



## Nature Alliance Family Day Care Service

Service Confidentiality, Privacy, Record Keeping & Retention



### POLICY IN THIS SECTION AS REQUIRED BY:

Education And Care Services National Regulations: 29, 31, 55, 74, 87, 92, 102, 102D, 116, 118, 146, 147, 149, 151, 153, 154, 158, 159, 160, 161, 162, 167, 168, 170, 173, 177, 180, 181, 183, 184, 185

Education And Care Services National Law,

Child Care Subsidy Secretary's Rules 2017,

Family Law Act 1975, Child Care Subsidy Minister's Rules 2017,

A New Tax System (Family Assistance) (Administration) Act 1999,

A New Tax System (Family Assistance) Act 1999

Work Health and Safety Act 2011

Family Assistance Law – Incorporating all related legislation as identified within the Child Care Provider Handbook in

<https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>

National Quality Standard (NQS) 7.1 & 7.2

### PURPOSE:

To maintain and manage appropriate records in a private and confidential manner, working in accordance with legislative requirements and best practice.

### SCOPE:

This policy applies to the Approved Provider, Service Staff, Educators, Educator Assistants, families, and visitors of the Family Day Care Service.

### POLICY:

The Approved Provider, Service staff and Educators of the Family Day Care Service are responsible for overseeing and ensuring records are maintained and stored in accordance with relevant legislation that is mentioned above.

The Approved Provider is responsible for compliance with record keeping requirements.

This policy encompasses requirements for National Law, National Regulations and Family Assistance Law. Records that are required for Family Assistance Law must be kept for seven years. Records required under National Law and National Regulations are to be kept for three years unless otherwise stated.

### PRESCRIBED RECORDS TO BE KEPT BY APPROVED PROVIDER (7 YEARS)

The following records are to be retained in a secure location at the Family Day Care (FDC) Service Principal office and kept for 7 years under Family Assistance Law:

- complaints made to the provider relating to compliance with Family Assistance Law
- children's attendance records (regardless of eligibility for Child Care Subsidy) (Regulation 158) and for Family Assistance Law
- record of any absences from care for all children (regardless of eligibility for Child Care Subsidy)
- statements or documents demonstrating that additional absence days in excess of the initial 42 absence days satisfy requirements.

- copies of invoices and receipts issued for the payment of childcare fees
- the identifying number and expiry date of a Working with Children Check (WWCC), criminal history record of all service staff, educators, educator assistants and any adult over 18 years residing in the FDC residence
- copies of all Statements of Entitlement issued and any statements issued to advise that there was a change of entitlement - Child Care Subsidy
- written record of any notice given to DCP body about a child at risk of abuse or neglect
- copies of the evidence and information provided with an application for approval about persons with management or control of a provider and persons responsible for the day-to-day operation of the service
- records of background checks for specified personnel who undertake actions related to the administration of CCS
- any record relating to the death of a child whilst being educated and cared for by the Service or as a result of an incident whilst being educated and cared for, until the end of 7 years after the death of a child.

### **PRESCRIBED RECORDS TO BE KEPT BY APPROVED PROVIDER**

The following records are to be retained in a secure location at the Family Day Care (FDC) Service Principal office and kept for three years after the end of the year that the document relates to or the specified number of years.

- educational leader records
- child assessments or evaluations for delivery of the educational program (Regulation 74)
- evaluations of the child's wellbeing, development and learning for school age children (Regulation 74)
- any incident, injury, trauma and illness record (Regulation 87) (to be kept until child is 25 years)
- medication records (Regulation 92)
- register of educators, service staff and educator assistants (Regulation 153)
- record of staff and educators engaged or employed by the Service (Regulation 154)
- record of visitors (Regulation 165)
- record of volunteers and students (Regulation 149)
- record of the Service's compliance with the Law (Regulation 167) (*Further details below*).
- record of assessments of Family Day Care residence or approved venues (including risk assessment) (Regulation 116)
- record of each nominated supervisor and any person in day-to-day charge of the Service (Regulation 146)
- evidence of the current prescribed insurance for a family day care residence or venue (Regulation 180) Current policy of insurance for public liability with a minimum cover of \$10 000 000 (Reg. 29)
- evidence and records of the Service Quality Improvement Plan (QIP). The QIP must be reviewed and revised at least annually or when requested by the regulatory authority. The QIP must be submitted to the regulatory authority upon request (Reg. 31, 55, 56)
- a copy of the Education and Care National Law and Regulations must be available and accessible at the service at all times for use by the Nominated Supervisor, staff members, volunteers, parents and any person seeking to make use of the service.

