

Camp Gan Izzy - Management of the Service and Privacy and Confidentiality Policy

NQS

QA4	4.2.1	Professional standards guide practice, interactions and relationships.
	4.2.3	Interactions convey mutual respect, equity and recognition of each other's strengths and skills
QA5	5.2.3	The dignity and the rights of every child are maintained at all times
QA6	6.1	Respectful supportive relationships are developed and maintained
QA7	7.1.1	Appropriate governance arrangements are in place to manage the service

National Regulations

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Aim

This policy is to address the management of the service procedures and issues of privacy and confidentiality of children, educators, volunteer workers and parents using the service. It aims to ensure that policies, records and procedures are kept; and to protect the privacy and confidentiality by ensuring that all records and information about individual children, families, educators and management are kept in a secure place and are only accessed by or disclosed to those people who need the information to fulfil their responsibilities at the service or have a legal right to know.

Related Policies

Enrolment policy

Incident, Injury, trauma and illness procedures Policy

Medical Conditions Policy
Excursions Policy

Who is affected by this policy?

Child
Families
Carers
Management

Implementation

Children's attendance record to be kept in the centre

The vocational care centre must ensure that a record of attendance is kept for the service that—

- records the full name of each child attending the service; and
- records the date and time each child arrives and departs; and
- is signed by one of the following persons at the time that the child arrives and departs—
 - (i) the person who delivers the child to the education and care service premises or collects the child from the education and care service premises;
 - (ii) the nominated supervisor or an educator.

Child enrolment records to be kept in the centre

The centre must ensure that an enrolment record is kept and that includes the following information:

- the full name, date of birth and address of the child;
 - the name, address and contact details of—
 - (i) each known parent of the child; and
 - (ii) any person who is to be notified of an emergency involving the child if any parent of the child cannot be immediately contacted; and
 - (iii) any person who is an authorised nominee; and
- Note**
- Authorised nominee** means a person who has been given permission by a parent or family member to collect the child from the care service.
- (iv) any person who is authorised to consent to medical treatment of, or to authorise administration of medication to, the child; and
 - (v) any person who is authorised to authorise a carer to take the child outside the centre premises;
- details of any court orders, parenting orders or parenting plans provided to the approved provider relating to powers, duties, responsibilities or authorities of any person in relation to the child or access to the child;
 - details of any other court orders provided to the approved provider relating to the child's residence or the child's contact with a parent or other person;
 - the gender of the child;
 - the language used in the child's home;
 - the cultural background of the child and, if applicable, the child's parents;
 - any special considerations for the child, for example any cultural, religious or dietary requirements or additional needs.

Authorisations to be kept in enrolment record

The authorisations to be kept in the enrolment record for each child enrolled at the centre are—

- an authorisation, signed by a parent or a person named in the enrolment record as authorised to consent to the medical treatment of the child, for the approved provider, nominated supervisor or an educator to seek—
 - (i) medical treatment for the child from a registered medical practitioner, hospital or ambulance service; and
 - (ii) transportation of the child by an ambulance service; and
- if relevant, an authorisation given under regulation 102 for the education and care service to take the child on regular outings.

(Refer to enrolment policy)

Health information to be kept in enrolment record

The health information to be kept in the enrolment record for each child enrolled at the centre service is—

- the name, address and telephone number of the child's registered medical practitioner or medical service; and
- if available, the child's Medicare number; and
- details of any—
 - (i) specific healthcare needs of the child, including any medical condition; and
 - (ii) allergies, including whether the child has been diagnosed as at risk of anaphylaxis; and
- any medical management plan, anaphylaxis medical management plan or risk minimisation plan to be followed with respect to a specific healthcare need, medical condition or allergy referred to in paragraph (c); and
- details of any dietary restrictions for the child; and
- the immunisation status of the child; and
- if the staff member has sighted a child health record for the child, a notation to that effect.

