

Governance and management of the service including confidentiality of records Policy & Procedure

Policy Statement

The education and care service aims to ensure that appropriate governance arrangements are in place to manage the service and act in accordance with requirements under the Education and Care Services National Regulation.

Our education and care service recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. This policy has been developed with regard to the *Information Protection Principles (IPPs) (2003)* and pursues the highest standard in the protection and preservation of privacy and confidentiality

Links Education and Care Centres National Regulations 2018, National Quality Standard 2018

Regs	S. 13	Matters to be taken into account in assessing whether fit and proper person
	S. 14	Regulatory Authority may seek further information
	S. 21	Reassessment of fitness and propriety
	S. 51	Conditions on service approval
	S. 162	Offence to operate education and care service unless responsible person is present
	S. 165	Offence to inadequately supervise children
	S. 172	Offence to fail to display prescribed information
	S.173	Offence to fail to notify certain circumstances to Regulatory Authority
	S. 174	Offence to fail to notify certain information to Regulatory Authority
	S. 175	Offence relating to requirement to keep enrolment and other documents
	S. 188	Offence to engage person to whom prohibition notice applies
	29	Condition on service approval-insurance
	31	Condition on service approval-quality improvement plan
	55	Quality improvement plan
	56	Review and revision of quality improvement plans
	73	Educational program
	74	Record of child assessments or evaluations for delivery of educational program
	84	Awareness of child protection law
	85	Incident, injury, trauma and illness policies and procedures
	117A	Placing a person in day-to-day charge
	117B	Minimum requirements for person in day-to-day charge
	117C	Minimum requirements for a nominated supervisor
	136 (3)	First Aid qualifications
	157	Access for parents
	158	Children's attendance record to kept by approved provider
	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
	170	Policies and procedures to be followed
	171	Policies and procedures to be kept available
	172	Notification of change to policies and procedures
	173	Prescribed information to be displayed
	174	Time to notify certain circumstances to Regulatory Authority
	175	Prescribed information to be notified to the Regulatory Authority
	176	Time to notify certain information to Regulatory Authority
	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

QA	<u>1.3.1</u>	Each child's learning and development is assessed as part of an ongoing cycle of planning, documenting and evaluation
	<u>4.2.2</u>	Professional standards guide practice, interactions and relationships
	<u>5.1.2</u>	The dignity and rights of the child are maintained at all times
	<u>6.1.1</u>	Respectful supportive relationships are developed and maintained
7		Governance and Leadership (7.1, 7.1.2, 7.1.3, 7.2, 7.2.1, 7.2.2, 7.2.3)

Related Legislation

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>

Principles that Inform the Policy

Governance is the process that directs and controls our Service, ensuring accountability and supporting decision making. The approved provider and nominated supervisor of the Service accept the legal responsibilities associated with establishing, administering, and maintaining the Service. Management may include Persons with Management or Control of the Service (PMC) as defined by ACECQA. Persons with management or control may *participate in executive or financial decision-making or have authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service* (ACECQA 2023). Our Service has the following established positions:

Approved Provider	Annette Potter
Nominated Supervisor	Debbie Waters
Persons with Management or Control	Annette Potter
Educational Leader	Shannyn Merchant Melanie Baillie
Educator/Responsible Persons	Shannon Blackwell Laila Waters Lucinda Rushton Lorrain Gombi Dylan Cooke Anna Lugona

Roles and Responsibilities

The Approved Provider is responsible for:

The Approved Provider holds overall legal accountability for the operation of the Service. Their responsibilities include:

