

Record Keeping and Retention Policy - VIC

Quick reference: child safety | paramount consideration | harm | risk of harm | reporting obligations | child wellbeing | child safe standards | complaints | reportable conduct | code of conduct | supervision | duty of care | privacy | record keeping | investigations | mandatory reporting | notifications | incidents | mandatory child protection training | child safe standards | safeguarding | physical safety | child safe governance | responding to harm | working with children checks | financial governance | child care subsidy administration | management systems | administration systems | Quality Improvement Plan | workplace health and safety | health, hygiene and cleaning

PURPOSE AND BACKGROUND

- (1) To set out:
- how we meet the requirements for creating and managing certain records
 - how we ensure confidentiality and secure storage of records
 - how we have the records available for inspection by an authorised officer and, in some cases, parents of enrolled children.
 - when to destroy records in accordance with our legal obligations
- (2) This policy is a requirement under the *Education and Care Services National Law* and *Education and Care Services Regulations*. The approved provider must ensure that policies and procedures are in place for record keeping, including records related to children, staff, volunteers, students, centre operations, complaints and investigations.
- (3) This policy helps us to comply with the National Quality Standard as well as laws governing child safety, workplace health and safety and privacy and confidentiality.

SCOPE

- (4) This policy applies to:
- 'Staff': the approved provider, persons with management or control, nominated supervisor, paid workers, volunteers, work placement students, and third parties who carry out related work at our service (e.g., contractors, subcontractors, self-employed persons, employees of a labour hire company)
 - Children in our care, their parents, families and care providers
 - Visitors to our service who carry out related work, including allied health support workers.

- (5) This policy applies to all physical, digital and online environments of our service (including off-site and outside of operating hours)

DEFINITIONS

- (6) The following definitions apply to this policy and related procedures:

‘Attendance record’: Kept by the centre to record details of each child attending the centre, including name, time of arrival and departure, and the signature of the person delivering and collecting the child or of the nominated supervisor or educator.

‘Authorised emergency contact’ is a person who has been nominated by the child’s parent or legal guardian to be notified in case of an emergency

‘Authorised Nominee’: A person who has been given written authority by the parent of a child to collect that child from the education and care centre. These details will be on the child’s enrolment form.

‘Emergency’: means an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person at the service (e.g., a flood, fire or a situation that requires the service premises to be locked down or other type of emergency response).

‘Emergency services’: includes ambulance, fire brigade, police and state emergency services.

‘Harm’: includes injuries and illnesses caused by a single exposure or event, or multiple or long-term exposure. Includes physical and psychological harm (and the various forms of child abuse, exploitation and neglect).

‘Hazard’: is anything that can cause harm.

‘Medical attention’ includes a visit to a registered medical practitioner or attendance at a hospital.

‘Medical management plan (MMP)’: a document that has been written and signed by a doctor. MMP includes the child’s name and photograph. It also describes symptoms, causes, clear instructions on action and treatment for the child’s specific medical condition.

‘Parents’: includes guardians and persons who have parental responsibilities for the child under a decision or order of court.

'Personal device': a device that is owned by a person (NOT owned/supplied by an approved provider for education and care purposes) and is capable of capturing, storing or transmitting an image, for example phones, smart watches, cameras, tablet computers, and hard drives.

'Serious incident': is defined in the *National Regulations* (reg 12) and includes:

- the death of a child at the service, or following an incident occurring at the service
- any incident involving serious injury or trauma to a child at the service which a reasonable person would consider required urgent medical attention or where the child attended or ought to have attended a hospital
- any incident involving serious illness of a child at the service, where the child attended or ought to have attended a hospital
- any emergency for which emergency services attended
- any circumstance where a child:
 - appears to be missing from the service or cannot be accounted for
 - appears to have been taken or removed from the service premises in a manner that contravenes the National Regulations
 - is mistakenly locked in or out of the service premises or any part of the premises
 - is subjected to inappropriate conduct (considered by the regulatory authority to be a serious incident)

'Staff': unless otherwise indicated, refers to approved provider, persons with management or control, nominated supervisor, paid employees, volunteers, students, and third parties who are covered in the scope of this policy.

