

Last reviewed: September 2019

Nillumbik Playhouse Policy

Governance and management of the service, including confidentiality of records

POLICY STATEMENT

Nillumbik Playhouses strive to function as an inclusive learning community and acknowledge that leadership and management contribute to quality environments for children's learning and development. Playhouses work collaboratively with children and their families to maintain a clear purpose and shared values. Underpinning these are well-documented policies and procedures, well-maintained records, confidentiality and reflective practices. Continuous improvement is achieved by implementing cycles of planning and review in consultation with children and their families.

Nillumbik Playhouses protect the privacy, dignity and confidentiality of individuals by ensuring that all records and information about individual children, families, educators/staff and management is treated with discretion and kept in a secure place and only accessed by or disclosed to authorised people who need the information to fulfil their responsibilities at the service or have a legal right to know.

SCOPE

This policy applies to the Primary Nominee, Approved Nominee, Accepted Nominees, Educators, Staff, Students on placement, Contractors, Volunteers, Parents/Guardians, children and others attending the programs and activities of the Playhouse, including during offsite excursions and activities, and any other individual involved in this organisation.

LEGISLATION

Children's Services Regulations 2009 (v10)

Part 3- Records; Part 8- General

Children's Services Act 1996 (Vic)

Section 26-34

Privacy and Data Protection Act 2014 (Vic)

Health Records Act 2001 (Vic); Privacy Act 1988 (Cth)

Education and Care Services National Regulations

Part 4.7 Governance and Leadership

National Quality Standard

Quality area 7.3

Education and Care Services National Law Act 2010

Part 6- Operating an Education and Care Service

3(3)(a); 172; 175; 197; 200; 206; 215-216; 263-265

GOALS / What we are going to do

- Conduct our affairs legally, ethically and with integrity.
- Provide effective leadership based on a culture of openness and trust.
- Effectively communicate goals and objectives.
- Empower others through fostering respectful relationships.
- Manage change for continuous improvement to achieve funding, regulatory and legislative compliance and best practice.
- Maintain all prescribed documents.
- Employ a skilled and engaged workforce.
- Implement effective financial and administrative systems.

EVALUATION

To ensure continuous improvement, the Primary Nominee will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness, including children, families and staff.
- Monitor the implementation, compliance, complaints and incidents in relation to this policy.
- Notify Parents/Guardians when making any changes to this policy or its procedures.

- Make updates to the policy as part of the service’s policy review cycle, or in response to current legislation, research, policy and best practice updates, or as otherwise required.

RELATED DOCUMENTS

All Playhouse policies, forms and records.

RESOURCES

Early Childhood Resource Hub – Quality area 7: Governance and Leadership

www.ecrh.edu.au

Early Childhood Resource Hub- Confidentiality and Privacy

www.ecrh.edu.au

Australians Children Education and Care Quality Authority – Quality area 7: Governance and Leadership

www.acecqa.gov.au

Department of Education and Training- Running a service

www.education.vic.gov.au

Early Learning Australia- Governance support

www.elaa.org.au

Early Childhood Australia - Code of Ethics 2005

www.earlychildhoodaustralia.org.au

UNICEF- Fact Sheet: A summary of the rights under the Convention on the Rights of the Child.

www.unicef.org

AUTHORISATION

This policy was adopted on 30 September 2019.

REVIEW DATE

This policy shall be reviewed in December 2020.

PROCEDURE/ How it will be done

Confidentiality of records

The Primary Nominee will:

- Provide will protect the confidentiality of personal information through ensuring effective procedures and providing secure information management systems and lockable on-site storage.
- Provide a suitable space within the Playhouse for the exchange of confidential information.
- Require every employee/ educator to sign a Confidentiality Statement.

