

# Governance and Management of the Service, Including Confidentiality of Records

Knox Early Years Services

## Purpose

The aim of this procedure is to provide a clear set of guidelines to Educators, Maternal and Child Health Nurses (MCHNs), staff and parents in regards to:

- The confidentiality and storage of records
- The governance and management of the service

It also serves to inform other adults at the service such as volunteers, students and other professionals.

## Background

The Education and Care Services National Regulations 2011 provides that all records and information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements.

Knox City Council (KCC) Early Years Services including Maternal and Child Health Services are required by law to comply with the Privacy and Data Protection Act 2014 and Health Records Act 2001 when collecting, using, managing or disclosing personal and health information about individuals.

Knox City Council's Privacy and Data Protection Policy and Health Records Policy states that all personal and health information be collected, held, managed, used, disclosed or transferred in accordance with the Information Privacy Principles (IPP's) and the Health Privacy Principles (HPP's).

Knox City Council's policies Information Management Security and Records Management Policy ensures that:

- Information will be efficiently and effectively collected and stored.
- Storage systems and practices preserve the information throughout its retention period for effective use, and;
- Collecting and using information is a privilege that comes with statutory responsibilities.

## Procedure

Records can be physical records or electronic records stored in a digital format. Where individual child records are stored in a digital format, educators and MCHN are required to save records according to Knox City Council protocol and these records are only accessible by authorised KCC Early Years Services staff and MCHNs.

Physical records are stored in a secure location at KCC Early Years Services.

### Confidentiality and Storage of Records

In relation to the confidentiality and storage of records, the Responsible Person will:

- As part of the enrolment process provide parents with the applicable Information Collection Notice - Early Childhood Education and Care or Information Collection Notice – Maternal and Child Health Services [Appendix 2](#)
- Provide secure storage for personal information collected by KCC Early Years Services (Education and Care Services National Regulations, 177 & 183) and Maternal and Child Health Services.
- Provide all educators, staff members, students, and volunteers with a copy of this procedure.

In relation to the confidentiality and storage of records, Responsible Persons and educators in KCC Early Years Services will:

- Follow Education and Care Services National Regulations 181 & 183. [Appendix 1](#) [Appendix 3](#)
- Follow Knox City Council Records Management Policy (this includes the storage, archiving and disposal of records). [Appendix 5](#)
- Not disclose information via any means to parties not associated with the education and care of the child/ren (Education and Care Services National Regulations, 181).
- Not post any work related information on social media or social networking sites.
- Take reasonable precautions to protect information from misuse and loss from unauthorised access.

In relation to the confidentiality and storage of records, parents will:

- Return enrolment forms and permission forms including the Information Collection Notice (Privacy Statement) as required.
- Provide the service with up to date enrolment and health information as required.
- Be sensitive and respectful to other service users and not discuss issues of a sensitive nature with other parties.

## Disclosure of Information

On written request and in accordance with relevant legislation (Privacy and Data Protection Act 2014), educators, MCHNs, staff and families have the right to access information held about them by Knox City Council. Requests for access to, and correction of, documents containing an individual's health information are generally managed under the Freedom of Information Act 1982.

Information in regards to families and children may be accessed by (Education and Care Services National Regulations,181):

- Educators who require the information for the education and care of the child.
- Medical personnel who require the information for the medical treatment of the child.
- The parent of the child that the records relates (except for a staff record), or the regulator authority or an authorised officer from Department of Education and Training and / or Municipal Association of Victoria for MCHNs.
- A person otherwise authorised by law in order to meet the definition of parent.
- Any person authorised in writing by a parent of a child/children.

Information about an Educator and/or MCHN may be accessed by:

- ECEs and MCHNs to which the information pertains.
- A member of staff who has a legitimate reason for access.
- An authorised officer of the Department of Education and Training and/or Municipal Association of Victoria for MCHNs.
- A person otherwise authorised by law.
- Any person authorised in writing by the ECE & MCHN.