POLICY STATEMENT

- (7) The safety, rights and best interests of all children is our paramount consideration in all decisions and actions taken when providing care and education for children (the paramount consideration) (*National Law* s 2A). The rights and best interests of each child must prevail over all our other interests or obligations.

- (8) We are committed to meeting our regulatory requirements in relation to record keeping and management and taking all reasonable steps to protect children's safety, health and wellbeing while they are being educated and cared for.
- (9) The approved provider and nominated supervisor must take every reasonable precaution to protect children from harm and from any hazard likely to cause injury (*National Law s 167*) and ensure that all children are being adequately supervised at all times (*National Law s 165*).
- (10) We must discharge our duty of care to children at our service in line with work health and safety laws and best practice guidelines
- (11) We commit to keeping full and accurate records and to maintain them in an indexed, logical and secure manner. We will retain and dispose of records in a consistent way and according to our legal obligations.

Child safe record keeping

- (12) The [Royal Commission into Institutional Responses to Child Sexual Abuse](#) recommend that services providing care and education to children implement the following five principles for records and recordkeeping:
 - Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.
 - Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.
 - Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.
 - Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.
 - Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.
- (13) We are committed to keeping full, clear, objective and accurate records about any incidents, responses and decisions that relate to child safety and wellbeing, including sexual abuse. We support individuals' rights to access, amend and annotate their own records, except if in doing so they are breaking the law or breaching one of our other policies.

- (14) All records that relate to child safety and wellbeing – e.g. suspicions, disclosures, allegations, convictions, reports, complaints, grievances, investigations, complaints handling, breaches, disciplinary actions, referrals, exchanges of information, risk assessments, policies and procedures - will be kept, maintained and stored for the best practice period of a minimum of 45 years after the date they are made. This is because it is common for children to delay reporting or pursuing cases of abuse.
- (15) Digital records will be stored in password protected systems or files, and physical records will be stored securely
- (16) Under the National Law and National Regulations we must keep the following records related to child safety:
- Any incident, injury, trauma or illness records made in connection to a child safety / child protection incident
 - Required information in the National Early Childhood Worker Register
 - Evidence of child protection laws awareness training, protected disclosures training, child protection training (if applicable) and child safety training
 - Records in relation to device use (both personal and service supplied)
 - Evidence of child safe recruitment practices and ongoing child safe employment practices
 - Evidence of service's compliance history

Prescribed records and retention periods overview

- (17) We must have policies and plans to effectively keep the following prescribed records in a safe and secure location at the service and have them available for inspection (*National Regulations* reg 183):

Record	Legislation/Regulation	Retain until
Incident, injury, trauma and illness record	Regulation 87 Regulation 183	The child is 25 years old (note the Royal Commission into Institutional Responses to Child Sexual Abuse recommended institutions engaged in child-related work retain records relating to child sexual abuse that has, or is alleged to have occurred, for at least 45 years).
Medication record	Regulation 92 Regulation 183	The end of 3 years after the child's last attendance
Staff record	Regulation 145 Regulation 183	The end of 3 years after the staff member works for the service

Record of volunteers and students	Regulation 149 Regulation 183	The end of 3 years after the volunteer or student attended the service
Record of responsible person at the service	Regulation 150 Regulation 183	The end of 3 years after the staff member works for the service
Record of educators working directly with children	Regulation 151 Regulation 183	The end of 3 years after the staff member works for the service
Child attendance record	Regulation 158 Regulation 183	The end of 3 years after the child's last attendance
Child enrolment record	Regulation 160 Regulation 183	The end of 3 years after the child's last attendance (see below for records required for Family Assistance Law/Child Care Subsidy purposes)
Record of service's compliance history	Regulation 167 Regulation 183	The end of 3 years after the approved provider operated the service
Record of each nominated supervisor and any other person placed in day-to-day charge at the service	Section 162 Regulation 177(1)(n) Regulation 183	The end of 3 years after the staff member works for the service
Record of children embarking a means of transport at the education and care premises	Regulation 102E Regulation 183	The end of 3 years after the child's last attendance
Record of children disembarking a means of transport at the education and care premises	Regulation 102F Regulation 183	The end of 3 years after the child's last attendance
Record of child safety training	Section 162B Regulation 183	The end of 3 years after the staff member works for the service
Record of authorisation to possess or control personal device	Section 175J(2)(b)	For at least 3 years from the date on which the records were made
Records required for Family Assistance Law/Child Care Subsidy purposes	Family Assistance Law	Until 7 years after the date on which the records were made
Up-to-date information in the National Early Childhood Worker Register	Section 269E Regulation 154A-B	Ongoing (held in the NQA IT System)
Evidence of public liability insurance	Regulation 180	Ongoing
Programs for children over preschool age	Regulation 359A (VIC)	At least three years after the record was made or, where clearly linked to an individual child,

