



State Records Act 1997

Operational Records Disposal Schedule

**Education and Early Childhood Services
Registration and Standards Board of South
Australia trading as Education Standards Board
(ESB) (and predecessor agencies)**

RDS 2016/14 Version 1

Effective Date: 20 December 2016 to 31 December 2026

Approved Date: 20 December 2016



Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

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Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

Preamble

Purpose of the Schedule

This Operational Records Disposal Schedule (RDS) authorises arrangements for the retention or destruction of records in accordance with Section 23(2) of the *State Records Act 1997*.

Application of the Schedule

Education Standards Board (and predecessor agencies)

Approved Date: 20 December 2016

Effective Date: 20 December 2016 to 31 December 2026

Authorisation by State Records

This authorisation applies only to the disposal of the records described in the Schedule.

State Records' Contact Information

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Disposal of Official Records

Legislation

Section 23(1) of the *State Records Act 1997* states that an agency must not dispose of official records except in accordance with a determination made by the Manager [Director] of State Records with the approval of the State Records Council.

Section 23(2) states:

‘If an agency requests the Manager to make a determination as to the disposal of official records, the Manager must, as soon as practicable:

- (a) with the approval of the [State Records] Council, make a determination requiring or authorising disposal of the records in a specified manner; or
- (b) make a determination requiring delivery of the records into the custody of State Records or retention of the records and later delivery into the custody of State Records.’

The contents of an RDS, once the approval process is complete, constitute a determination within the meaning of the *State Records Act 1997*.

Functions of the Schedule

An RDS plans the life of these records from the time of their creation to their disposal. It describes the records created and/or controlled by Education Standards Board, the disposal sentence specifying whether they are to be retained as archives or destroyed, and when this should occur.

This Operational Records Disposal Schedule has been prepared in conjunction with staff from Education Standards Board to determine the records which need to be kept because of their long term value and to enable the disposal of records once they are no longer needed for administrative purposes. The assessment of the records takes into account their administrative, legal, evidential, financial, informational and historical values. The appraisal of the records is in accordance with the State Records’ policy as documented in *Appraisal of Official Records – Policy and Objectives* - available from State Records’ website (www.archives.sa.gov.au).

The Schedule complements the General Disposal Schedules (GDS) that are issued by State Records to cover housekeeping and other administrative records common to most State Government agencies.



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Using the Schedule

The Schedule applies only to the records described within it.

Layout

The Schedule is laid out as follows:

- Item Number:** Numbering in the Schedule is multi level:
- Functions have single numbers (*e.g.* 1.)
 - Activities and/or processes have two-level numbers (*e.g.* 1.1)
 - Disposal classes have three-level numbers (*e.g.* 1.1.1)
- Function:** The general functions are shown in 12 point bold Arial upper case at the start of each section. (*e.g.* **REGULATING**)
- Activity/Process:** The activities and processes relating to each function are shown in 12 point bold Arial sentence case (*e.g.* **Complaints and Investigations**).
- Description:** Descriptions are in three levels ranging from broad functions to specific disposal classes:
- definitions of functions are shown at the start of each section in bold (*e.g.* **The function of assessing and approving education and early childhood services against the National quality Standards and the National Regulations, determining the rating of those services. Includes monitoring and enforcing compliance, remedial action and responses, receiving and investigating complaints. Also includes the registration of schools.**)
 - definitions of activities are located adjacent to the activity title in italics *e.g.* *The activities involved in receiving and investigating complaints including those resulting in prohibitions arising under the Act and associated Regulations.*
 - descriptions of each disposal class are arranged in sequence under the activity definitions.
- Disposal Action:** Disposal actions relate to the disposal classes arranged under the activity descriptions. The status of the class is either PERMANENT or TEMPORARY with a disposal trigger and retention period given for all temporary records.



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Retention Period of the Record

The Schedule is used to sentence records. Sentencing involves applying the record retention periods within the RDS to the records of Education Standards Board. Decisions are made using the Schedule about whether records are to be retained and, if so, for how long, or when they are to be destroyed.

Retention periods set down in the Schedule are minimum ones and Education Standards Board may extend the retention period of the record if it considers there is an administrative need to do so. Where Education Standards Board wishes to retain records for substantially longer periods it should request that the Schedule be amended to reflect this requirement.

Custody and Transfer of the Record

Permanent Records

Section 19 of the *State Records Act 1997* includes provisions for the transfer of custody of an official record:

- a) when the agency ceases to require access to the record for current administrative purposes or
- b) during the year occurring 15 years after the record came into existence - whichever first occurs

Official records that have been sentenced as permanent, in accordance with an approved disposal schedule, are required to be transferred to State Records.

Agencies with valid reasons to retain permanent records for longer than 15 years should apply in writing to Director [Manager], State Records requesting either a postponement or an exemption from section 19.

It should be noted that postponement or exemption are only granted in exceptional circumstances.

Temporary Records

The custody of official records that have been sentenced as temporary is the responsibility of agencies. A policy and standards framework for the management and storage of temporary value official records has been established by State Records as documented in *Records of Temporary Value: Management and Storage: Standard and Guidelines (May 2002)*. Education Standards Board needs to comply with these policy documents - available from State Records' website (www.archives.sa.gov.au).

The custody of official records on networks or hard drives is also the responsibility of agencies. Education Standards Board needs to ensure that records in electronic format remain



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accessible to authorised users for the duration of the designated retention period. State Records is, however, currently examining options for the transfer of permanent value electronic records in digital form to its custody.

Destruction of Temporary Records

Temporary records can only be destroyed with the approval of the CE or delegate in accordance with the *Destruction of Official Records Guideline* issued by State Records of South Australia. Failure to comply with this direction falls under Section 17 of the *State Records Act 1997* and may be considered by ICAC as misconduct or maladministration.

