

YMCA Geelong- Record Keeping, Notifications and Confidentiality of Records in Children's Services Policy



OFFICE USE ONLY

| Policy Number | Date Approved | Date Last Amended | Status |
|---------------|--------------------------|--------------------------|----------|
| YG 153-O | 04/04/2014 05/02/2021 | 20/03/2017 05/02/2021 | APPROVED |

1. RECORD KEEPING, NOTIFICATIONS and CONFIDENTIALITY OF RECORDS IN CHILDREN'S SERVICES POLICY

2. INTRODUCTION

The YMCA must ensure all information and records kept by a children's service are within the requirements of the Education and Care Services National Regulations, Privacy Act and Regulations and Family Assistance Law. This policy assists services to ensure that all persons' right to confidentiality of records is maintained at all times.

3. POLICY

3.1 Record Keeping and Notifications The YMCA must keep and maintain the following records:

| Records needed to kept | Notifications you need to action |
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| Complaints- complaints made to the provider, or to any of the services of the provider, relating to compliance with Family Assistance Law | Changes to staff including change of circumstances |
| Additional records- 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 | Change to service operations |
| Additional absences records- statements or documents demonstrating that additional absence days in excess of the initial 42 absence days satisfy requirements | Vacancy information |
| Copies of fees documents- copies of invoices and receipts issued for the payment of child care fees | Cessation of operations |
| Notice about a child at risk | Changes to service contact information |
| Copies of evidence supporting approval application for Child Care Subsidy- copies of | Service entering administration or liquidation |

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| <p>all Statements of Entitlement issued and any statements issued to advise that there was a change of entitlement.</p> | |
| <p>Documentation on police checks and working with children checks, NDIA screened employee- 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 Record keeping and notifications</p> <p>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.</p> | |
| <p>Register of care- 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 (see Who are specified personnel?). Records must be kept for seven years.</p> | |

3.2 Matters for Notification to Department of Education and specified timeframes

| Matters to be notified | Timeframe for notification |
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| <p>The total hourly fee charged by the service for care for each approved child care service of the provider (before any fee reduction amounts or other rebates or discounts) as set out in any policy or advertising information provided to individuals who enrol their children with the service.</p> <p>Any change to the fee information.</p> | <ul style="list-style-type: none"> • Within 14 days of any of the following: • commencement of the service • notice of approval of the service • any change. |
| <p>The hours and days on which each approved child care service of the provider operates, with opening and closing times notified in 24-hour format.</p> <p>Any change to the operating hours.</p> | <ul style="list-style-type: none"> • Within 14 days of: • commencement of the service • notice of approval of the service • any change. |
| <p>The number of anticipated vacancies that the provider has available to fill in each of its approved child care services for each day of the following week (beginning on a Monday).</p> <p>A vacancy is:</p> <ul style="list-style-type: none"> • for an Outside School Hours Care service—an ongoing full-session vacancy. | <ul style="list-style-type: none"> • By 8.00 pm (AEST) each Friday |
| <p>Ceasing to operate an approved child care service:</p> <ul style="list-style-type: none"> • to avoid being in breach of a law of the Commonwealth, a state or a territory • due to circumstances beyond the provider’s control when 42 days’ notice cannot be given | <p>Within 24 hours after ceasing to operate the service.</p> |
| <p>Change of physical or postal address of:</p> <ul style="list-style-type: none"> • the provider • the premises from which any of the provider’s approved child care services operate. | <p>No later than 30 days before the change or, if the change was not foreseeable at that time, as soon as practicable.</p> |
| <p>Change to the name of:</p> <ul style="list-style-type: none"> • the provider • any of the provider’s approved child care services, including evidence of name change | <p>Within 14 days after the change.</p> |
| <p>Change of any of the following contact details of the provider or of any of the provider’s approved child care services:</p> <ul style="list-style-type: none"> • email address • website • telephone number | <p>Within 14 days after the change.</p> |

