

A-11 Maintenance of Records

NQS

Q.A. 1.3.3	Information for families.
Q.A. 2.1	Health.
Q.A. 4.2	Professionalism.
Q.A. 7.1	Governance.
Q.A. 7.1.2	Management systems.
Q.A. 7.1.3	Roles and responsibilities.

National Regulations

Reg. 73 – 76	Educational Program and Practice
Reg. 80	Weekly Menu
Reg. 87	Incident, injury, trauma and illness record
Reg. 92	Medication Record
Reg. 102	Authorisation for excursions
Reg. 145 - 151	Staff and Educator Records
Reg. 158 – 162	Attendance and Enrolment Record
Reg. 165	Record of Visitors
Reg. 167	Record of service's compliance
Reg. 177	Prescribed enrolment and other documents to be kept by approved provider
Reg. 181 - 184	Confidentiality and storage records

My Time, Our Place

LO. 1	Children and young people feel safe, secure, and supported
LO. 2	Children and young people develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary as active and informed citizens
LO. 5	Children and young people interact verbally and non-verbally with others for a range of purposes

Policy Statement

We aim to ensure that all appropriate and required records are kept for the specified period of time. We will protect the privacy and confidentiality of all families, Educators and management of the Centre, by ensuring that records and information are kept in a secure place and only disclosed to people who have a legal right to know.

Related Policies

- ENOSHCP Policy A-2: Priority of Access
- ENOSHCP Policy A-4: Enrolment
- ENOSHCP Policy A-6: Fees
- ENOSHCP Policy A-8: Dropping off and Picking Up
- ENOSHCP Policy A-10: Acceptance and Refusal of Authorisations
- ENOSHCP Policy A-16: Financial Management
- ENOSHCP Policy A-17: Privacy and Confidentiality
- ENOSHCP Policy C-5: Professional Development
- ENOSHCP Policy D-10: First Aid
- ENOSHCP Policy D-11: Management of Incident, Injury and Trauma
- ENOSHCP Policy D-12: Death of a Child or Staff Member
- ENOSHCP Policy D-13: Illness and Infectious Diseases
- ENOSHCP Policy D-14: Immunisation
- ENOSHCP Policy D-15: Allergies
- ENOSHCP Policy D-16: Asthma
- ENOSHCP Policy D-17: Anaphylaxis
- ENOSHCP Policy D-20: Medication
- ENOSHCP Policy D-23: Workplace, Health and Safety
- ENOSHCP Policy E-2: Programs
- ENOSHCP Policy E-9: Out of Centre Activities
- ENOSHCP Policy E-5: Excursions

Procedure

Educators and management will ensure that all required information is recorded, properly maintained, updated and kept in the nominated secure place.

All records are to be kept confidential and only made available to authorised persons on a need-to-know basis.

All documents relating to children and parents (including fee payment and CCS information) will only be made available to the parent/guardian or approved persons enrolling the child, Educators, Administrative Services Provider and authorised members of the Management Committee who require relevant information, or Commonwealth or State Government officers when requested.

To allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse, ENOSHCP should retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred. These records must be clear, objective, thorough and maintained in an indexed, logical manner. This is to ensure the information is retained and disposed of in a consistent manner.

When reporting to more than one statutory body, any reference numbers provided should be added to the form.

All documents relating to educators will only be made available to the individual educator, the Nominated supervisor, Certified/Service supervisors (where required to complete their role),

Administrative Services Provider, Commonwealth bodies and an authorised member of the Management or police if required, unless otherwise authorised by the educator. Records relating to an allegation against an educator should be kept on a file separate to their personnel file to ensure the confidentiality of the victim and their family.

Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.

No Educators may give out child information to anyone other than to the parents or guardian enrolling the child when this information has been obtained in the course of caring for the child in the Centre. Special care should be taken in the case of Separated Families to ensure the exchange of information does not breach Privacy and Confidentiality Guidelines. As set out in Policy A-17 Privacy and Confidentiality

Exceptions are made:

- For normal information exchange among educators, administrative services provider, and management for the daily operation of the Centre and wellbeing of the educators and children.
- When required to do so in a court of law when subpoenaed.
- When the welfare of the child is at risk and the appropriate government agencies are contacted. If information is required to be exchanged under Chapter 16a of the Children and Young Persons (Care and Protection) Act 1988 for the Safety Welfare and Wellbeing of a child. This is information that may be required to share proactively or received without the consent of the child or family. The Nominated Supervisor/Responsible Person on Duty will be responsible for sharing the information.

Prescribed bodies may share information relating to the safety, welfare or wellbeing of a child or young person without having to rely on Community Services as an intermediary.

