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Child Care Document Retention Guide

Info-Organiser Document Management Software is VERS certified to meet the stringent standard requirements of the Public Records Office of Victoria, recognised as Australia's leading body for records management.

You can use the Records Management feature in Info-Organiser Document Management Software to set document storage and destruction dates.

Just as you would securely destroy paper documents, you can also set timeframes to review and purge your electronic files. Most Child Care records have a retention period of three to seven years, with some notable exceptions listed in the table below.

Child Care Records	
<p>Department of Social Services (DSS) advised that records related to Child Care Benefit (CCB) approved child care services can be kept electronically where services:</p> <ul style="list-style-type: none">- have a reliable means of ensuring the integrity of the information- store documents so they are accessible for subsequent reference- scan any hard copy of records in a format that cannot be altered. <p>A former operator must, within 14 days after the service ceases to be CCB approved, notify the Department of Social Services in writing of the premises at which the records are kept (whether hardcopy or electronic).</p> <p>The former operator must throughout the 36 month record retention period notify the Department of Social Services of any new premises at which the records are kept, if the location changes, within 14 days of the change in location.</p> <p>Further, if a service is closed, or placed into administration or into liquidation, the former operator must ensure that either they or the appointed receivers have access to the records relating to their period of operation and that these records are retained for the 36 months as set out above.</p>	<p>3 years, or if the authorised operator changes:</p> <p>Regardless of whether a child care service is:</p> <ul style="list-style-type: none">• sold as an ongoing business (for example, to a new operator); or• is closed, <p>the former operator must retain complete records as set out in the Rules for a minimum period of 36 months from the end of the year in which care was provided to which the information or event in the record relates, just as if the service's CCB approval had not been cancelled.</p>
<p>Enrolment Records: Most States require that:</p>	<p>3 years after the last date on which a child is educated and</p>

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<p>The approved provider of an education and care service must ensure that child enrolment records are stored in a safe and secure place.</p>	<p>cared for by the service (regulation183).</p> <p>Note: Enrolment records for the previous 12 months must, to the extent practicable, be kept at the education and care service premises (section 175(2)). If they are not kept on the premises, they must be maintained at a place readily accessible by an authorised officer, for example, the records are available online from the service premises.</p>
<p>Records relating to an incident, illness, injury or trauma suffered by a child while being educated and cared for by the education and care service</p>	<p>Until the child is aged 25 years</p>
<p>Records relating 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</p>	<p>Until the child is aged 25 years</p>
<p>Records relating 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</p>	<p>until the end of 7 years after the death</p>
<p>Records relating to the approved provider such as licenses, certificates, reports, nominations, and agreements.</p>	<p>until the end of 3 years after the last date on which the approved provider operated the education and care service</p>
<p>Records related to a nominated supervisor or staff member of an education and care service</p>	<p>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</p>
<p>Other records such as:</p> <ul style="list-style-type: none"> - Medication - Child assessments or evaluations for delivery of the educational program - Records of volunteers and students - Records of access to early childhood teachers - Records of the service’s compliance with the Law including policies - Program and activity schedules 	<p>3 years after the last date on which a child is educated and cared for by the service</p>
<ul style="list-style-type: none"> - complaints made to the provider, or to any of the services of the provider, relating to compliance with Family Assistance Law 	<p>7 years</p>