**Please Note:** There are some exceptions set out in the Privacy and Data Protection Act 2014, where access may be denied. Please speak with Governance before proceeding with a request. Some examples where information may be denied are:

- Providing access would have an impact on the privacy of others
- Providing access would pose a threat to the life or health of any person
- The information was given in confidence; or
- Providing access may prejudice an investigation or detection of serious or improper conduct

## Governance and Management of the Service

In relation to the Governance and Management of the service, the Responsible Person or Approved Provider will:

- Notify the Regulatory Authority of certain circumstances and information, such as a serious incident, parent complaint or a change in management and control. [Appendix 4](#)
- Only collect information required according to regulations and for which there is a legitimate purpose
- Provide a statement of philosophy
- Give 14 days’ notice to parents of enrolled children before making any changes to a policy or procedure that would:
  - Have a significant impact on an enrolled child
  - Affect the family’s ability to utilise the service, or
  - Affect the fees charged or the way fees are collected

## Photos

In relation to photographs/digital media, the Responsible Person or ECE’s will be required to:

- Gain permission via the Permission for use of Photographs/Digital Media form from parents if photographs/digital media are to be used within the service.
- Only use photos/digital media for children whose parents provide consent via the Permission for use of Photographs/Digital Media form.
- Follow the Permission for use of Photographs/Digital Media form in KCC Early Years Services.

In relation to photographs/digital media parents will be required to:

- Provide or refuse consent for the use of photographs and digital media via the Procedure and permission form use of photographs/digital media in KCC Early Years Services.
- Follow the guidelines in the Procedure and permission form use of photographs/digital media in KCC Early Years Services when taking photos/digital media at the service.

## Definitions

|   |   |
|---|---|
| <b>Early Years’ Service:</b>              | Refers to Long Day Care, Occasional Care, Preschool and Maternal Child Health Service unless otherwise specified.   |
| <b>Educator:</b>                          | These are staff employed to care and educate children enrolled in the Early Years’ Service. This may include but is not limited to an Approved Provider, Responsible Person, Nominated Supervisor Person In Day-to-Day Charge and Educational Leader. |
| <b>KCC:</b>                               | Knox City Council   |
| <b>Maternal and Child Health Service:</b> | Refers to Maternal and Child Health Universal Service, Maternal and Child Health Enhanced Service including Early Childhood Workers.  |
| <b>Parent:</b>                            | The term ‘parent’ includes a child’s legal guardian. It does not include a parent who is prohibited by a court order from having contact with the child.  |

## Legislation and Standards

ACECQA 3 Guide to the National Quality Standard

ACECQA Quality Area 7: Leadership and Service Management

Standard 7.1: Effective leadership promotes a positive organisational culture and builds a professional learning community.

Standard 7.3 Administrative systems enable the effective management of a quality service.

Births, Deaths and Marriages Registration Act 1966. Victoria.

Child Wellbeing and Safety Act 2005. Victoria.

Commonwealth Consolidated Acts – Family Law Act 1975 Sect 61B

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011: 177, 181 &183

Freedom of Information Act 1982

Health Records Act 2001

Maternal and Child Health Services Guidelines. Department of Education and Early Childhood Development. Melbourne. February 2011.

Privacy and Data Protection Act 2014

## Related Policies and Procedures

Data Information and Knowledge Management

Enrolment and Orientation Policy & Procedure

Knox City Council Records Management Policy

Use of Photography/Digital Media Procedure and Permission Form

## Appendix 1: Confidentiality and Storage of Records

The following information is an excerpt from Guide to National Law and National Regulations:

### Confidentiality and storage of records

181 Confidentiality of records kept by approved provider.

The approved provider of an education and care service must ensure that information kept in a record under these Regulations is not divulged or communicated, directly or indirectly, to another person other than;

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

183 Storage of records and other documents (1) The approved provider of an education and care service must ensure that records and documents set out in regulation 177 are stored

- (a) In a safe and secure place; and
- (b) For the relevant period set out in sub-regulation (2).

## Appendix 2: Information Collection Notice Early Years Services

**Information Collection Notice Early Childhood Education and Care (Privacy Statement)**

The personal and health information is asked for by Knox City Council's Early Childhood Education and Care Services (Preschool, Long Day Childcare and Occasional Childcare). This information allows them to provide you with support in your role as a parent and to assist the health, development and wellbeing of your child.

The personal and health information collected about you and your child will be used by Council for the main purpose of providing integrated Early Childhood Education and Care, Maternal and Child Health and Specialist Support Services or for a directly related secondary purpose.

The personal and health information collected may also be shared with and used by relevant government departments and organisations, including but not limited to:

- Department of Education and Training
- Medical and Allied Health professionals you agree to as part of a referral for advice and/or care
- Knox City Council Early Years Services

Council require this information to ensure services have a current and accurate record of your child's health and their needs.

Information is collected by Knox City Council Early Childhood Education and Care services under the Education and Care Services National Law Act 2010, Education and Care Services National Regulations 2011, Health Record Act 2001 and the Children and Youth and Families Act 2005. You can ask to see and correct your or your child's personal and health information by contacting the Privacy Officer of Knox Council on 9298 8000.