A prescribed body is any organisation specified in section 248(6) of the Act or in clause 8 of the Children and Young Persons (Care and Protection) Regulation 2012. Generally prescribed bodies are:

- NSW Police Force
- a State government department or a public authority
- a government school or a registered non-government school or a TAFE
- a public health organisation or a private health facility
- an accredited adoption service provider
- a registered community housing provider
- a designated agency
- a registered agency
- a children's service
- any other organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children.
- nurses (enrolled and registered)

- registered medical practitioners
- registered midwives
- registered psychologists
- occupational therapists (other than students)
- speech pathologists (eligible for membership of Speech Pathology Australia).
- an unborn child (if they have been the subject of a report to the Child Protection Helpline or to a Child Wellbeing Unit).

No Educator may give out other educators or management information to anyone except in normal information exchange among Educators, administrative services provider, and management for the daily operation of the Centre and wellbeing of the educators and children, or when required to do so in a court of law.

Records to be kept

In relation to daily operations:

- Full enrolment information for each child containing information as required under Regulation 160 of the Education and Care Services National Regulations (2011):
 - a) the full name, date of birth and address of the child
 - b) the name, address and contact details of—
 - (i) each known parent of the child
 - (ii) any person who is to be notified of an emergency involving the child if any parent of the child cannot be immediately contacted
 - (iii) any person who is an authorised nominee **Note:** *Authorised nominee* means a person who has been given permission by a parent or family member to collect the child from the education and care service or the family day care educator. See section 170(5) of the Law.
 - (iv) any person who is authorised to consent to medical treatment of, or to authorise administration of medication to, the child
 - (v) any person who is authorised to authorise an educator to take the child outside the education and care service premises
 - c) 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;
 - d) 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;
 - e) the gender of the child;
 - f) the language used in the child's home;
 - g) the cultural background of the child and, if applicable, the child's parents;
 - h) any special considerations for the child, for example any cultural, religious, or dietary requirements or additional needs;
 - i) the relevant authorisations set out in regulation 161;

- (i) an authorisation, signed by a parent or a person named in the enrolment record as authorised to consent to the medical treatment of the child, for the approved provider, nominated supervisor or an educator to seek—
 - a. medical treatment for the child from a registered medical practitioner, hospital or ambulance service; and
 - b. transportation of the child by an ambulance service; and
 - (ii) if relevant, an authorisation given under regulation 102 for the education and care service to take the child on regular outings.
 - j) the relevant health information set out in regulation 162
 - (i) the name, address and telephone number of the child’s registered medical practitioner or medical service; and
 - (ii) if available, the child’s Medicare number; and
 - (iii) details of any—
 - specific healthcare needs of the child, including any medical condition; and
 - allergies, including whether the child has been diagnosed as at risk of anaphylaxis; and
 - (iv) any medical management plan, anaphylaxis medical management plan or risk minimisation plan to be followed with respect to a specific healthcare need, medical condition or allergy referred to in paragraph (iii); and
 - (v) details of any dietary restrictions for the child; and
 - (vi) the immunisation status of the child; and
 - (vii) if the approved provider or an educator or family day care educator has sighted a child health record for the child, a notation to that effect; and
 - (viii) in relation to New South Wales, certificates for immunisation or exemption for the child, as required under section 87(1), (2) and (3) of the [Public Health Act 2010](#) of New South Wales.
- Waiting list per session (when necessary) indicating priority of access status and date placed on list.
 - Daily records of attendance in line with Regulation 158 of the Education and Care Services National Regulations (2011) including a roll taken by the Educators and sign in/out records indicating the time of arrival and departure for each child.
 - Day book/communication book recording specific information that the Educators need to be aware of, to fully cater for the children in their care, along with any verbal authorisations provided to the Responsible Person on Duty, or refusal of authorisations (see ENOSHCP Policy A-10: Acceptance and Refusal of Authorisations Policy).
 - Phone/ message book recording any messages to ensure all educators are fully aware of relevant information. For streamlining communications, the Phone / Message book may form part of the daybook/ communication book.
 - Incident, Injury, Trauma, and Illness reports as required under Regulation 87 of the Education and Care Services National Regulations (2011) will be stored with the enrolment documentation.
- Note:** Incident, Injury, Trauma and Illness records are to be kept until the child is 25 years old as required under Regulation 183 of the Education and Care Services National Regulations (2011).

- Medication records, stored with the enrolment documentation, containing details as required under Regulation 92 of the Education and Care Services National Regulations (2011) including,
 - a) the name of the child,
 - b) the authorisation to administer medication (including, if applicable, self-administration), signed by a parent or a person named in the child's enrolment record as authorised to consent to administration of medication,
 - c) the name of the medication to be administered,
 - d) the time and date the medication was last administered,
 - e) the time and date, or the circumstances under which, the medication should be next administered,
 - f) the dosage of the medication to be administered,
 - g) the manner in which the medication is to be administered
 - h) if the medication is administered to the child
 - the dosage that was administered
 - the manner in which the medication was administered
 - the time and date the medication was administered
 - the name and signature of the person who administered the medication
 - the name and signature of the person who checked the dosage and administration of the medication.

