

## H – CONFIDENTIALITY & MANAGEMENT OF RECORDS

Effective from: September 4, 2018  
Contact officer: Coordinator of Children's Services  
Next review date: 2 – 4 years /as required  
File Reference: 1825/29.5  
Related Policies/Local Laws/Legislation:

- Education and Care Services National Regulations 2011. CI 168
- National Quality Standard: QA 4 & 7

Related Documents:

- ACECQA – Guide to the National Quality Framework – updated 2018
- ECA Code of Ethics (2016)
- Wingecarribee Children's Services Policy and Procedures
- Wingecarribee Shire Council's Code of Conduct
- Wingecarribee Shire Council's Statement of Business Ethics

### PURPOSE

Wingecarribee Shire Councils Children's Services protects the privacy, dignity and confidentiality of individuals by ensuring that all records and information about individual children, families, educators/staff and management is treated with discretion and kept secure and in accordance with our Legislative responsibilities. Information is only accessible or disclosed to authorised people who require the information to fulfil the responsibilities of their role at the service or have a legal right to know.

### SCOPE

This policy applies to:

Wingecarribee Children's Services Staff employed by Wingecarribee Shire Council

Wingecarribee Family Day Care Educators as Agents of the Approved Provider – Wingecarribee Shire Council

All children and families accessing care with Council's Children's Services

All volunteers and students engaged with Wingecarribee Children's Services.



## DEFINITIONS

- Regulatory Authority in NSW – Department of Education and Communities – Early Childhood Directorate

## PROCEDURE

### 1. Collection and maintenance of Information

- 1.1 Personal information will only be collected in so far as it relates to the service's activities and functions, and in line with relevant legislation.
- 1.2 Collection of personal information will be lawful, fair, reasonable and unobtrusive.
- 1.3 All Staff, Family Day Care Educators and families enrolling in Wingecarribee Children's Services will be required to complete a Privacy Statement which outlines:
- The name and contact details of the service
  - The types of information collected by the service
  - The purpose for collecting the information under relevant legislative requirements.
  - The intended recipients of the information and who has access to the information.
  - The right to view and correct their personal information
  - The implications for not providing the required information
- 1.4 Wingecarribee Children's Services maintains systems and endeavours to ensure personal information collected, used or disclosed, is accurate, complete and up to date.
- 1.4.1 Families are required to update their enrolment at least annually
- 1.4.2 Families are required to provide written updated information at any other time during the year where their enrolment information changes or is modified.
- 1.4.3 Notification of a change in enrolment details can be emailed directly to the service or passed on to the coordination unit in writing through the Educator or Staff.

### 2. Access to Information

- 2.1 Information that is collected and kept as a record as required by the National Regulations will not be communicated (either directly or indirectly) with anyone other than:
- 2.1.1 Educators and or relevant council staff who require the information for the education and care of the child.
- 2.1.2 Medical personnel who require the information for medical treatment of the child.



- 2.1.3 The parent/legal guardian of the child that the record relates to, or
- 2.1.4 The Regulatory Authority or an authorised officer.
- 2.2 In addition, information may be communicated if authorised or required under any other Law, or if the person who provided the information gives written permission. For example, a parent may give written permission for the service to share information about their child with a support agency such as Inclusion Support.
- 2.3 Parents/guardians are able to access their and their child's personal information when requested, whilst the information is held at the service, as per our Regulatory requirements for maintaining documentation. Prior notice will be required if parents/guardians wish to access applicable personal information if it has been archived.
- 2.4 Information may be denied under the following conditions:
  - 3.4.1 Access to information could compromise the privacy of another individual.
  - 3.4.2 The request for information is frivolous or vexatious
  - 3.4.3 The information relates to legal issues, or there are legal reasons not to divulge the information such as in the cases of custody and legal guardianship or have implications for a Child Protection Investigation, involving the requesting parent/guardian.
- 2.5 Wingecarribee Children's Services are bound by "Wingecarribee Shire Councils - Privacy Management Plan" and "Agency Information Guide". These documents reflect Council's obligations under the Government Information (Public Access) Act 2009 and Privacy and Personal Information Protection Act 1998. Where appropriate and/or necessary the Children's Services Coordinator will seek advice from other Council staff prior to releasing information.
- 3. **Maintaining Information & Storage of Records**
  - 3.1 Service Staff and Family Day Care Educators are responsible for ensuring all personal information collected is stored securely reducing the chance of unauthorised access, use or disclosure.
  - 3.2 All records relating to children and their families will be returned to the Coordination Unit within 28 days of a child ceasing Family Day Care with our Service.
  - 3.3 The Approved Provider (Wingecarribee Shire Council) will retain the following information as required under the Education and Care Services National Regulations and the Australian Governments, Child Care Provider Handbook:

