



Governance, Management, Records and Confidentiality Policy

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Rationale and Policy Considerations

The education and care service understands it has legal responsibilities associated with setting up and operating a service. The approved provider has a legal responsibility to comply with Family Assistance Law; Education and Care Services National Law; Australian Government funding agreements; ensure the fitness and propriety of the provider, and any authorised supervisor/nominee in day to day charge of the service; and ensure the service remains financially viable. The service has a responsibility to maintain appropriate governance arrangements for the service that reflects the legal status and authority to hold a provider approval and service approval, and to effectively manage the service. The education and care service also understands it has a responsibility to protect and manage records in a way that respects the privacy and confidentiality of all stakeholders, whilst maintaining business requirements. It also recognises the importance of developing practices that respect privacy and confidentiality. Legislation requires that families provide personal information to the service so that appropriate care can be taken of their children. The service will retain and use this information in accordance with regulatory, taxation and privacy requirements and may discuss a child's personal details with another child care professional in order to fulfil their responsibilities towards the child. It is important therefore to ensure that educators are fully aware of their responsibilities for maintaining strict confidentiality under the Privacy Act (1988), and also that families are informed of their rights in regard to access to their own personal information, and how the service will ensure the information is protected from unauthorised access. Families need to be informed about which people have authorised access to their child's personal information. Records that need to be retained will be filed or stored in a manner that protects them from unauthorised access.

Scope

This policy is written for all educators and families of Lifestreamers Early Learning.

Most relevant policies and procedures

- Confidentiality Statement
- Educator Code of Ethics
- Enrolment and Orientation
- Recruitment of Educators, Staff and Volunteers
- Educator, Staff and Volunteer Orientation
- Partnership and Communication with Families

Links to ECA Code of Ethics

- **Maintain confidentiality and respect the right of the family to privacy**
- **Adhere to lawful policies and procedures and, when there is conflict, attempt to effect change through constructive action within the organisation or seek change through appropriate procedures.**
- **Encourage qualities and practices of leadership within the early childhood profession.**

Policy Statement

Lifestreamers Early Learning will provide a quality education and care service and will operate according to all legal requirements. It will make every effort to reflect the special nature of the community, will encourage family input and will consider family, children's and educator needs in the operation of the service. The approved provider will ensure that decisions are made in the best interests of the service.

The service has a duty to keep adequate records about educators, families, children and business transactions, in order to operate responsibly and legally. The service will protect the interests of the children and their families and

educators including appropriate privacy and confidentiality. The service will also protect the integrity of business records by keeping appropriate and accurate records for the required time periods set down by law. All records kept at the service will be protected from unauthorised access in accordance with service Confidentiality/Privacy policy. Prescribed information will be displayed in accordance with the Education and Care Services National Law Act. Archived records will be stored in a safe and secure manner.

The education and care service protects privacy, dignity and confidentiality by ensuring that all records and information about individual children, families, educators and management is treated with discretion and kept in a secure place. Records will only be accessed by or disclosed to authorised people who need the information to fulfil their responsibilities at the service or have a legal right to know.

