



LIWARA CATHOLIC OUTSIDE SCHOOL HOURS CARE CONFIDENTIALITY AND STORAGE OF RECORDS POLICY

POLICY STATEMENT

At Liwara Catholic Outside School Hours Care service we protect the privacy, dignity and confidentiality of individuals by ensuring that all records and information about children, families, staff and management is treated with discretion and kept in a secure place. Information is only disclosed to authorised people who need the information to fulfil their responsibilities at our service or whom have a legal right to know.

RATIONALE

The Catholic Education Commission of Western Australia Trustee's Association acknowledges parents and families as partners in the care and education of their children. Trust and respect for the dignity of the child and family require that standards are observed in the management of any sensitive information revealed about the child or family.

The Privacy Act 1988 requires that where confidential information is collected, that it is managed in such a way as to preserve the dignity of those involved and to maintain confidentiality.

Under the Education and Care Services National Law and Regulations (2012), our service is required to collect and store information pertaining to children and families in a confidential and sensitive manner. Information relating to individual staff members may also be collected by service management and will therefore need to be dealt with in a confidential manner.

Element 7.3.1 of the National Quality Standard requires OSHC services to ensure records and information are stored appropriately to maintain confidentiality. Such information must be available from the service when necessary and must be maintained in accordance with legislative requirements.

PROCEDURE

Collecting information about children and families

All records and documents relating to enrolled children at our service comply with those specified in regulation 177 of the Education and Care Services National Regulations (2012). Such information will be stored for the specified time period in regulation 183.

Type of records to be collected

Our service may collect some of the following records:

- Medical records / medical management plans (E.G., Asthma management plans)
- Immunisation history
- Dietary needs
- Information regarding Child Care Benefit or Child Care Rebate
- Other information relating to the health and wellbeing of the child.

When records may be used

Information that is kept in a record as required by the National Regulations must not be communicated with anyone other than:

- Educators at our service who require the information for the education and care of a child
- Medical personnel who require the information for medical treatment of the child
- A parent / legal guardian of the child that the record relates to (except for a staff record), or
- The regulatory authority / an authorised officer or other Government personnel with a legal right to know.

It may also be communicated if authorised or required under any Act or Law, or if the person who provided the information gives written permission. For example, a parent may give written permission for the service to share information about their child with a support agency such as inclusion support.

Communication with families about records

Records relating to children and families are typically collected at enrolment and may be updated annually or as and when necessary. Every enrolling family who provides personal, sensitive and health information will be advised in the form of a Privacy Statement (see enrolment form) 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 information. Families will be notified of the time for which particular records are required to be retained under the relevant legislation.

Storage of child / family records

The service will take the following steps to ensure the personal information collected, used or disclosed, is stored in a confidential manner.

- Personal information (from children, families or staff) will be kept in a secure and confidential manner, and destroyed by shredding when no longer needed.
- 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. Only authorised staff will have access to such records (See Acceptance and Refusal of Authorisations Policy).
- Families and staff will be provided access to their personal information and may request that their details be updated or changed where they are no longer current or correct.
- When an individual makes a request to have access to their personal information the nominated supervisor will protect the security of the information by checking the identity of the individual and ensuring that someone is present while they access the information to prevent the information from being changed or removed without the service management's knowledge.

Images of children

Parental/guardian consent regarding the use of visual images will be given or denied on the child's enrolment form.

Confidential discussions with families

Confidential conversations that staff have with family members will be conducted in a quiet area away from other children, family members and staff. Such conversations will be recorded and stored in a confidential folder. The service management will deal with privacy complaints promptly and in a consistent manner, following the service's grievance procedures.

Other staff practices to maintain confidentiality

1. All staff members are required to sign a confidentiality statement before they commence employment at our service. This is then stored in their staff file.
2. All staff will be provided with clear 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 the legal right to know certain information
 - Where and how confidential information should be stored (for children, staff or other).
3. No member of staff 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 summoned to appear before a court of law.
4. Staff members will be aware of the need for sensitivity and confidentiality in handling information regarding child protection issues.

5. Reports, notes and observation about children must be accurate and free from bias and negative labelling of children.
6. Students/people on work experience/volunteers will not make children or families at the service an object for discussion outside the service.
7. Students/people on work experience/volunteers will only use information gained from the service upon receiving written approval from the service to use such information and will not use or divulge names of persons.
8. It is not permitted to use photos of children or any other information that may identify children or families on social media websites (e.g. Facebook) unless families have provided specific permission for this to occur.

Collecting information about staff or service

Any personal information collected by the Nominated Supervisor or Service Manager will be done so in a confidential manner with records pertaining to individual staff will be stored in individual staff records.

Staff information to be collected

Individual staff records will be maintained at the service although the type of information collected will depend on their position held. Such records will contain information set out in Division 9 (Staff and Educator Records) of the Education and Care Services National Regulations 2012 such as working with Children Check, police clearance, employment history or reference checks. Any sensitive information will be stored in a confidential manner and available to the nominated supervisor and service manager (principal) only.

Practices to maintain confidentiality of staff records

New staff, students or volunteers will be informed of any information which may be collected, why it is needed, how it will be stored and for how long. The nominated supervisor will also explain how it will be destroyed at the end of that time period.

1. Some information pertaining to individual staff circumstances may be disclosed to the service manager in certain circumstances. This will be discussed with individual staff members.
2. Staff will protect the privacy and confidentiality of other staff members by not discussing any personal information about another staff member to anyone either within or outside the service.
3. All matters discussed at staff meetings will be treated as confidential.
4. Staff and Management are not permitted to discuss the service or its staff on social media websites (e.g. Facebook)
5. Sensitive information relating to staff such as criminal history (regulation 48) will be discussed in a confidential manner with service management.
6. Personnel forms and staff information will be stored securely.

Information about Management and Staff

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.

PLEASE NOTE: This policy is used alongside CEOs Privacy policy applicable to all CEO schools in WA. (Policy no. 2 D 9)

REFERENCES

National Catholic Education Commission and National Council of Independent Schools' Associations, Privacy Compliance Manual (as amended 2011) – retrieved on the 15th of August 2013 from <http://www.ncec.catholic.edu.au>.

Australian Children's Education and Care Quality Authority (2012), Education and Care Services National Law (WA) Act 2012, Duty of Confidentiality section 273, ACECQA, NSW

Australian Children's Education and Care Quality Authority (2012), Education and Care Services National Regulations (WA) 2012. Sections 168 (2) (i); 181, 183, 184, Part 6.2 – 195; 203; 223. ACECQA, NSW.

Australian Children's Education and Care Quality Authority (2011), The Guide to the National Quality Standard – Quality Area 7, Element 7.3.1. ACECQA, NSW.

Australian Children's Education and Care Quality Authority (2011), The Guide to the Education and Care Services Law and the Education and Care Services National Regulations, ACECQA. NSW.

National Privacy Principles - <http://www.oaic.gov.au/privacy/privacy-act/the-privacy-act>

Review History		
Previous Review	Year of Review	Next Review
April 2015	February, 2017	February, 2019