

# POLICY NO 08: GOVERNANCE & MANAGEMENT OF FDC SERVICE INCLUDING CONFIDENTIALITY & RETENTION OF RECORDS

**Key Policy Contact Person:** Manager, Our Village Family Childcare

**POLICY STATEMENT:**

Our Village Family Childcare (OVFC) delivers a high-quality service to the community that is governed and managed by a robust framework including the development, review and implementation of service policies and procedures and informed decision making by management including delegated authorities. This process enables a strong foundation for the operation of an effective, efficient, and ethical service delivering the best possible outcome for all users within the wider community.

OVFC is committed to collecting only information that is required to carry out the operational duties. When protecting the privacy of all the children, families, and staff at the service the service is aware and:

- Treats all sensitive information with the utmost security and confidentiality.
- Discloses sensitive information only as per this policy or by any law or legislation.
- Appropriately disposes sensitive and personal information when it is no longer required or when the prescribed retention period has been reached.
- Uses only approved methods of communicating with stakeholders.

**CRITICAL INFORMATION:**

***Governance of the Service***

SCCH Operates the Family Day Care Service. The responsible person at the service is delegated as per the *Policy 49 Staffing Determining the Responsible Persons Present*. The Service is managed by a leadership team Sunbury and Cobaw Community Health’s Board of Directors who ensure:

- The service has appropriate systems and policies in place for the effective governance and management of the service.
- The service pursues its stated purpose and remains viable.
- The Budget and financial accountability to enable ongoing viability and making best use of the service's resources.
- The service is monitored and oversees management including ensuring that good management practices and appropriate checks and balances are in place.
- Legal functions and responsibilities are overseen.
- There are adequate policies and procedures are in place to comply with the legislative and regulatory requirements placed on the service.
- There are appropriate systems are in place to monitor compliance.
- There is reasonable care and skill is exercised in fulfilling their roles as part of the governing body of the service.
- The strategic direction of the organisation is a focus and avoiding involvement in day-to-day operational decisions, particularly where the authority is delegated to senior management staff within the service

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**PURPOSE:**

To ensure that all information and personal details of a sensitive and private nature for any staff, Educators, Children, Families Students, and volunteers involved with the service remains confidential and is managed, stored, retain, disclosed, and disposed of in compliance with relevant legislation and organizational policies and procedures.

**OUTCOME:**

To ensure that the Approved Provider, Nominated Supervisor, Educators, Volunteers and Students of the service will be aware of and supported to fulfill their responsibilities and that all personal details are maintained confidentially. It is the responsibility of all parties involved with the service to be aware of their duties, roles and responsibilities and make their best efforts to fulfill these duties, roles, and responsibilities.

**SCOPE/RESPONSIBILITIES:**

This document applies to the Educators, Families, Coordination Unit Staff, Volunteers and Students of OVFC.

**STATEMENT OF DIVERSITY**

Sunbury and Cobaw Community Health (SCCH) is committed to improving the health of our community and being accessible to all, including people from culturally and linguistically diverse (CALD) communities, those from Aboriginal and Torres Strait Islander background, people with a disability, Lesbian Gay Bisexual Transgender Intersex and Queer (LGBTIQA+) people and other socially vulnerable groups and supporting their communities across the lifespan from birth to older age.

**DEFINITIONS:**

<b>Confidentiality</b>	The state of keeping or being kept secret or private.
<b>Governance</b>	The framework of rules, relationships, systems, and processes by which an organisation is directed, controlled, and held to account and whereby authority within the organisation is exercised and maintained. It encompasses authority, accountability, leadership, direction, and control exercised within the organisation.
<b>Management</b>	The process of organising, planning, leading, and controlling resources within an entity with the aim of achieving its objectives.
<b>Approved Provider</b>	The person or organisation who holds the Provider Approval for the service.

<b>Person with Management or Control</b>	A person responsible for managing the delivery of the education and care service.
<b>Nominated Supervisor</b>	A person nominated by the Approved Provider to supervise and manage the service.
<b>Responsible Person</b>	A Responsible Person must always be present the service is delivering education and care to children. The Responsible Person can be one of the following:  <ol style="list-style-type: none"> <li>1. Person with Management or Control</li> <li>2. Nominated Supervisor</li> <li>3. Person in Day-to-Day Charge</li> </ol>
<b>Person in Day-to-Day Charge</b>	A person delegated by the Nominated Supervisor to be in charge of the service in their absence