I ..... (Parent Name)  
have understood this statement and agree that my/my child's information can be used and disclosed in this way.

Parent Signature: ..... Date: ...../...../.....

**Staff use only:**  
Family provided with privacy statement: Staff signature: ..... Date: ...../...../.....

**DECLARATION & CONSENT**

I ..... (Print Parent full name),  
parent of: ..... (Print child's full name)

- Declare that the information in this enrolment form is true and correct and undertake to immediately inform the children's service in the event of any change to this information
- I have read and accept that I will agree to abide by the Knox Early Years Services Procedures, Policies and their implementation, which are available from staff upon request
- I agree that I will reimburse any expenses incurred by the children's service following emergency medical treatment received by my child

Parent Signature: ..... Date: ...../...../.....

## Information Collection Notice Maternal and Child Health

The personal and health information asked for is collected by Knox City Council's Maternal and Child Health (MCH) Services. The information allows them to provide you and your child with services that support your role as a parent and to assist the health, development and wellbeing of your child.

The personal and health information collected about you and your child will be used by Council for the main purpose of providing integrated MCH, Specialist Support Services and Early Childhood Care and Education services or for a directly related secondary purpose.

The personal and health information collected may also be shared with and used by relevant government departments and organisations, including but not limited to:

- Department of Education and Training
- Municipal Association of Victoria
- Victorian MCH Services (if you move to or from another municipality in Victoria)
- Medical and Allied Health professionals you agreed to as part of a referral for advice and/or care.
- City of Knox Early Childhood Educators
- City of Knox Early Years Services

Council require this information to ensure services have a current and accurate record of your child's health and their needs.

Information is collected by Knox City Council Maternal and Child Health Services under the Health Record Act 2001 and the Children and Youth and Families Act 2005. You can ask to see and correct your or your child's personal and health information by contacting the Privacy Officer of Knox City Council on 9298 8000.

I have understood this statement and agree my/my child's information can be used and disclosed in this way

\_\_\_\_\_ Date \_\_\_\_\_

## Information Collection Notice Maternal and Child Health

(Family Copy)

The personal and health information asked for is collected by Knox City Council's Maternal and Child Health (MCH) Services. The information allows them to provide you and your child with services that support your role as a parent and to assist the health, development and wellbeing of your child.

The personal and health information collected about you and your child will be used by Council for the main purpose of providing integrated MCH, Specialist Support Services and Early Childhood Care and Education services or for a directly related secondary purpose.

The personal and health information collected may also be shared with and used by relevant government departments and organisations, including but not limited to:

- Department of Education and Training
- Municipal Association of Victoria
- Victorian MCH Services (if you move to or from another municipality in Victoria)
- Medical and Allied Health professionals you agreed to as part of a referral for advice and/or care.
- City of Knox Early Childhood Educators
- City of Knox Specialist Support Services for children with additional needs and their families

Council require this information to ensure services have a current and accurate record of your child's health and their needs.

Information is collected by Knox City Council Maternal and Child Health Services under the Health Record Act 2001 and the Children and Youth and Families Act 2005. You can ask to see and correct your or your child’s personal and health information by contacting the Privacy Officer of Knox City Council on 9298 8000.

## Appendix 3: Records & Documents required to be kept at the service

| Records and documents required to be kept at the service (National Regulations 183)                           |                   |  |                                  |
|---|-------------------|--|----------------------------------|
| Type of record  | Responsibility    | Timeframe  | Reference                        |
| Record of responsible person in day-to-day charge including certified supervisors placed in day-to-day charge | Approved provider | Until the end of 3 years after the staff member works for the service        | Section 162 Regulations 150, 177 |
| <b>For centre-based services only</b>   |                   |  |                                  |
| Staff record  | Approved provider | Until the end of 3 years after the staff member works for the service        | Regulation 145                   |
| Record of access to early childhood teachers  | Approved provider | Until the end of 3 years after the staff member works for the service        | Regulation 152                   |
| Record of educators working directly with children  | Approved provider | Until the end of 3 years after the staff member works for the service        | Regulation 151                   |
| Record of volunteers and students   | Approved provider | Until the end of 3 years after the volunteer or student attended the service | Regulation 149                   |



