



The Australian, state and territory education ministers have agreed to changes to the National Quality Framework (NQF).

# UPDATING RECORD KEEPING REQUIREMENTS TO SUPPORT CHILD PROTECTION

## WHEN DO THE CHANGES START?

From 1 October 2023, there will be new record keeping requirements under the Education and Care Services National Law and National Regulations.

Please check the legislation for commencement dates in Western Australia.

This fact sheet explains the changes, which are being made in response to recommendations by the [Royal Commission into Institutional Responses to Child Sexual Abuse](#).

## WHERE CAN I GET FURTHER INFORMATION?

For more information on changes to the new record keeping requirements to support child protection please visit [nqfreview.com.au](http://nqfreview.com.au).

For further/additional details on the changes to the new record keeping requirements to support child protection please visit the [Royal Commission into Institutional Responses to Child Sexual Abuse Final Report – Volume 8, Record keeping and information sharing](#).

## WHY ARE THE RECORD KEEPING REQUIREMENTS CHANGING?

The changes are being made in response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. It has been recommended that organisations engaged in child-related work retain records relating to child sexual abuse that has, or is alleged to have occurred, for at least 45 years (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017).

The changes also reflect and incorporate guidance on existing best practice from governments and state and territory authorities.

The changes aim to:

- strengthen whole service awareness of child protections laws and individual reporting obligations, including resources related to child protection reporting.
- enhance and appropriately maintain the record keeping practices of all employers and employees including volunteers in relation to actual or alleged incidents of child abuse, to ensure relevant records and information will be easily accessible to survivors of child sexual abuse.

## WHAT ARE THE CHANGES?

The key changes that are reflected in the Guide to the National Quality Framework include:

**Good record keeping** – good record keeping is important in identifying and responding to the risks and incidents of child sexual abuse, it can help to avoid additional distress and trauma for survivors who may be seeking and documenting information about their abuse while in the care of child-centred organisations. It is recommended that records identified as relevant to child safety and wellbeing (including child sexual abuse) be:

- kept for 45 years
- clear, objective, and thorough
- maintained in an indexed, logical, and secure manner
- retained and disposed of in a consistent manner.

Further details on what records may be relevant to child safety and wellbeing can be found:

- in the [recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse](#) page 22-24 or on their website
- in [Section 175 of the National Law](#): Offence relating to requirement to keep enrolment and other documents
- in [Regulation 177 of the National Regulations](#): Prescribed enrolment and other documents to be kept by approved provider.

**Incident, injury, trauma, and illness records** – It is already the responsibility of the approved provider and each family day care educator to keep incident, injury, trauma and illness records. The approved provider must ensure that records are stored until the child is 25 years old. 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.

**Record of evidence of fitness and propriety of staff members, volunteers, and students** – Approved providers are required to keep a record of each educator’s Working with Children Check (WWCC) or Working with Vulnerable People Check (WWVP), under their relevant jurisdiction law.

**This is being expanded to include checks for volunteers and students.** The record must include the identifying number of the current check under their relevant law, and the check’s expiry date if applicable. For all services this information must be included in the staff record (regulations 147, 149 and 154).

#### Note: Exemption for New South Wales, Queensland, South Australia, and Tasmania

If the staff member, volunteer, or student has provided:

- proof of their current teacher registration
- a record of the identifying number of the teacher registration
- the expiry date of that registration.

These must be recorded by the approved provider.

## HOW CAN APPROVED PROVIDERS BEGIN PREPARING FOR THIS CHANGE?

Approved providers may find it helpful to:

- review existing documents and templates related to staff records to identify opportunities to include these requirements and recommendations.
- review current policies, processes and procedures related to staffing to ensure there are systems in place to obtain employee’s current checks or teacher registration information.
- review current policies, processes and procedures related to records maintenance and storage to ensure they are indexed, logical and kept securely.
- communicate the changes at staff meetings and/or internal emails, newsletters and online communication platforms.

## RESOURCES AND REFERENCES

For additional information download the [Guide to the National Quality Framework](#).

Visit the [ACECQA website](#) for:

- [Reporting requirements about children](#)
- Information sheet [Record keeping requirements for FDC services](#)

Find other resources at:

- [Australian Institute of Family Studies](#)
- [Mandatory Reporting of Child Abuse and Neglect](#)
- [Contact your regulatory authority](#)

**Acknowledgment:** The information in this publication is accurate pending the Australian, state and territory education ministers’ agreement of the amended law and regulations.