



**WINTON SHIRE COUNCIL
LITTLE SWAGGIES CHILD CARE CENTRE**

RECORD KEEPING POLICY & PROCEDURE

RECORD KEEPING – POLICY & PROCEDURE

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RECORD KEEPING – POLICY & PROCEDURE

POLICY STATEMENT

Winton Shire Council (WSC) Little Swaggies Child Care Centre is committed to ensuring that records and information collected are stored appropriately to maintain confidentiality and comply with legislative requirements.

SCOPE

Approved Providers and Nominated Supervisors are responsible for ensuring that records are maintained securely and safely and for the prescribed time under a range of legislative requirements. This policy and procedure deals directly with records required for the National Quality Framework and Family Assistance Law. Approved Providers and Nominated Supervisors must also be aware of other record keeping requirements under other legislation, for instance Fair Work in relation to staff records.

National Quality Framework

The National Regulations specify a number of records required to be maintained by the service and prescribes the length it should be stored for as well as ensuring confidentiality. Key points from the Regulations:

- **181 – Confidentiality of records kept by approved provider**
 - Information kept in a record must not be divulged or communicated, directly or indirectly, to another person other than:
 - Where necessary for medical treatment of a child
 - To a parent of a child
 - To the regulatory authority or authorised officer
 - Expressly authorised, permitted or required under any Act or law
 - With the written consent of the person who provided the information.
- **183 Storage of records and documents**
 - Must be stored in a safe and secure place for the relevant period
 - Incident, illness, injury or trauma while in care or following an incident while in care – until child is aged 25yrs
 - Death of a child while in care or as a result of an incident while in care – until 7yrs after the death
 - Any other record relating to a child enrolled – until the end of 3yrs after the last date on which the child was in care at the service
 - Approved provider records – until the end of 3yrs after the last date on which the approved provider operated the education and care service
 - Nominated supervisor or staff member – until the end of 3yrs after the last date on which the nominated supervisor or staff member provided care at the service
 - Any other record – until the end of 3yrs after the date on which the record was made
- **184 Storage of records after service approval transferred**
 - Documents referred to in regulation 177 relating to children currently enrolled with the service must be transferred to the incoming approved provider.
 - Documents cannot be transferred unless a parent of the child has first consented to that transfer.

The Regulations clearly outline what are required in certain records and Approved Providers and Nominated Supervisors must be aware of the specified inclusions.

The Guide to the National Quality Framework includes the following guidance on record keeping:

- By establishing effective administrative and records management systems and implementing documented policies and procedures, the service can focus on delivering quality education and care for children and families.
- staff rosters that demonstrate the service is meeting staffing requirements including that a first-aid-qualified staff member is on duty at all times
- records of children's arrivals and departures, with the signature of the person responsible for verifying the accuracy of the record and the identity of the person collecting the child

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- Checking and maintaining accurate records that relate to the fitness and propriety of all staff assists in safeguarding children against risks to their safety and wellbeing.
- Each service must have a Quality Improvement Plan in place (QIP). The QIP identifies areas for improvement and includes a statement of philosophy for the service.

Family Assistance Law and Child Care Subsidy

“Records that all providers must keep

“To maintain approval, providers must keep certain records and notify the Department of Education, Skills and Employment of certain events. Failure to keep these records and provide the required notifications can result in suspension or cancellation of provider or service approvals, or other penalties.

All providers must keep and maintain the following records:

- *complaints made to the provider, or to any of the services of the provider, relating to compliance with the Family Assistance Law*
- *record of attendance for each child for whom care is provided (regardless of eligibility for Child Care Subsidy and/or Additional Child Care Subsidy, including records of any absences from care)*
- *statements or documents demonstrating that Additional absence days in excess of the initial 42 absence days (see page 59) meet the criteria*
- *copies of invoices and receipts issued in relation to the payment of childcare fees*
- *copies of all Statements of Entitlement issued and any statements issued to advise of a change of entitlement.*

Providers must also keep a written record of the following, even if they would not otherwise record them in writing:

- *any notice given to a state or territory 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 a service*
- *any evidence or information produced to obtain police checks and working with children checks for personnel and to support any statements about these checks in an application for provider or service approval.*

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. Providers must keep written records of all Required background checks (see page 17) for all specified personnel. Records must be kept for seven years.”¹

Regulation 202B of the Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017

“(2) An approved provider must keep the records referred to in subsection (1) until at least:

(a) the end of the period of 7 years starting at the end of the financial year in which the care to which the information or event relates was provided;”²

To maintain approval, providers must keep certain records and notify the Department of Education, Skills and Employment of certain events. Failure to keep these records and provide the required notifications can result in an infringement notice, civil penalty order, criminal prosecution, suspension or cancellation of provider or service approvals, or other penalties. The full list of notifications and

¹ “Child Care Provider Handbook” Australian Government Department of Education, Skills and Employment, July 2019 (accessed on-line Feb 2021) <https://www.dese.gov.au/child-care-package/ccp-resources-providers/child-care-provider-handbook>

² Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017

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record keeping can be found in the Child Care Provider Handbook (Sept 2020) on pages 77-84. Penalties may apply if providers fail to make required notifications. All of these notifications can be made through third-party software or the Provider Entry Point.