**RECORDS TO BE KEPT IN RELATION TO THE NOMINATED SUPERVISOR: (Reg: 146 and Law. S162A). ALL RECORDS TO BE KEPT FOR 7 YEARS.**

- full name, address and date of birth
- evidence of any relevant qualifications held by the Nominated Supervisor
- evidence of any approved training (including first aid training and Child Protection) completed by the Nominated Supervisor
- the identifying number and expiry date of a Working with Children Check (WWCC), and Australian National Police Check (WA)
- the date the check, card, record or registration was and the date this was verified by the staff person checking (signature required)
- PRODA RA Number
- evidence of the nominators written consent to the nomination
- evidence of Child Protection Training

**RECORDS TO BE KEPT IN RELATION TO THE REGISTER OF FDC EDUCATORS AND EDUCATOR ASSISTANTS (Reg: 153)**

Information held on the register must be kept until the end of 3 years after the date on which the Family Day Care educator, Coordinator or educator assistant ceased to be employed or engaged by or registered with the Service.

For the role of FDC educator, the register must include:

- the full name, address and date of birth of the educator
- contact details of the educator
- the address of the residence or approved FDC venue where the educator will be providing education and care to children as part of the Service, including a statement as to whether it is a residence or a venue
- the date that the educator was engaged by or registered with the FDC Service
- the date that the educator ceased to be engaged by or registered with the FDC Service (if applicable)
- the days and hours when the educator will usually be providing education and care to children as part of the Service
- evidence of any relevant qualifications held by the educator, or
- evidence of any approved training (including first aid training, current approved anaphylaxis management training, approved emergency asthma management training and approved Child Protection) completed by the educator.
- the identifying number and expiry date of a Working with Children Check (WWCC), and Australian National Police Check WA
- date the check, card, record or registration was and the date this was verified and by staff person checking (signature required)
- PRODA RA Number
- the full names and dates of birth of all persons aged 18 years and over who normally reside at the FDC residence
- the full names and dates of birth of all children under 18 years of age who normally reside at the FDC residence
- evidence that the Educator is adequately monitored and supervised by a FDC Service staff including:
  - dates and times of any visits
  - dates and times of any telephone calls between the educator and staff
  - details of any correspondence or written materials provided to the Educator by the staff

**For the role of Educator Assistant, the register must include:**

- the full name, address and date of birth of the Educator Assistant
- contact details of the Educator assistant

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- the name of the FDC Educator to be assisted
- the address of the residence or approved FDC residence or venue
- the date that the Educator Assistant was engaged or registered with the Service
- the date that the Educator Assistant ceased to be engaged or registered with the Service
- evidence of any relevant qualifications held by the Educator Assistant
- evidence that the Educator Assistant has completed-
  - current approved first aid training
  - current approved anaphylaxis management training and
  - current approved emergency asthma management training
  - the identifying number and expiry date of a Working with Children Check (WWCC), current vulnerable people check or criminal history record

**THE STAFF REGISTER MUST INCLUDE:**

- the full name, address and date of birth of the staff person
- contact details of the staff person
- the date that the staff person was employed or engaged by the Service
- the date that the staff person ceased to be employed or engaged by the Service
- the identifying number and expiry date of a Working with Children Check (WWCC), current vulnerable people check or criminal history record
- the date the check, card, record or registration was and the date this was verified and name of the staff person checking (signature required)

**RECORDS TO BE KEPT IN RELATION TO STAFF ENGAGED OR EMPLOYED BY THE FDC (Reg: 154)**

The Approved Provider must keep a record of:

- the name of the person/s currently designated as the educational leader/s and Educational Support officers (in accordance with Regulation 118)
- in relation to a Nominated Supervisor, the information set out in Regulation 146
- in relation to each other staff member of the FDC service, the information set out in Regulation 147 and:-

**RECORDS TO BE KEPT IN RELATION TO STUDENTS AND VOLUNTEERS: (Reg: 149)**

- the full name, address and date of birth of each student or volunteer
- management must also keep a record for each day on which the student or volunteer participates in the FDC Service, the date and hours of participation.

