

SILVER TREE STEINER SCHOOL



# RECORDS MANAGEMENT POLICY

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2018

This procedure is applicable to: All staff

AUTHORISED BY:	Administrator
VERSION:	Version 4
DATE:	March 2018
REVEIW:	March 2020

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## **RECORDS MANAGEMENT POLICY**

The correct management of school records is critical for many reasons:

- Several pieces of legislation govern the management of records within schools. It is imperative to comply with these legislative requirements;
- Day-to-day work within the school requires proper management of school records. Records of students' and systems performance are imperative to inform others how the school is performing, what resources may be required and provide facts on which to base decisions;
- Accurate and efficient provision of information is also important in terms of staffing, teaching rooms, materials, equipment and ensuring the correct allocations throughout the school.

As part of the Silver Tree Steiner School's commitment to adherence to legislation and regulations, it will continue to monitor and improve wherever possible its record management. The school may, from time to time, review and update this Policy to take account of new laws and technology, changes to schools' operations and practices and to make sure it remains appropriate to the changing school environment.

## **POLICIES AFFECTED**

The following school policies should be read in conjunction with the Records Management Policy.

- Privacy Principles Policy
- Enrolment Administrative Procedures

## **LEGISLATION**

The main source of legislation for records management in non-government schools is listed below –

- Evidence Act 1995
- Limitation Act 2005
- School Education Act 1999 and School Education Regulations 2000
- Privacy Act 1988 (Cth) and Privacy Amendment (Enhancing Privacy Protection) Bill 2012
- Associations Incorporations Act 1987
- Industrial Relations Act 1979 (State)
- Workplace Relations Act 1996 (Federal)
- The relevant Awards for employee wage records
- Income Tax Assessment Act 1997
- Independent School Teachers Award 1976
- Fair Work Act 2009

## RECORDS TO BE KEPT

In a society that is becoming increasingly litigious, good record keeping practices are of the utmost importance. Records provide information for, and evidence of, daily operations and decision making. The role of records in the process of education and the increasing need to demonstrate accountability makes it necessary to strive continuously for greater efficiency and effectiveness in the way records are managed.

### Employee Records

The Silver Tree Steiner School will, as an employer, be in possession of records relating to its employees. The Minimum Conditions of Employment Act 1993 applies to all schools in WA and the Fair Work Act 2009 applies to schools that are Incorporated Associations who are National System Employers (and are trading entities). These acts prescribe what records are to be kept by employers.

These records include but are not limited to the following:

#### General employee records

- The employee's name.
- The employee's Australian business number.
- The employee's address.
- The employee's commencement date.
- The basis of the employee's employment (full or part time and permanent, temporary or casual).
- Contract of Employment

#### Pay records

- The rate of remuneration paid to the employee (e.g. annual salary or hourly rate).
- The gross and net amount paid to the employee each pay period.
- In the case of a salaried employee, the total amount paid in that financial year up to the last day of the pay period.
- In the case of an employee who is paid an hourly rate, a record of the hours worked by the employee in that pay period.
- Any deductions to be made.
- Details of any incentive based payment, bonus, loading, overtime penalty rate or other monetary allowance or separately identified entitlement paid to the employee.

#### Hours of work records

- The record must record the number of hours worked each day and should include start and finish times.
- If a penalty rate or loading is to be paid for overtime hours worked, the record must identify the normal hours and the overtime hours worked each day, and when the employee started and finished working overtime hours.
- If the employer and employee have agreed to an averaging arrangement for the employee's hours over the year, there must be a written agreement confirming this arrangement.

#### Leave records (annual, sick and long service leave)

- Records all leave taken by the employee.
- The record must show the balance of the employee's leave entitlements at the conclusion of each week.
- If the employer and employee have agreed to cash out a portion of the employee's accrued annual leave or long service leave, the employer must keep a copy of the written agreement signed by the employee confirming the cashing out of leave.
- The agreement must contain:
  - employee's name;
  - amount of leave being cashed out;
  - rate of payment for the cashed out leave; and
  - when the cash out payment was made.

