



FDC Guidance

## RECORD KEEPING IN FAMILY DAY CARE



This information sheet provides an overview of record keeping requirements in family day care services under the Education and Care Services National Law and National Regulations. There may be other laws in your state or territory that have additional record keeping and storage requirements for some types of records.

### WHY IS RECORD KEEPING IMPORTANT?

Having good record keeping practices in place will help services to maintain ongoing compliance with the *National Law and National Regulations* and support delivery of high quality education and care for the children attending your service.

### WHO IS RESPONSIBLE FOR RECORD KEEPING?

Approved providers and family day care educators are responsible for compliance with record keeping requirements in accordance with the *Education and Care Services National Law*. However, other staff such as family day care coordinators and nominated supervisors are often responsible for overseeing record keeping practices in family day care services and for ensuring day-to-day compliance with record keeping requirements. It is important that all staff maintain a high standard for record keeping.

### WHAT ARE THE RESPONSIBILITIES?

Approved providers and family day care educators are responsible for ensuring that records are:

- up-to-date and include all the information required
- accurate
- made available to authorised officers of a regulatory authority and parents on request
- kept in a secure place and treated confidentially.

### WHAT RECORDS ARE APPROVED PROVIDERS RESPONSIBLE FOR KEEPING?

- Register of family day care educators, coordinators and assistants.
- Record of assessments of family day care residences and approved family day care venues.
- Record of staff other than family day care educators, coordinators and assistants.
- Record of service's compliance with the National Law.

- Documentation of child assessments or evaluations for delivery of the educational program.
- Incident, injury, trauma and illness record.
- Medication record.
- Children’s attendance record.
- Child enrolment records.

### WHAT RECORDS ARE FAMILY DAY CARE EDUCATORS RESPONSIBLE FOR KEEPING?

- Documentation of child assessments or evaluations for delivery of the educational program.
- Incident, injury, trauma and illness record.
- Medication record.
- Children’s attendance record.
- Child enrolment records.
- Record of visitors to the family day care residence or approved family day care venue.
- Please note that family day care educators must provide records to the approved provider when they leave a service (regulation 179).

### HOW LONG DO RECORDS NEED TO BE KEPT FOR?

All records relating to a child enrolled at the service must be kept for three years from the last day they were educated and cared for by the service. These include:

- documentation of child assessments or evaluations for delivery of the educational program
- medication record

- children’s attendance record
- child enrolment records.

All records relating to the nominated supervisor or a staff member at the service must be kept for three years from the last day they provided education and care on behalf of the service. These include:

- register of family day care educators, coordinators and assistants
- record of staff other than family day care educators, coordinators and assistants.

The following records must be kept for three years after the record was made:

- record of assessments of family day care residences and approved family day care venues
- record of service’s compliance with the National Law
- a record relating to an incident, illness, injury or trauma suffered by a child must be kept in a safe and secure place until the child is 25 years of age
- a record relating to the death of a child while being cared for by the service or may have occurred as a result of an incident must be kept in a safe and secure place until seven years after the death
- please note that this fact sheet only includes the requirements under the National Law. There may be other laws in your state or territory that have additional record keeping and storage requirements for some types of records.

What records need to be kept?	
Record name	Where to find in the National Law/National Regulations
1. Register of family day care educators, coordinators and assistants	<ul style="list-style-type: none"> <li>• Section 269 – Register of family day care educators, coordinators and assistants</li> <li>• Regulation 153 – Register of family day care educators, coordinators and assistants</li> </ul>
2. Record of assessments of family day care residences and approved family day care venues	<ul style="list-style-type: none"> <li>• Regulation 116 – Assessments of family day care residences and approved family day care venues</li> </ul>
3. Record of staff other than family day care educators, coordinators and assistants	<ul style="list-style-type: none"> <li>• Regulation 154 – Record of staff other than family day care educators, coordinators and assistants</li> </ul>
4. Record of service’s compliance with the National Law	<ul style="list-style-type: none"> <li>• Regulation 167 – Record of service’s compliance</li> </ul>
5. Documentation of child assessments or evaluations for delivery of the educational program (Education and care services located in Western Australia must check state specific regulatory references.)	<ul style="list-style-type: none"> <li>• Regulation 74 – Documenting of child assessments or evaluations for delivery of educational program</li> </ul>
6. Incident, injury, trauma and illness record	<ul style="list-style-type: none"> <li>• Regulation 87 – Incident, injury, trauma and illness record</li> </ul>
7. Medication record	<ul style="list-style-type: none"> <li>• Regulation 92 – Medication record</li> </ul>
8. Children’s attendance record	<ul style="list-style-type: none"> <li>• Regulation 158 – Children’s attendance record to be kept by approved provider</li> <li>• Regulation 159 – Children’s attendance record to be kept by family day care educator</li> </ul>
9. Child enrolment records	<ul style="list-style-type: none"> <li>• Regulation 160 – Child enrolment records to be kept by approved provider and family day care educator</li> </ul>
10. Record of visitors to the family day care residence or approved family day care venue	<ul style="list-style-type: none"> <li>• Regulation 165 – Record of visitors</li> </ul>