(Refer to enrolment policy)

Education and care service must have policies and procedures

To ensure that the centre have in place policies and procedures in relation to:

- health and safety, including matters relating to: nutrition, food and beverages, dietary requirements; and sun protection; and water safety, including safety during any water-based activities; and the administration of first aid
- incident, injury, trauma and illness procedures
- dealing with infectious diseases
- dealing with medical conditions in children
- emergency and evacuation;
- delivery of children to, and collection of children from the centre premises
- excursions
- providing a child safe environment
- staffing, including—

- a code of conduct for staff members; and
- (ii) determining the responsible person present at the service; and
- (iii) the participation of volunteers and students on practicum placements
- interactions with children
- enrolment and orientation
- governance and management of the service, including confidentiality of records
- the acceptance and refusal of authorisations
- payment of fees and provision of a statement of fees charged by the centre
- dealing with complaints.

Policies and procedures to be followed

To ensure that the nominated supervisor and staff members of, and volunteers at, the service follow the policies and procedures mentioned above.

Policies and procedures to be kept available

The centre must ensure that copies of the current policies and procedures required are readily accessible to the nominated supervisor, staff members and volunteers.

The centre will also ensure that copies of the current policies and procedures required are available for inspection at all times that the service is caring for children or otherwise on request.

Notification of change to policies or procedures

- To ensure that parents of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have a significant impact on—
 - the service's provision of care to any child enrolled at the service; or
 - the family's ability to utilise the service.
- To ensure that parents of children enrolled at the service are notified at least 14 days before making any change that will affect the fees charged or the way in which fees are collected.
- If the centre considers that the notice period would pose a risk to the safety, health or wellbeing of any child enrolled at the service, the centre must ensure that parents of children enrolled at the service are notified as soon as practicable after making a change referred.

Prescribed information to be displayed

The following information is prescribed:

- in relation to the provider approval—
 - (i) the name of the approved provider;
 - (ii) the provider approval number;
 - (iii) any conditions on the provider approval;
- in relation to the service approval—
 - (i) the name of the education and care service;
 - (ii) the service approval number;
 - (iii) any conditions on the service approval;
- in relation to the nominated: the name of the nominated supervisor
- in relation to the rating of the service: the overall rating of the service;

Also the following matters and information are prescribed:

- the hours and days of operation of the education and care service;

- the name and telephone number of the person at the education and care service to whom complaints may be addressed;
- the name and position of the responsible person in charge of the education and care service at any given time;
- the name of the educational leader at the service;
- the contact details of the Regulatory Authority;
- if applicable, a notice stating that a child who has been diagnosed as at risk of anaphylaxis is enrolled at the education and care service;
- if applicable, a notice of an occurrence of an infectious disease at the education and care service.

Time to notify certain circumstances to Regulatory Authority

A notice must be provided within 14 days of the relevant event or within 14 days of the approved provider becoming aware of the relevant event.

In any other case, a notice must be provided, within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant event.

Prescribed information to be notified to Regulatory Authority

The following matters are prescribed—

- any change to the address of the approved provider or the principal office of the approved provider, or the contact details of the approved provider;
- the appointment of receivers or liquidators or administrators to the approved provider or any other matters that affect the financial viability and ongoing operation of the education and care service.
- any change to the hours and days of operation of the education and care service;
- any incident that requires the approved provider to close, or reduce the number of children attending, the education and care service for a period;

Example

A flood or a fire that requires an approved provider to close the education and care service premises (or part of those premises) while repairs are undertaken.

- any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service;
- in the case of a family day care service, any change to the State or Territory in which the family day care service operates;
- in the case of a family day care service, if a new approved family day care venue is added to the service.

Time to notify certain information to Regulatory Authority

A notice must be provided within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information.

Prescribed enrolment and other documents to be kept by approved provider

The following documents are prescribed in relation to the centre:

- an incident, injury, trauma and illness record
- a medication record
- a staff record
- a record of volunteers and students;
- the records of the responsible person at the service
- in the case of a centre-based service, a record of carers working directly with children
- a children's attendance record
- child enrolment records

- a record of the service's compliance with the Law
 - a record of certified supervisors placed in day to day charge of the centre
- The centre must take reasonable steps to ensure the documents referred are accurate.

The centre must ensure that the documents referred in relation to a child enrolled at the service are made available to a parent of the child on request;

Evidence of prescribed insurance

The centre has to keep evidence of the current prescribed insurance at the care service premises.

National Privacy Principles

NPP 1: collection

Describes what an organisation should do when collecting personal information, including what they can collect, collecting from third parties and, generally, what they should tell individuals about the collection.

