

Child care insights

How long must you retain child care records in Victoria?

Are you aware that there are stringent requirements to retain child care records and also to implement supporting policies? The regulations relating to the retention of child care records are reflected in the Education and Care Services National Regulations Regulation 177 and 183, which are adopted in Victoria under the *Education and Care Services National Law Act 2010*.

These regulations state that the records and documents that are required to be kept are:

- the documentation of child assessments or evaluations for delivery of the educational program;
- an incident, injury, trauma and illness record;
- a medication record;
- a record of assessments of family day care residences and approved family day care venues;
- in the case of a centre-based service, 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 educators working directly with children;
- a record of access to early childhood teachers;
- in the case of a family day care service, a record of staff, family day care coordinators engaged by the service and family day care educator assistants approved by the service;
- a child'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 education and care service.



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The records must be kept in a safe and secure place. The regulations do not specify whether the records must be in soft or hard copy. The period of time that the records and documents must be retained differs depending on the type of record and document:

- 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;
- 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;
- 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;
- 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;
- 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;
- 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;
- in case of any other record, until the end of 3 years after the date on which the record was made.

It is important that staff are made aware of the stringent requirements to retain records and that policies to support adherence to these requirements are developed.

THIS ARTICLE WAS WRITTEN BY PRINCIPAL KELLIE DELL'ORO AND SOLICITOR NATALIE RUSSELL OF MERIDIAN LAWYERS. PLEASE CONTACT US IF YOU HAVE ANY QUESTIONS REGARDING THE RETENTION OF CHILD CARE RECORDS.

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