains accurate and comprehensive records not only of student safety and wellbeing incidents and concerns involving staff, but also of:

- actions taken in response (including systemic reviews and resulting improvements);
- biennial reviews of and improvements to the School's student safety and wellbeing policies, procedures, work systems and strategies,

as these could be required as evidence in relation to possible future negligence claims against the School for damages in respect of student physical or sexual abuse.

The following records may assist in demonstrating reasonable precautions taken by the School to prevent the physical or sexual abuse of its students:

- (a) records that document actions taken by the School in response to specific student safety and wellbeing incidents and concerns (refer to *How to Document the Student Safety and Wellbeing Incident or Concern* and the *Student Safety and Wellbeing – Responding to Concerns Policy*, above);
- (b) records that document the implementation of the School's student safety and wellbeing risk management strategies;
- (c) records that document reviews and improvements of our student safety policies, procedures, work practices and systems;
- (d) records that document the student safety and wellbeing training provided to and completed by staff members.