#### Superannuation contribution records

- The amount of the contribution made on behalf of the employee.
- The dates on which each contribution was made.
- The period of which the contributions cover.
- The name of the fund to which the contributions were made.
- The basis on which the employer became liable to make the contributions.
- A record of any election made by the employee (including the date) to have any superannuation contribution paid into a particular fund.

#### Individual flexibility arrangements

- If the employer and employee have agree to an individual flexibility arrangement in relation to a modern award or an enterprise agreement, the agreement must be in writing and include the following:
  - the names of the employer and employee;
  - the signatures of the employer and employee;
  - the complete terms of the agreement;
  - details of how the arrangement varies the terms of the modern award or enterprise agreement;
  - details of how the employee is better off overall in relation to the terms and conditions of his or her employment as a result of the agreement; and
  - the date on which the agreement will commence.
- A copy of any notice terminating the flexibility agreement.

#### Termination

Where the employee's employment has been terminated, the record must identify:

- whether the employment was terminated by consent, by notice or some other manner (specifying that manner);
- the name of the person who terminated the employment; and
- the termination payment.

### Payslips

- The employer's name.
- The employer's ABN.
- The employee's name.
- Date of the payment.
- The pay period to which the payslip relates.
- The gross and net amounts of payment.
- Any bonus, loadings, monetary allowances, overtime loadings, penalty rates or other separately identifiable payments included in the payment.
- Details of any deductions, identifying if they are pre or post tax deductions.
- If the employee is paid an hourly rate, the hourly rate and the amount of hours worked in that pay period.
- If the employee is paid an annual salary, the total amount paid in that financial year up to the last day of that pay period.

Schools should also check their relevant employee awards for any additional requirements. The School may be exposed to fines for failure to meet these obligations as an employer.

### Student Records

Silver Tree Steiner School will be in possession of documents and records relating to students. These documents may include:

- class rolls and attendance data;
- examination results;
- report cards;
- Health information, i.e. Immunisation records;
- correspondence relating to students;
- records relating to student behaviour and performance; and
- records relating to concerns about student welfare.

### Other records

Other records, such as records relating to school policies and procedures or records relating to independent contractors engaged by the school should be retained for at least 7 years from the date of their creation.

## RECORD RETENTION

### Employee Records

The Minimum Conditions of Employment Act 1993 requires that the employer must retain all employee records for a period of seven years.

### Student Records

One of the reasons that access may be sought to a student's records is for use in any legal action that a student (or his or her representative on behalf of the student) may take against his or her school – for example, an action for personal injury suffered by the student whilst at the school. Any such action must be commenced by the time the student turns 24. On this basis, whilst records relating to a student could feasibly be destroyed after the student turns 24, it is considered prudent that all records relating to a particular student be retained at least until a student turns 25. Of course, if litigation is commenced by a student, any records relating to the student should be retained until the litigation is complete, even if this means that the records are to be kept beyond the date that the student turns 25.

The School Education Act 1999 gives the Minister the right to authorise the inspection of school records.

### Correspondence

Schools are required to retain correspondence, emails and notes between a school and the parents and/or third parties about a student registered at a school.

Such correspondence, emails and notes may come into existence in a number of ways. For instance, letters and emails about a student may be sent by a parent to the principal, head of department or class teacher and answered by any one of these staff members. Similarly, notes about a telephone call or meeting with a parent may come to be made by the staff member involved.

As a general rule, all correspondence, emails and notes of this type should be retained by a school. Such documents should be retained for several reasons. These include the fact that such documents may

- constitute the actual student records that a school is obliged to maintain and retain in respect of the School Education Act.
- relate directly or indirectly to the statutory student records.
- constitute a record of an event, a discussion or observations of something, all of which could have a bearing on a claim or possible litigation against a school in the future.



The school's best interests will be served by the class teacher ensuring any correspondence, especially emails (both sent and received) are provided to the school administration for retention. In order to manage this effectively, the Silver Tree Steiner School will send and receive all emails to / from parents via the Receptionist. The Receptionist will then be responsible for the retention of emails.

