



# Governance and Management of the Family Day Care Service Policy

## **PURPOSE:**

Regulatory, licensing and funding bodies require the retention and maintenance of records in relation to service stakeholders and children for a specified time. All records are required to be kept up to date and stored confidentially in a secure area with access by authorised persons only. Records will be destroyed appropriately after specified times. Records will only be available to those persons who have the authority and legal right to access them.

## **SCOPE:**

This Policy applies to the Family Day Care Service and Family Day Care Educators.

## **PRINCIPLE:**

The approved provider of an Education and Care Service has the responsibility to ensure the Family Day Care Service has in place policies and procedures in relation to governance and management of the service, including confidentiality of records.

## **POLICY:**

All persons will comply with all policies and procedural requirements when engaging in activities relating to the operation of the Family Day Care Service and will conduct themselves in an ethical manner and abide by codes of conduct. All records will be maintained in a confidential and private manner.

## **PROCEDURE:**

1. All Family Day Care Service staff, Family Day Care Educators, and Relief Educators will undertake training on legal and ethical requirements. For example Orientation Training or Certificate III in Children Service's Training
2. Every Family Day Care Service will hold a policy and procedures file which is provided to Family Day Care Educators and accessible to families.
3. Family Day Care Educators will have a working knowledge of policies and procedures within the file.
4. An industry Code of Conduct will be followed by the Family Day Care Service staff; Family Day Care Educators, Relief Educators; Volunteers; and Students.
5. The Family Day Care Service will:
  - a. Provide all Family Day Care staff, Family Day Care Educators and Relief Educators with a copy of the Code of Conduct including responsibilities of all parties;

- b.** Provide all Family Day Care staff, Family Day Care Educators and relief Educators with training at induction in relation to the Code of Conduct, and update existing persons of any changes;
- c.** Ensure policies and practices are developed in line with current Education and Care Services National Regulations 2012 and the National Quality Standards;
- d.** Ensure changes within the services are explained to all Family Day Care staff, Family Day Care Educators and families prior to implementation;
- e.** Ensure if a change to a policy/procedure is to be made, then at least 14 days notice to the parents of children enrolled at the Family Day Care Service must be given before implementing any change to a policy and or procedure; and
- f.** Ensure training is available to all Family Day Care staff and Family Day Care Educators and relief Educators to develop their knowledge of the ECA Code of Ethics.

**6. Family Day Care Service staff, Family Day Care Educators and Family Day Care Assistants will:**

- a.** Become familiar with the ECA Code of Ethics;
- b.** Develop their understanding of their obligations in following the ECA Code of Ethics;
- c.** Regularly reflect upon their practices in line with the ECA Code of Ethics and relevant law and legislation; and
- d.** Provide information to families on the ECA Code of Ethics.

Refer to: Code of Conduct and Code of Ethics pamphlet from <http://earlychildhoodaustralia.org.au>

### **Records Management**

Records and information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements. Quality Standard 7.3.1

All records relating to children, families and Family Day Care Service operation will be:

- a.** kept in a safe and secure manner only accessible by authorized personnel; and
- b.** be destroyed after a period of time in line with legislation.
  - i.** For records relating to an incident, illness, injury or trauma suffered by the child while being educated and cared for by the Family Day Care Service-until the child is 25 years of age.
  - ii.** For records relating to an incident, illness, injury or trauma suffered by the child that may have occurred following an incident while being educated and cared for by the Family Day Care Service - until the child is 25 years of age.
  - iii.** For records relating to the death of a child while being educated and cared for by the family day care service or that may have occurred as a result of an incident while being educated and cared for - until 7 years following the death of a child.
  - iv.** For records relating to a child enrolled in the Family Day Care Service - until the end of 3 years after the last day on which the child was educated and cared for.

- v. For records relating to the approved provider – until the end of 3 years after the last date on which the approved provider operated the Family Day Care Service.
- vi. For records relating to the nominated supervisor, Family Day Care Service staff member, and or Family Day Care Educator providing education and care on behalf of the Family Day Care Service - until the end of three years after the last date on which the nominated supervisor or staff member provided education and care on behalf of the service.
- vii. For all other records – until the end of 3 years after the date on which the record was made.

