

# RECORD KEEPING AND ARCHIVING POLICY



## PURPOSE

The purpose of this policy is to ensure all record keeping within Sparkways Children's Services is in line with the Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011 to ensure all the necessary documents are kept for the appropriate length of time.

The Education and Care Services National Regulations 2011 requires the Approved Provider of a children's service to ensure the following records are maintained by the children's service: an attendance record, child enrolment records; a medication record; an accident, injury and illness record; and a staff record.

The following records must be retained for the period of time specified below:

**Program Management Records** may be destroyed two years after the child has left the centre (records that document the programs and activities by program coordinators and staff, such as file and program notes).

**Centre Placement Records** may be destroyed 12 months after placement (records such as applications, placement letters, forms and slips that relate to the placement of children in centre).

**Child Management Records** may be destroyed 25 years after last contact (records include the child's record of enrolment, attendance, medications, accidents, injury and illness, behaviour and development, complaints and staff duty records such as time sheets and rosters).

**Excursion Forms** may be destroyed two years after the child has left the centre, however in the event of an accident or incident occurring whilst on the excursion, the excursion form would need to be attached to the accident and incident and illness record, and retained as above.

Behaviour and development records (observations/individual plans/individual child records etc.) may be destroyed two years after the child has left the centre, except when the child has been involved in an accident or incident that could potentially be the subject of litigation. In this case records must be kept for 25 years after last contact.

Records play an important role in accountability. Possibility of legal action may be a consideration when keeping records.

If the Department of Education and Training (DET) alleges the children's service has contravened the Education and Care Services National Legislation, it may start a prosecution action within one year of the alleged contravention and records may be called as evidence.

If a child is injured while under the care of the children's service a claim for negligence may be made in relation to that injury until the child is 25 year old. Accident, illness and injury records and incident report forms may be called as part of evidence. Legal aspects of Child Care provides additional information on injuries and legal actions.

In the event that a question arises about some aspect of service provision, the records may provide an important part of the information required to assess what happened in the children's service and whether the proprietor and staff acted reasonably and lawfully in the matter in question. Prior to Sparkways Children's Services releasing information relevant to a child's enrolment, a subpoena will be required to ensure that accurate information is provided to the requesting party. Should a subpoena to produce records be received, the children's service in agencies should seek legal advice through their Early Years Manager.

At all times each record must be accessed and stored in a way that is appropriate to the confidentiality of the record.

## AUTHORISATION

This policy was adopted by the Approved Provider – Sparkways Children's Services on April 2015

### Policy Reviewed Annually

Next Review: JANUARY 2022

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