Prior to destruction, the following General Disposal Schedules (GDS) need to be consulted:

- ***GDS 16 Impact of Native Title Claims on Disposal of Records*** to ensure records which are relevant to native title claims in South Australia are identified and preserved.
- ***GDS 27 for Records Required for Legal Proceedings or Ex Gratia Applications Relating to Alleged Abuse of Former Children Whilst in State Care*** to ensure the preservation of official records that may relate to the rights and entitlements of the individuals who present a court claim or apply for an ex gratia payment and of the State Government in defending or processing those claims and applications.
- ***GDS 32 for Records of Relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse*** to ensure that records of relevance to the Royal Commission are protected and available for the purposes of the Royal Commission and any subsequent actions involving the South Australian Government as well as for future reference and accountability purposes and to protect the rights and entitlements of stakeholders.

Education Standards Board must ensure that all destruction is secure and confidential and that a certificate confirming destruction is provided by private contractors.

Standard methods for destruction of paper are shredding, pulping or other means that are environmentally friendly.

Records in electronic format must only be destroyed by reformatting or rewriting to ensure that the data and any “pointers” in the system are destroyed. “Delete” instructions do not offer adequate security as data may be restored or recovered.

Education Standards Board should keep their own record of all records destroyed, noting the relevant disposal authority. Proof of destruction may be required for legal purposes, or in response to FOI applications. When records are destroyed systems that control them should also be updated by inputting destruction dates and relevant disposal authorities.

Review

State Records’ disposal schedules apply for a period of ten years. Either Education Standards Board or State Records may propose a review of the Schedule at an earlier time, in the event



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of changes to functions or procedures that affect the value of the records covered by the disposal authority. Reviews are especially necessary if there is vast administrative change that affects the currency and use of the records and/or the records are dispersed to other agencies.

The State Records Council needs to approve all amendments to the Schedule. Officers using the Schedule should advise State Records of any necessary changes.

Approved by SRC



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Context Statement

Context of the Agency Covered by the Schedule

Education Standards Board History and Background

In 2006 the Minister for Education and Children's Services in South Australia began reforming education and early childhood development legislation, resulting in the *Education and Early Childhood Services (Registration and Standards) Act 2011*. Progressive legislative reform for education, care and early childhood development in South Australia, including Compulsory Education Age changes, began at the start of 2009. Amendments to the registration and regulation of schools and early childhood development services was required for South Australia's input into the Council of Australian Governments' (COAG) national reform agenda.

This legislation reshaped South Australia's approach to the registration and regulation of schools, care and early childhood services, and provided a legislative framework that underpinned the delivery of schooling and early childhood services. The regulatory board is the Education and Early Childhood Services Registration and Standards Board of South Australia¹ which is also known as the Education Standards Board (EECSRS Board; 'The Board').

Prior to the establishment of the Board, several forms of regulation of education, care and early childhood services existed. Government regulation of education has been legislated in South Australia since Act No. 20 of 1851, *An Act to promote Education in South Australia, by aids towards the erection of schools and the payment of stipends to teachers*. This established a Central Board of Education with the power to licence schools and teachers and to withdraw these licences, and "to determine the kind, quality, and extent of instruction to be imparted at schools". *The Education Act 1972* provided for the establishment of a Non-Government Schools Registration Board responsible for the registration of non-government schools. The Non-Government Schools Registration Board (a predecessor of the EECSRS Board) commenced these functions in 1981, continuing until December 2011 when it became part of the EECSRS Board. The then, Department of Education and Children's Services (DECS) Licensing and Standards Unit provided information and advice on standards, policies and legislative requirements from 2002 to 2011. It administered the licensing function for long day care, childcare centres and babysitting agencies and the validation process for out of school hours care services. Family Day Care and Out of School Hours Care was accredited by the National Childcare and Accreditation Council. Government pre-schools were quality assured through a process of validation against the DECS (internal) Improvement and Accountability Framework.

¹ Department of Education and Child Development - Annual Report, 2012



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In addition, the Licensing and Standards Unit investigated complaints, managed the review of relevant regulations and their implementation, and provided advice to family day care providers and staff, licensees and parents. The Unit worked closely with the Department of Education and Child Development (DECD) Child Care Industry Reference Group to ensure the needs of service providers were considered in all relevant aspects of the department's decision-making processes.²

In 2009 the Council of Australian Governments (COAG) endorsed a National Early Childhood Development Strategy. The agreement from COAG initiated a National Quality Agenda (NQA) for early childhood education and care and school age care. This national intention to improve the quality of early childhood education and care engendered the introduction of a National Quality Framework (NQF) which includes the National Quality Standard (NQS) and rating system, the associated regulatory system and established a central administrative body called the Australian Children's Education and Care Quality Authority (ACECQA).

The NQF applies a quality standard to improve education and care across long day care, family day care, preschool and kindergarten, and outside school hours care. The national legislative framework consists of the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, including the NQS which is a schedule in the regulations. This legislation establishes a Regulatory Authority in each State and Territory which has primary responsibility for the approval, monitoring and quality assessment of services in their jurisdiction in accordance with the National Legislative Framework and in relation to the NQS. In South Australia, the *Education and Care Services National Law (South Australia)* is incorporated in the *Education and Early Childhood Services (Registration and Standards) Act 2011* as Schedule 1. The Board is declared to be the Regulatory Authority by the Act. There are effectively two different types of early childhood services regulated under the Act:

- Services under the NQF are regulated by the Board as the South Australian Regulatory Authority and are required to meet the requirements of the National Law and the National Regulations provides for the regulation of education and care services and these services are assessed and rated against the NQS.
- Services that are outside of the scope of the NQF are also regulated by the Board and are referred to in the Act as residual early childhood services. These services are regulated under the Act that applies a modified version of the National Law.