		until the end of three years after that child's last attendance
Quality Improvement Plan	Regulation 55	Ongoing with annual revisions
Death of a child while being educated and cared for by the service	Regulation 12 Regulation 183	Until the end of 7 years after the child's death
Reportable conduct	Child Wellbeing and Safety Act 2005 Family Violence Protection Act 2008	

Child assessments or evaluations for delivery of the educational program

- (18) 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.
 - Assessments of the child's progress against the outcomes of the educational program.

See Education Curriculum and Learning Policy

Incident, injury, trauma and illness record

- (19) Incident, injury, trauma or illness records must be kept as outlined below and retained until the child is 25 years old.
- (20) Details of any incident in relation to a child, injury received by a child or trauma to which a child has been subject while being educated and cared for by the service must be documented and must include:
- The name and age of the child
 - 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
 - The name and signature of the person making an entry in the record and the time and date that the entry was made.
- (21) Details of any illness which becomes apparent while the child is being educated and care for by the service must be documented and must include:
- 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
 - The name and signature of the person making an entry in the record and the time and date that the entry was made
- (22) 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 must be documented and must include:
- Any medication administered or first aid provided
 - Any medical personnel contacted.
 - Details of any person who witnessed the incident, injury or trauma
 - 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
- (23) This record must be made as soon as is practicable, but not later than 24 hours after the incident, injury, trauma or onset of illness occurred.
- See Incident, Injury, Trauma and Illness Policy and First Aid Policy*

Medication records

- (24) The following information about medications will be kept on children's enrolment records:
- The name of the child
 - The authorisation to administer medication (including self-administration if applicable) 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.

- (25) 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. In line with this, 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.
- (26) We must obtain written consent of the person to whom the personal information relates to before disclosing to a parent of a child enrolled at the service any personal information relating to:
- A parent of a child enrolled at the service, if that person is not the parent making the request
 - A person who is required to be notified of an emergency involving a child enrolled at the service if a parent cannot be immediately contacted
 - An authorised nominee of a child enrolled at the service
 - A person who is authorised to consent to medical treatment of, or to authorise administration of medication to, a child enrolled at the service
 - A person who is authorised to allow an educator to take a child outside the premises
 - A person who is authorised to allow the service to transport, or arrange transport for, the child
- (27) A person who has given their consent can withdraw it in writing at any time before the information is disclosed.

See Medical Conditions Policy and Incident, Injury, Trauma and Illness Policy

Staff records

- (28) The following records must be kept in relation to all staff members:
- Their full name, address and date of birth
 - Evidence of any relevant qualifications (or, if applicable, evidence that the person is actively working towards that qualification) including:
 - Proof of enrolment
 - Documentary evidence that the person has commenced the course, is making satisfactory progress towards the completion of the course, is meeting the requirements of maintaining the enrolment.
 - If the person is 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 has completed the units of study in an approved Certificate III level education and care qualification determined by ACECQA.