**PROCEDURES:**

***Governance of the Service***

SCCH Operates the Family Day Care Service. The responsible person for the service is delegated as per the *Policy 49 Staffing Determining the Responsible Persons Present*. The Service is managed by a leadership team Sunbury and Cobaw Community Health’s Board of Directors who ensure:

- The service has appropriate systems and policies in place for the effective governance and management of the service.
- The service pursues its stated purpose and remains viable.
- The Budget and financial accountability to enable ongoing viability and making best use of the service's resources.
- The service is monitored and oversees management including ensuring that good management practices and appropriate checks and balances are in place.
- Legal functions and responsibilities are overseen.
- There are adequate policies and procedures in place to comply with the legislative and regulatory requirements placed on the service.
- There are appropriate systems in place to monitor compliance.
- There is reasonable care and skill is exercised in fulfilling their roles as part of the governing body of the service.
- The strategic direction of the organisation is a focus and avoids involvement in day-to-day operational decisions, particularly where the authority is delegated to senior management staff within the service.

***Management of the Service***

- Ensures OVFC Code of Conduct (refer to *Policy 40 Code of Conduct*) is transparent and consistent with the goals, values, and beliefs of Sunbury and Cobaw Health
- Provides leadership, forward planning, and guidance to the service, particularly in relation to developing a strategic culture and directions.
- Recruits suitably qualified and experienced early childhood staff to manage and deliver the service in accordance with the SCCH Recruitment Selection and Induction policy and the Education and Care services National Regulations staffing requirements.
- Ensures that the actions of and decisions made by the Coordination Unit are transparent and will assist to build confidence among Educators, families, and stakeholders.

- Undertaking strategic planning and risk assessment on a regular basis and having appropriate risk management strategies in place to manage risks faced by the service.
- Reviewing the service’s budget and monitoring financial performance and management to ensure the service is always solvent and has good financial strength.
- Approving annual financial statements and providing these reports to government as required
- Setting and maintaining appropriate delegations and internal controls

To ensure compliance with early childhood legislation (Education and Care Services National Law Act 2010 and Education and Care Services National Regulations 2023), the National Quality Standard, the Early Years Learning Framework – Belonging Being Becoming V2.0, My Time Our Place V2.0 - Framework for school age children, the Victorian Early Years Learning and Development Framework and best practice recommendations, the service:

- Has developed a comprehensive set of service policies and procedures to guide staff and Educator practice and promote continuous improvement and critical reflection.
- Ensures service policies are always adhered to by staff and Educators as per legislative requirements.
- Maintains all legislative requirements in relation to children’s health, safety, and wellbeing (as per service policies).
- An Educational Leader is appointed to lead the development and implementation of the curriculum.

***Our Village Family Childcare***

- Promotes inclusion and equity for all families; acknowledges and values diversity, and provides additional support for families experiencing vulnerability as per the Equity and Inclusion Policy, Enrolment and Orientation Policy and the Priority of Access and Waiting List Policy
- Addresses complaints as per the Complaints and Grievances Policy The contact details required for making a complaint (Coordinator, Manager, Head of Services, Chief of Operations, CEO and, Department of Education) is displayed at the service office and in the homes of Educators.
- Maintains privacy and confidentiality of records and information as per the Confidentiality and Privacy Policy
- Undertakes an annual budget process to ensure the service remains financially viable and can meet regulatory requirements and national quality standards.

***Our Village Family Childcare ensures a culture of reflection and continuous improvement***

- By maintaining a current Quality Improvement Plan (QIP) with Educators, Staff, families, and children being given opportunities to provide feedback on the service’s strengths and areas for improvement.
- By undertaking a policy review process that gives all stakeholders the opportunity to be involved to ensure the policies meet:
  - Legislative and quality standard frameworks.
  - The needs of all users of the service.
- By providing opportunities for Educators and Staff to reflect on their practice and identify goals for improvement e.g., through Educator Staff meetings, home visits, professional development opportunities etc.
- By engaging in strategic and forward planning for the service in conjunction with the within SCCH departments and the wider community Stakeholders,

***Our Village Family Childcare provides a healthy and safe work environment for Staff and Educators***

- Through compliance with OH&S legislation
- Having provision and implementation of relevant OH&S policies in the service’s office environment and in the homes of Family Day Care Educators
- Having relevant training and ongoing professional development