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| <ul style="list-style-type: none"> • Information about any new person: • with management or control of the provider (including any person who becomes responsible for the day-to-day operation of any of the provider’s approved child care services) • The information must include: • the name and contact details of the new person • a declaration that the provider has undertaken all background checks required for the new person, together with details of the new person’s working with children card, if applicable. | <p>Within seven days after the new person becomes a person with management or control of the provider.</p> |
| <p>Change of the name or contact details for any of the following persons:</p> <ul style="list-style-type: none"> • a person with management or control of the provider (including any person who is responsible for the day-to-day operation of any of the provider’s approved child care services) | <p>Within seven days after the provider becomes aware of the change</p> |
| <p>The provider becomes aware, because of a background check undertaken for a specified person, that the person:</p> <ul style="list-style-type: none"> • has a serious conviction or finding of guilt for any of the following offences under a law of Australia or of a foreign country <ul style="list-style-type: none"> - an indictable offence punishable by a maximum of two years imprisonment or 40 penalty units - an offence involving violence or a sexual offence - an offence involving fraud, stealing or dishonesty • is an undischarged bankrupt, or • was a director or secretary of a corporation when the corporation went into administration, receivership or liquidation, or at any time during the 12 months beforehand. | <p>Within seven days after the provider receives a record of the check.</p> |
| <p>An event or circumstance in relation to a person with management or control of the provider (including a person responsible for the day-to-day operation of any of the provider’s approved child care services) that reasonably indicates that the person is not likely to be a fit and proper person to be involved in the administration of Child Care Subsidy.</p> | <p>Within seven days after the provider becomes aware of the event or circumstance.</p> |
| <p>A person stops having management or control of the provider (including when a person stops having day-to-day responsibility for the operation of any of the provider’s approved child care services).</p> <p>The provider must also notify the Secretary of the Department of Education, Skills and Employment of when,</p> | <p>Within seven days after the person stops having management or control of the provider.</p> |

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| and the reason, the person stopped having management or control of the provider. | |
| <p>An educator obtains a child care qualification from a registered training organisation and:</p> <ul style="list-style-type: none"> the provider or person with management or control has an interest in that registered training organisation by virtue of which the provider or person owns, operates, controls or carries out the registered training organisation, and either <ul style="list-style-type: none"> it appears that the educator has not obtained the qualification solely on her or his own merit the qualification has otherwise been obtained in circumstances that might be perceived as demonstrating a conflict of interest. | Within seven days after the provider becomes aware of the matter. |
| A provider or a person with management or control of the provider obtains an interest, or is likely to obtain an interest, in a business which may affect their ability to comply with Family Assistance Law, where the approval may benefit the business or where a conflict of interest might reasonably be perceived to exist. | Within seven days of the provider becoming aware of the matter. |
| Change in the status of a working with children card for anyone who is required to have such a card under section 195D of the A New Tax System (Family Assistance) (Administration) Act 1999 —for example, if the card is amended, suspended or revoked. | Within 24 hours after the provider becomes aware of the change of status. |
| The provider enters into administration, receivership, liquidation or bankruptcy, and the details of this event. | Within 24 hours after the event. |
| Unexpected closure of any of the provider’s approved child care services due to unforeseen circumstances. | Within 24 hours after the closure. |
| <p>A serious conviction or finding of guilt of:</p> <ul style="list-style-type: none"> a person with management or control of the provider (including a person who becomes responsible for the day-to-day operation of any of the provider’s approved child care services). | Within 24 hours after the provider becomes aware of the charging, conviction or finding of guilt. |

Under Family Assistance Law, a person may commit an offence and is liable to a civil penalty if the provider does not give the Department of Education, Skills and Employment written notice of the above matters within the required timeframes.

3.3 Education and Care Services National Regulations

R181 The Children's Service must ensure that information kept in accordance with the Education and Care Services National Regulations is not divulged or communicated, directly or indirectly, to another person other than;

- a) to the extent necessary for the education and care of the child; or
- b) to the extent necessary for medical treatment of the child; or
- c) a parent of the child to whom the information relates, except in the case of information kept in a staff record; or
- d) the Regulatory Authority or an authorised officer; or
- e) as expressly authorised, permitted or required to be given by or under any Act or law; or
- f) with the written consent of the person who provided the information.

The service must ensure that documents set out in Education and Care Services National Regulations (Regulation 177) are kept in a safe and secure place for the length of time outlined in Regulation 183 (2).