- Ensuring the Service complies with the Education and Care Services National Law and National Regulations, and that all employees, educators, students, and volunteers also comply.
- Making sure all staff are informed of and adhere to this Governance Policy.
- Informing families of the Service's governance and management practices.
- Submitting all notifications and reports to the Department within required timeframes under the National Quality Framework (NQF) and Family Assistance Law (FAL).
- Meeting all obligations under Family Assistance Law.
- Appointing a suitably qualified Nominated Supervisor, Educational Leader, and Coordinator/Director.
- Providing resources and support to ensure the Nominated Supervisor and management team can effectively administer the Service.
- Notifying the regulatory authority of:
 - changes to the Nominated Supervisor (within 7 days prior to appointment or up to 14 days after commencement),
 - changes to Persons with Management or Control (within 14 days),
 - changes to the age groups of children or the nature of care provided (as per Regulation 175).
- Displaying required information in accordance with Regulation 173, including the Service's NQS rating levels.
- Ensuring all staff and educators complete background checks (e.g., Working with Children Check, criminal history) as required by legislation.
- Assessing whether each staff member is a fit and proper person, and providing evidence to the regulatory authority when requested.
- Implementing induction and probation programs that cover roles, responsibilities, values, policies, procedures, child protection legislation, and workplace culture.
- Developing and upholding the Service philosophy to guide decision-making and daily practices.
- Acting with honesty, diligence, and accountability.
- Ensuring families of enrolled children can access the Service premises (Regulation 157).
- Maintaining current and compliant policies and procedures that reflect the Service's philosophy and legislative obligations.
- Protecting children's health, safety, and wellbeing by taking all reasonable precautions to prevent harm or hazard.
- Ensuring policies are followed if a child becomes injured, ill, or experiences trauma (Regulation 85).
- Storing incident, injury, illness, or trauma records securely until a child turns 25 years old (or 7 years after the child's death, if applicable).
- Meeting all responsibilities as an employer, including staff appointment, monitoring performance, and ensuring qualifications remain current.

- Clarifying the management hierarchy so all staff understand lines of authority.
- Providing constructive written and verbal feedback and direction to staff.
- Maintaining financial viability by reviewing budgets, approving financial reports, and ensuring solvency at all times.
- Ensuring the Service holds current public liability insurance of at least \$10,000,000 (or as required by state/territory law).
- Managing accountability systems and monitoring internal controls.
- Reviewing work processes regularly and supporting continuous improvement.
- Completing and updating the Quality Improvement Plan (QIP) at least annually, or as requested by the regulatory authority (Regulations 31 & 56).
- Establishing clear aims, goals, and defined roles and responsibilities for the Management Committee and staff.
- Evaluating and improving the performance of the Management Committee.
- Ensuring the educational program is based on an approved learning framework (MTOP) and promotes each child's identity, wellbeing, and development.
- Complying with all other relevant Commonwealth, state, and territory legislation affecting service operations.
- Keeping copies of the National Law and National Regulations available at the Service for staff, families, and visitors (Regulation 185).
- Ensuring the physical environment, equipment, and facilities meet all requirements.
- Notifying families at least 14 days before any significant policy or procedural change that:
 - affects fees or payment methods,
 - impacts education and care practices, or
 - affects families' ability to use the Service.
- Informing the regulatory authority if the Service introduces or ceases transportation (Regulation 175).

The Nominated Supervisor – Responsibilities

The Nominated Supervisor manages the Service on a daily basis and ensures policies, regulations, and ethical standards are followed. Their responsibilities include:

- Complying with the National Law and National Regulations.
- Developing and modelling ethical standards and a Code of Conduct that reflects the Service's philosophy and expectations.
- Conducting regular risk assessments and implementing risk management strategies.
- Making consistent, transparent decisions that build stakeholder trust.
- Overseeing the daily operations of the Service.
- Meeting all notification and reporting requirements under the NQF and relevant legislation.
- Maintaining a strong and effective partnership with the Management Committee, based on clear roles, responsibilities, and open communication.
- Collaborating with educators and staff to achieve outcomes, ensuring all work aligns with current policies and procedures.
- Providing ongoing training, resources, and support to educators.

- Reporting significant issues such as Work Health and Safety concerns, fraud, or complaints.
- Allocating tasks appropriately and in writing, with clear timeframes for completion.
- Ensuring educators and staff do not delegate responsibilities they are directly accountable for.
- Monitoring adherence to Service policies and procedures.

Service Philosophy

- The philosophy and policies will be reviewed annually (or earlier if required).
- The philosophy underpins all documentation and daily practice.
- It reflects the principles of the approved national framework My Time, Our Place: Framework for School Age Care in Australia (V2.0).
- Children, families, and educators will be consulted in its development and review.
- All documentation will include approval and review dates.

Code of Conduct

All staff, educators, and management must follow the Service's Code of Conduct, which provides guidance on professional behaviour in relation to:

- confidentiality,
- recruitment,
- duty of care,
- record keeping,
- professional relationships, and
- appropriate use of Service resources.

Confidentiality

All staff, educators, Responsible Persons, the Nominated Supervisor, and the Management Committee must protect confidentiality at all times. This includes:

- Not disclosing information unless required by law.
- Not using information for personal or financial gain.
- Preventing unauthorised access to documents and records.
- Treating digital communications (email, text, electronic files) with the same confidentiality as paper records.

The obligation to maintain confidentiality continues even after employment or committee membership ends. It also applies to visitors or guests attending meetings.

