

Our Lady of Hope Greenwith Campus Outside School Hours Care



POLICY DOCUMENT

CONFIDENTIALITY

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BACKGROUND

Privacy is acknowledged as a fundamental human right. Our OSHC Service has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in Early Childhood Code of Ethics, National Education and Care Regulations and the Privacy Act 1988 (Cth).

POLICY STATEMENT

Our Lady of Hope OSHC will make every effort to protect the privacy and confidentiality of all individuals associated with the service by ensuring that all records and information about individual children, families, educators, staff and management are kept in a safe and secure place and is not divulged or communicated, directly or indirectly, to another person other than:

- To the extent necessary for the education and care of the child
- To the extent necessary for medical treatment of the child
- Family of the child to whom the information relates.
- The Regulatory Authority or an authorised officer as expressly authorised, permitted, or required under the Education and Care Services National Law and Regulations
- With the written consent of the person who provided the information

Information should not be collected unless it is required. People are entitled to know why information is being collected and the service's policy about disclosure of the information it holds. Personal information about children should not be held without families' knowledge.

SCOPE

This policy applies to the approved provider, nominated supervisor, director, educators, families, children, and to all visitors of our OSHC Service. The Principal of Our Lady of Hope School has the delegated authority for the approval of the Confidentiality Policy.

LEGISLATIVE REQUIREMENTS

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS		
111	Administrative space	The administrative space is a secure space with secure cupboards and drawers
145-152	Staff and educator records—centre-based service	Staff and educator records are kept onsite in a secure location
158-162	Attendance and enrolment records	Attendance and enrolment records are kept onsite in a secure location
168	Education and care service must have policies and procedures	There are multiple policies implemented at our service. The related policies to 'Confidentiality' policy and procedures are shown in related policies table below
177	Prescribed enrolment and other documents to be kept by approved provider	The Service on behalf of the approved provider keeps prescribed enrolment and other documents
181-184	Confidentiality of records kept by approved provider	The Service on behalf of the approved provider maintains confidentiality of records

NATIONAL QUALITY STANDARDS

QUALITY AREA 4:		
	Concept	Descriptor
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical
QUALITY AREA 5: COLLABORATIVE PARTNERSHIPS WITH FAMILIES AND COMMUNITIES		
	Concept	Descriptor
5.1	Relationships between educators and children	Respectful and equitable relationships are maintained with each child
QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
	Concept	Descriptor
7.1	Governance	Governance supports the operation of a quality service
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service

RELATED POLICIES AND PROCEDURES

Governance and Management Authorisations Policy Child Protection Staffing - Code of Conduct Complaints Response and Resolution Policy	Enrolment and Orientation Policy Incident, Injury, Trauma, and Illness Policy Excursion Policy Dealing with Medical Conditions in Children
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HOW THE POLICY WILL BE IMPLEMENTED

1. Confidential Information

1.1 Refers to all information, data, records, or experience relating to the personnel files of employees or candidates for employment and all forms, including but not limited to documents, databases, records, drawings, and oral communications relating to staff, families, and children.

2. Collection of personal information

2.1 When collecting personal information, the service may discuss:

- The purpose for collecting the information.
- How information is stored.
- The strategies used to keep information secure.
- Who has access to the information.
- The right of the individual to view their personal information.
- The length of time information needs to be retained; and how information will be disposed of.

2.2 All information regarding the children and their families attending the service is to be used solely for the purposes of providing childcare and meeting the administration requirements of operating the service.

2.3 All information regarding any child/family enrolled in the service will only be accessible to authorised persons. The Approved Provider and the Nominated Supervisor will determine who is authorised to access records.

3. Retention and Storage of Records

3.1 The Service will ensure that documents set out in the Education and Care Services National Regulations (Regulation 177) are kept in a safe and secure place for the length of time outlined in Regulation 183 (2).

- Records relating to funding will be kept for a period of 7 years.
- Complete Incident, injury, trauma, and illness forms will be kept until the child is 25 years
- Child Care Subsidy records will be kept for a period of 3 years.
- Records relating to fees accounting and bank statements will be kept for a period of 7 years.
- Death of a child records will be kept for 7 years after death of the child.
- Insurance and financial details will be kept for a period of 7 years.
- Staff Employment Details All records pertaining to an individual staff member are to be kept for 3 years after the individual's last day
- Children's records Unless otherwise stated above, all records pertaining to an individual child must be kept for 3 years following the child's last date of care. All other records must be kept for 3 years after the record was made.

3.2 The service will develop a practice in relation to the retention and disposal of records.

3.3 In the event that approval of the service is transferred, the requirements of Regulation 184 will be followed.

4. Disclosure of Information

4.1 Personal information regarding the children and their families is not to be discussed with anyone outside the service, except in circumstances outlined in Regulation 181.

4.2 Families may seek access to the personal information collected about them and their child by contacting the Nominated Supervisor at the service. Children may also seek access to personal information about themselves. However, access may be denied where access would impact on the privacy of others; where access may result in a breach of the service's duty of care to the child; or where the child has provided information in confidence.

4.3 Lists of children's or families' names, emails and phone numbers are deemed confidential and are not for public viewing and will not be issued to any other person or organisation without written consent.

4.4 No personal information regarding a staff member is to be given to anyone without his/her written permission.

4.5 Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 provides the legislative basis for sharing information that relates to the safety, welfare, or wellbeing of a child.

5. Personal Conversations

5.1 Personal conversations with families about their children, or other matters that may impact on the child's enrolment, for example, fees, will take place in an area that affords them privacy. (r111)

5.2 Personal conversations with educators and staff about matters relating to their performance will take place in an area that affords them privacy.

6. Maintenance of Information

- 6.1 The Nominated Supervisor is responsible for maintaining all service records required under the Education and Care Services National Regulations (Regulation 168) and other relevant legislation, for example, Work, Health and Safety, Australian Taxation Office, Family Assistance Office, Department of Education, Employment and Workplace Relations (DEEWR) and for ensuring that information is updated regularly.
- 6.2 The service takes all reasonable precautions to ensure personal information that is collected, used, and disclosed is accurate, complete and up to date.
- 6.3 Individuals will be required to advise the service of any changes that may affect the initial information provided.

7. Breaches of Confidentiality

- 7.1 All breaches of confidentiality will be addressed efficiently and effectively. Any serious breach may require us as mandatory reporters to notify relevant authorities (e.g., Police, NSW Communities and Justice, ACECQA etc.)
- 7.2 Staff found to have breached confidentiality will be subject to disciplinary action, up to and including dismissal and/or legal action.
- 7.3 Committee members found to have breached confidentiality will be asked to leave the committee and may be subject to legal action.

INDUCTION AND ONGOING TRAINING

Educators will cover all policies and procedures in their induction training. On going training will be provided at staff meetings.

SOURCES

- Australian Children's Education & Care Quality Authority. (2014).
- My Time Our Place: Framework for School Aged Care in Australia (2011)
- The Privacy Act (1988)
- Work, Health and Safety Act (2011)
- Children's Protection Act (1993)
- Australian Child Care Service Handbook, DEEWR (current edition) at www.acequa.gov.au
- CESA Guidelines

RECORD HISTORY [REGULATION 170, 171 and 172]

Approved by:

Approved date:

Review date:

Revision record:

This policy and procedure are approved and in place until the review date, unless during that time the Principal of Our Lady of Hope School instructs a revision. In this case, parents of children enrolled at the service will be notified at least 14 days before any change to this policy or procedure comes into effect. Less time of advice before a change will only happen if SACCS has reason to believe the safety, health or wellbeing of any child enrolled at the service is at risk if a change is not immediately made.