The Primary/Approved Nominee will:

Respect and take all reasonable steps to uphold an individual's right to privacy and maintain confidentiality, and will:

- Advise every family who provides personal information in the form of a Privacy Statement 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;
 - The main consequences for not providing the required information.
- Only collect personal information in so far as it relates to the Playhouse's activities and functions, and in line with relevant legislation.
- Use or disclose personal information only for its original collected purpose, unless the individual or the parent/guardian consents or unless it is needed to prevent a health threat, or is required or authorised under law.

- Must not divulge or communicate, directly or indirectly, to another person other than the parent of the child to whom the information relates. Information may be released to the Department as Regulatory Authority; or in the case of a medical emergency; or as required by any legislation or law.
- Take reasonable steps to ensure the personal information collected, used or disclosed is accurate, complete and up to date.
- Ensure all personal information is kept in a secure and confidential way, and destroyed by shredding or incineration, when no longer needed.
- Manage requests for access to personal information:
 - Request the application to access personal information is made in writing.
 - Arrange for an appropriate time for this to occur.
 - Protect the security of the information by checking the identity of the applicant.
 - Ensure the individual is directly supervised while they access the information to ensure the information is not changed, destroyed or removed without the responsible person/nominated supervisor's knowledge.
- If parent's access to information is limited by a court order, the court order must be referred to in relation to the release of information concerning the child to that parent.
- Deal with privacy complaints in line with the Dealing with complaints policy.
- Ensure visual images of children are not captured, recorded, removed from the service or used for any other purpose without the written consent of the parent/guardian.
- Ensure educators and relevant staff sign a Confidentiality Statement and provide 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 a legal right to know what information.
- Where and how the confidential information should be stored.
- Request Parent/Guardian provide permission for their child to be filmed or photographed at Playhouse and take steps to ensure, where consent has not been provided, that the child's image is not recorded.

The Educators will:

Respect and take all reasonable steps to uphold an individual's right to privacy and maintain confidentiality, and will:

- Be aware of the need for sensitivity and confidentiality in handling any personal information, especially in relation to child protection issues.
- Maintain accurate reports, notes and observations free from biased comments and negative labelling of children.
- Protect the privacy and confidentiality of children, families and other staff members by not relating personal information, either within or outside the service, to anyone, except as required to protect the health, safety or wellbeing of the child, or as required by any legislation or law.
- Personal information regarding the child may be shared between the Primary Nominee/Approved Nominee, educators and relevant staff to support children to engage in the educational program so long as the exchange is conducted in a confidential manner that maintains a child's dignity and right to privacy.
- Ensure visual images of children are not captured, recorded, removed from the service or used for any other purpose without the written consent of the parent/guardian. To demonstrate best practice, children's consent to be photographed or filmed should also be obtained in a manner that reflects their age and developmental capabilities.
- It is not permitted to use photographs of children or any other information that may identify children or families on social media sites unless families have provided specific permission for this to occur.

Students/ people on work experience, volunteers or visitors to the Playhouse will:

- Not make staff, children or families at the Playhouse, an object for discussion outside the service (e.g. at university, school or home), nor will they at any time use the family names in recorded or tutorial information.
- Not film or take photographs of children at Playhouse, unless the Parent/Guardian has provided specific permission for this to occur.
- Not post photographs of any child engaged in any activity facilitated through Playhouse unless the Parent/Guardian has provided specific permission for this to occur.

The Parents/Guardians will:

- Protect the privacy and confidentiality of children, families and other staff members by not relating personal information, either within or outside the service, to anyone.
- Protect the dignity of children, families, educators and other staff members by not share or discuss opinions or observations about children, Parents/Guardians, educators or other staff members with other families or adults.
- Discuss matters relating to an educator or family with the Primary/Approved Nominee.
- Follow due process to seek access to personal information related to their family or child.
- Update the child's enrolment and medical records annually and/ or as required.
- Not film or take photographs of children other than their own at Playhouse, unless the Parent/Guardian has provided specific permission for this to occur.
- Not post photographs of any child other than their own engaged in any activity facilitated through Playhouse unless the Parent/Guardian has provided specific permission for this to occur.