ACECQA is the national body responsible for providing oversight of the NQF. ACECQA provides the Assessment and Rating instrument for each state's regulatory authority, through its website.³ It is used by authorised officers during visits to services, and enables them to consistently assess and rate services against the NQS. ACECQA has responsibility to manage

² Department of Education and Children's Services - Annual Report, 2002

³ ACECQA: www.acecqa.gov.au/assessment-and-rating-resources



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a National Quality Agenda Information Technology System (NQA ITS) developed to support the delivery and management of the National Quality Agenda and from which ACECQA and individual jurisdictions are able to obtain information for reporting purposes. In South Australia the Board uses the information in the NQA ITS as reference material.

During 2012-2013, the Board concentrated on its establishment phase. Those records are covered by GDS 30 (as amended).

Reform of Boards and Committees

The South Australian Premier's reform of Boards and Committees in its interim report of 30 September 2014, determined that the following committees would have their functions merge with the EECSRS Board:

- Advisory Committee on Non-Government Schools in South Australia; and
- Planning Committee for Non-Government Schools.

The records of these two committees have disposal coverage in General Disposal Schedule 30.

From 1 January 2012, ACECQA replaced the South Australian functions of the National Childcare Accreditation Council, the South Australian Non-Government Schools Registration Board and the Licensing and Standards Unit of DECS, with the functions of the latter transitioned to the Board.

Education Standards Board Role and Function

The functions of the Board are to:

- regulate the provision of education services and early childhood services
- approve the requirements for endorsement of registration of schools
- establish and maintain the registers required by the South Australian Act
- conduct investigations at a school or education and care service
- prepare or endorse codes of conduct for registered schools, and
- provide advice to the Minister and carry out other functions assigned by the Minister.⁴

The Board approves, registers and regulates education care and early childhood services. It manages the process for services to operate, through approval of applications, assessment and ratings, auditing and compliance, with the support of sanctions to achieve service compliance and consistency of outcomes and improvement. It collects data to support registration and

⁴ EECSRS Board: Annual Report 2012-2013



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collects, holds and uses information to support reporting on administration and implementation of the NQF. This data is obtained by ACECQA through the NQA ITS.

The Board is also responsible for certifying supervisors. A supervisor certificate allows a person to consent to be: - the Nominated Supervisor of an Approved Service, or - a Certified Supervisor placed in day to day charge of an Approved Service in the absence of the Nominated Supervisor and Approved Provider.

Following changes to the National Regulations on 1 June 2014, there are currently three different types of supervisor certificate:

- Service supervisor certificates, which may cover people who meet the definition at regulation 238A.
- Supervisor certificates granted to an individual, on application to the regulatory authority.
- Prescribed class supervisor certificates, which, as set out at regulation 49, may cover people working in a particular role within a school or preschool/kindergarten in certain states and territories.

Prior to the establishment of the EECSRS Board in 2011, DECD, and its predecessor DECS, were responsible for the registration of all government schools and the Non-Government Schools Registration Board was responsible for the registration of all non-government schools. Now all schools in South Australia must be registered by the Board. The registration process ensures schools comply with legislated requirements. The process of registration is relevant when (1) establishing a new school, (2) extending year levels of an existing school, (3) amalgamating existing schools, (4) establishing a school campus, and (5) relocating to a new site.

In assessing applications for registration, the Board will need to be satisfied that:

- the nature and content of the instruction offered, or to be offered, at the school is satisfactory
- the school provides adequate protection for the safety, health and welfare of its students, and
- the school satisfies any other requirements set out in the regulations.

The Board also reviews all Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered schools to ensure that all schools with overseas students meet the requirements of the *Education Service for Overseas Students (ESOS) Act 2000*.

Education and community engagement are key foci, including training and resources to support the sector and the students and parents in the broader community.

More than 1200 early childhood services fall within the Board's operational scope. These include centre-based services such as preschools, out of school hours care services, family



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day care services and residual early childhood services which incorporate occasional care services, in-home care services, individual family day care educators and rural and mobile care services. Over time it is anticipated that additional service types will be brought into the scope of the NQF.⁵

The Chief Executive of ESB is the Government and non-Government Schools Registrar, the Early Childhood Services Registrar and the Chief Executive Officer of the Education Standards Board of South Australia and is accountable to the Board. All compliance powers are delegated to the Registrar.

As at 1 July 2016 the planning function for new schools was transferred from the Office of Non-Government Schools and Services (ONGSS) to the ESB.

Education Standards Board Structure Description

The Board

The Board consists of thirteen members appointed by the Governor of South Australia on the nomination of the Minister for Education and Child Development. The presiding member must be a person who has, in the opinion of the Minister, extensive knowledge and expertise in the education and care of children. Two members must be nominated by the Director-General of DECD, two by the Association of Independent Schools of South Australia, two by the South Australian Commission for Catholic Schools Incorporated, two by child care bodies prescribed in the Act, and one must be a legal practitioner.

The Board reports to the Minister for Education and Child Development. Under the *Education and Care Services National Law (South Australia)*, the Education Council oversees the implementation and administration of the NQF.

The Ministerial Council can give directions to the Board with respect to the administration of the NQF. Until Board members were appointed by the Governor on 29 February 2012, the Minister for Education and Child Development comprised the Board under a transitional provision in the South Australian Education and Early Childhood Services (Registration and Standards) Regulations.

The Board is supported by two regulatory committees and its senior management consisting of a single Registrar and a Manager of Corporate Services.⁶

Committees

⁵ EECSRS Board Strategic Plan 2014-2016

⁶ See also Organisation Chart 2016 (separate attachment)



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The two regulatory committees are the Internal Review of Decisions Committee and the Schools Disciplinary Committee. The two committees are called as required and are case specific.

Internal Review Committee

The Board has established the Internal Review of Decisions Committee (the Committee) to carry out the functions of internal review of decisions relating to the regulation of schools and early childhood services under the following sections of the Act.

