



RECORD KEEPING AND DATA RETENTION POLICY

Best Practice – Quality Area 7

PURPOSE

Shine Bright EYM (Shine Bright), has overall responsibility for overseeing and ensuring records are maintained and archived in accordance with relevant legislation and standards.

The purpose of establishing a Record Keeping and Data Retention Policy is to clearly define how the organisation maintains and manages appropriate records in a private and confidential manner, working in accordance with legislative requirements and best practice standards.

POLICY STATEMENT

VALUES

Shine Bright is committed to ensuring that there are appropriate systems and processes in place to enable:

- Good governance and management of the organisation.
- Accountability to its stakeholders (children, families, staff, volunteers, students and the Department of Education and Training).
- Compliance with all regulatory and legislative requirements placed on the organisation.
- Shine Bright to remain solvent and comply with all its financial obligations.
- The rights of all children to have access to high quality, safe early learning environments which promote learning including:
 - embedding Aboriginal and Torres Strait Islander perspectives into practice
 - promoting the cultural learning of Aboriginal children
 - promoting the cultural learning of children from culturally and linguistically diverse backgrounds/families
 - promoting the learning of children with a disability
 - taking reasonable steps to ensure the health, safety and wellbeing of children at all times, while also promoting each child's learning and development
 - continuously improving all of our services

SCOPE

This policy applies to Shine Bright, Nominated Supervisors, educators and staff.

RESPONSIBILITIES

Shine Bright is responsible for:

- Overall responsibility in ensuring that all documents and records relating to children, families, staff, health and safety and financial matters are maintained and archived in accordance with relevant legislation and standards.
- Ensuring appropriate training and communication is provided to staff.

Senior Managers are responsible for:

- Ensuring that all documents and records relating to children, families, staff, health and safety and financial matters in their areas of responsibility are maintained and archived in accordance with relevant legislation and standards. This will involve liaising with and communicating with relevant external organisations and internal staff.
- Keeping abreast of relevant regulation and legislation changes that might have an impact on current practice and follow up as appropriate.
- Provision of appropriate training and communication to staff.

The Nominated Supervisors are responsible for:

- Ensuring records are kept in accordance with compliance requirements, stored appropriately in a secure manner and kept confidential at all times at service of responsibility. Queries are followed up with their Early Years Advisor.

All staff are responsible for:

- Working with their Nominated Supervisor and Educational Leader to ensure records are kept in accordance with compliance requirements, stored appropriately in a secure manner and kept confidential at all times.

REVIEW

To assess whether the values and purposes of the policy have been achieved, Shine Bright will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness.
- Monitor the implementation, compliance, complaints and incidents in relation to this policy.
- Keep the policy up to date with current legislation and best practice.
- Revise the policy and procedures as part of Shine Bright's policy review cycle, or as required.

ATTACHMENTS

- Attachment 1: Record Keeping, Retention Periods and Storage

AUTHORISATION

This policy was adopted Shine Bright on 25/03/2020

REVIEW DATE:

MARCH 2023

RELATED POLICIES

Administration of First Aid
Administration of Medication
Complaints
Confidentiality and Privacy
Dealing with Medical Conditions
Delivery and Collection of Children
Determining Responsible Person
Emergency and Evacuation
Enrolment and Orientation
Excursions, Service Events and Regular Outings
Governance and Management of the Service
Incident, Injury, Trauma and Illness
Participation of Volunteers and Students
Staffing
Staff Recruitment and Induction

Legislation and standards

Relevant legislation and standards include but are not limited to:

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011: Regulation 177, 181,183 and 184
- National Quality Standard, Quality Area 7: Leadership and Service Management Standard 7.1: Administrative Governance supports the operation of a quality service.
- Fair Work Regulations 2009
- Privacy Act 1988
- Occupational Health and Safety Act 2004
- Financial Management Act 1994

ATTACHMENT 1

RECORD KEEPING, RETENTION PERIODS AND STORAGE

The table below sets out the requirement for retaining different types of records and information in relation to children, the management of the kindergarten services, staff, volunteers and financial information. The files should be labelled with the destroy dates and those that contain confidential information should be password protected or securely stored.