| Records and documents required to be kept at the service (National Regulations 183)   |   |   |                          |
|---|---|---|--------------------------|
| Type of record  | Responsibility                                | Timeframe   | Reference                |
| Evidence of current public liability insurance<br>Note: Does not apply if the insurance is provided by a state or territory government. | Approved provider<br>Family day care educator | Available for inspection at service premises or family day care office                                    | Regulations 29, 30, 180  |
| Quality Improvement Plan  | Approved provider                             | Current plan is to be kept  | Regulations 31, 55       |
| Child assessments   | Approved provider<br>Family day care educator | Until the end of 3 years after the child's last attendance  | Regulations 74, 183      |
| Incident, injury, trauma and illness record   | Approved provider<br>Family day care educator | Until the child is 25 years old   | Regulations 87, 183      |
| Medication record   | Approved provider<br>Family day care educator | Until the end of 3 years after the child's last attendance  | Regulations 92, 183      |
| Child attendance  | Approved provider<br>Family day care educator | 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, 183 |
| Child enrolment   | Approved provider<br>Family day care educator | Until the end of 3 years after the child's last attendance  | Regulations 160, 183     |
| Death of a child while being educated and cared for by the service  | Approved provider                             | Until the end of 7 years after the death  | Regulations 12, 183      |
| Record of service's compliance history  | Approved provider                             | Until the end of 3 years after the approved provider operated the service                                 | Regulation 167           |

## Appendix 4: Notifications Required by Law

| Notifications required (National Law, sections 173, 174; National Regulations, regulations 174, 175) |                   |                |                                  |
|--|-------------------|----------------|----------------------------------|
| Type of notification   | Responsibility    | Timeframe      | Reference                        |
| <b>Change to information about approved provider</b>   |                   |                |                                  |
| Notice of change in name of approved provider  | Approved provider | Within 14 days | Section 173(1)(a)                |
| Change to address or contact details of approved provider  | Approved provider | Within 7 days  | Section 174(1)<br>Regulation 175 |
| Any change relevant to approved provider's fitness and propriety                                     | Approved provider | Within 7 days  | Section 174(1)(a)                |
| Notice of any appointment or removal of a person with management or control of service               | Approved provider | Within 14 days | Section 173(1)(b)                |

| Notifications required (National Law, sections 173, 174; National Regulations, regulations 174, 175)   |  |                              |                             |
|--|--|------------------------------|-----------------------------|
| Type of notification   | Responsibility                                       | Timeframe                    | Reference                   |
| The appointment of receivers or liquidators to the approved provider or any matters that affect the financial viability and ongoing operation of the service | Approved provider                                    | Within 7 days                | Section 174(1)(b)           |
| Death of approved provider   | Nominated supervisor or person in day-to-day control | Within 7 days of the death   | Section 39                  |
| Change to information about approved service   |  |                              |                             |
| A failure to commence operating within 6 months of grant of service approval   | Approved provider                                    | Within 14 days               | Section 172(1)(b)           |
| Any change to the hours and days of operation of the service   | Approved provider                                    | Within 7 days                | Section 174(2)(c)           |
| A change in the location of the principal office of a family day care service  | Approved provider                                    | Within 7 days                | Section 173(2)(e)           |
| Any change to the state or territory in which a family day care service operates   | Approved provider                                    | Within 7 days                | Section 174(2)(c)           |
| Change to nominated supervisor   | Approved provider                                    | 7 days prior to commencement | Section 56<br>Regulation 35 |
| A nominated supervisor is no longer employed by the service, or withdraws consent to the nomination  | Approved provider                                    | Within 7 days                | Section 173(2)(b)           |

| <b>Notifications required (National Law, sections 173, 174; National Regulations, regulations 174, 175)</b>  |   |  |                                 |
|--|---|--|---------------------------------|
| <b>Type of notification</b>  | <b>Responsibility</b>                         | <b>Timeframe</b>                                     | <b>Reference</b>                |
| Any proposed change to the premises, such as refurbishment (other than a family day care residence)  | Approved provider                             | Within 7 days  | Section 173(2)(c)               |
| A new approved family day care venue is added to the service   | Approved provider                             | Within 7 days  | Section 174(2)(e)               |
| Intention to transfer service approval   | Transferring and receiving approved providers | 42 days before transfer                              | Section 59<br>Regulations 36-37 |
| Ceasing to operate the education and care service  | Approved provider                             | Within 7 days  | Section 173(2)(d)               |
| <b>Change to information about nominated supervisor or certified supervisor</b>  |   |  |                                 |
| Suspension or cancellation of a working with children card or teacher registration of, or disciplinary proceedings against, nominated supervisor or certified supervisor employed by the service | Approved provider                             | Within 7 days of the approved provide being notified | Section 173(2)(a)               |
| Notice of change of name or mailing address of certified supervisor  | Certified supervisor                          | Within 7 days of the change                          | Section 115(3)                  |
| Notice of change of circumstances of certified supervisor  | Certified supervisor                          | Within 7 days of the change                          | Section 121                     |
| <b>Incidents and complaints</b>  |   |  |                                 |