- Evidence of any completed approved training (including first aid training, child protection training, child safety training, food safety training): training certificates must state the date when the person completed the course and the expiry date or validity date of the training
 - A Working with Children/Vulnerable People Check with a record of the identifying number and expiry date.
- (29) A record must be kept of the following for all times children are being cared for and educated:
- The name of the person who is designated as the **educational leader**
 - The name of the **responsible person** for each time that children are being educated and cared for by the service
- See Staffing Arrangements Policy and procedures.*

Record of volunteers and students

- (30) The following records must be kept in relation to students and volunteers:
- The full name, address and date of birth of each student or volunteer
 - A record for each day on which the student or volunteer participates in the service, the date and hours of participation
 - A Working with Children/Vulnerable People Check with a record of the identifying number and expiry date (if the student/volunteer is required or permitted to obtain one under the law).
- See Staffing Arrangements Policy and procedures.*

Record of responsible person at the service

- (31) The approved provider, nominated supervisor and person in day-to-day charge will follow the 'Procedure for Appointment of a Responsible Person' (Appendix E- Staffing Arrangements Policy) where necessary to ensure there is a 'responsible person' present at all times when caring for and educating children.
- (32) The responsible person must sign in and out of the 'Responsible person on duty record' (Appendix G- Staffing Arrangements Policy) and ensure their name and position is clearly displayed in the main entrance of the Service.
- See Staffing Arrangements Policy and procedures.*

Educators working directly with children

- (33) A record of each educator who works directly with children, including the hours that each educator works directly with children, must be kept including:
- The hours that each educator who works directly with children

- The rooms and times that each educator is allocated to work directly with children
- The WWCC number of each educator (confidential information) or current Victorian Institute of Teaching registration number.

See Staffing Arrangements Policy and procedures.

Records of replacement of educator

- (34) A record must be kept regarding replacement of an educator and must include:
- the full name of the educator;
 - the qualification that the educator who is replaced holds, or is actively working towards, for the purposes of regulation 126;
 - the qualification of the person who replaced the educator;
 - the dates on which the educator was replaced;
 - the reason for the educator's absence.

See Staffing Arrangements Policy

Child attendance record

- (35) The following records will be kept in relation to children's attendance:
- Records the full name of each child attending the service
 - Records the date and time each child arrives and departs
 - Is signed at the time the child arrives and departs by either the person who delivers or collects the child, or if this person forgets may be signed by the nominated supervisor or an educator
- (36) A preschool program provided by a school is not required to comply with this if it keeps attendance records in accordance with the education law or government education department policy that applies in their jurisdiction.

See Delivery and Collection of Children Policy and procedures

Child enrolment record

- (37) The following records will be kept in relation to children's enrolment record:
- (38) The full name, date of birth and address of the child
- (39) 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 service premises
 - Any person who is authorised to authorise the service to transport the child or arrange transportation of the child
- (40) 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
- (41) 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.
- (42) Gender of the child
- (43) Language used in the child's home
- (44) Cultural background of the child and parents (if applicable)
- (45) Any special considerations for the child (e.g., cultural, religious, dietary requirements or additional needs)
- (46) Authorisations signed by a parent or a person named in the enrolment record as authorised to consent to the medical treatment of the child 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.
- (47) Authorisations to take the child on regular outings.
- (48) The name, address and telephone number of the child's registered medical practitioner or medical service.
- (49) The child's Medicare number if available.
- (50) Details of any specific healthcare needs of the child, including any medical conditions, allergies, including whether the child has been diagnosed as at risk of anaphylaxis
- (51) The following plans to be followed in relation to a specific healthcare needs, medical condition or allergy:
- A medical management plan or
 - An anaphylaxis medical management plan
 - A risk minimisation plan
- (52) Details of any dietary restrictions for the child
- (53) The immunisation status of the child, including certificates for immunisation or exemption for the child as required under public health laws
- (54) A notation that states that a staff member or approved provider has sighted a child's health record

See Enrolment Policy and Medical Conditions Policy

Record of service's compliance history

- (55) Records must be kept of the service's compliance with the law.
- (56) Records must be kept 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
- (57) Records must be kept 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
- (58) Records must be kept 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
- (59) This information must not include any information that identifies any person other than the approved provider.
- (60) The record of compliance referred to above must be available for access on request by any person
See Governance and Management Policy

Record of each nominated supervisor and any other person placed in day-to-day charge at the service

- (61) For nominated supervisors and persons in day-to-day charge a record must be kept providing evidence the person has consented to the position and meets the minimum requirements to be placed in the position including, for example, a Compliance History Statements and a Prohibition Notice Declaration
See Staffing Arrangements Policy and procedures.

