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 LAW AND NATIONAL REGULATIONS	
S.162A	Child protection training
29	Condition on service approval—insurance
31	Condition on service approval—quality improvement plan
55	Quality improvement plans
56	Review and revision of 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
102	Authorisations for excursions

102D	Authorisations for service to transport children
102E	Children embarking a means of transport—centre-based service
102F	Children disembarking a means of transport—centre-based service
118	Educational leader
126	Centre-based services – general educator qualifications
145	Staff record
146	Nominated Supervisor
147	Staff Members
149	Volunteers and students
150	Responsible person
151	Record of educators working directly with children
152	Record of access to early childhood teachers
152A	Record of replacement of educator
152B	Record of replacement of early childhood teacher or suitably qualified person
158	Children's attendance record is to be kept by approved provider
160	Child enrolment records to be kept by approved provider and family day care educator
161	Authorisations to be kept in enrolment record
162	Health information to be kept in enrolment record
167	Record of service's compliance
168	Education and care service must have policies and procedures
170	Policies and procedures are to be followed
173	Prescribed information to be displayed
177	Prescribed enrolment and other documents to be kept by approved provider
180	Evidence of prescribed insurance
181	Confidentiality of records kept by approved provider
183	Storage of records and other documents
184	Storage of records after service approval transferred

185	Law and regulations to be available

RELATED LEGISLATION

Child Care Subsidy Secretary's Rules 2017	Family Law Act 1975
Child Care Subsidy Minister's Rules 2017	A New Tax System (Family Assistance) Act 1999
Work Health and Safety Act 2011	Privacy Act 1988 (Cth)
Privacy and Data Protection Act 2014	
Family Assistance Law – Incorporating all related legislation as identified within the Child Care Provider Handbook https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook	

RELATED POLICIES

Administration of First Aid Policy Administration of Medication Policy Child Protection Policy Child Safe Environment Policy Dealing with Complaints Policy Delivery of Children to and from EEC Service Premises Policy Enrolment & Orientation Policy Excursion/Incursion Policy Governance Policy Immunisation Policy	Incident, Injury, Trauma and Illness Policy Medical Conditions Policy Privacy and Confidentiality Policy Professional Development Policy Responsible Person Policy Student, Volunteer and Visitor Policy Supervision Policy Use of Digital Technologies and Online Environments Policy

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 children, families, staff, educators, management, approved provider, nominated supervisor, students, volunteers and visitors of the Service.

IMPLEMENTATION

The approved provider is responsible for compliance with record keeping requirements in accordance with Education and Care Services National Law and National Regulations. To maintain approval for Child Care Subsidy, providers must also keep certain records in accordance with Family Assistance Law.

This policy encompasses requirements for National Law and National Regulations and Family Assistance Law. Records that are required for Family Assistance Law must be kept for seven years and are highlighted in red.

PRESCRIBED RECORDS TO BE KEPT BY APPROVED PROVIDER:

The approved provider, nominated supervisor and management will ensure 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]. These records are also required 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 addition 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, expiry date and verification of a Working with Children Check (WWCC), current vulnerable people check or criminal history record of all staff to be kept until the end of 3 years after the last date the staff member provided education and care to children
- the identifying number and expiry date of a Working with Children Check (WWCC), current vulnerable people check or criminal history record of students and volunteers to be kept until the end of 3 years after the last date the student or volunteer attended the 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. These records are also required for Family Assistance Law (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- Child Care Subsidy (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)