Type of Record	Responsibility	Time Frame	Reference
Records Relating to Incident, Illness, Injury or Trauma to a child			
Medication Record	Approved Provider	Until 3 years after the	Regulations



# Children's Services Procedures

	Family Day Care Educator	child's last attendance	92,183, 177(1) (C) Regulation 178 (1) (C)
Incident, Injury, Trauma and illness Record	Approved Provider Family Day Care Educator	Until the child is 25 years old	Regulations 87.183, 177(1)(b)
Death of a child while being educated and cared for by a service	Approved Provider	Until the end of 7 years after the death.	Regulations 12,183 (2) (c)
The above records where applicable will be initially retained at the service and thereafter at an approved storage location (Wingecarribee Shire Council Archives and / or electronic data storage)			
Records relating to a child's enrolment			
Child Enrolment	Approved Provider Family Day Care Educator	Until the end of 3 years after the child's last attendance	Regulations 160,183, 177(1)(l) Regulation 178 (1)(e)
Child Attendance	Approved Provider Family Day Care Educator	Until the end of 3 years after the child's last attendance	Regulations 158,183,177 (1) (k) Regulation 159, 178 (1) (d)
Child Assessments or evaluations for delivery of the educational program	Approved Provider Family Day Care Educator	Until the end of 3 years after the child's attendance	Regulations 74,183, 177 (1) (b) Regulation 178 (1) (a)
Excursion Authorisations	Approved Provider Family Day Care Educator	Until the end of 3 years after the child's attendance	Regulations 99,183
Records Relating to Service Management and Administration			
Quality Improvement Plan	Approved Provider	Current plan is to be maintained and reviewed annually	Regulations 31,55,56
Evidence of Public Liability	Approved Provider	Ongoing	Regulations



# Children's Services Procedures

Insurance	Family Day Care Educator	Available for inspection at Service premises or FDC Office	29,30,180
Assessment of Family Day Care Residences	Approved Provider	Until the end of 3 years after the record was made	Regulations 116,183 (2) (g)
Record of Family Day Educators & Staff	Approved Provider	Until 3 years after the last date on which the staff or Educator provided care/work with the service	Regulations 145, 153, 154, 183 (2) (f) (g)
Record of Educators working directly with the children (centre based)	Approved Provider	Until 3 years after the last date on which the staff or Educator provided care/work with the service	Regulations 151,183 (2)(f)
Record of Visitors to the Family Day Care Premises	Family Day Care Educator	Until 3 years after the record was made	Regulations 165, 183 (2) (g)
Record of Volunteers and students	Approved Provider	Until 3 years after the last date on which the student or volunteer attended the service	Regulations 149, 183 (2) (f)
Record of Service Compliance History	Approved Provider	Until three years after the Approved provider operated the Service	Regulations 167, 183 (2) (e)
Record of Responsible Person in day to day charge including Nominated Supervisors placed in day to day charge	Approved Provider	Until three years after the last date on which the staff worked for the Service	Law – Section Regulations 145,150,177
Australian Governments, Child Care Provider Handbook.			
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 to whom care is provided (regardless of eligibility for the 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 meet the criteria			
Copies of invoices and receipts issued in relation to the payment of child care fees			
Copies of all Statements of Entitlement issued; and any statements issued to advise of a change of entitlement.			
Written record of the following, even if they would not otherwise record them in writing:			
<ul style="list-style-type: none"> <li>any notice given to a state or territory body about a child at risk of abuse or neglect</li> </ul>			



- 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 for all specified personnel.

## **Records that must be kept by Family Day Care services**

Whether or not children are eligible for Child Care Subsidy, records must be kept of all Family Day Care services.

### **Register of care**

Family Day Care services must keep a register of any care provided to care for own children or siblings excluded from Child Care Subsidy but who would otherwise be eligible for Child Care Subsidy.

The register must be updated within 14 days after the end each week in which care was provided.

The register must set out:

- the name of the individual who would otherwise be eligible for Child Care Subsidy (e.g. parent or their partner)
- the name of the Family Day Care educator (whether this is the same individual) and their child care personnel ID
- the relevant child and her or his CRN
- the enrolment ID for the child
- the service ID
- whether the child is still eligible for Family Day Care because the child is an eligible disability or ISP child; is a remote area child, or the educator is usually in paid work or formal study at the time care is usually provided.
- Care at premises other than the home of the Family Day Care educator where a Family Day Care educator provides care at premises other than the educator's residence, a written record must be kept of the address and contact number of the premises.

**Approved By:**



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**Group Manager Corporate and Community**