Record of children embarking and disembarking a means of transport at the education and care premises

- (62) The approved provider and nominated supervisor must ensure that a record is made immediately documenting when children embark or disembark a means of transport run or arranged by the service
- (63) The record must:
 - Confirm each child was accounted for when embarking on and disembarking from the vehicle

- State how each child was accounted for when embarking on and disembarking from the vehicle
- state a staff member or nominated supervisor, who is not driving the vehicle, has examined the interior of the vehicle to confirm no child/ren remain on the vehicle
- states the date and time the record was made
- states the name of, and is signed by, the staff member or nominated supervisor who examined the vehicle to confirm no child/ren remain on the vehicle

Record of child safety training

- (64) Staff records must include evidence of mandatory child safety training completed - training certificates must state the date when the person completed the course and the expiry date or validity date of the training. This must be kept for all staff, students and volunteers.
See Staffing Arrangements Policy

Records required for Family Assistance Law/Child Care Subsidy purposes

- (65) Information will be kept for Child Care Subsidy records, including:
- Complaints made to the provider, or any service of the provider, relating to compliance with the Family Assistance Law
 - Any notice made to a state/territory agency about a child at risk of abuse or neglect
 - Attendance record for each child at service (whether eligible for CCS and/or Additional CCS or not) including records of any absences (see Reporting Absences in the Child Care Provider Handbook p. 43)
 - Evidence that any absences in excess of the 42 days allowed meet the required criteria
 - Copies of invoices and receipts for the payment of child care fees
 - Copies of all Statements of Entitlement issued and any Statements advising a change of entitlement
 - All records of prescribed third party and provider-funded discounts
 - 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
 - All evidence to support background checks, police checks and Working with Children Checks for specified personnel including persons with management or control of service and persons responsible for day-to-day operation of service
 - Complying Written Arrangements (CWAs) for each child (unless fees are not paid under this type of arrangement) which include names and contact details of

provider and person responsible for paying fees, date arrangement starts, name and date of birth of child (or children), if care will be provided on a routine basis, and if so, details about the days on which sessions of care will usually be provided, and the usual start and end times for these sessions of care, whether care may be provided on a casual or flexible basis (in addition to, or instead of, a routine basis), details of fees to be charged eg via fee schedule or information available on website that the parties understand may vary from time to time

See Fees Policy and Enrolment Policy

Record of authorisation to possess or control personal device

- (66) The approved provider must keep a written record of any authorisation granted for personal devices, including (*National Law s 175J*), including those granted retrospectively where advance authorisation is not practicable
- (67) The written record must contain the following information (*National Regulations reg 179A*):
- The name and address of our service
 - The full name, role at the service, address and date of birth of the person to whom the authorisation is given
 - The name of the approved provider
 - The name of the person making the written record
 - A description of the personal device
 - The reason for which the authorisation is given under the Law
 - The period of time for which the authorisation is given
- (68) If the authorisation remains in effect for 3 months, the approved provider must review the authorisation to check authorisation is still needed. If there is no longer a valid reason, the approved provider must revoke the authorisation in writing within 48 hours
- (69) Records of authorisations and revocations must be kept in a safe and secure place at our premises for a minimum of three years from the date on which the record was made (*National Law s 175J(3-4)*).