### ***Our Village Family Childcare Manager***

- Ensures the development of coherent aims and objectives that reflect the interests, values and beliefs of families, children and staff, and the stated aims of the service, and have a clear and agreed philosophy which guides business decisions.
- Ensures Staff do not use their position for personal gain or put individual interest ahead of responsibilities.
- Ensures and maintains a focus, integrity, and quality of service.
- Ensures staff act honestly, and with due care and diligence.
- Ensure the development of a sound framework of policies and procedures that complies with all legislative and regulatory requirements, that enables the daily operation of the service to be geared towards the achievement of the service's purpose.
- Ensure the service will manage the recruitment and orientation of new Educators in line with the Recruitment, Selection and Induction of Family Day Care Educators Policy and recruit only those deemed suitable (who have fulfilled all necessary recruitment and orientation requirements as outlined in the New Educator Checklist form)

### ***Privacy and Confidentiality***

SCCH will ensure when managing personal information there are sound systems and processes for storing confidential records relating to staff, Educators, children, volunteers, students, and families in the Coordination Unit office and in the Educator's homes.

The service and its Educators will only collect information that is necessary:

- For the care and education of children.
- To carry out the normal operational duties and administration tasks of the service.

All information collected from families, children, staff, and Educators is used only for the purpose it was intended.

Information about children and families must not be disclosed or communicated, directly or indirectly, to another person other than:

- To the extent necessary for the care, education, and medical treatment of the child.
- The parent or guardian\* of the child to whom the information relates.
- The Regulatory Authority (Department of Education).
- As required by any legislation or law.
- With the written consent of the person who provided the information.

\*Unless there is a court order in place that limits the release of information to that parent or guardian.

The service and its Educators will take reasonable steps to protect personal and sensitive information and prevent misuse, loss, unauthorised access, modification, or disclosure.

### ***Release of Client Information***

All confidential information is to be kept in individual family or Educator files and in a secure area e.g., a lockable filing cabinet. Coordination Unit Staff and Educators are obliged to ensure that information they release complies with the Health Record Acts and Information Privacy Act or other relevant legislation.

### ***Client Access to Information***

Clients have access to their personal information kept by Sunbury and Cobaw Health and OVFC and have the right to request inspection, copying and amendment of their personal information/health record. Should such a request be received, it shall be referred to the SCCH Privacy Officer.

### ***Confidentiality in Group Work / Training***

Members of groups run by OVFC should be made aware of confidentiality procedures. Confidentiality issues should form part of the introduction and orientation of Educators and the Coordination Unit.

### ***Storage of Organisation Records and Other Documents***

- All records that are collected by or created by the service are maintained and retained for the prescribed timeframes as per:
  - The Education and Care Services National Regulations (current version July 1, 2023)
  - Public Records Act 1973 and/or
  - SCCH Access to Client Records and Privacy and Consent Policy and Procedures.
- The service third party software system Harmony contains personal information about children, families' Educators and staff and inhibits unauthorised access, requiring individual log ins by different stakeholders.
- Hard copies of our records that contain more than 3 identifiers of personal information about our stakeholders must not be left in any area of the home or within the Coordination unit offer where an unauthorised person is able to access. The required information from the hard copy is to be referenced and documented within Harmony and destroyed.
- All prescribed information and documents kept in a record is not divulged or communicated, directly or indirectly, to another person other than:
  - To the extent necessary for education and care or medical treatment of the child to whom the information relates to; or
  - A parent of the child to whom the information relates, except in the case of information kept in a staff record; or
  - Inspection by the Regulatory Authority or an authorised officer; or
  - As expressly authorised, permitted, or required to be given by or under any Act or law; or
  - With the written consent of the person who provided the information
- Upon leaving the service Educators will provide all documents referred to in Part 4.7 Governance and Leadership, Regulation 178 (1) of the Education and Care Services National Regulations, (updated version July 1, 2023) to the Coordination Unit for secure management including:
  - Incident, Injury, Trauma, and Illness records
  - Medication records
  - Children's attendance records
  - Child enrolment records
  - Record of visitors to the FDC residence
  - Educational observations and learning

When children cease care all records relating to the child (as above) will be provided to the Coordination Unit for secure management (archiving) or destruction.

### ***Destruction of Documents***

All personal information always remains confidential. Records containing person or sensitive information are securely destroyed one they are no longer required, or when the retention period has been reached, using the secure document destruction service at SCCH.

### ***Record Keeping and Retention***

- Files and information created by OVFC are subject to the Public Records Act 1973, Version 41 and the Public Records Regulations 2013, V 1. The Public Records Office of Victoria (PROV) issues a General Disposal Schedule which sets out what records are kept permanently, those that need to be kept for a minimum period of time and finally, those that can be disposed of.
- The Education and Care Services National Regulations and Law ACT 2010 (current version July 1, 2023) specify record keeping and retention requirements for all education and care services and Educators.
- Family Day Care Educator and the Coordination Unit both have responsibility to ensure that records are kept securely, accurately and archived for the legally required period of time.
- A Family Day Care Educator who cares for a child, must keep the relevant prescribed documents securely stored and available for inspection by an authorised officer at that residence or venue for 12 months or until the child has left the service. The records must then be given to the Coordination Unit.