**RECORDS TO BE KEPT IN RELATION TO VISITORS: (Reg: 165)**

- the FDC Educator must keep a record of all visitors to the FDC residence or approved venue while children are being educated and cared for.

The record must include:

- the name of each visitor
- time of arrival and departure
- signature of the visitor.

**RECORDS TO BE KEPT IN RELATION TO CHILD ENROLMENT (Reg 160)**

The Approved Provider and the FDC Educator must keep an enrolment record that includes information set out in sub regulation (3) for each child educated and cared for by the Educator.

An enrolment record must include the following information:

- the full name, date of birth and address of the child-[birth certificate, passport, identify papers]
- the name, address and contact details of:

- each known parent of the child
- any person who is to be notified of any emergency involving the child if any parent of the child cannot be immediately contacted
- any person who is an authorised nominee
- any person who is authorised to consent to medical treatment of, or to authorise administration of medication to the child
- any person who is authorised to authorise an educator to take the child outside the education and care service premises
- any person who is authorised to authorise the education and care service to transport the child or arrange transportation for the child
- details of any court orders, parenting orders or parenting plans provided to the approved provider relating to powers, duties, responsibilities or authorities of any person in relation to the child or access to the child
- details of any other court orders provided to the approved provider relating to the child's residence or the child's contact with a parent or other person
- gender of the child
- language used in the child's home
- cultural background of the child and parents
- any special considerations for the child (e.g., cultural, religious, dietary requirements or additional needs)
- authorisations signed by a parent or a person named in the enrolment record as authorised to consent to the medical treatment of the or nominated supervisor to seek:
  - medical treatment for the child from a registered medical practitioner, hospital or ambulance service
  - transportation of the child by any ambulance service
  - authorisation to take the child on regular outings [Reg 102]
  - authorisation for regular transportation of the child (if relevant) [Reg 102D (4)]

**HEALTH INFORMATION TO BE KEPT IN ENROLMENT RECORD: (Reg: 162)**

- the name, address and telephone number or the child's registered medical practitioner or medical service
- the child's Medicare number if available
- details of any specific healthcare needs of the child including any medical conditions or allergies including whether the child has been diagnosed as at risk of anaphylaxis, including details of any medical management plan
- details of any dietary restrictions for the child
- the immunisation status of the child
- a notation that states that a staff member or approved provider has sighted a child's health record

**RECORDS TO BE KEPT IN RELATION TO ENROLLED CHILDREN: (Reg: 74)**

- documentation relating to child assessments or evaluations for delivery of the education program, including:
  - assessments of the child's developmental needs, interests, experiences and participation in the education program
  - assessments of the child's progress against the outcomes of the educational program
- For each child over preschool age, educated and cared for by the FDC Educator further evidence is required as follows:
  - evaluations of the child's wellbeing, development and learning.
  - evidence of the development of the program for children over preschool age

## **RECORDS TO BE KEPT IN RELATION TO INCIDENT, INJURY, TRAUMA AND ILLNESS: (Reg: 87)**

A Family Day Care Educator must keep an incident, injury, trauma and illness record in accordance to this regulation. The approved provider must keep a copy of all records at the principal office.