National Early Childhood Worker Register

- (70) The following information must be kept in the National Early Childhood Worker Register in relation to workers (including volunteers, students and contractors) employed, engaged or appointed in or as part of our service—

- the worker's email address
- the service approval number of the service
- evidence of any relevant approved education and care qualification held by the worker or evidence that the worker is actively working towards that qualification (if applicable)
- if the service is a centre-based service, whether the worker has been employed by the approved provider of the service on a probationary basis in accordance with regulation 126(1A)
- evidence that the worker has completed—
 - child protection training prescribed for the purposes of section 162A of the Law, the date the worker completed the training and the expiry date of that training (if applicable); or
 - any other child protection training required in a participating jurisdiction, the date the worker completed the training and the expiry date of that training (if applicable)
 - evidence that the worker has completed child safety training prescribed for the purposes of section 162B of the Law, the date the worker completed the training and the expiry date of that training (if applicable)
 - evidence of any current approved first aid qualification held by the worker

(71) When we engage, appoint or employ any of the above people, the approved provider must ensure that the Register is updated with all the required information within 14 days. The information must also be updated within 14 days whenever there are any changes (e.g., employment ceases, revoked WWCC, contact details change) (*National Law* s 269E).

Evidence of public liability insurance

(72) The approved provider will keep ongoing evidence of the current public liability insurance at our service premises (e.g. certificates of currency) (except if the service is indemnified by state or territory government).

Programs for children over preschool age

(75) Under *National Regulations* reg 359A (VIC), the approved provider of the education and care service must ensure that, for the purposes of the educational program for a child over preschool age, evidence about the development of the program is documented.

Reportable Conduct

- (73) Services have obligations under the [Victorian Reportable Conduct Scheme](#) to document reportable offences
- (74) Under the Child Wellbeing and Safety Act 2005, services are required to have systems in place, including for receiving, handling and disclosing information about reportable allegations and information relating to investigations of reportable allegations.

See Child Protection Policy and Child Safe Environment Policy

Child Information Sharing Scheme and Family Violence Information Sharing Scheme (the Information Sharing Schemes)

- (75) Early childhood education and care services are classified as Information Sharing Entities (ISE) under the Child Information Sharing Scheme (CISS) and Family Violence Information Sharing Schemes (FVISS) which enables specifically trained staff to request and share relevant information with other ISEs.
- (76) Staff working in early childhood services who have completed the mandatory training on the Multi Agency Risk Assessment and Management (MARAM) framework and/or Child Link are authorised to share and request information to support a child's wellbeing and safety.
- (77) Any information shared must be kept in accordance with our Record Keeping and Retention Policy and Privacy Policy.

Storage of Records

- (78) 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.
This location is in the basement
- (79) 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

- (80) 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 in accordance with regulation 177: *Prescribed enrolment and other documents to be kept by the approved provider* – in other words, we must have the written consent of the person to whom the personal information relates to before disclosing the information (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 (for example, exchanges of information under child protection laws – see *Child Protection Policy* for more information)
- With the written consent of the person who provided the information.

PRINCIPLES

- (81) The best interests, rights, welfare, safety and wellbeing of children in our care is our number one priority
- (82) Our policies and procedures are based on the latest guidelines and comply with the relevant laws, regulations and standards
- (83) We communicate with staff, families, children and government authorities to manage and mitigate risks, ensuring that everyone is informed and contributing to a safe environment
- (84) We regularly review and update our policies and procedures to make sure they still reflect current best practices.

POLICY COMMUNICATION, TRAINING AND MONITORING

- (85) The approved provider must take reasonable steps to ensure that nominated supervisors, staff members and volunteers follow and can readily access this policy and related procedures (*National Regulations* regs 170, 171)
- (86) This policy and related documents can be found in our front office and on our website
- (87) The approved provider and nominated supervisor will ensure that relevant staff, volunteers and students are formally inducted and trained to implement this policy and related procedures, and to understand their roles and responsibilities under them
- (88) The nominated supervisor and staff leaders will ensure this policy and its related procedures are regularly reinforced through staff meetings, staff professional development programs, written material and workplace displays
- (89) The approved provider and nominated supervisor will regularly monitor and audit staff and address non-compliance. Breaches of this policy are taken seriously and may result in disciplinary action against a staff member
- (90) The approved provider and nominated supervisor will provide staff with the resources, time and support they need to comply with this policy and related procedures

- (91) At enrolment, the nominated supervisor will ensure that families are given access to this policy and related document. We will also regularly share relevant information about this policy through our usual communication channels
- (92) Families are notified in line with our obligations (*National Regulations* reg 172) when changes are made to our policies and procedures