The Committee will be convened when an application for a review of a reviewable decision is received by the Registrar. The committee will be comprised of not less than three members who are members or deputy members of the Board, one of whom will be appointed the Presiding Member of the Committee.

Schools Disciplinary Committee

The Committee, for the purposes of disciplinary proceedings, is the Board and will undertake the function of disciplinary proceedings as a properly constituted committee of the Board.

The Committee will exercise the powers of the Board for disciplining schools and associated persons under the provisions of the Act (refer also to Instrument of Delegation).

The Committee will be convened by the Registrar when the Registrar considers that a regulatory matter requires consideration under Section 60 of the Act. This may occur as a consequence of the monitoring or review of a school's registration under Part 5, a complaint about a school made under Section 30, or a complaint laid before the Board by the Registrar or Minister under Section 62.

The Committee convened for this purpose will be comprised of not less than three members selected by the Presiding Member of the Board (or the Deputy Presiding Member of the Board in the absence of the Presiding Member).

Operations Services

The operations services units comprise (1) the *Early Childhood Services Unit* which has responsibilities and functions that relate to the NQF for early childhood education and care services, including primary responsibility for the approval, compliance monitoring and quality assessment of services in South Australia, including the regulation of residual early childhood services; (2) the *Schools Services Unit* which has responsibilities relating to the registration and review of all schools, the development of policies and procedures for school review, maintaining the schools register, and issuing of Certificates of Registration; (3) the *Corporate Services Unit* which provides support to the Board to facilitate continuous improvement and ensure compliance with relevant legislation. This group specifically



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supports the strategic and operational financial management, human resource management, information and communication technology services, records management services and other broader corporate services to the Board as required.

Predecessor Agencies

- GA 2350 Department for Education and Child Development – Licensing and Standards Unit (2002 - 2011)
- GA 1895 Non-Government Schools Secretariat
- GA 1896 Non-Government Schools Registration Board

Successor Agencies

There are no successor agencies.

Legislation

Crown Law advice was sought by State Records in 2013⁷ regarding the application of various legislation. The response clarified that all the records created by the Board when administering the Act, the National Law and their effective regulations for early childhood services will fall within the remit of the RDS 2016/14. This includes records relating to all early childhood services operating under the NQF as well as the prescribed residual early childhood services.

The Board is responsible for administering the *Education and Early Childhood Services (Registration and Standards) Act 2011* and Regulations. Incorporated with the Act, the Board applies the *Education and Care Services National Law (South Australia)* and the *National Regulations*. RDS 2016/14 is concerned with all of these as they apply to education, care and early childhood services.

- *Education and Early Childhood Services (Registration and Standards) Act SA 2011*
- *Education and Care Services National Law (South Australia) (Schedule 1 to the above Act)*
- *Education and Early Childhood Services National Regulations*
- *Education and Early Childhood Services (Registration and Standards) Regulations 2011*

Legislation that is not administered by ESB, but which applies to it and which may have direct impact on the operational or recordkeeping requirements for it include:

⁷ Attorney-General correspondence, 5 November 2013



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When acting as a schools registration board and as the Regulatory Authority under the National Law:

- *Ombudsman Act SA 1972*
- *Public Sector Act SA 2009*
- *Public Sector (Honesty and Accountability) Act SA 1995*
- *State Records Act 1997*

When acting as a schools registration board:

- *Freedom of Information Act SA 1991*⁸
- *Information Privacy Bill (if enacted in its current form)*
- *Education Service for Overseas Students (ESOS) Act 2000*
- *Education Services for Overseas Students Regulations 2001*

When acting as the Regulatory Authority under the National Law with modifications made by the national regulations for services in scope of the NQF and without modifications for residual early childhood services:

- *Privacy Act (Cwth) 1995*⁹
- *Freedom of Information Act (Cwth) 1982*¹⁰

Context of the Records Covered by the Schedule

Coverage of RDS 2016/14

RDS 2016/14 is intended to provide coverage to the ongoing records of the Board since the commencement of its operations on 1 January 2012 in relation to its operations as a schools registration board operating under the South Australian legislation and records relating to early childhood services that came in to scope of the legislation on 1 January 2012 as well as records relating to early childhood services since 1 January 2012.

RDS 2016/14 also applies to legacy records from 1981 in that it covers:

- records of its predecessor, the Licensing and Standards Unit of DECS, the former DECS, and

⁸ Only when acting as the schools registration authority under the EECSRS Act (*Crown Advice, November 5, 2013*)

⁹ Only when acting as Regulatory Authority administering the NQF (*Crown Advice, November 5, 2013*)

¹⁰ Only when acting as Regulatory Authority administering the NQF (*Crown Advice, November 5, 2013*)



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- records of the Non-Government Schools Registration Board, which was established in 1981 and merged into the EECSRS Board at its establishment in 2011.

Related Series Affected by RDS 2016/14

There are no related series affected by this RDS.

Complementary Schedules to RDS 2016/14

- RDS 2014/01 Department for Education and Child Development (DECD) – State Office (and predecessor agencies)

Existing Disposal Schedules Superseded by RDS 2016/14

- RDS 2014/13 Education and Early Childhood Services Regulation and Standards Board (EECSRSB) of South Australia (and processor agency) (excluding National Law responsibilities)

Records Structure within Education Standards Board

The records structure across ESB varies depending on the business unit. There is a project underway to bring consistency to paper records in addition to transferring recordkeeping to digital systems. The current structures are:

School Files	Stored in alphabetical order according to school name.
Early Childhood Service Files	Stored in alphabetical order according to service name
Complaint Files	Allocated ID Number (3456/2016 (NNNN-YYYY)) from NQAITS then stored alphabetically according to service name.
Board papers	Filed in date order
Administration records	Varied across business units. The housing of records includes manila folders, suspension folders and lever arch folders.