Ethical Decision-Making

All decisions must align with:

- Service policies and procedures,
- the National Law and National Regulations,
- the approved learning framework (MTOF), and
- the ECA Code of Ethics.

Review and Evaluation of the Service

- Continuous review and evaluation will involve all stakeholders.
- A Quality Improvement Plan (QIP) will be maintained and regularly updated to reflect strengths, challenges, and areas for improvement.

Maintenance of Records

- The Service will comply with record keeping requirements under Regulations 177–184.
- Records will be stored securely (locked or password-protected).
- The Service must maintain sufficient records about staff, children, and families to ensure lawful and dependable operations.
- Record retention must also meet the requirements of:
 - the Australian Tax Office (ATO),
 - the Family Assistance Office (FAO),
 - Family Assistance Law, and
 - the Education and Care Services National Law and Regulations.
- Orientation and induction will include training on record keeping and confidentiality.

Managing Conflicts of Interest

- All management, supervisors, and senior staff must declare any actual, potential, or perceived conflicts of interest.
- A Conflict of Interest Register will be maintained.
- Members with a declared conflict must:
 1. Notify the Approved Provider.
 2. Refrain from participating in related decisions or meetings.
 3. Provide all relevant information to the committee or licensee.
 4. Ensure minutes reflect the disclosure and actions taken.
- A Conflict of Interest Disclosure Statement must be completed on appointment and annually, with updates provided as required.

Access to Information

The Nominated Supervisor will ensure that information kept is not divulged or communicated, directly or indirectly, to anyone other than:

- Medical and developmental information that is required to adequately provide education and care for the child, or
- The Department of Education and Communities, or an authorised officer, or
- As permitted or required by any Act or Law.

Individuals will be allowed access to their personal information when they request it. Authorised persons may request to view any information kept on their child.

Information may be denied under the following conditions:

- Access to information could compromise the privacy of another individual;

- The request for information is frivolous or vexatious;
- The information relates to legal issues, or there are legal reasons not divulge the information such as in cases of custody and legal guardianship.

Procedure

1. Governance and Management Roles

- The Approved Provider is responsible for legal compliance, financial viability, insurance, staffing, policy oversight, and reporting obligations.
- The Nominated Supervisor manages the day-to-day operation of the Service, ensuring policies, procedures, and risk management strategies are implemented.
- Responsible Persons ensure operations comply with legislation during periods when they are in charge of the Service.
- All staff and educators must follow the Service's policies, procedures, and Code of Conduct.

2. Confidentiality of Records

- All records must be stored securely in locked cabinets or password-protected systems.
- Access to confidential information is restricted to authorised persons only.
- Information may only be disclosed to:
 - parents/guardians about their own child;
 - medical professionals when needed for a child's wellbeing;
 - authorised officers from the Department of Education or other regulatory bodies;
 - as required or permitted by law.
- Confidential information must never be shared for personal or financial gain.
- Staff must treat digital communications (emails, texts, electronic files) with the same level of confidentiality as paper records.

3. Maintenance of Records

- Records will be kept in line with Education and Care Services National Regulations (Reg. 177–184).
- Child enrolment, medical, and incident records must be stored until the child is 25 years of age (or 7 years after death, if applicable).
- Staff employment records will be kept for the legally required minimum period.
- The Approved Provider determines storage methods and retention timelines, ensuring compliance with:
 - National Law and Regulations
 - Family Assistance Law
 - ATO and FAO requirements.

4. Access to Information

- Families have the right to access information about their own child upon request.
- Requests may be denied if:
 - disclosure would breach another person's privacy;
 - the request is frivolous or vexatious;
 - legal restrictions apply (e.g., custody or guardianship orders).

5. Conflict of Interest

- All management, supervisors, and staff must declare any actual, potential, or perceived conflicts of interest.
- Conflicts must be recorded in the Conflict of Interest Register.
- Staff with a conflict of interest must abstain from decision-making on the matter.

6. Review and Continuous Improvement

- The Approved Provider and Nominated Supervisor will review this policy annually or when legislative changes occur.
- Feedback from families, educators, and management will inform improvements.
- Records management systems will be reviewed regularly to ensure security and compliance.
- The Service's Quality Improvement Plan (QIP) will reflect outcomes of reviews and identified improvements.

Continuous Improvement/Reflection

Our Governance and Management of the service including confidentiality of records Policy will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

SOURCES

Australian Children's Education & Care Quality Authority. (2014).
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Comments:

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