LEGISLATION OVERVIEW

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

Law (section)	Description
2A	Paramount consideration –rights and best interests of children
162A	Child protection training
162B	Child safety training
167	Offence relating to protection of children from harm and hazards
174	Offence to fail to notify certain information to Regulatory Authority
175	Offence relating to requirement to keep enrolment and other documents
175A-J	Devices in education and care services (Part 6A)
269E	Approved provider must give information to the National Authority for the National Early Childhood Worker Register
Regulations	
12	Meaning of serious incident
55	Quality improvement plans
87	Incidents, injury, trauma and illness record
92	Medication record
145	Staff record
146	Nominated Supervisor Records
147	Staff Member Records

148	Educational Leader
149	Volunteer Records
150	Responsible Person
151	Record of educators working directly with children
154A-B	National Early Childhood Worker Register
158	Children's attendance record 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 services must have policies and procedures
179A	Record of child safety training
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
359A	Programs for children over preschool age (VIC)

Other applicable laws and regulations

Name	Description
<i>Work Health and Safety Act 2011</i>	Describes the primary duty of care to people in the workplace
<i>Privacy Act 1988</i>	Principal act governing the handling of personal information
<i>Family Assistance Law</i>	A collection of Acts and rules which set out how the government delivers family payments and tax benefits and the child-care subsidy
<i>Child Wellbeing and Safety Act 2005</i>	The primary legislative framework that consolidates and regulates child protection in Victoria, including the Reportable Conduct Scheme

National Quality Standard

Standard / Element	Concept	Description
1.3.1	Assessment and planning cycle	Each child's learning and development is assessed or evaluated as part of an ongoing cycle of observation, analysing learning, documentation, planning, implementation and reflection
2.1.2	Health practices and procedures	Effective illness and injury management and hygiene practices are promoted and implemented
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazards
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe
7.2.1	Continuous improvement	There is an effective self-assessment and quality improvement process in place

My Time, Our Place V2.0: All Outcomes are relevant

Victorian Child Safe Standards

Most relevant principles

Child safety and wellbeing is embedded in organisational leadership, governance and culture

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

Processes to respond to complaints and concerns are child focused

Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

Policies and procedures document how the organisation is safe for children and young people

RELATED DOCUMENTS

Key Policies	Child Safe Environment Policy Administration of Authorised Medication Policy Child Protection Policy and Procedures Delivery and Collection of Children Policy Enrolment Policy Excursion Policy and Procedure Incident, Injury, Trauma and Illness Policy and Procedure Medical Conditions Policy Privacy and Confidentiality Policy Safe Arrival of Children Staffing Arrangements Policy Transportation Policy and Procedure Work Health and Safety Policy Governance and Management Policy Immunisation Policy Technology and Device Use Policy Photography and Video Policy Health, Hygiene and Cleaning Policy
Procedures	Roles and Responsibilities – Record Keeping and Retention (Appendix A attached) Procedures and Roles and Responsibilities in Child Safe Environment Policy, Staffing Arrangements Policy, Medical Conditions Policy, Child Protection Policy, Incident, Injury, Trauma and Illness Policy. Health, Hygiene and Cleaning Policy Enrolment checklist (in Enrolment Policy) Resources for device use (in Technology and Device Use Policy) Disclosure Statement and Privacy Notice (in Privacy and Confidentiality Policy)
Resources	Child Care Provider Handbook ACECQA Best practice record keeping supporting child protection Australian Government Family Assistance Law required records ACECQA Information Sheet: Using digital devices in centre based education and care services

SOURCES

Education and Care Services National Law and Regulations | National Quality Standard | Victorian Social Services Regulator | Family Assistance Law | Family Violence Protection Act 2008

POLICY INFORMATION

Approval	Dina Kahn
Review	Reviewed annually and when there are changes that may affect this policy or related procedures. The review will include checks to ensure the document reflects current legislation, continues to be effective, or whether any changes and additional training are required Reviewed: 10 th Sept 2026 Date for next review: 10 th Sept 2027