- records of background checks for specified personnel who undertake actions related to the administration of CCS (records must be kept for seven years)
- educational leader records (Reg. 118)
- child assessments or evaluations for delivery of the educational program (Reg. 74) (to be kept for 3 years after the child's last day of attendance [Reg. 183])
- an incident, injury, trauma and illness record (Reg. 87) (to be kept until child is 25 years [Reg.183])
- medication records (Reg.92) (Keep until the end of 3 years after the child's last attendance [Reg.183])
- staff records (Reg. 145)
- record of volunteers and students (Reg.149)
- records of the Responsible Person at the Service (Reg.150 and National Law S162A)
- record of educators working directly with children (Reg. 151)
- record of access to early childhood teachers (Reg. 152)
- children's attendance records (Reg. 159) to be kept until the end of 3 years after the child's last attendance (Reg. 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 (Reg. 160) (to be kept until the end of 3 years after the child's last attendance [Reg. 183]). *(Further details below)*
- record of the Service's compliance with the Law (Reg. 167)
- a record of each nominated supervisor and any person placed in day-to-day charge of the education and care service (Reg. 146)
- PRODA RA Number (*for specified personnel- people managing or employed in child care in roles regarding the approval and operation of a service and permitted to undertake actions through the Child Care Subsidy System*- Child Care Provider Handbook)
- evidence of prescribed insurance must be available at the education and care service premises (Reg. 180). Current policy of insurance for public liability with a minimum cover of $10 000 000 (Reg. 29)
- a copy of the Education and Care National Law and Regulations must be available and accessible at the Service at all times for use by the nominated supervisor, staff members, volunteers, parents and any person seeking to make use of the service
- record of children embarking a means of transport at the education and care service premises (Reg. 102E)
- record of children disembarking a means of transport at the education and care service premises (Reg. 102F)

- record of replacement of an educator in accordance with regulation 126A (Reg.152A)
- records identified as relevant to child safety and wellbeing (including child sexual abuse that has or is alleged to have occurred), are:
    - kept for at least 45 years
    - clear, objective and thorough
    - maintained in an indexed, logical and secure manner
    - retained and disposed of in a consistent manner.

RECORDS TO BE KEPT IN RELATION TO CHILDREN EMBARKING AND DISEMBARKING A MEANS OF TRANSPORT (REG: 102E AND 102F)

No children are transported in vehicles.

RECORDS TO BE KEPT IN RELATION TO THE NOMINATED SUPERVISOR: (REG: 146 AND LAW. S162A)

- 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) and Australian National Police Check date the check, card, record or registration was and the date this was verified and by whom
- PRODA RA Number
- evidence of the nominators written consent to the nomination
- evidence of Child Protection Training.

RECORDS TO BE KEPT IN RELATION TO STAFF AND EDUCATORS: (REG: 147)

- the full name, address and date of birth
- evidence of any relevant qualifications
- if applicable, evidence that the staff member/educator is actively working towards a qualification. If this is the case, the following must be recorded:
    - Proof of enrolment.
    - Documentary evidence that the staff member/educator has commenced the course, is making satisfactory progress towards the completion of the course, is meeting the requirements of maintaining the enrolment.
- for educators 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) completed by the staff member
- the identifying number and expiry date of the Working with Children Check (WWCC) and the date this was verified.
- Teacher Registration details (if applicable)

RECORDS TO BE KEPT IN RELATION TO THE EDUCATIONAL LEADER: (REG: 148)

- No educational leader at this service

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
- the identifying number and expiry date of the Working with Children Check (WWCC) and the date this was verified.

RECORDS TO BE KEPT IN RELATION TO THE RESPONSIBLE PERSON: (REG: 150 AND LAW S162A)

- 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
- evidence of Child Protection Training.

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 ACCESS TO EARLY CHILDHOOD TEACHER/S (REG: 152)

No requirement for an Early Childhood Teacher.

RECORDS TO BE KEPT IN RELATION TO REPLACEMENT OF EDUCATOR OR EARLY CHILDHOOD TEACHER (REG: 152A AND 152B)

No requirement for an Early Childhood Teacher.

RECORDS TO BE KEPT IN RELATION TO CHILD ENROLMENT: (REG: 160)

- the full name, date of birth and address of the child- [birth certificate, passport, identify papers]
- 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
    - any person who is authorised to authorise the education and care service to transport the child or arrange transportation for the child
    - 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 [Reg. 102]
- authorisation for regular transportation of the child (if relevant) [Reg. 102D (4)]

HEALTH INFORMATION TO BE KEPT IN ENROLMENT RECORD: [REG: 162]

- the name, address and telephone number or 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
- the immunisation status of the child
- a notation that states that a staff member or approved provider has sighted a child's health record.