- Records to be kept by the Family Day Care Educator:
  - Attendance records
  - Enrolment records
  - Medication records and authorisation
  - Incident, injury, trauma, and illness records •
  - Training and Qualifications records
  - Records of the educational program and child assessments
  - Visitor records
- Records to be kept by OVFC:
  - Attendance records
  - Enrolment records
  - Medication records and authorisation
  - Accident, injury, trauma, and illness records
  - Educator Records
  - Staff and Educator Training and Qualifications records
  - Staff Records
  - Volunteer and Student Records
  - Complaints records
  - CCS and CCMS records

Following the Education and Care Services National regulations and Law ACT 2010, the document retention periods are:

Accident Forms	25 years after last contact
Injury/Illness	Forms 25 years after last contact
Medication Forms	Until the end of 3 years after child’s last contact
Attendance Forms	Until the end of 3 years after child’s last contact
Enrolment Forms	Until the end of 3 years after child’s last contact
Individual Child Records	Until the end of 3 years after child’s last contact
Complaints	Until the end of 3 years after child’s last contact
Excursion Forms	Until the end of 3 years after child’s last contact
Programs	Until the end of 3 years after child’s last contact
Timesheets	7 Years after children last contact
Risk Assessments – Routine and Specific Outings	Until the end of 3 years after child’s last contact
Individual Child Portfolios	Until the end of 3 years after child’s last contact
Financial records	7 Years after children last contact

The Retention periods for prescribed CCS & CCMS records to maintain approval, providers must keep certain records and notify the Department of Education of certain events. Failure to keep these records and provide the required notifications can result in an infringement notice, civil penalty order, criminal prosecution, suspension or cancellation of provider or service approvals, or other penalties.

All providers must keep and maintain the following records:

- Complaints made to the provider, or to any of the services of the provider, relating to compliance with Family Assistance Law
- A record of attendance for each child for whom care is provided (regardless of eligibility for Child Care Subsidy), including records of any absences from care.
- Statements or documents demonstrating that additional absence days in excess of the initial 42 (forty-two) absence days satisfy requirements.
- Copies of invoices and receipts issued for the payment of childcare fees.

- Copies of all Statements of Entitlement issued, and any statements issued to advise that there was a change of entitlement.

Providers must also keep a written record of the following, even if they would not otherwise record them in writing:

- Any notice given to a state or territory body about a child at risk of abuse or neglect.
- Copies of the evidence and information provided with an application for approval about persons with management or control of a provider and persons responsible for the day-to-day operation of a service.
- Any evidence or information produced to obtain police checks and working with children checks for personnel and to support any statements about these checks in an application for provider or service approval.
- Written records include records that are made and stored electronically, as long as they are stored safely and any changes, apart from incidental changes related to their storage and display, are also recorded.
- Providers must keep written records of all required background checks for specified personnel Specified personnel are:
  - Persons with management or control of the provider
  - Person or persons responsible for the day-day operation of the service
  - Service Contacts
  - Family Day Care Educators
  - In Home Educators

[\(Reference - Childcare Handbook July 2023\)](#)

#### REFERENCES:

- [Education and Care Services National Regulations, \(updated version July 1, 2023\) – Subdivision 2-4](#)
- [Privacy Law](#)
- [Commonwealth Privacy Act 1988](#)
- [Health Records Act 2001 – current version 1 September 2023](#)
- [Information Privacy Act 2000 \(Vic\)](#)
- [Childcare Provider Handbook July 2023](#)
- [Public Records ACT 1973](#)
- [Public Records Regulations 2013](#)

#### RELATED POLICIES & PROCEDURES/ WORK INSTRUCTIONS:

- Code of Conduct – 40
- Keeping a Register of Family Day Care Educators - 17
- Enrolment and Orientation – 31
- Child Safety and Wellbeing – 55
- Health and Safety – Administration of First Aid – 48
- Emergency Evacuation and Bush Fire Management - 46
- Visitors to Family Day Care residences and Care Venues - 47
- SCCH Grievance and Issue Resolution Policy and Procedure
- SCCH Open Disclosure Policy and Procedure
- SCCH Open Disclosure Work Instruction



**VERSION CONTROL AND LEGISLATION:**

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