

## Governance and Management Policy and Procedure

<b>Title:</b>	Governance and Management (including confidentiality of records)		
<b>Last Reviewed:</b>	October 2015	<b>Next review due:</b>	October 2018
<b>NQF Reference:</b>	National Law section 175(1) Regulation 168, 177, 181, 183, 185 NQS 7.1; 7.1.2; 7.1.3		

### Policy

Blackmans Bay Childrens Services is a community based, not-for-profit organization, governed by a voluntary Board of Directors and the *Education and Care Services National Law, Education and Care Services National Regulations*, relevant legislation (e.g. *Associations Incorporation Act 1964*), Blackmans Bay Childrens Services' policies, procedures, philosophy, constitution and Board Handbook (including the applicable Board policies and procedures).

Blackmans Bay Childrens Services will protect the privacy of individuals associated with the organisation by ensuring that all records and information regarding individual children, parents, staff and management are accurate and maintained in a confidential and secure manner. Information will only be accessed by or disclosed to those people who have a legal right to do so.

### Procedure

The governance strategies of Blackmans Bay Childrens Services will, to the best of its ability, provide a safe and secure environment for children being educated and cared for at the service as well as educators, staff, students, volunteers and visitors.

The Blackmans Bay Childrens Services Board of Directors holds a governance role. The Board of Directors governance focus is on the wider organisational issues of the services, determining the strategic direction of the service, including the engagement of the Chief Executive Officer (CEO) to oversee the day to day management and operations of the service and that the organisation is soundly managed for the benefit of all. The Board of Directors work in a supportive and close partnership with the CEO to ensure the objectives and goals are achieved.

The CEO is accountable to the Board of Directors for the overall management and operation of the services. The CEO's role has two major components:

1. To act as Executive Officer to the Board, which includes advising and informing the Board in fulfilling its governance role and function.
2. To manage the affairs, activities and day to day operation of the organisation within the endorsed strategic and policy framework.

The role of the CEO is supported by the individual Senior Management Team; as well as all educators and staff associated with the service.

### Confidentiality of records

All persons associated with the education and care of children at Blackmans Bay Childrens Services will ensure records are maintained in line with relevant legislative requirements including the *Education and Care Services National Law, Education and Care Services National Regulations*, Australian Government Department of Social Services, Australian Government Department of Education and Training and the *Personal Information Protection Act 2004*.

## Governance and Management Policy and Procedure

To meet its legal obligations Blackmans Bay Childrens Services must ensure the information kept in a record under the National Regulations is not divulged or communicated, directly or indirectly to another person other than:

- Where/to the extent necessary for the education and care or required medical treatment of the child to whom the info relates; or
- To the parent of a child (unless a court order prevents you from doing so) except in the case of information kept in the staff record; or
- To the Education and Care Unit (the Regulatory Authority) or an authorised officer;
- As required by another Act or law; or
- Released with the written consent of the person who provided the information.

Therefore, Blackmans Bay Childrens Services will ensure that accurate records are maintained in an appropriate manner (including those records that are required to be maintained in a confidential manner), in a safe and secure place and for the relevant period of time. Records will only be available to those persons who have the authority and legal right to access them.

Storage of Records (as required under regulation 177 and 183)

Type of record	Period required to be kept
If the record relates to an incident, illness, injury or trauma	Until the child is aged 25 years
If the record relates to the death of a child	Until the end of 7 years after the death
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
Record relating to the approved provider	Until the end of 3 years after the last date on which the approved provider operated the service
Record relating to the nominated supervisor of staff member	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
Any other record	Until the end of 3 years after the date on which the record was made

Blackmans Bay Childrens Services must ensure a copy of the National Law and National Regulations is accessible to the nominated supervisor, staff members, volunteers, parents of children enrolled at the service and any person seeking to make use of the service.

### Links to other policies or documents

- Delivery and Collection of Children Policy and Procedure
- Enrolment and Orientation Policy and Procedure
- Staffing Policy and Procedure

### Sources

- *Education and Care Services National Law*
- *Education and Care Services National Regulations 2011*
- [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)
- Australian Government - Department of Social Services
- Australian Government - Department of Education and Training