The ESB is implementing Sharepoint and Recordpoint as its recordkeeping system. At this point in time Schools and Investigations files have been migrated and/or scanned into Sharepoint. The ESB is also implementing an excel spreadsheet register for all paper files which will be transferred into RecordPoint in the future. RecordPoint will eventually manage electronic, hybrid and physical files.



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Hybrid files are linked to their electronic part through either the active SharePoint site or in RecordPoint and managed as one entity.

Broad Description and Purpose of the Records

The records of the Board support the management of the administration and implementation of the Act and regulations and have significance for the wellbeing, health, safety and education of the children of South Australia. The records are covered by a combination of State and nationally applied legislation. The records supporting these are operational and corporate in nature and include facilitative arrangements for meetings managed in administrative files.

Under the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care, the Board is responsible for collecting, holding and using information to support reporting on the regulation of education and care services and reporting on the administration of the NQF. Information sharing provisions and protocols have been developed to support this agreement. It is under the agreement that the NQA ITS was developed to support the delivery and management of the National Quality Agenda and from which ACECQA and individual jurisdictions are able to obtain information for reporting purposes.

All documents and information created and stored in the NQA ITS and the Electronic Document and Records Management System (EDRMS) belong to the Board for the purposes of performing its functions. Records in the NQA ITS act as duplicate information as much of the documentation is stored in either in hardcopy or electronic files.

Functions and Activities Documented by the Records

The disposal classes in this RDS primarily concern the operational activities of the Board operating under the functions of the Act relating to schools and all prescribed early childhood services. The Board's operations, including the regulation and review of early childhood services operating under the NQF, is dependent upon a combination of both state funding and a nationally agreed Commonwealth funding agreement. There is also a small portion of revenue received through fees and interest.

At its commencement, the Board declared that all schools and early childhood services which existed prior to 1 January 2012 were approved for registration, as included in the Registration Register.

Regulating is the function which includes the assessment of applications for approvals, the assessment and rating of services, the monitoring and enforcement of compliance, the conducting of investigations and the registration of schools. The regulatory function is also reflected in the community education and training initiatives conducted by the Board.



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The specific functions and component activities of the Board which form the structure of this RDS are as follows:

Industry Education

- Advice
- Education and Training Programs
- Policy
- Procedures

Regulating

- Advice
- Approvals, Assessment and Ratings
- Complaints and Investigating
- Compliance Monitoring
- Planning
- Policy
- Procedures
- Program Management
- Project Management
- Registration

Arrangement of the Records

The arrangement of records is varied across the agency and includes:

Schools – Name of schools

Early Childhood Services – Service name

Complaints – Service Name – Investigation Number then year e.g. 3456/2016 (NNNN-YYYY)

Board papers – filed in date order

Administration records – varies across business units. The housing of records includes manila folders, suspension folders and lever arch folders.

RecordPoint will eventually manage electronic, hybrid and physical files. Hybrid files are linked to their electronic part through either the active SharePoint site or in RecordPoint and managed as one entity.



Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

Agency Creating the Records

The Education Standards Board administers the records covered by this RDS. The records were created by the ESB or its predecessors.

Agency Owning or Controlling the Records

The Education Standards Board that administers the records covered by this RDS also controls or owns them.

Date Range of the Records

Records Date Range: c1981 to **Ongoing**

Volume of the Records

The volume of records stored on site at ESB is estimated to be no more than 100 linear metres.

The estimated annual accumulation rate is 10 linear metres. This is decreasing with the implementation of the EDRMS.

There are approximately 60 linear metres stored off-site at an Approved Service Provider facility.

Approximately 500GB of material is stored on share drives.

Due to the Sharepoint SQL database sitting on another database it is not possible to determine the size of the data storage. However, there are approximately 30,000 documents currently stored in Sharepoint.

Special Custody Requirements

There are no special custody requirements.

Special Storage Requirements

There are no special storage requirements.

Issues Not Mentioned Previously

There are no issues that have not already been mentioned.



Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

Comments Regarding Disposal Recommendations

Permanent Records Rationale

Records deemed to be permanent are those which have a continuing value to the State or are of national significance. The appraisal objectives adopted by State Records of South Australia¹¹ for identifying records of permanent value relevant to the records covered by this Schedule are:

***Objective 1:** To identify and preserve official records providing evidence of the source of authority, foundation and machinery of the South Australian Government and public sector bodies.*

The records of the Board which meet this objective include:

- Master procedures and policies. (Items 1.3.1, 1.4.1, 2.6.1, 2.7.1)

***Objective 3:** To identify and preserve official records providing evidence of the legal status and fundamental rights and entitlements of individuals and groups.*

The records of the Board which meet this objective include:

- Registers of schools and early childhood service providers. (Item 2.10.1, 2.10.2)
- Master procedures and policies. (Items 1.3.1, 1.4.1, 2.6.1, 2.7.1)

***Objective 5:** To identify and preserve official records that contribute to the protection and well being of the community or provide substantial evidence of the condition of the State, its people and the environment, and the impact of government activities on them.*

The records of the Board which meet this objective include:

- Records documenting investigations of a serious nature where it is proven that an offence has been committed. (Item 2.3.1)

Temporary Records Rationale

Temporary records are those considered not to have continuing value to the Board, the State Government nor to the community. Records documenting core business activities in this

¹¹ SRSA: *Appraisal of Official Records – Policy and Objectives Guideline* February 2003 Version 1.8



Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

Schedule that are considered of temporary value have short, or less-than-permanent terms before expiry.

These include:

- dossier files relating to applications and approvals for early childhood residual services including application form, floor plans, criminal history check, policies and procedures, qualifications, requests for further information, site inspection notes, photographs, waivers, recommendations for approval, certificate of approval and notice of renewal. (Item 2.2.1)
- records documenting compliance audits conducted on all schools that are authorised under legislation to enrol fee paying students from overseas. Includes reports, corrective actions and reviews. (Item 2.4.1).
- and activities where the retention decision was guided by complementary temporary disposal actions in the GDS 30.