Please note the above list is not exhaustive and applies only to the records that are required to be kept under the *Education and Care Services National Law and National Regulations*. Please check with your regulatory authority as there may be other laws in your state or territory that require you to keep records in addition to the ones

## WHAT PENALTIES APPLY?

Penalties for not complying with record keeping requirements apply.

## RECORDS AND REGISTERS IN DETAIL

### 1. Register of family day care educators, coordinators and assistants

This register includes information for every family day care educator, coordinator and assistant engaged or registered with the service. The register is kept at the principal office and must include:

- name, date of birth, contact details and address
- days and hours when each educator will provide education and care to children
- names and dates of birth for each child educated and cared for and the days and hours that each educator usually cares for that child
- evidence of any relevant qualifications, including current approved first aid qualifications
- record of the current working with children/vulnerable people check or equivalent (if applicable)
- names and dates of birth for each person over 18 years of age who lives at each residence
- evidence that each person over 18 years of age who lives at each residence is fit and proper to be in the company of children, for example a current working with children check or criminal record check (note that jurisdictions have different evidence requirements)
- evidence that each educator is adequately supported and monitored by a family day care coordinator
- \*Details of family day care educators approved to educate and care for more than seven children, or more than four children who are preschool age or under, at any one time, due to exceptional circumstances.

The regulatory authority can request to see this register.

For a complete list of all required information see regulation 153 – Register of family day care educators, coordinators and educator assistants, and section 269 – Register of family day care educators, coordinators and assistants.

### 2. Record of assessments of family day care residences and approved family day care venues

This record includes details of each assessment that is conducted of a residence or venue. The record is kept at the service premises and must include information about:

- the assessment of any risks to the safety, health and wellbeing of children
- compliance with fencing and glass requirements
- safety of furniture and equipment
- suitability of nappy changing arrangements
- presence of water hazards
- risk posed by animals.

\*From 1 October 2023

Assessments must be conducted before education and care is provided at the residence or venue and at least once per year for each residence or venue.

For a complete list of all required information see regulation 116 – Assessments of family day care residences and approved family day care venues.

### 3. Record of staff other than family day care educators, coordinators and assistants

This record includes information for every staff member engaged by the service who is not an educator, coordinator, or assistant.

The record is kept at the service premises and must include:

- name of the person designated as the educational leader
- details about the nominated supervisor and each staff member, including contact information and evidence of any relevant qualifications
- record of each person's current working with children check, or equivalent (if applicable)
- information about students and volunteers including \*working with children / vulnerable people check or teacher registration details (if applicable).

For a complete list of all required information see regulation 154 – Record of staff engaged or employed by family day care service.

### 4. Record of service's compliance with the National Law

This record contains information about the service's compliance with the National Law.

The record is kept at the service premises and must include:

- details of any amendment of the service approval made by the regulatory authority under section 55 of the National Law
- details of any non-voluntary suspension of the service approval
- details of any compliance notice or compliance direction issued for the service.

Authorised officers can inspect or access this record at any time and any person can request access to this record.

For a complete list of all required information see regulation 167 – Record of service's compliance.

### 5. Documentation of child assessments or evaluations for delivery of the educational program

This record includes information about the service's educational program for children educated and cared for at the family day care residence or approved family day care venue.

The record is kept at the family day care residence or approved family day care venue<sup>2</sup> and must include:

For each child preschool age or under:

- assessments of the child's developmental needs, interests, experiences and participation in the program
- assessment of the child's progress against the outcomes of the program.
- For each child over preschool age if the service is located in the ACT
- evaluations of the child's wellbeing, development and learning.

