

# RECORD KEEPING AND RETENTION POLICY

The Approved Provider and Management are responsible for overseeing and ensuring records are maintained and stored in accordance with relevant legislation contained in the National Law and National Regulations, National Quality Standard and Family Assistance Law.

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service.
7.1.1	Service philosophy and purposes	A statement of philosophy guides all aspects of the service's operations.
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision making and operation of the service.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.
7.2.1	Continuous improvement	There is an effective self-assessment and quality improvement process in place.
7.2.2	Educational leadership	The educational leader is supported and leads the development and implementation of the educational program and assessment and planning cycle.
7.2.3	Development of professionals	Educators, co-ordinations and staff members' performance is regularly evaluated, and individual plans are in place to support learning and development.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
55	Quality improvement plans
74	Documenting of child assessments or evaluations for delivery of educational program
87	Incident, injury, trauma and illness record
92	Medication record
118	Educational leader
145	Staff record
146	Nominated Supervisor
147	Staff members
149	Volunteers and students
150	Responsible Person
151	Record of educators working directly with children
158	Children's attendance record is to be kept by approved provider
161	Authorisations to be kept in enrolment record

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## RELATED LEGISLATION

Child Care Subsidy Secretary's Rules 2017	Family Law Act 1975
A New Tax System (Family Assistance) Act 1999	Work Health and Safety Act 2011
See all related legislation for Child Care Provider Handbook in Appendix 1	

## RELATED POLICIES

Arrival and Departure Policy Administration of First Aid Policy Administration of Medication Policy Child Protection Policy Child Safe Environment Policy Curriculum (Pedagogy) and Educators Training Policy Enrolment Policy Excursion Policy	Governance Policy Incident, Illness, Accident & Trauma Policy Medical Conditions Policy Photograph Policy Privacy and Confidentiality Policy Responsible Person Policy Supervision Policy Unexpected Death of a Child Policy
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## PURPOSE

We aim 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 families, staff, management and visitors of the OSHC Service.

## IMPLEMENTATION

### Prescribed records to be kept by approved provider:

The following records are to be retained in a secure location at the Service:

- complaints made to the provider, or to any of the services of the provider, relating to compliance with Family Assistance Law (records must be kept for seven years)
- children's attendance records (regardless of eligibility for Child Care Subsidy) (Regulation 158) (to be kept until the end of 3 years after the child's last attendance [Regulation 183] and for Family Assistance Law, (records must be kept for seven years)
- record of any absences from care for all children (regardless of eligibility for Child Care Subsidy- records must be kept for seven years)
- statements or documents demonstrating that additional absence days in excess of the initial 42 absence days satisfy requirements (records must be kept for seven years)
- copies of invoices and receipts issued for the payment of childcare fees (records must be kept for seven years)
- the identifying number and expiry date of a Working with Children Check (WWCC), current vulnerable people check or criminal history record of all staff (records must be kept for seven years)
- copies of all Statements of Entitlement issued, and any statements issued to advise that there was a change of entitlement (records must be kept for seven years)
- written record of any notice given to a state or territory body about a child at risk of abuse or neglect (records must be kept for seven years)
- 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 must be kept for seven years)
- an incident, injury, trauma and illness record (Regulation 87) (to be kept until child is 25 years [Regulation 183]).
- medication records (Regulation 92) (Keep until the end of 3 years after the child's last attendance [Regulation 183]).
- evaluations of the child's wellbeing, development and learning (Regulation 74) (to be kept for 3 years after the child's last day of attendance [Regulation 183]) for services in ACT, TAS, VIC, SA, WA.
- staff records (Regulation 145).
- record of volunteers and students (Regulation 149).
- records of the Responsible Person at the Service (Regulation 150).
- record of Educators working directly with children (Regulation 151).
- record of access to early childhood teachers (Regulation 152).

- children's attendance records (Regulation 158) (to be kept until the end of 3 years after the child's last attendance [Regulation 183].
- 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.
- child enrolment records (Regulation 160) (to be kept until the end of 3 years after the child's last attendance [Regulation 183]).
- record of the Service's compliance with the Law (Regulation 167).
- a record of each nominated supervisor and any person placed in day to day charge of the education and care service (Regulation 146)
- evidence of prescribed insurance must be available at the education and care service premises (Regulation 80). Current policy of insurance for public liability with a minimum cover of \$10 000 000 (Reg. 29)

#### Records to be kept in Relation to the Nominated Supervisor (Reg. 146)

- the full name, address and date of birth
- evidence of any relevant qualifications held by the Nominated Supervisor
- if applicable, evidence that the Nominated Supervisor is actively working towards a qualification. If this is the case, the following must be recorded:
  - Proof of enrolment.
  - Documentary evidence that the Nominated Supervisor has commenced the course, is making satisfactory progress towards the completion of the course, is meeting the requirements of maintaining the enrolment.
  - For Nominated Supervisors who are working towards the completion of a Diploma level education and care qualification, proof that they hold an approved Certificate III level education and care qualification or have as completed the units of study that equate to an approved Certificate III level education and care qualification determined by ACECQA.
- 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 Nominated Supervisor.
- the identifying number and expiry date of a Working with Children Check (WWCC), current vulnerable people check or criminal history record and/or Australian National Police Check
- the date the check, card, record or registration was and the date this was verified and by whom.