Other Disposal Considerations

On 15 August 2014 the South Australian Government announced the appointment of former Supreme Court Justice Margaret Nyland as Royal Commissioner to examine the assessment of those who work with children under care, the supervision of them, the reporting of and investigation of complaints concerning children in care, and the adequacy of existing practices and procedures adopted by Families SA (FSA) and other relevant agencies in implementing the State's child protection system. Whilst this Inquiry is of primary relevance to DECD and FSA, the disposal classes relating to complaints and investigation in this RDS have disposal actions aligned with DECD RDS 2014/01.

Disposal Recommendation Effect on Related Records

There are no related records affected by the disposal recommendations in this RDS.

Alternative Record Formats

There are no alternative records formats.



Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

Impact on Native Title Claims

There is no discernible relevance to Native Title Claims.

Indigenous Considerations

The determinations within *RDS 2016/14* are consistent with Recommendation 21 of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*.

The principles outlined in *GDS 16*, relating to Native Title claims, have also been considered in the development of this Schedule.

RDS 2016/14 meets all cultural, historical, legal and administrative requirements.

All documents considered relevant to native title in South Australia must be checked for actual relevance with the Native Title Section of the Crown Solicitor's Office before being disposed of.

Approved by SRC



Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

Scope Note

Records Covered by this Schedule

This *RDS 2016/14* is intended to provide coverage to the ongoing records of the Board since the commencement of its operations on 1 January 2012 in relation to its operations as a schools registration board operating under the South Australian legislation.

RDS 2016/14 also applies to the closed records of its predecessor, the Licensing and Standards Unit of the former DECS.

How to Apply this Schedule

Use in conjunction with GDS

This Schedule should be used in conjunction with *GDS 30*, as amended, or its successor. Cross-references to the *GDS 30* are included in this Schedule where appropriate.

To identify records that may be potentially relevant to native title claims, please refer to guideline *Identifying documents which may be relevant to Native Title* attached to *GDS 16*. Where records sentenced for temporary retention are identified as having potential relevance to a native title claim, they need to be retained until 31 December 2024.

To identify records that may be potentially relevant to *Legal Proceedings or Ex Gratia Applications Relating to Alleged Abuse of Former Children Whilst in State Care*, please refer to *GDS 27*. Where records sentenced for temporary retention are identified as having potential relevance, they need to be retained until 31 December 2020.

To identify records that may be potentially relevant to the *Royal Commission into Institutional Responses to Child Sexual Abuse*, please refer to *GDS 32*. Where records sentenced for temporary retention are identified as having potential relevance, they need to be retained until 31 December 2023.

Use in conjunction with, or complementary to, other RDS

- RDS 2014/01 Department for Education and Child Development (DECD) – State Office (and predecessor agencies)

Other RDS superseded by RDS 2016/14

- RDS 2014/13 Education and Early Childhood Services Regulation and Standards Board (EECSRSB) of South Australia (and processor agency) (excluding National Law responsibilities)



Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

Re-sentencing of records where schedules are superseded or particular entries within a schedule are superseded

Education Standards Board will review and re-sentence the records whose retention periods have altered.

Records excluded from RDS 2016/14

Records of the Non-Government Schools Registration Board remain in custody of a separate agency - the Office of Non-Government Schools and Services. However, reference records in digital format for 1999 - 2011 were transferred to the Board.

The operational records of the following committees recently merged with the Board do not have coverage in RDS 2016/14:

- Advisory Committee on Non-Government Schools in South Australia
- Planning Committee for Non-Government Schools.

The records of these two committees will have disposal coverage in General Disposal Schedule 30¹².

Application to records in all formats

RDS 2016/14 applies to records in all formats, including databases and other electronic records. Education Standards Board is required to ensure that records remain accessible for the duration of designated retention periods.

Interpretation of the Schedule

Minimum retention periods

Retention periods for temporary records shown in *RDS 2016/14* are minimum retention periods for which records need to be retained. It is at the discretion of Education Standards Board as to whether records are kept for longer than the minimum period.

Acronyms

- ACECQA - Australian Children's Education and Care Quality Authority
- COAG - Council of Australian Governments
- CRICOS - Commonwealth Register of Institutions and Courses for Overseas Students
- DECD - Department for Education and Children's Development
- DECS - Department for Education and Children's Services

¹² State Records SA: General Disposal Schedule 30 v.1



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- EECSRSB - Education and Early Childhood Services Registration and Standards Board
- ESB – Education Standards Board
- ESOS - Education Service for Overseas Students
- NCAC - National Childcare Accreditation Council
- NQA ITS – National Quality Assurance IT System
- NQF - National Quality Framework
- NQS – National Quality Standard
- ONGS – Office of Non-Government Schools

Definitions of terms specific to RDS 2016/14

- **All Schools** – includes government and non-government schools
- **Complaints** - statements to the EECSRS Board from a parent, staff member or member of the public that an aspect relating to a service or a provider is unsatisfactory, unacceptable or unlawful
- **Early childhood** - Pre-birth to school age
- **Homestay** – an approved hosted family facility for visiting international students that provides a local home setting, for improving language skills and becoming familiar with the local lifestyle
- **Residual services** - childcare services, including occasional care, baby-sitting agencies, single family day care educators and mobile care
- **Serious incidents** – can include death, injury, sexual contact, sexual, physical or mental abuse of a child or student.

Legal Deposit

Legal deposit refers to statutory provisions that oblige publishers to deposit copies of their publications in libraries in the country in which they are published. Under the Commonwealth *Copyright Act 1968* and various Australian state Acts, a copy of any work published in Australia must be deposited with (a) the National Library of Australia and (b) the appropriate State Library. Legal deposit extends not only to commercial publishers but also to private individuals, clubs, churches, societies and organisations.

