



## **Governance, Management of Records and Confidentiality**

### **Children's Services Policy No 1.7**

**Date issued:** January 2012

**Replaces issue:** Confidentiality and Management of Records

**Date effective:** January 2012

**Date revised and updated:** April 2015, November 2015, August 2018, October 2020; and December 2022

#### **Aim:**

- To ensure the manner in which Governance, Management and Confidentiality of all records and information held in Council's education and care services is known to families, staff and stakeholders of such services and restricted to authorised persons only.
- To ensure a 'Responsible Person' is placed in charge of the day-to-day operations of Council's education and care services in accordance with the [Children \(Education and Care Services National Law Application\) Act 2010](#) and [Education and Care Services National Regulations](#).

#### **Background Information:**

The Education and Care Services National Regulation requires that a service shall have guidelines to ensure confidentiality of specific records and information regarding children and their families, staff and their families, and contractors of the service.

The Education and Care Services National Regulations also stipulates that services must have in place a process to determine the 'Responsible Person' that is placed in day-to-day charge of the Education and Care Service.

#### **Relevant Legislation:**

- [Education and Care Services National Regulations](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Children \(Education and Care Services National Law Application\) Act 2010](#)

#### **Resources:**

- [Australian Children's Education and Care Quality Authority - National Quality Standard](#)
  - **Quality Area 7:**
    - Standard 7.1 - Element 7.1.1, Element 7.1.2, Element 7.1.3
    - Standard 7.2 - Element 7.2.1 and Element 7.2.2

**Note:** In this policy "staff" and "educators" refers to staff employed by Willoughby City Council.

#### **Governance**

- Willoughby City Council is an approved provider of an Education and Care Service under the Education and Care Services National Regulation.
- Each approved service has a Nominated Supervisor appointed by Council, and approved as a suitably fit and qualified person to be in charge of the daily operations of a service by the Department of Education. Nominated Supervisors will be offered

- and required to accept this nomination at time of employment in writing.
- Other qualified staff may be appointed from time to time to be the 'Responsible Person' on duty when the Nominated Supervisor is absent from the service.
- Council has developed a process to ensure staff members placed in the position of 'Responsible Person' are aware of their duties and responsibilities. Staff who are deemed by council to be capable of being placed in the position of 'Responsible Person' accept this responsibility in writing.
- All services will display information for families, community members and authorised officers indicating the person in charge of the service at any one time.

#### **Determining the Responsible Person at a Service:**

- Where the Nominated Supervisor is present he/she will automatically be designated as the person responsible for the service at the given time that he/she is on the premises.
- Where the Nominated Supervisor is not on the premises the service will display in the designated area the name of the staff member who is the 'Responsible Person' at that particular time.
- The staff sign in and out book will serve as a formal record of which staff member was the 'Responsible Person' on any given day.

#### **Development and Implementation of Policies**

Willoughby City Council will develop and keep up to date policies as required under the

- [Education and Care Services National Regulations](#); and
- [Privacy and Personal Information Protection Act 1998](#)

These policies will be reviewed and where deemed appropriate provided to staff, families and nominated stakeholders for consultation.

Children's services staff and educators will undergo an induction process on commencement of employment that will provide them with opportunities to read and understand all policies and procedures to ensure commitment and compliance.

Where there is a required amendment to Council's pricing policy or policy required under the National Regulations that may significantly affect the childcare fees, the manner in which the fees are collected, or the service is operated; Council will provide all families and key stakeholders of the service with at least 14 days' notice.

Where there is a perceived risk to the safety, health or wellbeing to children then policy and procedure changes may occur without notification with information to follow as soon as practicable.

#### **Confidentiality - Information Relating to Families and Children**

Information in relation to children and families is not to be divulged or communicated, directly or indirectly to any person other than:

1. to the extent necessary for the education and care or medical treatment of the child to whom the information relates;
2. a parent of a child to whom the information relates, except in the case of information kept on record;
3. the regulatory authority or an authorised officer;
4. if expressly authorised, permitted or required to be given by or under the Act or Law; or
5. with written consent of the person who provided the information.

Upon enrolment all families are provided with a 'Privacy Collection Statement'. The Privacy Collection Statement outlines what information is collected from families and for what

reason. The Privacy Collection Statement also outlines which government bodies information is shared with. Privacy Collection Statements are also provided to staff members, students and volunteers.