Effective governance and management

The Approved Provider and Primary Nominee will:

- Ensure the Playhouses remain sustainable and relevant within the context of the Nillumbik community.
- Provide oversight to ensure the Playhouse delivers a service in line with funding, regulatory and legislative requirements, reflects the organisation's philosophy, upholds the rights of the child and achieves its goals.
- Ensure that effective and compliant policies and procedures are in place and reviewed regularly.
- Delegate responsibilities for the implementation of the Playhouse objectives and day to day management to relevant staff.
- Ensure sufficient and appropriate resources are available to deliver a high-quality program for children.
- Approve and monitor budgets and financial accounts.

The Primary Nominee/Approved Nominee will:

- Maintain all prescribed enrolment and other documents (CSR 2009:28):
 - Child attendance record
 - Child enrolment record
 - Medication record
 - Accident, injury, trauma and illness record (or Incident, injury, trauma and illness record ECSNR regulation 87)
 - Staff record- must include:
 - The information about nominated supervisors set out in ECSNR regulation 146

- The information about staff members set out in ECSNR regulation 147
 - The information about the educational leader set out in ECSNR regulation 148
 - The information about volunteers set out in ECSNR regulation 149.
- At the discretion of and as directed by the Primary Nominee, maintain other records (ECSNR 2010) as per Appendix 1.
- Onboard new educators and other staff to Playhouse and ensure they have access to and understand the Playhouses':
 - Policies and procedures
 - Philosophy
 - Record keeping and program planning requirements
 - Child safety and child protection responsibilities and reporting processes
 - Any other funding, regulatory or legislative responsibilities or requirements associated with their role.
- Undertake activities to achieve continuous improvement, best practice and achieve funding, regulatory and legislative compliance.
- Foster a supportive, collaborative and respectful working environment that promotes high quality communication and interactions between educators, staff, families and children.
- Motivate staff and educators towards achieving the Playhouse goals and continuous quality improvement.
- Foster an environment that promotes and actively encourages the sharing of knowledge and skills with each other.
- Provide staff, educators, students, volunteers, families and children with the information and support they require to ensure a safe, inclusive and quality environment for all.

- Ensure educators are kept up to date and informed of changes in the early childhood sector. This may be done by providing information and resources, additional support visits and/or phone/email contact.
- Plan training and professional development required to meet the regulatory, legislative and the professional requirements of staff in consultation with educators during performance reviews and team meetings.
- Provide regular access to relevant in-service training and professional development opportunities.
- Provide first aid training, asthma and anaphylaxis training at least every three years (Children’s Services Regulations (63)) or to ensure educators hold current approved qualification (Education and Care Services National Regulations 2010 (136)).
- Tailor individual support and mentoring opportunities to reflect the unique skills, knowledge and experience of each educator.
- Follow all approved financial, reporting and administrative systems and report any concerns to the Approved Provider in a timely manner.

The educators will:

- Support the efforts of the Approved Provider and Primary/Approved Nominee to promote effective governance, management and leadership as outlined above.

Parents/Guardians will:

- Raise concerns regarding the governance, management, leadership or delivery of service in line with the complaints policy.
- Provide and update the personal information requested by the Playhouse to ensure funding, regulatory and legislative compliance.
- Participate in the review of the Playhouse policies and procedures.

Appendix 1

Other documents to be kept on the premises

- Documenting of child assessments and evaluations for delivery of educational programs
- Risk assessments
- Records related to service's compliance with the Law as set out in ECSNR regulation 167.
- Notifications to Regulatory Authorities
- Record of volunteers and students as set out in ECSNR regulation 149.
- Record of the responsible person at the service as set out in ECSNR regulation 150
- Record of the educators working directly with children as set out in regulation ECSNR 151
- Record of access to early childhood teachers as set out in ECSNR regulation 158
- Record of each nominated supervisor and any person in day-to-day charge of the education and care service under section 162 of the Law.