RECORDS TO BE KEPT IN RELATION TO ENROLLED CHILDREN: (REG: 74)

- documentation relating to child assessments or evaluations for delivery of the education program, including:
  - assessments of the child's developmental needs, interests, experiences and participation in the education program

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
    - temperature record and time temperature was taken
    - 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
    - notifications to parent/guardian including attempted notifications
    - 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, 96)

- the name of the child
- the authorisation to administer medication signed by a parent or a person named in the child's enrolment record as authorised to consent 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 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. Records related to an incident, illness, injury or trauma must be kept until the child is aged 25 years. Records related to child sexual abuse that has or is alleged to have occurred, are recommended to be kept for at least 45 years from the date the record was created.

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. 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.

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: 181)

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- [Child Information Sharing Scheme (CISS)/ MARAM- Victorian Services or similar.
- with the written consent of the person who provided the information.

Our Service will ensure the following documents are available upon request by parents (unless restricted by a court order):

- education program documents including child assessments or evaluations
- incident, injury, trauma and illness records
- attendance records
- enrolment records

If the above documents contain personal information of any of the following persons, including home address, email address, phone number, date of birth, medical records, bank account details and tax file number, written consent MUST be obtained before the information is disclosed:

- a parent of a child enrolled at the service, other than the person requesting the documentation
- a person required to be notified of an emergency if a parent cannot be contacted
- an authorised nominee of a child
- a person authorised to consent to medical treatment or the administration of medication to a child
- a person authorised to authorise an educator to take a child outside the service premises
- a person authorised to authorise the service to transport a child or arrange transportation of a child.

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 any service waivers or temporary waivers held by the service, the details of the waivers including:
    - 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 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
- information relating to the educational program (Reg. 75)
- emergency and evacuation floor plans and instructions are displayed (Reg. 97 (4))

ADDITIONAL RECORDS TO BE KEPT FOR FAMILY ASSISTANCE LAW: (if applicable)

- a Complying Written Agreement (CWA) for all enrolments registered to claim Child Care Subsidy (CCS). Updated CWAs must be signed if there are changes to the original enrolment conditions.
- documentation relating to an Additional Child Care Subsidy (ACCS) claim.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Record Keeping and Retention Policy* will be updated and reviewed in consultation with families, staff, educators and management.

SOURCES

Australian Children's Education & Care Quality Authority. (2024). *Guide to the National Quality Framework*
Australian Children's Education & Care Quality Authority. (2023). Protection of Personal Information.
Australian Children's Education & Care Quality Authority. (2023). Updating Record Keeping Requirements to Support Child Protection.
Australian Government Department of Education Child Care Provider Handbook (October 2024)
Australian Government Department of the Officer of the Privacy Commissioner: www.privacy.gov.au
Australian Legal Information Institute: www.austlii.edu.au
Australian Taxation Office: www.ato.gov.au
Child Care Subsidy Secretary's Rules 2017.
Education and Care Services National Law Act 2010. (Amended 2023).
Education and Care National Regulations. (2011). (Amended 2023).
NSW Government Department of Community Services: www.community.nsw.gov.au
NSW Office of the Children's Guardian
Privacy Act 1988.
Western Australian Legislation Education and Care Services National Law (WA) Act 2012
Western Australian Legislation Education and Care Services National Regulations (WA) Act 2012

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*.

REVIEW

POLICY REVIEWED BY:	Carol Hopkins	CSO	Dec 2025
POLICY REVIEWED	Dec 2025	NEXT REVIEW DATE	Dec 2027
VERSION NUMBER	•		
MODIFICATIONS	• New Policy		
APPROVED BY	Tania Bernardo		