Policy Principles

Management Responsibilities

- The approved provider will ensure that the organisation is properly set up and operates in accordance with relevant legislation and in a financially responsible manner.
- The approved provider will ensure all members of the management team are oriented into the roles and responsibilities of maintaining the legal operation of the service.
- Families will be actively encouraged to participate in the management of the service through:
 - providing feedback to management through surveys, and other communication strategies;
 - involvement in service activities, social and community events.
- The approved provider is responsible to the regulatory authority for ensuring that the service operates in accordance with the conditions of approval. This includes ensuring the presence of a certified nominated supervisor; the design, safety and maintenance of the premises; minimum number of educators and their qualifications; that educators, management and other persons who have contact with children are fit and proper; number of children in education and care within various age groups is not exceeded; appropriate policies, procedures and records in place etc.
- The approved provider is responsible to notify the regulatory authority of those circumstances set down within the Education and Care Services National Law (WA) Act in relation to changes that may require amendments to provider approval, service approval or nominated supervisor status.
- The approved provider is responsible for ensuring that effective strategies and resources are in place to allow the nominated supervisor to realistically achieve her role as required by the Education and Care Services National Regulations. This will include:
 - facilitating effective communication between the nominated supervisor and the approved provider;
 - the availability of adequate human and physical resources to meet the provisions of the regulations such as effective policies and procedures;
 - the availability of adequate financial resources to meet the provisions of the regulations;
 - the performance management and professional development of the nominated supervisor.
- The nominated supervisor is the person responsible for the effective supervision and control of the education and care service, that is, the person who is present at the service to:
 - effectively communicate with the approved provider about strategic day to day operational matters and any matters that may affect the approved provider's ability to comply to the regulations;
 - professional development, supervision and performance management of educators;
 - quality assuring the development and implementation of appropriate learning and development programs for the children attending the service;
 - maintaining up to date policies and procedures as required by the regulations;
 - maintaining at least the minimum educator to child ratios as required by the regulations;
 - facilitating communication between educators and families;
 - ensuring children's records such as enrolments, emergency contacts, medical and developmental progress, are kept up to date;
 - reporting allegations of abuse, injury or illness to the relevant child protection authority as required by the regulations.

- The approved provider will ensure the philosophy reflects the needs and values of those people for whom the service exists e.g. children, families, educators and community. This will be done by evaluating the statement at least annually. The approved provider will also ensure the operation of the service is consistent with the philosophy.
- Policies and procedures will be regularly updated to ensure they meet current needs. Adopted policies and procedures will be strictly followed by everyone within the service.
- Decisions about the overall management of the service will be made in consultation with all stakeholders. This will be achieved through surveys and discussions with individuals, involvement in policy review and evaluation of quality improvement plans. The best interests of the service will always take priority in determining decisions.
- Responsibility for the day-to-day management of the service is delegated to the nominated supervisor. Any matters that the nominated supervisor is not confident in resolving or determines to be of a significant nature, will be brought to the attention of the approved provider for discussion as soon as possible.

Displaying information

- The approved provider will display the following prescribed information required by the Education and Care Services National Regulations 2012 (Reg 173), in a prominent position at or near the main entrance to the service:
 - Provider approval information;
 - Service approval information;
 - Nominated supervisor information;
 - The current rating levels for NQS for each Quality Area and overall
 - Any service waivers or temporary waivers held by the service;
 - Hours, days of operation of the service;
 - Name, telephone number of the person at the service to whom complaints may be addressed;
 - Name and position of the responsible person in charge of the service;
 - Name of the Educational Leader;
 - Contact details of the regulatory authority;
 - Notice regarding enrolment of a child at the service at risk of anaphylaxis (if applicable);
 - Notice of an occurrence of an infectious disease at the service (if applicable).

Maintaining records

- The service will maintain an efficient record keeping system by adhering to the following strategies:
 - Setting up an organised filing system;
 - Updating records regularly;
 - Ensuring records can be understood by all authorised persons;
 - Establishing strategies to check accuracy of records;
 - Ensuring backup records are stored.

Access and security

- Security of records will be maintained through:
 - Using secure computer passwords that are regularly changed;
 - Storing records in a locked office;
 - Following procedures to check an individual's identity before granting access to records;
 - Storing records in an area that is away from those who do not need to access it;
 - Storing backups of important records online;
 - Discussing security procedures regularly with educators.
- Clear guidelines on who has access to what records will be provided by the service for educators and families. These guidelines will always be available at the service.
- Records relating to enrolled children are maintained in an up-to-date form in a secure area at the service.
- These records are only accessed by authorised personnel or the enrolled child's family.

- Records relating to staff qualifications, evidence of enrolment in training, criminal record checks, working with children check/card, medical clearances, and timesheets will be maintained and provided to the regulatory authority on request.

Retaining records

- We are required by law to hold onto certain records for a period of time (Reg 183). The following is a list of the information we need to keep and for how long. Records will be stored and destroyed after the required time.

