

# **State Archives and Records Authority of New South Wales**

## **Functional Retention and Disposal Authority: FA416**

This authority covers records documenting the function of public education

This retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Archives and Records Authority of New South Wales in accordance with section 21(3) of the Act.



# State Archives and Records Authority of New South Wales

## Functional Retention and Disposal Authority

**Authority no** FA416

**SR file no** 17/0225

**Scope** This retention and disposal authority covers records documenting the function of public education.

**Public office** NSW Department of Education

**Approval date** 15/07/2021

## **About the Functional Retention and Disposal Authority**

### **Purpose of the authority**

The purpose of this retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

### **The retention and disposal of State records**

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998 (NSW)*. Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of the State Archives and Records Authority of New South Wales (State Archives and Records NSW) with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Archives and Records NSW does not disapprove. Advice on the State Records Act can be obtained from State Archives and Records NSW.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. State Archives and Records NSW reviews and approves organisations' retention and disposal authorities under the *State Records Act*. It is the duty of a public office, in submitting a draft retention and disposal authority for approval, to disclose to State Archives and Records NSW any information which affects the retention of the records covered by the authority.

State Archives and Records NSW's decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Archives and Records NSW's functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Archives and Records NSW and of public offices in undertaking appraisal processes and disposal activities.

### **Implementing the authority**

This retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. For further advice see *Implementing a retention and disposal authority*.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see the *General Retention and Disposal Authority – Original or source records that have been copied*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

## **Disposal action**

### ***Records required as State archives***

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Archives and Records NSW when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Archives and Records NSW regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Archives and Records NSW should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

### ***Records approved for destruction***

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, government directives and changing social or community expectations. A public office **must not** dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Archives and Records NSW recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office **must not** permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Archives and Records NSW.

### **Administrative change**

This retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Archives and Records NSW for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Archives and Records NSW to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

### **Amendment and review of this authority**

State Archives and Records NSW must approve any amendment to this authority. Public offices that use the authority should advise State Archives and Records NSW of any proposed changes or amendments to the authority.

State Archives and Records NSW recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Archives and Records NSW may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements, procedures or to operating environments which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Archives Records NSW and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

#### Contact Information

State Archives and Records NSW  
 PO Box 516  
 Kingswood NSW 2747  
 Telephone: (02) 9673 1788  
 E-mail: [govrec@records.nsw.gov.au](mailto:govrec@records.nsw.gov.au)



## Functional Retention and Disposal Authority Public education

Authority number: FA416

Dates of coverage: Open

List of Functions and Activities covered
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# Functional Retention and Disposal Authority

## Public education

Authority number: FA416

Dates of coverage: Open

No.	Description of records	Disposal action
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### 1.0.0 EDUCATION

The function of:

- regulating and overseeing the provision of primary and secondary education, public schools, skills and higher education
- allocation of funding to private schools.

See Functional Retention and Disposal Authority *National Education Standards Authority* for records relating to the development of the curriculum, teacher accreditation and the conduct of examinations such as the Higher School Certificate.

See Functional Retention and Disposal Authority *Primary and secondary education* for records relating to the provision of primary and secondary education in schools.

See Functional Retention and Disposal Authority *provision and regulation of childcare services* for records relating to the regulation of the childcare sector and provision of childcare services by schools.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Celebrations, ceremonies, functions** for records relating to celebrations for the opening of a new school.

See General Retention and Disposal Authority *Administrative records* **CONTRACTING-OUT** for records relating to the provision of services by external providers such as non-government training organisations, including commercial providers, community providers, enterprise providers, and industry providers e.g. running of courses.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Joint ventures** for records relating to managing joint operations, collaboration or co-research between the organisation and community groups.

See General Retention and Disposal Authority *Higher and further education & research* for records relating to the management of vocational training and students and research.

See General Retention and Disposal Authority *Higher and further education & research* **COMMERCIAL ACTIVITIES AND SERVICES** for records relating to commercial courses and consultancy services provided by the organisation to external organisations on a fee-paying basis

#### 1.1.0 Advice

The activities associated with offering opinions by or to the organisation as to an action or judgement.

1.1.1	Records relating to the provision of advice concerning substantive aspects of the organisation's policies and procedures, functions, obligations, legislation or liabilities where a detailed response has been provided.	Required as State archives
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### EDUCATION - Advice

	Includes input into national standards and the development of education for teachers, and advice provided to the private education sector. Includes final versions, opinions and position papers, correspondence etc	
1.1.2	Records relating to the provision of advice regarding operational matters, and the provision of advice and mentoring services to school principals and teachers.	Retain minimum of 7 years after action completed, then destroy

### 1.2.0 Complaints & investigations

The activities relating to the management of complaints and investigations relating to the education system and schools.

See General Retention and Disposal Authority *Administrative records* **PERSONNEL - Misconduct** for records relating to the management of complaints against teaching staff.