- Details of any incident in relation to a child or injury received by a child or trauma to which a child has been subject while being educated and cared for by the FDC Educator. The following must be included:
  - the name and age of the child including date of birth
  - gender
  - the circumstances leading to the incident, injury or trauma
  - the time and date the incident occurred, the injury that was received or the child was subjected to the trauma.
- Details of any illness, which becomes apparent while the child is being educated and cared for by the FDC educator. The following must be included:
  - the name and age of the child including date of birth
  - gender
  - the relevant circumstances surrounding the child becoming ill and any apparent symptoms
  - temperature record and time temperature was taken
  - the time and date of the apparent onset of the illness
  - date child was last at the service
- Details of the action taken by the FDC educator in relation to any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the FDC educator. The following must be included:
  - any medication administered, or first aid provided
  - any medical personnel contacted
  - details of any person who witnessed the incident, injury or trauma including signature of witness
  - the name of any person who the education and care service notified or attempted to notify of any incident, injury trauma or illness a child has suffered while being educated and cared for by the FDC educator and the time and date of the notification and notification attempts
  - the name and signature of the person making an entry in the record and the time and date that the entry was made
  - signed and dated parent/guardian acknowledgement of record
- this record must be recorded as soon as is practicable, but not later than 24 hours after the incident, injury, trauma or onset of illness occurred
- the record must show that a serious incident is entered into the [NQA IT System](#)

## **RECORDS TO BE KEPT IN RELATION TO MEDICATION: (Reg: 92, 95)**

It is a legal requirement that FDC Educators keep medication records that include details set out in National Regulation 92 (3) for each child being educated and cared for and for whom medication is to be administered.

- the name of the child
- the authorisation to administer medication (including self-administration is applicable) signed by a parent or a person named in the child's enrolment record as authorised to consent to administration of medication
- the name of the medication to be administered
- the time and date the medication was last administered
- the time and date or the circumstance under which the medication should be next administered
- the dosage of the medication to be administered
- the manner in which the medication is to be administered

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- If the medication is administered to the child:
  - the dosage that was administered.
  - the manner in which the medication was administered.
  - the name and signature of the person who administered the medication.
  - if another individual is required to check the dosage, the name and signature of that person.

**RECORDS TO BE KEPT IN RELATION TO CHILDREN’S ATTENDANCE (Reg 159)**

A Family Day Care Educator must keep a record of attendance that records:

- the full name of each child being educated and cared for at the FDC residence or approved FDC venue
- the date and time each child arrives and departs
- the signature of:
  - the person who delivers the child to the FDC residence or venue or collects the child from the residence or venue
  - if the signature of the person who delivers the child cannot be reasonably obtained, the Family Day Care Educator.

**RECORDS TO BE KEPT IN RELATION TO THE FAMILY DAY CARE SERVICE’S COMPLIANCE WITH THE LAW (Reg: 167)**

Details of any amendments of the Service Approval made by the Regulatory Authority including:

- the reason stated by the Regulatory Authority for the amendment
- the date on which the amendment took, or takes, effect
- the date (if any) that the amendment ceases to have effect
- details of any suspension of the service (other than a voluntary suspension) including:
  - the reason stated by the Regulatory Authority for the suspension
  - the date on which the suspension took, or takes, effect
  - the date that the suspension ends
- details of any compliance direction or compliance notice issued to the approved provider in respect of the service, including:
  - the reason stated by the Regulatory Authority for issuing the direction or notice.
  - the steps specified in the direction or notice
  - the date by which the steps specified must be taken.
- this information must not include any information that identifies any person other than the approved provider
- the Approved Provider must ensure that the documents referred to above in relation to a child enrolled at the Service are made available to a parent of the child on request. Accordingly, if a parent’s access to the kind of information referred to in this documentation is limited by an order of a court, the approved provider must refer to the court order in relation to the release of information concerning the child to that parent.
- the record of compliance referred to above must be available for access on request by any person.

**EVIDENCE OF PRESCRIBED INSURANCE: (Reg: 180)**

A Family Day Care Educator must keep evidence of the Educator’s current public liability insurance at the FDC residence or FDC venue and make the evidence available for inspection by the Regulatory Authority or an authorised officer under the Law.

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### **STORAGE OF RECORDS: (Reg: 183, 184)**

Records made by FDC Service will be stored in a safe and secure location for the relevant time periods as set out above and only made accessible to relevant individuals.

Records related to an incident, illness, injury or trauma must be kept until the child is aged 25 years.

If the record relates to the death of a child while being educated and cared for by the Service or as a result of an incident while being educated and cared for by the Service, the records must be kept for 7 years after the death.

