

# RECORD KEEPING AND ARCHIVING

## QUALITY AREA 7 – GOVERNANCE AND LEADERSHIP

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### PURPOSE

This policy will ensure that all record keeping within Sparkways Education and Care 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 and stored in a way that is appropriate to the confidentiality of the record.

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### POLICY STATEMENT

The following records will be retained by Sparkways Education and Care Services for the minimum specified time period:

**Program Management Records:** Retained until two years after the child has left the service (records that document the programs and activities by nominated supervisors, teachers and educators, such as file and program notes).

**Service Placement Records:** Retained until 12 months after placement (records such as applications, placement letters, forms and slips that relate to the placement of children in a service).

**Child Management Records:** Retained until 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 timesheets and rosters).

**Excursion Forms:** Retained until 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 is required to be attached to the accident and illness record, and retained as above.

**Behaviour and Development Records:** Retained until two years after the child has left the service, except where 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 such as observations, individual plans, and assessments).

**Records Relating to Abuse** will be retained for a minimum of 45 years, in accordance with the recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse.

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 years old. Accident, illness and injury records and incident report forms may be called as part of evidence. Sector legal specialists can provide additional information on injuries and legal action.

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 approved provider and staff acted legally and lawfully in the matter in question. Prior to Sparkways 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 service should upline the request through Sparkways management.

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 Sparkways on 12/12/2022.

**REVIEW DUE:** December 2023

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