- Child Protection reports stored in sealed envelopes. These reports should objectively identify details of any beliefs that a child is at risk of significant harm, including the Mandatory Reporting Guidance report to show educators have gone through a process of checking whether the information should be reported. These records will be stored with the enrolment documentation.
- Authorisations for Excursions containing written permission forms from the parents or person nominated to take the child out of the Education and Care Services Premises as per Regulation 102.
- Program folder: Indicating daily programmed activities at the Centre and associated program evaluations, and Daily Menu plan including evaluation.
- WHS Hazard records, including Risk Assessments of the environment utilised for the OHSC program, and of any excursion venues. Hazard Records should also show monthly WHS checklist, daily safety checks and any identified hazards discovered. Reports should contain the name of the person making the report, when the report was made and to whom, the nature of the hazard, immediate action taken and the follow through for Managing / Controlling or Eliminating identified Hazards. The follow through should identify exact steps taken, when these must be done by and by whom.
- Medical Conditions Listing including children with Asthma / Anaphylaxis and Allergies and applicable Medical Conditions. This is to be stored in a confidential area of the service that is

easily accessible to all educators. Medical Management Plans will be stored with the enrolment documentation.

- Emergency Evacuation Records identifying when the evacuation took place, the Educators in attendance and an evaluation of the evacuation.
- Material Safety Data sheet register for all chemicals used in the service.
- First Aid Contents listing and termly check off list to ensure the first aid kit is continually stocked with items which are in date.
- Record of Suggestions, Comments or concerns- detailing the information provided, educator / committee feedback and proof of reporting to the Regulatory Authority, if applicable.
- The Responsible Person on Duty Record identifying the name of the responsible person on duty, their signature and the hours on Duty, as per Regulation 150.
- A record of Educators Face to Face hours with children, as per Regulation 152.
- An Individual Behaviour Management Record identifying children with Individual Behaviour Management Plans, specific strategies for dealing with the children and dates for review.
- Quality Improvement Plan records identifying the current QIP being worked on by the centre and documentation showing the meeting of QIP milestones, and continual revisions of the QIP as these are met.
- Policy Review Timetable identifying when each policy is next up for review.
- Parent Information folder containing updated relevant information such as infectious diseases leaflets, OOSH updates etc.

In relation to fees:

- Fee receipt records containing payment information. Records will be kept for a period of seven years.
- Child Care Subsidy records will be kept for a period of three years.
- Amount owing records, indicating fees due, and any outstanding fees, along with procedures undertaken to retrieve outstanding fees.

In relation to Educators:

- Educator employment details indicating personal details, date of employment, hours of work (for permanent Educators), position title and job description, Supervisory status according to the ECEC legislation, results of the New Working With Children Check, resume and references, training records, review / appraisal documentation (including date for next review), and any discipline or grievance procedures. This information should be kept for all employee's regardless of their status as Permanent, Temporary or casual employees.
- Educator wages, Annual Leave, Long service Leave and Sick Leave entitlements.
- Time and wage records are to be kept for a period of seven years.
- Union and Superannuation details.
- Workplace Health and Safety Claim Records

In relation to management:

- Management structure, including position titles and duties and current persons holding the positions.
- Minutes of Committee and Educators Meetings and AGMs.
- Centre Manual, including Constitution, Centre details, Philosophy and policies.
- Accounting documents. All records relating to fees accounting and bank statements are to be kept for a period of seven years.
- Financial Information including Budgets, Termly Accounts, Audited accounts and sending of Dept. of Fair Trading Annual Statement Paperwork.
- Workers Compensation and Insurance Documentation showing Policy, Certificate of Currency and Claim Details made against the policy
- BAS information, including GST applicable receipts and BAS transactions
- Insurance documents will be kept for a period of seven years
- Funding and other relevant agreements, such as school/hall usage etc.
- All records relating to funding will be kept for a period of seven years.
- All records are to be kept neat and tidy, updated as required and appropriate information passed on to any new educators or management member.
- All records, which require to be kept for an extended period of time, will be stored securely in the designated place and shall not be removed without the knowledge of the management and only to those who are legally required to obtain the information.

Sources

- Education and Care Services National Regulations (2011)
- Australian Tax Office – Legal Requirements for Record Keeping
- Working with Children Check
- Funding Agreement
- Accident records, Insurance requirements
- NSW Department of Communities and Justice
- Children and Young Persons (Care and Protection) Regulation 2012
- Children and Young Persons (Care and Protection) Act 1998
- ACECQA – Record Keeping Factsheet
- Children’s Guardian Act 2019

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