For services located in NSW, NT, Qld, SA, Tas, Vic and WA:

- evidence of the development of the program for children over preschool age.

The changes for SA, Tas and Vic commenced from 1 July 2023. Education and care services located in Western Australia must check state specific regulatory references.

Authorised officers can inspect or request this record at anytime and parents can request to see documentation relating to their child.

[Regulation 274A](#) (NSW) - Programs for children over preschool age

[Regulation 289A](#) (NT) - Programs for children over preschool age

[Regulation 298A](#) (Qld) - Programs for children over preschool age.

[Regulation 325B](#) (SA)- Programs for children over preschool age

[Regulation 345A](#) (Tas)- Programs for children over preschool age

[Regulation 359A](#) (Vic)- Programs for children over school age

[Regulation 373A](#) (WA)- Programs for children over school age.

For a complete list of all required information see [regulation 74](#) – Documenting of child assessments or evaluations for delivery of educational program

The changes for SA, Tas and Vic commenced from 1 July 2023. Education and care services located in Western Australia must check state specific regulatory references.

## 6. Incident, injury, trauma and illness record

This record details every incident, injury, trauma or illness that occurs in relation to a child while that child is being educated and cared for by the educator. The record is kept at the family day care residence or approved family day care venue<sup>2</sup> and must include:

- circumstances surrounding the incident, injury, trauma or illness
- details of any action taken by the educator, including medication administered and medical personnel contacted
- details of any person who witnessed the incident.

Information must be added to the record as soon as practicable – and no later than 24 hours after it occurred. Please note that in addition to record keeping requirements, notification of serious incidents must also be provided to the regulatory authority within the prescribed timeframes.

Authorised officers can inspect or request this record at anytime and parents can request to see documentation relating to their child.

In accordance with the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse, approved providers should retain records relating to child sexual abuse that has or is alleged to have occurred, **for at least 45 years** from the date the record was created.

For a complete list of all required information see [regulation 87](#) – Incident, injury, trauma and illness record.

## 7. Medication record

This record includes information on each child who requires medication while at the education and care service.

The record is kept at the family day care residence or approved family day care venue<sup>2</sup> and must include:

- signed authorisation to administer medication, including authorisation for self-administration by the child if applicable
- date and time medication was administered
- the circumstances under which the medication should be next administered
- dosage and manner in which medication is to be administered
- name and signature of the person who administered the medication.

Authorised officers can inspect or request this record at anytime and parents can request to see documentation relating to their child.

For a complete list of all required information see [regulation 92](#) – Medication record.

## 8. Children's attendance record

This record includes attendance details in relation to each child being educated and cared for by the educator.

The record is kept at the family day care residence or approved family day care venue<sup>2</sup> and must include:

- each child's full name
- date and time each child arrives and departs
- signature of an authorised person each time a child arrives or departs.

Authorised officers can inspect or request this record at anytime and parents can request to see documentation relating to their child.

For a complete list of all required information see [regulation 159](#) – Children's attendance record to be kept by family day care educator.





## 9. Child enrolment records

This record includes enrolment details in relation to each child being educated and cared for by the educator.

The record is kept at the family day care residence or approved family day care venue<sup>2</sup> and must include:

- child's full name, date of birth and address
- contact details for the child's parents and for other persons as required
- authorisations
- health information
- information about any parenting orders, court orders, or parenting plans provided that relate to the child
- information about the language used in the child's home, the cultural background of the child and their parents and any special considerations for the child e.g. cultural, religious, additional needs.

Authorised officers can inspect or request this record at anytime and parents can request to see documentation relating to their child.

For a complete list of all required information see [regulation 160](#) – Child enrolment records to be kept by approved provider and family day care educator.

<sup>2</sup>The approved provider is only required to keep this record at the service premises if the equivalent record is not kept by the family day care educator.

## 10. Record of visitors to the family day care residence or approved family day care venue

The educator must keep a record of all visitors to the residence or approved venue while children are being educated and cared for by the educator.

The record is kept at the family day care residence or approved family day care venue and must include:

- name of each visitor
- time of the visitor's arrival and departure
- signature of the visitor.

For a complete list of all required information see [regulation 165](#) – Record of visitors.