Where there are data protection, including confidentiality issues containing personal information, paper records must be disposed of securely at the end of their retention period via security shredding or confidential waste bins.

Keeping Records and Retention Periods

Children's Records	Retention Period	Authority
Enrolment record	Until the end of 3 years after the child's last attendance at the service. Regulations 160, 177(1)(l), 178(1)(e) & 183	Australian Children's Education and Care Quality Authority (ACECQA)
Attendance record	Until the end of 3 years after the last date on which the child was educated and cared for by the service. Regulations 158, 159, 177(1)(k), 178(1)(d) & 183	ACECQA
Child's assessments or evaluations for delivery of the educational program	Until the end of 3 years after the child's last attendance at kindergarten. Regulations 74, 177(1)(a), 178(1)(a) & 183	ACECQA
Medication record	Until the end of 3 years after the child's last attendance at kindergarten. Regulations 92, 177(1)(c) & 178(1)(c) & 183	ACECQA
Incident, injury, trauma and illness	Keep the record until the child is 25 years old. Regulation 87, 177(1)(b), 178(1)(b) & 183,	ACECQA
Death of a child whilst being educated and cared for by the service	Keep the record until the end of 7 years after the child's death. Regulations 12 & 183(2)(c)	ACECQA

Complaint record	3 years after the date on which the record was made	National Quality Framework (pg. 475)
Personnel Records	Retention Period	Authority
Personnel files and training records for staff	7 years after employment ceases	Fair Work Regulations 2009
Records for volunteers	Until the end of 3 years after the volunteer attended the service. Regulation 149 & 183(2)(f)	ACECQA
Records for students	Until the end of 3 years after the student attended the service. Regulations 149 & 183(2)(f)	ACECQA
Records for Responsible Persons in day-to-day charge including Nominated Supervisors placed in day-to-day charge	Until the end of 3 years after the staff member works for the service Section 162 Regulation 145, 150 & 177	ACECQA
Records for Educators working directly with children on the day	Until the end of 3 years after the staff member works for the service. Regulation 151 & 183(2)(f)	ACECQA
Application forms and interview notes for unsuccessful candidates	3 to 6 months following interviews	Australian Privacy Principles
Pay Records	Retention Period	Authority
Wages/salary records (including overtime, bonuses and expenses)	7 years	Fair Work Regulations 2009
Redundancy details including calculations of payments	7 years from the date of redundancy	Fair Work Regulations 2009
Parental leave record	7 years	Fair Work Regulations 2009
Financial Records	Retention Period	Authority

Accounting record	7 years	Financial Management Act 1994
Health and Safety Records	Retention Period	Authority
Staff accident record	3 years from the date of the last entry	OH&S Act 2012
Records of any reportable death, injury, disease or dangerous occurrence	3 years from the date of the last entry	OH&S Act 2012
OH&S Risk Assessments	Until the end of 3 years after the Approved Provider operated the service Regulation 183(2)(e) Until 3 years after the record was made Regulation 183(2)(g)	OH&S Act 2012 ACECQA
Excursion Risk Assessments	Until 3 years after the record was made. Regulations 100, 101 & 183(2)(g)	ACECQA
WorkCover Employee Claim form	99 years	OH&S Act 2012
Administration Records	Retention Period	Authority
Insurance certificates	40 years from the date insurance commences or is renewed	DET
Meeting minutes	Until 3 years after the record was made. Regulation 165 & 183(2)(g)	ACECQA
Sign In/Visitor book	Until 3 years after the record was made. Regulation 165 & 183(2)(g)	ACECQA

Storage of Records

Shine Bright will ensure that confidential information and records will be stored in a safe and secure location for the relevant time periods as identified in the '*Keeping Records and Retention Period*' table. These records will only be made accessible to relevant individuals.

Shine Bright 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 treatments of the child to whom the information relates to,
- A parent of the child to whom the information relates to, 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, or
- With the written consent of the person who provided the information.

If a kindergarten is transferred under the law, documents relating to a child must not be transferred without the express consent of the child's parent/s.

Records that relate to children and are to be kept 3 years or less, are to be kept at the relevant kindergarten.

Records that relate to children and are to be kept more than 3 years, are to be brought to central office, kept in kindergarten groups, scanned (external) and saved electronically within appropriate security controls.