



Early Childhood to Senior Schooling
Education and Early Childhood Services
Registration and Standards Board of SA



Instrument of the Education and Early Childhood Services Registration and Standards Board of South Australia

Specified by the Education and Early Childhood Services Registration and Standards Board of South Australia in accordance with regulation 16 of the Education and Early Childhood Services (Registration and Standards) Regulations 2011

Record-keeping requirements for Occasional Care and Mobile Care services

This document published by the Education and Early Childhood Services Registration and Standards Board of South Australia (the Board) prescribes the record-keeping and documentation requirements for occasional and mobile care services.

The record-keeping requirements outlined in this document are mandatory and subsequently, a breach of these requirements is an offence under the National Law.

In accordance with section 175 of the *Education and Care Services (National Law) (South Australia)* (the National Law) an approved provider must keep prescribed documents available for inspection by an authorised officer.

Clause 3(1)(h) of Schedule 2 that modifies section 175 for residual early childhood services and regulation 16 (1) of the Education and Early Childhood Services (Registration and Standards) Regulations 2011, states that the 'prescribed documents' are 'documents as may be specified by the Board from time to time'.

1. Prescribed documents

Regulations in this part are a reference to the Education and Care Services National Regulations. The content of which, are hereby specified by the Board to apply.

The following documents are to be kept by an approved provider (section 175 of the National Law):

- 1.1 documentation of child assessments or evaluations for delivery of the educational program as set out in regulation 74;
- 1.2 an incident, injury, trauma and illness record as set out in regulation 87;
- 1.3 a medication record as set out in regulation 92;
- 1.4 a staff record as set out in regulation 145;
- 1.5 a record of volunteers and students as set out in regulation 149;

- 1.6 the records of the responsible person at the service as set out in regulation 150;
- 1.7 in the case of a centre-based service, a record of educators working directly with children as set out in regulation 151;
- 1.8 a record of access to early childhood teachers as set out in regulation 152;
- 1.9 a children's attendance record as set out in regulation 158;
- 1.10 child enrolment records as set out in regulation 160;
- 1.11 a record of the service's compliance with the Law as set out in regulation 167; and
- 1.12 A record of certified supervisors placed in day-to-day charge of the education and care service under section 162 of the Law.

2. Documents are accurate

An approved provider must take reasonable steps to ensure the documents specified are accurate.

3. Documents to be kept are available

Documents in relation to a child enrolled at the service must be made available to a parent of the child on request.

If a parent's access to information of the kind in the documents is limited by an order of a court, an approved provider must refer to the court order in relation to the release of information concerning the child to that parent.

A record of the service's compliance is able to be accessed on request by any person.

The following information specifies the periods that records are to be kept, and the place and manner in which documents are to be stored in accordance with regulation 16 of the State Regulations.

4. Confidentiality

Information kept in a record must not be divulged or communicated, directly or indirectly, to another person other than—

- 4.1 to the extent necessary for the education and care or medical treatment of the child to whom the information relates; or
- 4.2 a parent of the child to whom the information relates, except in the case of information kept in a staff record; or
- 4.3 the Board or an authorised officer; or
- 4.4 as expressly authorised, permitted or required to be given by or under any Act or law; or
- 4.5 with the written consent of the person who provided the information.

5. Storage of records and other documents

- 5.1 Records and documents must be stored in a safe and secure place.
- 5.2 Records and documents must be kept for the following periods—

- 5.2.1 if the record relates to an incident, illness, injury or trauma suffered by a child while being educated and cared for by the education and care service, until the child is aged 25 years;

- 5.2.2 if the record relates to an incident, illness, injury or trauma suffered by a child that may have occurred following an incident while being educated and cared for by the education and care service, until the child is aged 25 years;
- 5.2.3 if the record relates to the death of a child while being educated and cared for by the education and care service or that may have occurred as a result of an incident while being educated and cared for, until the end of 7 years after the death;
- 5.2.4 in the case of any other record relating to a child enrolled at the education and care service, until the end of 3 years after the last date on which the child was educated and cared for by the service;
- 5.2.5 if the record relates to the approved provider, until the end of 3 years after the last date on which the approved provider operated the education and care service;
- 5.2.6 if the record relates to the nominated supervisor or staff member of an education and care service, until the end of 3 years after the last date on which the nominated supervisor or staff member provided education and care on behalf of the service; and
- 5.2.7 in case of any other record, until the end of 3 years after the date on which the record was made.

6. Storage of records after service approval transferred

- 6.1 If a service approval is transferred under the Law, the transferring approved provider must transfer the documents relating to children currently enrolled with the service to the receiving approved provider on the date that the transfer takes effect.
- 6.2 The transferring approved provider must not transfer the documents relating to a child unless a parent of the child has first consented to that transfer.