In South Australia, one copy of publications produced for external use should be deposited with the State Library and the Parliamentary Library (section 35, *Libraries Act 1982*).

Publications include books, newspapers, magazines, journals, pamphlets, maps, plans, charts, printed music, records, cassettes, films, video or audio tapes, computer software CD-ROMS, compact discs and other items made available to the public.



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Records and Litigation

Where Education Standards Board is aware that records may be required for use in litigation, for use in a government enquiry or the consideration of the Ombudsman, the records must not be destroyed. In such circumstances the records must be retained until two years after all cases and enquiries are complete (including appeals) and then have the original retention period applied to the records.

Pre-1901 Records

All pre-1901 records are required to be **retained permanently** in accordance with a motion approved by the State Records Council on 19 February 2008.

In this instance, this RDS does **NOT** apply to pre-1901 records.

Approved by SRC



Education and Early Childhood Services Registration and Standards Board of South Australia trading as Education Standards Board (ESB)

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Approved by SRC



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 INDUSTRY EDUCATION			
1	INDUSTRY EDUCATION	The function of supporting education services and early childhood service providers by providing training and education. Includes the development of codes of conduct, guidelines and standards.	
1.1	Advice	<i>The activities associated with offering opinions by or to the agency as to an action or judgement. Includes process of advising. (KAAA)</i>	
1.1.1	Advice	Records relating to advice on Industry Education.	TEMPORARY Destroy 8 years after action completed.
1.2	Education and Training Programs	<i>The activities associated with informing the community through education and training in relation to the National Quality Framework, and other legislative framework, to support education services and early childhood providers in the provision of good quality and education care.</i>	
1.2.1	Education and Training Programs	Records documenting information sessions, training and workshops. For example annual information session on changes to legislation. Includes copies of presentations, programs, speeches, papers, summaries, attendance or contact lists, publicity, arrangements and follow-up actions.	TEMPORARY Destroy 10 years after action completed.
1.3	Policy	<i>The activities associated with developing and establishing decisions, directions and precedents that act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined. (KAAA)</i>	
1.3.1	Policy	Master policies relating to Industry Education.	PERMANENT
1.3.2	Policy	Supplementary records relating to the background and development of agency policies.	TEMPORARY Destroy 2 years after action completed.



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 INDUSTRY EDUCATION			
1.4	Procedures	<i>Standard methods of operating laid down by an organisation according to formulated policy.</i>	
1.4.1	Procedures	Master procedures relating to Industry Education.	PERMANENT
1.4.2	Procedures	Supplementary records relating to the background and development of Industry Education procedures.	TEMPORARY Destroy 2 years after action completed.



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 REGULATING			
2	REGULATING	<p>The function of assessing and approving education and early childhood services against the National Quality Standards and the National Regulations, determining the rating of those services. Includes monitoring and enforcing compliance, remedial action and responses, receiving and investigating complaints. Also includes the registration of schools.</p> <p>See also GDS30 BOARD & COMMITTEE MANAGEMENT See also GDS30 9.2 INFORMATION MANAGEMENT – Control – Primary Control Records See also GDS30 11.1 LEGAL SERVICES – Advice See also GDS30 13.13 STRATEGIC MANAGEMENT – Legislation</p>	
2.1	Advice	<i>The activities associated with offering opinions by or to the agency as to an action or judgement. Includes process of advising. (KAAA)</i>	
2.1.1	Advice	Records relating to advice on Regulating.	TEMPORARY Destroy 8 years after action completed.
2.2	Applications Assessments and Ratings	<i>The activities of receiving applications to operate programs and services for <u>early childhood</u> which deliver good quality education and care, and assessing and rating those services. Includes new providers, services, supervisor and waiver approvals, cancellations and suspensions of service operations.</i>	



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 REGULATING			
2.2.1	Applications, Assessments and Ratings	<p>Dossier files relating to an <u>approved early childhood services and providers</u>. Includes services approved in accordance with National Law and Residual Services.</p> <p>Includes application forms, floor plans, summary of criminal history, policies and procedures, qualifications, requests for further information, site inspection notes, photographs, waivers, recommendations for approval and certificate of approval, notice of renewal. Also includes regular assessments and ratings, compliance directions, monitoring, and cancellations, suspensions or the surrender of a service or approved provider approval.</p> <p>See Item 2.4.3 for high level non-compliance.</p>	TEMPORARY Destroy 50 years after action completed.
2.2.2	Applications, Assessments and Ratings	<p>Dossier files documenting <u>rejected or not proceeded with</u> applications to operate an <u>early childhood services and providers</u>. Includes services approved in accordance with National Law and Residual Services. Includes application forms, floor plans, summary of criminal history, policies and procedures, qualifications, requests for further information, site inspection notes, photographs, recommendations for refusal, notice of refusal. Also includes notice of appeal, court ordered injunction, legal briefing, Crown advice and court decision.</p>	TEMPORARY Destroy 50 years after action completed.
2.2.3	Applications, Assessments and Ratings	Records relating to Supervisors Certificates. Includes application amendments, notifications and certificates.	TEMPORARY Destroy 50 years after action completed.



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 REGULATING			
2.2.4	Applications, Assessments and Ratings	Records documenting the licensing of early childhood services conducted by the (former) Licensing and Standards unit prior to the establishment of the Board.	TEMPORARY Destroy 50 years after action completed.
2.3	Complaints investigations	<i>The activities involved in receiving and investigating complaints, including those resulting in prohibitions arising under the Act and associated Regulations.</i>	
		<i>See also GDS30 11.1 LEGAL SERVICES – Advice</i>	
2.3.1	Complaints investigations	Records documenting <u>investigations of a serious nature</u> (sexual incident/misconduct, serious harm/injury/fatality, serious incident/misconduct) at an approved education and care service where it is proven that an offence <u>has been committed</u> . Records may include, but are not limited to; notification report, complaint record, risk assessment, investigation material, briefings) investigation outcome report, action taken, legal opinions, communications and correspondence with other persons/agencies.	PERMANENT
2.3.2	Complaints investigations	Records documenting <u>investigations of a serious nature</u> (sexual incident/misconduct, serious harm/injury/fatality, serious incident/misconduct) at an approved education and care service where it is not proven that an offence <u>has been committed</u> . Records may include, but are not limited to; notification report, complaint record, risk assessment, investigation material, briefings) investigation outcome report, action taken, legal opinions, communications and correspondence with other persons/agencies.	TEMPORARY Destroy 25 years after action completed.