PROCEDURE

Responsibilities of Leadership, Management, Nominated Supervisors and Responsible Persons:

- Positively and clearly communicate all aspects of the policy and take a zero-tolerance approach to compliance.
- Understand and comply with all aspects of this policy and related legislation and support team members to do the same.
- Lead a culture of reflection and regular review of policies, seeking feedback from educators, families, children and other community agencies and professionals as appropriate.
- Ensure that documents required under the National Quality Framework and Family Assistance Law are kept for the prescribed periods and contain all prescribed information as outlined in the Regulations.
- Ensure that attendance records of children are reported and maintained accurately at all times. This includes conducting checks throughout the day to ensure rolls and attendance records are accurate.
- Ensure written records, including records that are made and stored electronically, are stored safely and password protected where they contain sensitive information.
- Maintain an accurate record of students, visitors and other participants to the program.
- Ensure confidentiality and only release documents where permitted – see Regulation 181
- In the event of a transfer of Service Approval, ensure parental permission is sought prior to transferring documents.
- Maintain systems which are clear and concise for the storage and archiving of documents to ensure they are stored for the prescribed times.
- Be organised in storage and archiving of documents and monitor this across the service.
- Documents to be kept for a period after leaving the service should be filed by the year of departure. Incident, injury, trauma and illness forms, including serious incident notifications should be stored by date of birth as they are to be stored until the child is 25yrs of age.
- Display and refer to the record keeping posters from ACECQA (attached to this document).

Responsibilities of Educators and Other Team Members:

- Be proactive in fulfilling the requirements of this service policy and related legislative requirements.
- Seek further guidance where required to fulfil your requirements.
- Report any concerns or non-compliance immediately to the Nominated Supervisor or WSC Management.
- Participate in the review of documents and provide constructive feedback to the Nominated Supervisor or WSC Management.
- Ensure all records are stored in a safe and secure way to prevent unauthorised access.
- Never release documents to another person, other than a known parent, without seeking approval from the Nominated Supervisor.
- Be organised in the storage of documents and work with the Nominated Supervisor to ensure clear filing and archiving of relevant documents.
- Fully complete all records required and maintain documentation accurately and honestly.
- Take all reasonable steps to ensure that records of children's attendance are accurate, conducting many checks throughout the day. This is essential from a compliance and also a safety perspective in the event of an emergency.

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Responsibilities of Families:

- Fulfil responsibilities under this policy and related legislative requirements.
- Understand that the service must take steps as required under legislative requirements and follow advice from recognised authorities.
- Participate in the review of documents and provide constructive feedback to the Nominated Supervisor or WSC Management.
- Discuss any questions with the Nominated Supervisor or Responsible Person in charge.
- Ensure records provided are accurate and fully completed.

Accurately record each child's attendance for every day of care including in and out times and names of each person who delivered and collected the child.

COMMUNICATION

- Educators and Families will have access to this policy at all times.
- Information will be included in induction for new educator and be included in service handbooks
- Educators and families will be provided with opportunities to be involved in the review of this policy.
- Educators and families will be provided with information from this policy at the time of employment and orientation.
- Changes to this policy and procedure document will be shared with families and educators.

ENFORCEMENT

The Failure of any person to comply with this policy in its entirety may lead to:

- Termination or modification of child enrolment
- Restriction of access to the service
- Performance management of an employee which may lead to termination

RELATED POLICIES AND FORMS

- Service handbook
- Enrolment Booking Form
- Enrolment and Agreement form
- Third Party Agreement Payment of Fees Form
- Enrolment and Orientation Policy
- Arrival and Departure Policy

LEGISLATION, RECOGNISED AUTHORITIES AND SOURCES

- Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017
- "Guide to the National Quality Framework" Australian Children's Education & Care Quality Authority September 2020
 - 7.4 Management of Records
 - 7.5 Confidentiality and storage of records
 - 7.6 Other staffing arrangements and related notifications and records
- "Child Care Provider Handbook" Australian Government Department of Education, Skills and Employment, July 2019 (accessed on-line Feb 2021) <https://www.dese.gov.au/child-care-package/ccp-resources-providers/child-care-provider-handbook>
- Education and Care Services National Law Act 2010 (version February 2021)
- Education and Care Services National Regulations (version Oct 2020)
 - 87 Incident, injury, trauma and illness record
 - 92 Medication record
 - 145 Staff record

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- 151 Record of educators working directly with children
- 152 Record of access to early childhood teachers
- 158 Children's attendance record to be kept by approved provider
- 160 Child enrolment records to be kept by approved provider
- 165 Record of visitors
- 167 Record of service compliance
- 168 Education and care service must have policies and procedures
- 170 Policies and procedures to be followed
- 171 Policies and procedures to be kept available
- 172 Notification of change in policies or procedures affecting ability of family to utilise service
- 181 Confidentiality of records kept by approved provider
- 183 storage of records and other documents
- 184 storage of records after service approval transferred
- 177 Prescribed enrolment and other documents to be kept by approved provider
- 181 Confidentiality of records kept by approved provider
- 183 Storage of records and other documents
- 184 Storage of records after service approval transferred
- National Quality Standards
 - QA1 Educational program and practice
 - QA2 Children's health and safety
 - QA4 Staffing arrangements
 - QA7 Governance and Leadership

CEO DISCRETION

Where applicable, the CEO can apply his discretion as to the enforcement of the procedures outlined in this policy.

REVIEW OF POLICY

This policy remains in force until amended or repealed by resolution of Council. This document will be review biannually or as required.

RECORD OF AMENDMENTS and ADOPTIONS

DATE	REVISION NO	REASON FOR AMENDMENT	ADOPTED BY COUNCIL
October 2021	V1.0	Preparation for Council Adoption	Month YYYY

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