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<ul style="list-style-type: none"> - Children’s attendance record, including absences - statements or documents demonstrating that additional absence days in excess of the initial 42 absence days satisfy requirements - Fees documents, including invoices and receipts - Statements of Entitlement, including statements issued to advise that there was a change of entitlement - Staff records – police checks, WWC, contracts, admin, qualifications, other HR records - any notice given to a state or territory body about a child at risk of abuse or neglect - copies of the evidence and information provided with an application for approval about persons with management or control of a provider and persons responsible for the day-to-day operation of a service - any evidence or information produced to obtain police checks and working with children checks for personnel and to support any statements about these checks in an application for provider or service approval 	
<p>Records of a decision about a child, that affects educator to child ratios at a centre-based service (WA only)</p>	<p>3 years after the last date on which a child is educated and cared for by the service</p>
<p>Records related to Child Sexual Abuse incidents and allegations – including contextual records such as staff rosters, attendance records (to meet recommendations made in the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse 2017.)</p>	<p>Indefinite</p>
<p>Parental Access: Note that the approved provider of education and care services must ensure that documents are accurate and can be made available to a parent of the child on request. (Unless a parent’s access is limited by an order of a court). Substantial fines exist for non-compliance and breaches of confidentiality.</p>	
<p>Storage of records after service approval transferred: If a service approval is transferred under the Law, the transferring approved provider must transfer specified documents relating to children currently enrolled with the service to the receiving approved provider on the date that the transfer takes effect. 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. (Refer to regulation 177 of National Regulations)</p>	
<p>Retention of General Business Documents:</p>	
<p>Accounting, Audit, Company, Human Resource, Payroll, Tax, Information Systems, Legal and Compliance</p>	<p>5-7 years after the transactions covered by the information are completed</p>

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Notable exceptions are:	
Air Monitoring Safety Logs	30 years
Hazardous chemicals: health monitoring	30 years
Hazardous chemicals – asbestos: health monitoring	40 years
Contracts/Agreements relating to property, leases, licences, easements, purchase and sale	15 years after disposal of property (Note: governed by varying State and Territory recommendations)
Copyright, Advertising Artwork	70 years after end of year of author's/artist's death
Trademarks	10 years
Patents	20 years
Governmental Compliance & Reporting, Legal Administration	15 years
Documents with Indefinite timeframes for secure retention are:	
Policies Programs & Procurement - Environmental	
Records Destruction Certification	
Minutes of Board & Shareholder Meetings	or 7 years in addition to the life of the organisation
Business Organisation & Incorporation	or 7 years in addition to the life of the organisation
Registers – shareholders, option holders and debenture holders	or 5 years in addition to the life of the organisation
Employee Medical Records	refer to Australian Privacy Principle 11.2 of Schedule 1 of the Privacy Act 1988
Insurance	Seek specific advice from your insurance company

Australian document storage and retention periods and compliance are covered by various Australian and State Acts:

- For Childcare Services**
 - The Education and Care Services National Regulations 2011 (National Regulations) specifically Regulation 177, 183 and 184
 - Education and Care Services National Law Act 2010 (National Law)
 - The Education and Care Services National Regulations 2012 of Western Australia
 - National Quality Framework www.acecqa.gov.au
 - www.education.gov.au/child-care-provider-handbook
 - DSS Record Keeping for Child Care Services Fact Sheet (July 2015)
 - Public Records Office of Victoria
- Corporations Act 2001**

The Corporations Act states that E-copy is sufficient although they must be kept in a form readily convertible to hard copy - section 288(1) Corporations Act 2001

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- **Income Tax Assessment Act 1936**

The ATO rules that E-copy is sufficient, provided it is kept in a form that is readily convertible to writing in the English Language. Documents stored in electronic form must be in a form that the Australian Taxation Office can access and understand in order to ascertain the entity's taxation liability. Where paper records are images and stored electronically, the requirements of section 262A of the Income Tax Assessment Act 1936 are satisfied if the images are:

- not altered or manipulated once stored;
- retained for the statutory period of 5 years; and
- capable of being retrieved and read at all times by ATO staff

Refer to ATO Taxation Ruling *TR 2018/02 Income tax: record keeping and access – electronic records*, for further details.

- **Other relevant Federal and State Acts, e.g.: Fair Work Act 2009, Work Health and Safety Regulations 2011**

Different retention periods exist in each State and Territory of Australia. The recommended retention period reflects the maximum period prevailing in any State or Territory.

Please note that this is a sample list of documents and that legal information retention requirements may be subject to change. We recommend that you verify any information relating to your particular document storage circumstances by consulting your accountant and/or lawyer.

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