All YMCA services must ensure that client financial information, including Direct Debit, credit card or other confidential information is kept in accordance with best fit for purpose recommendations, including Payment Card Industry Data Security Standards.

3.2 YMCA Staff and Volunteers

The service must ensure all documentation in relation to YMCA employees and volunteers are stored securely and for the prescribed length of time on the appropriate premise.

The service must give regard to appropriate systems of access to ensure staff and volunteer confidentiality of records.

3.3 Family Assistance Law

In the case of Child Care Benefit approved services, the service will also comply with all requirements of Family Assistance Law, including storage requirements and all other obligations as set out by the Department of Education Employment and Workplace Relations (DEEWR).

4. SCOPE

The scope of this policy applies to all approved Children's Services that operate under the Education and Care Services National Regulations, 2011. This includes Before and After School Care Services and Vacation Care conducted by YMCA Geelong.

5. ROLES AND RESPONSIBILITIES

| Department/Area | Role/Responsibility |
|-----------------|--|
| Operations | <p>YMCA Nominated Supervisor and/or service Management will oversee the implementation and service adherence to this policy (ie policy compliance).</p> <p>Nominated Supervisor and/or Person with Management and Control will seek individual community feedback and facilitate an active consultation process with service users as appropriate.</p> <p>All Educators are responsible for the daily implementation of the policy when directly supervising children.</p> |
| Co-ordinator | <p>Is responsible for ensuring suitable resources and support systems to enable compliance with this policy.</p> <p>Drive the consultation process and provide leadership and advice on the continuous improvement of the policy.</p> |
| Co-ordinator | <p>Responsible for the development, monitoring and review of the Policy and related systems, ensuring all content meets all legislated requirements.</p> <p>Facilitate annual policy training to Children’s Services Educators on the appropriate implementation and use of policy.</p> |
| CEO | <p>Approve the Policy</p> <p>Provide official sign off on the Policy</p> |

6. MONITORING, EVALUATION AND REVIEW

The Record Keeping, Notification and Confidentiality of Records in Children’s Services Policy will be reviewed every 3 years.

The ongoing monitoring and compliance to this policy will be overseen by Co-ordinator. The National Quality Framework Ratings and Assessment process, and Service Approval conditions, will also assist in the external audit and monitoring of the policy, by delegates of the Department of Education and Early Childhood Development. These include unannounced spot checks and planned Assessment and Rating process.

7. SUPPORTING DOCUMENTS (LINKS TO PROCEDURES, LEGISLATION, FORMS, WORK PRACTICES)

1. [Victorian Early Years Learning and Development Framework \(VEYLDF\)](#)
2. [National Early Years Learning Framework \(EYLF\)](#)
3. [Education and Care Services National Law Act 2010](#)
4. [Education and Care Services National Regulations 2011](#)

5. [Privacy Act 1988](#)
6. [Privacy Regulations 2001](#)
7. DEEWR endorsed service Guidelines: [Legislative extracts for approval and continued approval under the family assistance law](#)
8. [Payment Card Industry Data Security Standards](#)
9. [Child Care Provider Handbook Version 2, June 2019](#)

Approved by: Chief Executive Officer

Meeting number and date:

Resolution number:

Effective date: July 31st 2011

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Policy Owner: SHP Co-ordinator

Contact Details policy owner: Ph: 5221 8344 E: shp.geelong@ymca.org.au

Amendment history:

| Version | Date | Author | Change Description |
|---------|------------|------------------------------|--|
| V1 | July 2011 | Kimberley Maher | Document created |
| V2 | July 2012 | Kimberley Maher | Reviewed |
| V3 | 04/04/2014 | Shona Eland | Uploaded to YMCA Geelong Policy Template included scope, monitoring and evaluation clauses. |
| V4 | 20/3/2017 | Kimberley Maher | Reviewed – no changes |
| V5 | 05/02/2021 | Shona Eland & Helena McGrath | Updated title of policy to Record Keeping, Notifications and Confidentiality of Children's Services Records. Clause 3.1 and 3.2 added |

As Adopted and reviewed by the YMCA of Geelong Inc on 05/02/2021



Chief Executive Officer YMCA Geelong Inc.