| Notifications required (National Law, sections 173, 174; National Regulations, regulations 174, 175)                               |                   |   |   |
|--|-------------------|---|---|
| Type of notification   | Responsibility    | Timeframe                                   | Reference   |
| Serious incident at education and care service   | Approved provider | Within 24 hours of the incident             | Section 174(2)(a)<br>Regulation 12<br>Regulation 176(2)(a)(ii)    |
| Death of a child   | Approved provider | As soon as practicable, but within 24 hours | Section 174(2)(a)<br>Regulation 176(2)(a)(i)                      |
| Complaints alleging that the safety, health or wellbeing of a child was or is being compromised, or that the law has been breached | Approved provider | Within 24 hours of the complaint            | Section 174(2)(b)<br>Regulation 176(2)(b)                         |
| Any incident that requires the approved provider to close, or reduce the number of children attending, the service for a period    | Approved provider | Within 24 hours of the event                | Section 174(2)(c)<br>Regulation 175(2)(b)<br>Regulation 176(2)(c) |
| Any circumstance at the service that poses a significant risk to the health, safety or wellbeing of a child attending the service  | Approved provider | Within 7 days                               | Section 174(2)(c)<br>Regulation 175(2)(c)<br>Regulation 176(2)(c) |
| The centre-based service is educating and caring for extra child/ren due to an emergency   | Approved provider | Within 24 hours                             | Regulation 175(2)(ca)   |

## Appendix 5: Knox City Council Records Management Policy

Pages – Records Management Policy

<http://erik/Docs/PoliciesProceduresForms/Pages/RecordsManagementPolicy.aspx>

## Appendix 6: Birth Notification Process for MCH Service

**June 2017**

In the case of every birth in Victoria, whether the child is born alive or dead, except for the delivery of a non-viable foetus a birth notification is forwarded by Maternity Services to the Chief Executive Officer and/or delegate of the local government area where the mother resides. (Child Wellbeing and Safety Act 2005 and Birth, Deaths and Marriages Registration Act 1966)

### Process for MCH PSO

- Received via email or fax from Maternity Service by Corporate Records.
- Information management creates a work flow on Knox Explorer. See PSO MCHS Manual Home Visiting - Program Support Officer - Instruction Manual - 2017 (D17-16963).DOCX

### Process for MCHC

- BN emailed from MCH PSO to Inbox of Office 1 at MCHC
- Document is opened to check details – including if interpreter required or baby in SCN.
- Email containing BN is stored in folder according to month of birth.
- Email containing birth notice is then deleted once child has attended centre for 2 week KAS visit (first centre visit).
- If a BN email is still outstanding further investigations to be enacted by MCHN at the centre.

### References:

1. Maternal and Child Health Services Guidelines. Department of Education and Early Childhood Development. Melbourne. February 2011.
2. Child Wellbeing and Safety Act 2005. Victoria.
3. Births, Deaths and Marriages Registration Act 1966. Victoria.

## Appendix 7: MCH Service

Table A6.1: Public Records Office Victoria: PROS 09/05 ‘Retention and Disposal Authority for Records of Local Government Functions’ and Records General Records Authority, version 2002 incorporating variations 1 and 2, Part four, General records authority

| Function description |   | Disposal action  | Examples of records  |
|----------------------|---|--|--|
|                      |   |  | The following is a list of common examples. It is not an exhaustive list.                            |
| 12.5.0               | Immunisation  |  |  |
| 12.5.2               | The process of administering an immunisation program  | Destroy one year after administrative use is concluded | Campaign diaries<br>Vaccine order and inventory book<br>Parent consent records                       |
| 4.5.0                | MCH Service provision                                 |  |  |
| 4.5.1                | Client case management                                | Destroy 26 years after initial contact with client     | Infant record cards<br>Caller cards<br>Expectant mother cards<br>Analysis of daily activities sheets |
| 4.5.2                | Provision of group information and education sessions | Destroy 2 years after delivery of program              |  |
| 4.5.3                | Birth notification                                    | Destroy when administrative use concludes              | Birth notification forms<br>Birth notification and enrolment sheets                                  |