1.2.1	Records relating to the management of investigations that have a statewide impact or result in changes to strategic planning and policy for the provision of education. Includes: reports, correspondence, decisions etc. Includes investigations of non-compliance with conditions of funding for private schools.	Required as State archives
1.2.2	Records relating to the management of investigations into incidents involving allegations of physical or sexual abuse of a child, neglect, criminal activity affecting a child, missing children or young people.  <b>Note:</b> if the investigations have a statewide impact or result in changes to strategic planning and policy for the provision of education they should be retained as per entry 1.2.1.	Retain minimum of 99 years after action completed, then destroy
1.2.3	Records relating to the management of complaints that do not relate to allegations of child abuse but are escalated to senior management for resolution. Includes contested examination results etc	Retain minimum of 7 years after action completed, then destroy
1.2.4	Records relating to the management of complaints that are resolved by the school, referral to other organisations etc.	Retain until administrative or reference use ceases, then destroy

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### EDUCATION - Courses

#### 1.3.0 Courses

The activities relating to the development and delivery of units of study relating to a particular subject available in schools, and to professional development for teachers.

1.3.1	One representative set, for each calendar year, of training materials produced by or on behalf of the organisation for public schools.	Required as State archives
1.3.2	Records relating to the development of programs & courses to provide on-going professional development for teachers. Includes successful proposals, development and assessment for programs such as the Teaching Pathways Program and Return to Industry Program. Also includes training materials.	Retain minimum of 10 years after action completed, then destroy
1.3.3	Records relating to course development projects that are not approved or finalised.	Retain minimum of 2 years after action completed, then destroy

#### 1.4.0 Grants and funding

Financial resources provided to fund services, programs projects etc or to provide financial assistance for a particular educational purpose. Includes the allocation of funding to the private school sector.

See **EDUCATION - Complaints & investigations** for records relating to investigations of non-compliance with conditions of funding or grants.

1.4.1	Summary records of annual funding to the private school sector. Includes details of schools and amount of funding.	Required as State archives
1.4.2	Records relating to the management of funding to private schools according to Commonwealth formula. Includes: <ul style="list-style-type: none"> <li>• applications and supporting documentation</li> <li>• monitoring by school inspectors to ensure compliance.</li> </ul>	Retain minimum of 7 years after action completed, then destroy
1.4.3	Records relating to the evaluation & monitoring of funded projects that result in major changes in existing course delivery & content or initiate a new program.	Required as State archives
1.4.4	Records relating to successful applications for grants, funding, scholarships etc for programs including	Retain minimum of 7 years after all

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### *EDUCATION - Grants and funding*

	applications, agreements, project monitoring, acquittals and reports. Includes recurrent funding for community organisations and other providers.	conditions of the grant have been satisfied, then destroy
1.4.5	Records relating to routine administration of grant programs. Includes unsuccessful applications and routine associated correspondence.	Retain minimum of 2 years after action completed, then destroy

### **1.5.0 Policies, plans & procedures**

The activities associated with developing and establishing decisions, directions and precedents that act as reference for future decision making.

1.5.1	<p>Records relating to the development and review of strategic plans, policies, guidelines and procedures for the education system. Includes areas such as:</p> <ul style="list-style-type: none"> <li>• access &amp; equity</li> <li>• reform of education delivery</li> <li>• admissions policies including requirements of prior knowledge or study, residential status, methodology for selective testing, admission concession programs for students with disadvantages</li> <li>• articulation arrangements associated with students moving between courses, or qualifications or between different education sectors</li> <li>• evaluation the rights of students with prior training or specific work experience</li> <li>• evaluation and assessment methods i.e. whether competencies or specified skills and knowledge have been achieved that will lead to the attainment of competence</li> <li>• grading of qualifications and academic awards</li> <li>• class sizes, composite classes, attendance levels, etc.</li> <li>• setting of student fees and charges</li> </ul>	Required as State archives
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### *EDUCATION - Policies, plans & procedures*

	<ul style="list-style-type: none"> <li>• aimed at addressing specific student issues, such as disability awareness, drug &amp; alcohol education programs, etc</li> <li>• expulsions and disciplining of students.</li> </ul>	
1.5.2	Records relating to the development, application and implementation of: <ul style="list-style-type: none"> <li>• financial assistance recipient selection criteria</li> <li>• funding formulae for specific programs</li> <li>• policy on student accommodation</li> <li>• provision and operation of counselling services</li> <li>• standards for student behaviour</li> <li>• professional standards for teachers and accreditation processes in schools.</li> </ul>	Retain minimum of 7 years after action completed or superseded, then destroy

### **1.6.0 Programs and project management**

The activities associated with planning, control and co-ordination of education programs and projects.

