

Governance and management of the service including confidentiality of records

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	<u>177</u>	Prescribed enrolment and other documents to be kept by approved provider
	<u>181</u>	Confidentiality of records kept by approved provider
	<u>183</u>	Storage of records and other documents
	<u>85</u>	Incident, injury, trauma and illness policies and procedures
	<u>86</u>	Notification to parents of incident, injury, trauma and illness
	<u>87</u>	Incident, injury, trauma and illness record
	88	Infectious diseases
	<u>89</u>	First Aid kits
	90	Medical conditions policy
	91	Medical conditions policy provided to parents
	92	Medication record
	93	Administration of medication
	94	Exception to authorisation
	96	Self-administration of medication
	<u>136</u>	First Aid qualifications
	<u>146</u>	Nominated supervisor
	<u>161</u>	Authorisations to be kept in enrolment record
	<u>162</u>	Health information to be kept in enrolment record
	<u>183</u>	Storage of records
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
	<u>7.1.2</u>	Systems are in place to manage risk and enable the effective management and operation of a quality service.
	<u>7.1.3</u>	The induction of educators, co-ordinators and staff members is comprehensive

Governance and Management

Procedure

The Approved Provider is responsible for:

- ensuring compliance with the Education and Care Services National Law and Education and Care Services National Regulations
- complying with Family Assistance Law
- appointing a Nominated Supervisor, an Educational Leader and a Director/coordinator for the Service
- displaying the prescribed information as listed in Regulation 173 including the current rating levels for each quality area stated in the National Quality Standard
- ensuring background checks, including criminal history and Working With Children Checks/ Clearance, are completed for all staff and educators [amend for your state/territory requirements]
- determining whether or not a person working in the service is a 'fit and proper person'
- provide information to the regulatory authority upon request in relation to being a 'fit and proper person'
- implementing a probation and induction orientation program to ensure employees are aware of their roles and responsibilities, understanding of the values and organisational culture of the Service, policies and procedures, child protection law and other legislation
- supporting the Nominated Supervisor [Responsible Persons] in their role, providing adequate resources to ensure effective administration of the Service
- developing a clear and agreed philosophy, which guides business decisions and the work of management and staff
- acting honestly and with due diligence
- ensuring that families of enrolled children have access to enter the premises (regulation 157)
- ensuring there is a sound foundation of policies and procedures that complies with all legislative and regulatory requirements, and that enables the daily operation of the Service to be in line with the Service's philosophy and goals
- maintaining up to date and current policies and procedures for compliance by all educators
- ensuring the health, safety and wellbeing of children and taking every reasonable precaution to protect children from harm or hazard
- ensuring policies and procedures are followed in the event that a child is injured, becomes ill or suffers a trauma (Reg.85)
- confirming incident, injury, illness or trauma records are stored in a kept in a safe and secure place until the child is 25 years of age. In the event of a death of child while being cared for by the service or may have occurred as a result of an incident, the records must be kept until 7 (seven) years after the death.
- being an employer, including all legal and ethical responsibilities that this entails
- appointing staff and monitoring their performance
- ensuring educator qualification requirements are current
- ensuring all educators and staff have a clear understanding of the hierarchy of management
- providing clear and direct written and verbal feedback and instruction that is suitable and appropriate to the task
- ensuring the Service remains financially viable and can meet its debts and other obligations as they fall due
- ensuring the Service holds a current insurance policy for public liability with a minimum cover of \$10, 000, 000 [or public liability provided by the Government of a State or Territory in respect for an education and care service]

- managing control and accountability systems
- reviewing the Service's budget and monitoring financial performance and management to ensure the Service is solvent at all times and has sound financial strength
- approving annual financial statements and providing required reports to government bodies and maintaining appropriate delegations and internal controls
- complying with funding agreements where appropriate
- reviewing the work process regularly
- completing a Quality Improvement Plan (QIP) for the Service and updating it at least annually
- ensuring the QIP is updated upon request by the regulatory authority and submitted to the regulatory authority upon request (Reg. 31, 56)
- developing coherent aims and goals that reflect the interests, values and beliefs of all stakeholders of the Service
- establishing clearly defined roles and responsibilities for the members of the Management Committee and staff, individually and as a collective, and clearly articulating the relationship between all stakeholders
- evaluating and improving the performance of the Management Committee.
- ensuring the educational program is based on an approved learning framework (EYLF) and contributes to each child's sense of identity and wellbeing
- complying with all other NSW and Australian governments' legislation that impacts upon the management and operations of a Service
- ensuring all notification and reporting requirements are met regarding the National Quality Framework and other legislation
- ensuring a copy of the Education and Care Services National Regulations and National Law is available at all times at the service for use by educators, staff, families and visitors (Reg. 185)
- ensuring that requirements relating to the physical environment, space, equipment and facilities are met
- notifying families at least 14 days before changes to policy or procedures that:
 - affect the fees charged or the way they are collected
 - significantly impact the service's education and care of children, or
 - significantly impact the family's ability to utilise the service.