Type of record	Period required to be kept
Taxation Laws	Until the end of 5 years
Fair Work Act	Until the end of 7 years
Family Assistance Law	Until the end of 3 years
Accident/Injury/Illness/Trauma Records	Until the child is aged 25 years
Death of a Child	Until the end of 7 years
Any other record relation to a child enrolled at the education and care service	Until the end of 3 years
Excursion Authority Plan	Until the end of 3 months
Emergency Evacuation Rehearsals	Until the end of 3 years
Authorities from parents to include children in an older or younger aged group	Until the end of 3 years
Children Activity Program	Until the end of 3 months
Food Preparation / Food Handling and Hygiene Course	Until the end of 3 years
Record relating to the Approved Provider, Nominated Supervisor or Staff Member	Until the end of 3 years

- Records relating to former enrolled children are archived in a safe and secure location.
- Records that are no longer required to be kept by the service and which are considered to have no historical importance will be destroyed by being shredded.
- Records will not be disclosed or communicated to another person except:
 - As required or permitted under the Act or any other written law; or
 - With the written authorisation of the person or, in the case of a child, a parent of the child, to whom the information relates.
 - In the event of a transfer of service approval, under the Law, documents will be transferred also after parent consent has been given. (Reg 184)

Information about families

- Personal information will only be collected in so far as it relates to the service's activities and functions, and in line with relevant legislation.
- Collection of personal information will be lawful, fair, reasonable and unobtrusive.
- Families will be notified of the time for which records are required to be retained under the Education and Care Services National Regulations.
- The use or disclosure of personal information will only be for its original collected purpose, unless the individual consents or unless it is needed to prevent a health threat, or is required or authorised under law.
- Information pertaining to children and their families, educators, management, students and volunteers, will only be discussed with discretion and sensitivity and in a professional manner. Names will not be used to reveal private information.
- Gossip will not be tolerated. Grievances will only be discussed with the persons concerned.

- The service will take steps to ensure the personal information collected, used or disclosed, is accurate, complete and up to date. Families will be required to update their enrolment details annually, or whenever they experience a change in circumstances. Computer records will be updated as soon as new information is provided.
- If an educator comes in contact with a family member outside of the centre and it is not a parent that they are familiar with through drop off and pick up times, no information about the child, the centre or the educators will be given. The location of the centre should be kept confidential to protect the children who attend LEL. Any questions asked by unfamiliar family members should be responded to by saying "I'm sorry, but that is confidential information and you will need to speak to the child's enrolling parent."
- Personal information will be kept in a secure and confidential way, and destroyed by shredding, when no longer needed.
- Individuals will be provided with access to their personal information and may request that their information be up-dated or changed where it is not current or correct.
- Individuals wishing to access their personal information must make written application to the approved provider/nominated supervisor, who will arrange an appropriate time for this to occur. The approved provider/nominated supervisor will protect the security of the information by checking the identity of the applicant, and ensuring someone is with them while they access the information to ensure the information is not changed or removed without the approved provider/nominated supervisor's knowledge.
- The approved provider/nominated supervisor will deal with privacy complaints promptly and in a consistent manner, following the service's Grievance Procedures. Where the aggrieved person is dissatisfied after going through the grievance process, they may appeal in writing to the Privacy Commissioner within the Office of the Australian Information Commission (www.oaic.gov.au)
- Visual images of enrolled children will not be taken, recorded, removed from the service, or used for any purpose without the written consent of the parent/guardian, except where visual images are used within the service for monitoring of an enrolled child, or visual images are taken by an authorised officer acting in the course of his/her duties, in which case only the parent/guardian and authorised staff will have access to the images. To protect children's privacy, visual images of children will not be transmitted on the internet or by email at any time, without parental consent. Parental/guardian consent will be given or denied on the child's enrolment form.
- Confidential conversations that educators have with family members, or the approved provider/nominated supervisor has with educators will be conducted in a quiet area away from other children, family members and staff. Such conversations are to be minuted and stored in a confidential folder.
- Information pertaining to the centre's business transactions and issues of management will not be discussed by any persons within or outside the centre, except in professional meetings to address such issues i.e. staff meetings.