Information and records pertaining to families and children will be kept secure by the service.

- Permanent staff will have access to children's enrolment information, family contact details, medical information and developmental records as required.
- When an intervention service is assessed as necessary to work with families enrolled at the service, parents/carers will be requested to provide written permission for those services to share information and discuss matters concerning the safety and well-being of the child and family with the Nominated Supervisor and appropriate staff.
- Only the Nominated Supervisor, or their delegate, will have access to any financial information pertaining to any family utilising the service.
- Casual employees will not have access to these records, with the exception of accessing children's enrolment forms in the event of an emergency.
- Children's developmental records will be stored in an area accessible only by staff.
- Children's portfolios will be kept in the playrooms.
- Staff are not to give out details of children who are enrolled, or in attendance at the centre, other than to approved persons. No information will be given over the phone unless to an approved person who is known to the staff member. If a request is made by a person who claims to have authority for obtaining information about a child, but is not known by the staff member, then no information will be given until that person verifies their identity in person.
- Often parents/carers wish to contact other parents/carers to organise social occasions for their children. Staff can forward on a note from one parent to the next; however, must not under any circumstance pass on contact details without that parent's permission.
- Staff will not divulge any information regarding children, families, other staff or the service they may become privy to in the course of their duties at the centre. Staff are to remain conscious of the presence of others when discussing information.
- The Nominated Supervisor must provide access to the personal information retained on a family if requested to do so by that family or by order of the court e.g. subpoena.
- The service will maintain and keep up to date a record of attendance by children at the service. As a minimum this will be in the form of sign in and out sheets, either represented as a daily sheet or a weekly sheet, but may also include additional documentation, such as a roll book.

#### **Information Relating to Staff/Contractors**

- The service will maintain and keep an up to date staff roster detailing the hours to be worked by all staff members and casual staff.
- Staff are to complete the staff sign in and out process on EmpLive when they commence their shift and complete their shift.
- Contractors are to sign in/out in the services visitor book.
- Personal information and records regarding staff are held by Council's People and Culture Team and are subject to the Privacy and Personal Information Protection Act 1998.
- Limited essential information regarding staff is to be securely stored by the Nominated Supervisor within the centre. This will include copies of qualifications, and certificates and any other records deemed necessary by the licensing and quality assurance authorities as essential to the operation of the centre.
- Personal contact details of staff will be securely stored in the office and accessible only by permanent staff.

- Staff are not to discuss personal details about other staff with parents/carers, contractors, or children.

### **Information Relating to Service Operations**

The service will develop and maintain policies that promote the health, safety, wellbeing and education of children attending the service, and will ensure that copies of those policies are made available at the premises of the service for inspection by parents/carers.

The service will develop and maintain, as a minimum those policies so determined to be essential under the Education and Care Services National Regulations.

### **Retention and Storage of Records**

The Approved Provider (Willoughby City Council) will retain the following information as required under the Education and Care Services National Regulation:

#### **1) Records Relating to the Incident, Illness, Injury or Trauma to a Child:**

Where the incident, injury, illness or trauma relates to the death of a child the records for that child must be retained until the end of the 7<sup>th</sup> year following the death.

Where a record relates to an incident, illness, injury, or trauma suffered by a child whilst being provided care within the service, or an incident that occurred as a result of being provided with care, records are to be kept until the child is 25 years of age. Such records are initially retained for a period of 3 years at the service and thereafter at an approved storage location (Willoughby City Council Archives).

Examples of such records may include:

- Medication forms
- Medical records
- Incident, injury, illness or trauma reports

Records relating to a Child's Enrolment at the service will be retained for 3 years after the last date on the record. These may include:

- Attendance records
- Excursion forms
- Child enrolment forms
- Child Assessment (portfolios)

Records relating to the Nominated Supervisor or staff member of an education and care service will be retained for a period of 3 years after the last date on that record. Examples of these records may include:

- Staff attendance records
- Record of educators working directly with children
- Records of 'responsible persons'
- Volunteer and student's attendance

Parents/carers are able to access information on their child at any time whilst the information is held at the service. Prior notice will be required if parents/carers wish to access their child's information once it has been moved to Archives.

Parents/carers will be provided with their child's developmental records once the child leaves the service.