**The Family Day Care Service Will:**

1. Require that all required records are recorded, properly maintained, updated and kept in the nominated secure place as per relevant legislation requirements. [Refer to Appendix 21 Records and documents required to be kept at a service (National Regulations 183)]
2. Require that all records are kept confidential and only made available to authorized persons.
3. When a Family Day Care Educator leaves or is terminated from the service all documentation referred to in R.179 need to be submitted to the approved provider of the family day care service:
  - a. Documentation of child assessments or evaluations for delivery of the educational program as set out in R.74;
  - b. An incident, injury, trauma and illness record as set out in R.87;
  - c. A medication record as set out in R.92;
  - d. Children’s attendance record as set out in R.159;
  - e. Child enrolment records as set out in R.160; and
  - f. Record of visitors to the Family Day Care residence or approved Family Day Care venue as set out in R.165.
4. Ensure the following records are kept as required by Education and Care National Regulations:

**Part 4.7, Division 1**

- (R.158) Children’s attendance records to be kept by approved provider.
- (R.159) Children’s attendance record to be kept by Family Day Care Educator.
- (R.160) Child enrolment records to be kept by approved provider and Family Day Care Educator.
- (R.161) Authorizations to be kept in enrolment record.
- (R.162) Health information to be kept in enrolment form.

**Part 4.7, Division 3**

- (R.177) Prescribed enrolment and other documents to be kept by approved provider.
- (R.178) Prescribed enrolment and other documents to be kept by Family Day Care Educator.
- (R.179) Family Day Care Educator to provide documents on leaving service
- (R.180) Evidence of prescribed insurance
- (R.181) Confidentiality of records kept by approved provider
- (R.182) Confidentiality of records kept by Family Day Care Educator
- (R.183) Storage of records and other documents

(R.184) Storage of records after service approval transferred

Any documentation generated by the service in the operation of their duties and responsibilities under the ECNR/L will be kept by the Family Day Care Service.

**Confidentiality**

1. The Family Day Care Educator will keep confidential the affairs of each child in their care and of the child's family and shall not disclose any information to a third party other than the Family Day Care Service or as legally required to do so.
2. Confidential conversations will be conducted in a quiet area away from other children, parents, staff and Family Day Care Educators. Such conversations in relation to the health and well-being of the child should be noted in writing and stored in a confidential manner.
3. Reports, notes and observations in relation to Family Day Care Educators, Family Day Care Service staff and children must be objective, accurate, and free from bias and negative comments including use of labels.
4. Students, volunteers and/or visitors to the Family Day Care Educator's residence/venue will ensure that information in regard to Family Day Care Educators, Family Day Care service staff, children, and families is not discussed outside of the context in which it was heard.
5. Any information received or transmitted via mobile telephone (including text/SMS) or any other electronic device (example email) shall be treated with the same confidentiality as any other written form of communication and must be stored confidentially.

**Privacy**

1. The Family Day Care Service and Family Day Care Educators will not collect sensitive information unless the individual has consented, or there is a legal requirement to do so or in other special circumstances that have a bearing on the well-being of the child.
2. Every reasonable step will be taken to ensure personal information collected, used or disclosed is accurate, complete and current.
3. Every reasonable step will be taken to ensure that personal information held within the Family Day Care Service is protected from misuse, loss, and from unauthorized access, modification or disclosure.
4. All personal information requested through Freedom of Information (FOI) will be managed by the approved provider.
5. Personal information would not usually be transferred overseas and then only if it meets the requirements of the national Privacy Principle 9.

<b>Education and Care Services National Law Act, 2010</b>	The following sections of the Act are relevant to governance and management of the service: Provider Approval; Service Approval; Operating an Education and Care Service; Compliance with this Law; Monitoring and Enforcement. Records:– Section 3(3)(a); 172; 175; 197; 200; 206; 215; 216; 263
<b>Education and Care Services National Regulations, 2011 – ‘Regulations’</b>	Sections on: Provider Approval; Service Approvals; and also Regulations: 75; Part 4.7 – Leadership and service management; Records 74; 75; 87; 92; 116; 145; 146; 147; 148; 149; 150; 151; 152; 158; 159; 160; 161; 162; 165; 167; 168; 169; 170; 171; 172; 173; 174; 175; 176; 177; 178;179; 180; 181; 182; 183; 184.
<b>National Quality Standards for Early Childhood Education and Care and School Age Care (2011)</b>	Standard: 7.1; 7.2; 7.3

### Policy review

Inspired Family Day Care encourages staff, educators and families to be actively involved in the annual review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as they occur and any issues identified as part the Service’s commitment to quality improvement. The Service consults with relevant recognised authorities as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

REVISION RECORD	
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Approved in consultation with the Approved Provider, Nominated Supervisor, Staff, Educators and Families.	Next Review Date: December 2018