APPENDIX A

ROLES AND RESPONSIBILITIES – Record Keeping and Retention

Approved provider responsibilities (not limited to)

Ensure our service meets its obligations under the *Education and Care Services National Law and Regulations*, including to:

- Take every reasonable precaution to protect children from harm and hazards
- Ensure all required records are kept, managed and retained according to relevant legislation and regulations as outlined in this Record Keeping and Retention Policy
- Ensure adherence to privacy and confidentiality obligations at all times

Ensure that our service's governance, management, operations, policies, plans, systems, practices and procedures for record keeping, management and retention are appropriate in practice, up-to-date, best practice, and comply with all relevant legislation, standards and guidelines

Ensure this Record Keeping and Retention Policy and related procedures are in place and available for inspection

Implement this Record Keeping and Retention Policy and related procedures

Take reasonable steps to ensure our Record Keeping and Retention Policy and related procedures are followed (e.g. through clear and accessible communication, and systemised inductions, training and monitoring of all staff – including volunteers, students)

Promote a culture of reporting. Act on any allegations, incidents, disclosures, or suspicions of harm or risk of harm to a child (including being subjected to inappropriate conduct, sexual offending or sexual misconduct, or inappropriate discipline by staff), and report to the relevant authorities in line with our procedures and legal obligations. Act on allegations of harmful sexual behaviour in children and reportable conduct of staff.

Keep records of child safe recruitment and ongoing child safe employment practices in line with our obligations.

Ensure that we meet our obligations for mandatory child protection and child safety training and providing advice on current child protection laws, including keeping the required evidence of inductions and training on the person's records

Keep evidence of child safety training and evidence of current non-prohibited/valid WWCC on record and make available for inspection

Ensure documentation is maintained related to biological hazards in the workplace

Regularly review this Record Keeping and Retention Policy and related procedures in consultation with children, families, communities and staff

Notify families at least 14 days before changing this Record Keeping and Retention Policy if the changes will: affect the fees charged or the way they are collected; or significantly impact the service's education and care of children; or significantly impact the family's ability to utilise the service

Nominated supervisor / persons in day-to-day charge responsibilities (not limited to)

Ensure our service meets its obligations under the *Education and Care Services National Law and Regulations*, including to:

- Take every reasonable precaution to protect children from harm and hazards
 - Ensure all required records are kept, managed and retained according to relevant legislation and regulations as outlined in this Record Keeping and Retention Policy
 - Ensure adherence to privacy and confidentiality obligations at all times
-

Support the approved provider to ensure the service's governance, management, operations, policies, plans, systems, practices and procedures for record keeping, management and retention are appropriate in practice, up-to-date, best practice, and comply with all relevant legislation, standards and guidelines

Implement this Record Keeping and Retention Policy and related procedures

Contribute to policies and procedure reviews and risk assessments and plans in consultation with children, families, communities and staff. Support the approved provider to notify families of reviews and changes according to legislation and our policies and procedures

Ensure documentation is maintained related to biological hazards in the workplace

Educator / other staff responsibilities (not limited to)

Follow this Record Keeping and Retention Policy and related procedures, including for hygiene, ventilation, managing sick children and exclusion recommendations and periods

Implement this Record Keeping and Retention Policy and related procedures

Where required, complete accurate information on each child's enrolment record according to this Policy

Complete accurate attendance records of each child's name, the date and time they arrive/depart, and the signature of the person who delivers/collects the child

Complete accurate *Incident, Injury, Trauma and Illness* records

Ensure any records of medications administered are kept on children's records

Provide all required documentation for staff records as outlined in this policy

Contribute to policy and procedure reviews and risk assessments and plans, and participate in training and professional development opportunities on record keeping and retention

Maintain documentation required for biological hazards in the workplace

Families responsibilities (not limited to)

Provide enrolment details, including the required authorisations and inform the service of any changes to these details (e.g., names/contact details, medical conditions).

Complete child's attendance record at arrival and collection (child's name, date and time of arrival/departure, signature)

Provide all required documents related to the provision of Child Care Subsidy and any other state-based funding (for example Kindergarten funding)