### Records to be kept in Relation to Staff and Educators: (Reg: 151, 152)

- the full name, address and date of birth
- evidence of any relevant qualifications
- evidence of any approved training (including first aid training) completed by the staff member
- the identifying number and expiry date of the Working with Children Check (WWCC) and the date this was verified. (Check with the legal requirements for each state and territory)
- if applicable the identifying number and expiry date of their current teacher registration from state Department of Education and Training.

### Records to be kept in relation to the Educational Leader: (Reg: 148)

- the name of the educator who is designated at this role in accordance with Regulation 118.

### 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.
- the Approved Provider must also keep a record for each day on which the student or volunteer participates in the Service, the date and hours of participation.

### Records to be kept in relation to the Responsible Person: (Reg: 150)

- the staff record must include the name of the responsible person at the Service for each time that children are being educated and cared for by the Service.
- application for approval about the person responsible for day-to-day operation of a Service

### Records to be kept in relation to Educators working directly with children: (Reg: 151)

- the name of each educator.
- the hours that each educator works directly with children.
- a staff roster or time sheet stating educators contact and non-contact hours/shift.

### Records to be kept in relation to incident, injury, trauma and illness: (Reg: 87)

- 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 care for by the Service. 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 Service. The following must be included:
  - the name and age of the child
  - the relevant circumstances surrounding the child becoming ill and any apparent symptoms
  - the time and date of the apparent onset of the illness
  - date when child was last at the service
- details of the action taken by the Service in relation to any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the Service. 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 at the Service 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](#)
- These records must be kept until the child is aged 25 years.

#### Records to be kept in relation to medication: (Reg: 92, 95)

- 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 content 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
- 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: 158)

- the full name of each child attending the Service.
- the date and time each child arrives and departs.
- the signature of:
  - the person who delivers and collects the child when he or she arrives and departs or,
  - the Nominated Supervisor or Educator.

#### Records to be kept in relation to child enrolment: (Reg: 160)

- the full name, date of birth and address of the child.
- 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
  - 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 (additional authorisation is required for regular transportation)
- the name, address and telephone number of 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.

### Records to be kept in relation to the 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.

### Storage of Records (Reg: 183, 184)

Records made by our 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.

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 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.

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: 182)

The Approved Provider 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)

Services must have the following 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.

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 and position of the responsible person in charge of the service at any given time.
- the name of the educational leader at the service.
- the contact details of the Regulatory Authority
- if applicable, a notice stating that a child who has been diagnosed as at risk of anaphylaxis is enrolled at the service.
- if applicable, a notice stating that there has been an occurrence of an infectious disease at the premises.

## Appendix 1: Family Assistance Law

Family Assistance Law is a broad term that encompasses the following legislation:

[\*A New Tax System \(Family Assistance\) Act 1999\*](#)

[\*A New Tax System \(Family Assistance\) \(Administration\) Act 1999\*](#)

[\*Child Care Subsidy Minister's Rules 2017\*](#) (Minister's Rules)

[\*Child Care Subsidy Secretary's Rules 2017\*](#) (Secretary's Rules)

Any other instruments (including regulations) made under the [\*A New Tax System \(Family Assistance\) Act 1999\*](#) and the [\*A New Tax System \(Family Assistance\) \(Administration\) Act 1999\*](#)

Schedules 5 and 6 to the [\*A New Tax System \(Family Assistance and Related Measures\) Act 2000\*](#).

## SOURCE

Australian Government Department of Education Skills and Employment Child Care Provider Handbook

<https://www.education.gov.au/child-care-provider-handbook-0>

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)

Community Early Learning Australia: [www.cela.org.au](http://www.cela.org.au)

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

Child Care Subsidy Secretary's Rules 2017.

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

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

Education and Care National Regulations. (2011).

*Education and Care Services National Law Act 2010*. (Amended 2018).

Karen Kearns. (2017). *The Business of Childcare* (4<sup>th</sup> Ed.).

NSW Office of the Children's Guardian: [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

*Privacy Act 1988*.

Revised National Quality Standard. (2018).

## REVIEW

POLICY REVIEWED	OCT-DEC 2020	NEXT REVIEW DATE	DECEMBER 2021
MODIFICATIONS	<ul style="list-style-type: none"> <li>• additions in relation to enrolment records (Reg. 160)</li> <li>• additional information related to police checks/ PRODA RA number</li> <li>• evidence of prescribed insurance- public liability added</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
MARCH 2020	Inclusion of related Family Law regulations Additional records to be kept for Family Law and Child Care Subsidy Length of time records to be kept added Appendix added in relation to Family Law legislation	DECEMBER 2020	

DECEMBER 2019	Related policies added Deleted information not related to OSHC Edits to documentation records for some states Additional regulations added	DECEMBER 2020
DECEMBER 2018	New policy drafted for OSHC	DECEMBER 2019