Electronic record of retained documents will be kept wherever possible, however, any hardcopies will be kept with the students records.

### **School Closure**

In the event of the closure of the School, the records will be retained for the following period –

- Employee Records - 7 years following the school's closure
- Student Records – until the student turns 25 years of age
- Other Records (i.e. Financial) – 7 years

The records will be held by an independent document storage company.

The school's governing body will be responsible for developing appropriate procedures for future access to and destruction of records put in place before a school's closure.

### **Record Archiving**

Records that are to be permanently archived once they are no longer needed for reference are listed below -

- Board/Council minutes, agendas, reports, committee agendas and reports, appointment of members, correspondence, policies ratified.
- Principal's diary and correspondence.
- Annual reports.
- Management and staff meeting minutes.
- Registration reports and correspondence with the DES.
- Strategic plans, special initiatives
- Budgets, ATO requirements.
- Legal opinions, direction, case files.
- Plans, drawings, tender information, certificates.
- Asset register.
- Archive records, destruction records.
- Staff files including application and appointment letters, leave, performance management, professional learning.
- OS&H minutes and reports.
- Parents and Friends minutes, reports, constitution.
- Visitors book for the school.
- Student files including enrolment application, offer of place, medical issues, reports, discipline, court orders, learning support
- Class rolls, parent correspondence.

## PRIVACY

### Employees

Employee records are private and confidential and generally may only be accessed by the employee, their employer and relevant payroll staff.

Employers must make copies of an employee's records available at the request of an employee or former employee.

However, Fair Work Inspectors and organisation officials (such as a trade union official) may access employee records (including personal information) to determine if there has been a contravention of relevant Commonwealth workplace laws. Please refer to the Independent School Teachers Award 1976 Section 21. – INSPECTION OF RECORDS.

### Students

The Silver Tree Steiner School is required to comply with Federal privacy laws as enacted under the *Privacy Act 1988*. Whilst most employee records are exempt from the *Privacy Act*, student records are covered by the legislation. Under the *Privacy Act*, privacy is regulated by 13 Australian Privacy Principles (APP). The APP sets out the minimum standards about how the school will handle personal information, covering collection, use and disclosure, data quality, data security, openness, access and correction, identifiers, anonymity, trans-border flow of data and sensitive information.

The APP provides that the school must take reasonable steps to destroy or permanently 'de-identify' personal information if it is no longer needed for any purpose for which the information may be used or disclosed.

The School will not send personal information outside of Australia without obtaining the consent of the individual. Refer to the Silver Tree Steiner School's Privacy Principles policy for further information.

### Record Destruction

Only the Administrator/Principal or School Board should authorise the destruction of documents.

A register of documents destroyed including the title/description of the documents, dates they referred to and how and when they were destroyed will be kept.

Confidential paper records will be shredded or incinerated and electronic records erased permanently.

As per the terms and conditions of APP 11, non-confidential records or "ephemeral records" that have, or will not have, any historical or legal value maybe destroyed or recycled without recording the details.

## REFERENCES

AISWA Records Management Guidelines

Available: <https://www.ais.wa.edu.au>

Australian Privacy Fact Sheet

Available: [http://www.oaic.gov.au/images/documents/privacy/privacy-resources/privacy-fact-sheets/privacy-fact-sheet-17-australian-privacy-principles\\_2.pdf](http://www.oaic.gov.au/images/documents/privacy/privacy-resources/privacy-fact-sheets/privacy-fact-sheet-17-australian-privacy-principles_2.pdf)

Independent School Teachers Award 1976

Available: [http://www.fwc.gov.au/consolidated\\_awards/an/an160178/asframe.html](http://www.fwc.gov.au/consolidated_awards/an/an160178/asframe.html)

Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Bill 2012

Available: [http://www.austlii.edu.au/au/legis/cth/consol\\_act/pa1988108/](http://www.austlii.edu.au/au/legis/cth/consol_act/pa1988108/)

School Education Act (WA) 1999 and Regulations 2000 (WA)

Available: <http://www.slp.wa.gov.au/legislation/statutes.nsf>