Educator and service management issues

- All educators, management, students and volunteers will respect the rights to privacy of children, families, educators, management, students and volunteers associated with Lifestreamers Early Learning, and comply with the National Privacy Principles, including the Privacy Act.
- Personnel forms and employee information will be stored securely.
- Applicants, students or volunteers will be informed that their personal information is being kept, for what reason, for how long, and how it will be destroyed at the end of the time period.
- Applicants will be asked for their consent before their references are checked. Unsuccessful applicants will be advised of when and how their personal information will be destroyed.
- Information about educators will only be accessed by the approved provider/nominated supervisor and individual educator concerned.
- Every educator and the approved provider/nominated supervisor is provided with clear written guidelines detailing:
 - what information is to be kept confidential and why;
 - what confidential information they may have access to in order to fulfil their responsibilities and how this information may be accessed;
 - who has a legal right to know what information;
 - where and how the confidential information should be stored.

- Every educator and the approved provider/nominated supervisor is required to sign a Confidentiality Statement. Deliberate disregard for this policy will be subject to instant dismissal.
- No educator may give information or evidence on matters relating to children and/or their families, either directly or indirectly, to anyone other than the responsible parent/guardian, unless prior written approval by the responsible parent/guardian is obtained. Exceptions may apply regarding information about children when subpoenaed to appear before a court of law. Notwithstanding these requirements, confidential information may be exchanged in the normal course of work with other staff members at the service and may be given to the approved provider/nominated supervisor/coordinator, when this is reasonably needed for the proper operation of the service and the wellbeing of users and educators/staff.
- Educators are aware of the need for sensitivity and confidentiality in handling information regarding child protection issues.
- Reports, notes and observations about children will be accurate and free from biased comments and negative labeling.
- Observations about children will be stored at the centre in a restricted area. Information will be viewed by relevant educators and families only.
- Educators will protect the privacy and confidentiality of other educators by not relating personal information about another educator to anyone either within or outside the service.
- Confidential information about educators will only be accessed by the nominated supervisor, approved provider, other educators that requires access in order to fulfil their role e.g. administration assistant and individual educator concerned. Some information pertaining to individual circumstances may be disclosed to the approved provider/nominated supervisor in certain instances.
- Students/people on work experience/volunteers will not make educators, children or families at the service, an object for discussion outside of the service (e.g. college, school, home etc.), nor will they at any time use family names in recorded or tutorial information.
- Students/people on work experience/volunteers will only use information gained from the service upon receiving written approval from the service to use and/or divulge such information, and will never use or divulge the names of persons.
- All matters discussed at staff meetings will be treated as confidential.
- Educators are not permitted to discuss other educators, families or management decisions with parents.

Social media

- It is not permitted to use photos of children, or any other information that may identify children or families on social media sites such as Facebook, unless families have provided specific permission for this to occur. This policy strategy applies to educators, management, students, people on work experience, volunteers or any other person that may have access to children at the service.
- Educators or management are not permitted to discuss the service or its staff on social media sites. Failure to adhere to this policy would be seen as unprofessional behaviour and would be subject to the relevant grievance procedure process.
- The service will include information about social media policy in the family orientation package, educator/staff/student/volunteer orientation procedures, and will include regular reminders about the policy in service newsletters. In addition to this all persons listed above will be required to sign a Confidentiality Statement, which includes a statement about the use of photos and information on social media sites.
- Educators will not invite parents to be friends/followers of Facebook, Instagram or any social media platforms, but can accept requests from parents.
- Any person who slanders or portrays a negative view of Lifestreamers Early Learning will face disciplinary measures.

Related Legislation and Documents

- Privacy Act 1988 (Cth.)
- Family Assistance Law
- Corporations and Associations Laws

- Fair Work Act 2009
- Taxation laws
- Education and Care Services National Law (WA) Act 2012
- Education and Care Services National Regulations 2012

Document History

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