NPP 2: use and disclosure

Outlines how organisations may use and disclose individuals' personal information. If certain conditions are met, an organisation does not always need an individual's consent to use and disclose personal information. There are rules about direct marketing.

NPPs 3 & 4: information quality and security

An organisation must take steps to ensure the personal information it holds is accurate and up-to-date, and is kept secure from unauthorised use or access.

NPP 5: openness

An organisation must have a policy on how it manages personal information, and make it available to anyone who asks for it.

NPP 6: access and correction

Gives individuals a general right of access to their personal information, and the right to have that information corrected if it is inaccurate, incomplete or out-of-date.

NPP 7: identifiers

Generally prevents an organisation from adopting an Australian Government identifier for an individual (e.g. Medicare numbers) as its own.

NPP 8: anonymity

Where possible, organisations must give individuals the opportunity to do business with them without the individual having to identify themselves.

NPP 9: trans-border data flows

Outlines how organisations should protect personal information that they transfer outside Australia.

NPP 10: sensitive information

Sensitive information includes information such as health, racial or ethnic background, or criminal record. Higher standards apply to the handling of sensitive information.

Service Privacy Guidelines

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- 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. (National Privacy Principle 1.1 - Privacy Act 1998.)
- Collection of personal information will be lawful, fair, reasonable and unobtrusive. (National Privacy Principle 1.2 - Privacy Act 1998.)
- Individuals who provide personal information will be advised of: the name and contact details of the service; the fact that they are able to gain access to their information; why the information is collected; the organisations to which the information may be disclosed; any law that requires the particular information to be collected; and the main consequences for not providing the required information. (National Privacy Principle 1.3 – Privacy Act 1998).
- 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. (National Privacy Principle 2.1 – Privacy Act 1998).
- The service will take steps to ensure the personal information collected, used or disclosed, is accurate, complete and up to date. Parents 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. (National Privacy Principle 3 – Privacy Act 1998).
- Personal information will be kept in a secure and confidential way, and destroyed by shredding or incineration, when no longer needed. (National Privacy Principle 4 – Privacy Act 1998).
- 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. (National Privacy Principle 6 – Privacy Act 1998).
- Individuals wishing to access their personal information must make written application to the Co-ordinator, who will arrange an appropriate time for this to occur. The Co-ordinator 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 Co-ordinator/Supervisor’s knowledge.
- The Co-ordinator 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 Director of Complaints, Office of the Federal Privacy Commission, GPO Box 5218, Sydney NSW 1042, or phone the Commissioner’s Hotline on 1300 363 992. (Privacy Act 1998). www.privacy.gov.au
- Every employee and the Operator 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 employee and the Operator is required to sign a Confidentiality Statement.
- Every enrolling parent/guardian is provided with clear information about:

- What personal information is kept, and why.
 - Any legal authority to collect personal information.
 - Third parties to whom the service discloses such information as a usual practice.
- Confidential conversations that educators have with parents, or the Co-ordinator has with educators will be conducted in a quiet area away from other children, parents and educators. Such conversations are to be minuted and stored in a confidential folder.
 - Personnel forms and employee information will be stored securely. (Workplace Relations Act 1996).
 - 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 Co-ordinator, Educators Liaison Officer/Operator and individual educators concerned. (Workplace Relations Act 1996.)
 - All matters discussed at committee meetings will be treated as confidential. (Privacy Act 1998.)
 - No member of educators may give information or evidence on matters relating to children and/or their families 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 educators at the Service and may be given to the Operator, when this is reasonably needed for the proper operation of the Service and the wellbeing of users and educators. (Privacy Act 1988).
 - Reports, notes and observations about children must be accurate and free from biased comments and negative labelling of children.
 - Carers will protect the privacy and confidentiality of other carers by not relating personal information about another carer to anyone either within or outside the Service.
 - Students/people on work experience/volunteers will not make carers/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.

Sources

National Quality Standard

Education and Care Services National Regulation

Privacy Act 1988

Information Privacy Principles as stipulated in the Privacy Act 1988

United Nations Convention of the Rights of a Child

Freedom of Information Act 1989

Review

The policy will be reviewed annually.

The review will be conducted by:

- Management
- Employees
- Families
- Interested Parties

Reviewed: 06 – 01 – 2017

Date for next review: 06 – 01 – 2018