1.6.1	Records relating to significant stages in developing, reviewing and implementing programs and projects that: <ul style="list-style-type: none"> <li>• are aimed at addressing systematic issues within the education system</li> <li>• have long term outcomes for the education system</li> <li>• demonstrate innovation in addressing education issues.</li> </ul> Includes proposal, business case, implementation plan, risk assessment, reports, stakeholder consultation and project outcomes.	Required as State archives
1.6.2	Records relating to the administration, coordination and monitoring of routine operational programs and projects, and the management of individual projects and product delivery to clients. Records include: applications, reports, etc	Retain minimum of 7 years after action completed, then destroy

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### *EDUCATION - Programs and project management*

1.6.3	Records relating to unsuccessful project proposals.	Retain minimum of 1 year after action completed, then destroy
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### **1.7.0 Registration & accreditation**

The activities relating to complying with mandatory or optional standards.

1.7.1	Records relating to the process of obtaining approval for and submitting new and revised courses (defined unit or units of study relating to a particular subject available in schools). Material may include accreditation approvals, reports, industry consultations etc.	Required as State archives
1.7.2	Records relating to: <ul style="list-style-type: none"><li>the external accreditation of courses offered to overseas students by the organisation</li><li>the approval and registration of professional learning for teaching staff.</li></ul>	Retain minimum of 7 years after superseded, then destroy
1.7.3	Records relating to the registration of schools for monitoring of compliance with procedures by oversight bodies such as NESA. Includes registration details, documentation submitted etc.	Retain minimum of 7 years after action completed, then destroy

### **1.8.0 School management**

The activities relating to the management of schools.

1.8.1	Records relating to approvals for the establishment, relocation, recess, change of name and closure of schools/colleges. Includes application to the Geographical Names Board, Ministerial submissions, reports, etc. Includes closures which are not completed.	Required as State archives
1.8.2	Records relating to the operational management of schools. Includes: <ul style="list-style-type: none"><li>approval or oversight of trips or visits undertaken by a school or school group</li></ul>	Retain minimum of 7 years after action completed, then destroy

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### *EDUCATION - Student management and support*

	<ul style="list-style-type: none"> <li>• the co-ordination of school student sporting activities on a state wide level of a regular and routine nature, such as regional carnivals, etc.</li> <li>• extra-curricula activities such as recreational &amp; social events</li> <li>• arrangements to prepare, publish and run examinations..</li> </ul>	
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### **1.9.0 Student management and support**

The activities relating to the management of students. Includes financial support, enrolments, transport of students with special needs, approval of trips, sporting programs, presentation of certificates, testamurs and transcripts, transferring between subjects / courses etc.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Joint ventures** for records relating to agreements between private contractors and the Department for the provision of vehicles to transport students with special needs to and from places of study.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Donations, sponsorships and fundraising** for records relating to donations from individuals, companies, industry associations and professional associations for outstanding performance / achievement of a student.

1.9.1	Summary records of: <ul style="list-style-type: none"> <li>• recipients of state-wide prizes &amp; awards</li> <li>• details of apprentices such as name, trade, employer details, term of apprenticeship etc.</li> </ul> Includes legacy records such as apprentice cards.	Required as State archives
1.9.2	Individual case records relating to counselling of school students, including details of student, counselling interviews and psychological test results.	Retain minimum of 100 years after action completed, then destroy
1.9.3	Records relating to the provision of transport for students with special needs, including application details, travel arrangements, advice re special needs requirements, details of vehicles and operators/drivers etc	Retain minimum of 45 years after service is no longer provided to student or by operator, then destroy

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*EDUCATION - Student management and support*

1.9.4	<p>Records relating to the enrolment, progression, recognition, and provision of assistance and support services to students. Includes:</p> <ul style="list-style-type: none"> <li>• the administration of the annual intake of students into courses and specific subjects</li> <li>• financial assistance services, special needs and accessibility services (e.g. interpreters, reading assistance for sight impaired students, disabled access, etc.,) and other tailored advisory or study support services and assistance to individual students</li> <li>• the recognition of students who achieve outstanding merit in their qualifications</li> <li>• the finalisation of students course results</li> <li>• contested examination results.</li> </ul>	Retain minimum of 7 years after action completed, then destroy
1.9.5	<p>Records relating to operational or routine management of students. Includes:</p> <ul style="list-style-type: none"> <li>• the administration of commencement, enrolment &amp; examination dates for the academic year</li> <li>• listing certificates, diplomas and other statements of a student's attainment</li> <li>• grading, formatting and printing of testamurs and transcripts.</li> <li>• the provision of resource material, such as books &amp; audio-visual material</li> <li>• reports recommending students for assessment reviews or relating to students who have borderline fails in subjects</li> <li>• application forms, supporting documentation and decisions relating to admission to selective schools</li> <li>• conduct of selection tests and individual student placements in a school</li> <li>• transfer of pupils into specific courses.</li> </ul>	Retain until administrative or reference use ceases, then destroy