THE NOMINATED SUPERVISOR IS RESPONSIBLE FOR:

- adhering to the Education and Care Services National Law and National Regulations
- developing ethical standards and a code of conduct which guide actions and decisions in a way that is consistent and reflective of the Service's expectations
- undertaking periodical planning and risk assessments and having appropriate risk management strategies in place to manage risks faced by the Service
- ensuring that actions taken, and decisions made are clear and consistent and will help build confidence in all stakeholders
- the day-to-day management of the Service
- ensuring all notification and reporting requirements are met regarding the National Quality Framework and other legislation

- the effectiveness of the Service's well-defined partnership between the Management Committee and the Nominated Supervisor. The partnership requires clear understanding of roles and responsibilities, and regular and open communication.
- producing outcomes together with educators and staff. Educators must agree on their responsibilities and work according to current policies and procedures.
- providing educators with training, resources and support
- identifying and reporting if something significant occurs (for example: Work Health and Safety; Fraud Prevention; Complaint handling)
- identifying work required for completion and delegate to the appropriate educator/staff
- ensuring educators and staff do not delegate responsibilities for which they are accountable for or have been delegated to them by Management
- delegate all tasks in writing with a clear due date
- ensuring educators are adhering to service policies and procedures.

Service Philosophy

- The development and review of the philosophy and policies will be a continuous process on an annual basis or when required.
- The philosophy and associated statement of purpose will reinforce all other documentation and the practices of the Service.
- The philosophy will reflect the principles of the approved national *"My Time, Our Place: Framework for School Age Care in Australia"*.
- There will be a collaborative and consultative process to support the development and maintenance of the philosophy that will include children, parents and educators.
- All documents will be dated and include nominated review dates.

Code of Conduct

The standards of behaviour outlined in our *Code of Conduct Policy* provide guidance for all staff to make personal and ethical decisions related to confidentiality, recruitment, duty of care, record keeping, professional relationships and appropriate use of resources within the Service.

Confidentiality

The Approved provider, the Nominated Supervisor, Responsible Person, educators, and staff who gain access to confidential information, whether in the course of their work or otherwise, shall not disclose information to anyone unless the disclosure of such information is required by law and will respect the confidentiality of all documents and meetings that occur. Child Information Sharing may be mandated to promote children's wellbeing and safety under NSW legislation.

This also includes:

- using information acquired for their personal or financial benefit, or for the benefit of any other person.
- permitting any unauthorised person to inspect or have access to any confidential documents or other information.

- any information received or transmitted via mobile telephone (including text/SMS) or any other electronic device (e.g., email) shall be treated with the same confidentiality as any other written form of communication and must be stored confidentially.

This obligation, placed on a Nominated Supervisor, Responsible Person, educator, and staff shall continue even after the individual has completed their term and is no longer employed by the Service. The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the Management Committee.

Ethical Decision making

Our Service will make decisions which are consistent with our policies and procedures and that work in conjunction with the Education and Care Services National Law and National Regulations, our approved learning framework (EYLF), and the ethical standards within the ECA Code of Ethics.

Review and evaluation of the Service

- Ongoing review and evaluation will support the continuing development of the Service. We will ensure that the evaluation involves all stakeholders.
- The development of a Quality Improvement Plan (QIP) will form part of the reflection procedure. Reflection on what works within the Service and what needs additional development will be included in the QIP.

Maintenance of records

- The Service will adhere to record keeping requirements outlined in the National Regulations (177)
- The Service will adhere to the storage of confidential records outlined in the National Regulations (181-184), by ensuring all confidential records are stored in a locked cupboard.
- The Service has a responsibility to keep sufficient records about staff, families, and children in order to operate dependably and lawfully
- The Service will safeguard the interests of all children, their families, and the staff, using procedures to ensure appropriate privacy and confidentiality practices are upheld
- The Approved Provider assists in determining the process, storage location, and timeline for storage of records, using the National Regulations as a minimum standard
- The Service's orientation and induction processes will include the provision of significant information to managers, educators, children, and families to comply with National Regulations and Standards
- The Approved Provider will ensure that the record retention procedure meets the requirements of the following government departments and laws:
 - Australian Tax Office (ATO)
 - Family Assistance Office (FAO)
 - Family Assistance Law
 - National Law and Regulations

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 to divulge the information such as in cases of custody and legal guardianship.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Governance 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).

ACECQA. (2021). Policy and procedure guidelines. *Governance and Management Guidelines*.

Australian Government. Department of Education. *Child Care Provider Handbook (2022)*

<https://www.education.gov.au/child-care-package/child-care-provider-handbook>

Early Childhood Australia Code of Ethics. (2016).

Early Learning Association Australia (ELLA) *Employee management and development kit* (2014)

<https://ela.org.au/resources/free-resources/employee-management-development-kit/>

Education and Care Services National Law Act 2010. (Amended 2018).

[Education and Care Services National Regulations](#). (2011).

Guide to the National Quality Framework. (2017). (Amended 2020).

Revised National Quality Standard. (2018).

Work Health and Safety Act 2011 (Cth).

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