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 REGULATING			
2.3.3	Complaints investigations	Records of complaints and incidents documenting <u>investigations of a non-serious nature</u> (minor injury, offence relating to staffing arrangements) at an approved education and care service where it is <u>proven or non-proven</u> that an offence has been committed. Records may include, but are not limited to; notification report, complaint record, risk assessment, investigation material, investigation outcome report, action taken, legal opinions, communications and correspondence with other persons/agencies.	TEMPORARY Destroy 25 years after action completed.
2.3.4	Complaints investigations	Records of <u>complaints and incidents</u> at an approved education and care service <u>that are not investigated</u> . Records may include, but are not limited to; notification report, risk assessment, communications with other persons/agencies.	TEMPORARY Destroy 25 years after action completed.
2.4	Compliance monitoring	<i>The activities involved in monitoring and enforcing compliance for all education and early childhood services including residual services such as occasional care and baby-sitting agencies.</i>	
2.4.1	Compliance monitoring	Records documenting compliance audits conducted on all schools that are authorised under legislation to enrol fee paying students from overseas. Includes reports, corrective actions and reviews.	TEMPORARY Destroy 25 years after action completed.
2.4.2	Compliance monitoring	Records documenting compliance audits conducted on all schools for the purpose of registration compliance. Includes reports, corrective actions and reviews.	TEMPORARY Destroy 10 years after action completed.



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 REGULATING			
2.4.3	Compliance monitoring	Records documenting the identification of high level non-compliant activities at a service, provider or nominated supervisor leading to compliance and enforcement action by the Registrar or Board Internal Review of Decisions Committee. Includes reports, Compliance Notices and Compliance Directions and enforceable undertakings issued. See Item 2.2.1 for low level non compliance which is maintained on the dossier file.	TEMPORARY Destroy 50 years after action completed.
2.5	Planning	<i>The activity of formulating ways in which objectives can be achieved. Includes determination of services, needs and solutions to those needs.</i> See STRATEGIC MANAGEMENT reference number 15.16 for other strategic and corporate plans.	
2.5.1	Planning	Records documenting the planning of the assessments and monitoring visits. For example scheduling of assessment and allocation of resources. Use Item 2.2.1 for assessment and monitoring visits.	TEMPORARY Destroy 5 years after action completed.
2.6	Policy	<i>The activities associated with developing and establishing decisions, directions and precedents that act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined. (KAAA)</i>	
2.6.1	Policy	Master policies relating to Regulating.	PERMANENT
2.6.2	Policy	Supplementary records relating to the background and development of agency policies.	TEMPORARY Destroy 2 years after action completed.
2.7	Procedures	<i>Standard methods of operating laid down by an organisation according to formulated policy.</i>	
2.7.1	Procedures	Master procedures relating to Regulating.	PERMANENT



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 REGULATING			
2.7.2	Procedures	Supplementary records relating to the background and development of Regulating Procedures.	TEMPORARY Destroy 2 years after action completed.
2.8	Program management	<i>The activities associated with the management of ongoing series of actions, including planning, implementing, monitoring and assessing a program.</i>	
2.8.1	Program management	Records documenting the planning and implementation and management of a program including initial proposal, scheduling of assessment and the allocation of resources, eg the early childhood assessment and rating program.	TEMPORARY Destroy 25 years after action completed.
2.8.2	Program management	Facilitative program records including unsuccessful proposals, drafts, working copies and reference material.	TEMPORARY Destroy 5 years after action completed.
2.9	Project management	<i>The activities associated with a defined series of actions, including planning, implementing, analysing, evaluating and report at completion of a project.</i>	
2.9.1	Project management	Records documenting approved projects including project proposals, planning, reporting and project review. For example Family Day Care operation.	PERMANENT
2.9.2	Project management	Facilitative project records including draft agreements, unsuccessful proposals, submissions and registrations of interest, advice and draft letters, public reference documents and project variations.	TEMPORARY Destroy 5 years after action completed.
2.10	Registration	<i>The activities associated with the registration of all schools in South Australia to ensure schools comply with legislated requirements. Includes Board assessment and review of instruction offered and protection for the safety, health and welfare of its students.</i>	



Education Standards Board (and predecessor agencies)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 REGULATING			
2.10.1	Registration	Register of all schools. Includes name of school, campus name, type of school, address, sector etc.	PERMANENT
2.10.2	Registration	Registers of early childhood services, providers and supervisors. Includes ID no's, names, address, status etc.	PERMANENT
2.10.3	Registration	Registers relating to notifications of complaints and incidents. Includes Unique ID, date, summary details, action taken etc.	PERMANENT
2.10.4	Registration	Dossier records of school applications for registration, to increase enrolment capacity or to withdraw. Includes application, assessment, enrolment list, curriculum, Council approved development plans, photographs, approved and non-approved outcomes, and reviews.	TEMPORARY Destroy 50 years after action completed.
2.10.5	Registration	Records documenting the assessment of applications from schools seeking to enrol fee paying overseas students. Includes advice and authorisations.	TEMPORARY Destroy 50 years after action completed.
2.10.6	Registration	Facilitative records supporting the administration of school registration processes.	TEMPORARY Destroy 5 years after action completed.



Education Standards Board (and predecessor agencies)

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