In the case of any other record (except relating to CCS) relating to a child enrolled at the education and care service, until 3 years after the last date on which the child was educated and cared for by the service.

All records required to maintain approval as listed in *Child Care Providers Handbook*, must be kept for seven years. Written records include records that are made and stored electronically, as long as they are stored safely and any changes, apart from incidental changes related to their storage and display, are also recorded.

If a service is transferred under the law, documents relating to a child must not be transferred without the express consent of the child's parents.

### **CONFIDENTIALITY OF RECORDS (Reg: 181 and 182)**

The Approved Provider, Service Staff, Educators, and Educator Assistants will ensure that information kept in a record is not divulged or communicated through direct or indirect means to another person other than:

- the extent necessary for the education and care or medical treatment of the child to whom the information relates
- a parent of the child to whom the information relates, except in the case of information kept in a staff record
- the Regulatory Authority or an authorised officer
- as expressly authorised, permitted or required to be given by or under any Act or law.
- with the written consent of the person who provided the information.

### **INFORMATION TO BE DISPLAYED (Reg: 173)**

FDC Services must have the following information displayed:

- in relation to the provider approval:
  - the name of the approved provider
  - the provider approval number
  - any conditions on the provider approval
- in relation to the service approval:
  - the name of the education and care service
  - the service approval number
  - any conditions on the service approval
- the name of each nominated supervisor
- in relation to the rating of the service:
  - the current rating levels for each quality area stated in the National Quality Standard and
  - the overall rating of the service.
- in relation to any service waivers or temporary waivers held by the service, the details of the waivers including:
  - the elements of the NQS and the regulations that have been waived, and
  - the duration of the waiver, and
  - whether the waiver is a service waiver or a temporary waiver.

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## THE SERVICE MUST ALSO DISPLAY:

- the hours and days of operation of the education and care service
- the name and telephone number of the person at the education and care service to whom complaints may be addressed.
- the name of each nominated supervisor
- the name of the educational leaders at the service
- the contact details of the Regulatory Authority
- if applicable, a notice at the FDC approved residence or venue stating that a child who has been diagnosed as at risk of anaphylaxis is enrolled at the FDC service approved venue and attends the FDC residence or venue
- if applicable, a notice stating that there has been an occurrence of an infectious disease at the FDC residence or FDC venue
- information relating to the educational program (Regulation 75)
- the weekly menu is displayed (Regulation 80)
- emergency and evacuation floor plans and instructions are displayed (Regulation 97 (4))
- the certificate issued by the regulatory authority displaying the current rating levels of the National Quality Standards and the overall rating of the service. If applicable display the certificate stating the highest rating level (ie excellent rating). (Regulation 173 (3))

## ADDITIONAL RECORDS TO BE KEPT FOR FAMILY ASSISTANCE LAW: (if applicable)

- a Complying Written Agreement (CWA) for all enrolments registered to claim Child Care Subsidy (CCS). Updated CWAs must be signed if there are changes to the original enrolment conditions.
- documentation relating to an Additional Child Care Subsidy (ACCS) claim

## SOURCE

Australian Children's Education & Care Quality Authority. (2014).

Australian Government Department of Education Child Care Provider Handbook

<https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>

Australian Government Department of the Officer of the Privacy Commissioner: [www.privacy.gov.au](http://www.privacy.gov.au)

Australian Legal Information Institute: [www.austlii.edu.au](http://www.austlii.edu.au)

Australian Taxation Office: [www.ato.gov.au](http://www.ato.gov.au)

Child Care Subsidy Secretary's Rules 2017.

Early Childhood Australia: [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

*Education and Care Services National Law Act 2010*. (Amended 2023).

Education and Care National Regulations. (2011). (Amended 2023).

Guide to the National Quality Framework. (2017). (Amended 2023).

NSW Government Department of Community Services: [www.community.nsw.gov.au](http://www.community.nsw.gov.au)

NSW Office of the Children's Guardian: <https://ocg.nsw.gov.au/>

*Privacy Act 1988*.

Revised National Quality Standard. (2018).

[Western Australian Education and Care Services National Regulations](#)

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