



Record Keeping for Child Care Services Fact Sheet

July 2015

The purpose of this fact sheet is to provide information about record keeping requirements for Child Care Benefit (CCB) approved child care services. Under the Family Assistance Law, certain records must be kept for 36 months from the end of the year in which care was provided.

Legislation

Relevant legislation governing an approved child care service's record keeping obligations are:

Commonwealth family assistance law:

- *A New Tax System (Family Assistance) (Administration) Act 1999* (the Administration Act)
 - section 219F (for ongoing services); and
 - section 219G (for closed or ceased services); and
- *A New Tax System (Family Assistance) (Administration) (Child Care Benefit — Record Keeping) Rules 2006* (the Rules) section 22.

All of these are available on the [Comlaw](http://www.comlaw.gov.au) website¹

National Quality Framework

The National Quality Framework was established under the Education and Care Services National Law (National Law) and the Education and Care Services National Regulations (National Regulations). Each State and Territory is responsible for administering the National Law and National Regulations in their jurisdiction. Please refer to your State or Territory Regulatory Authority for further record keeping information.

¹ www.comlaw.gov.au

Record Keeping Rules

CCB approved child care services must retain the following records (as set out in the Rules) for a minimum period of 36 months² from the end of the year in which care was provided to which the information or event in the record relates:³

- the licence to operate a child care service issued by the State or Territory in which the service operates
- records of attendance for each child to whom care is provided (whether or not any person is currently eligible or conditionally eligible for child care benefit in respect of the child), including records of any absences from care
- any statements or other documents prepared or obtained by the service in relation to an absence mentioned in subsection 10 (3) of A New Tax System (Family Assistance) Act 1999 (for instance – documents in support of additional absence claims)
- copies of any certificates given by the child care service under the family assistance law (for instance - certificates given by a service under section 76 of A New Tax System (Family Assistance) Act 1999 for certifying the ‘Special Child Care Benefit’ rate – these certificates must comply with the requirements of a certificate set out at section 76(3) of the Act and include the reasons the service considers the child is at risk or the details of the temporary financial hardship the person is experiencing, whichever applies: see section 9 of the Child Care Benefit (Rates and Hardship) Determination 2000)
- copies of reports given by the child care service to the Secretary under section 219N of the Administration Act
- any notice of determination, or notice of variation of determination, given to the service by the Secretary under the family assistance law for the purposes of child care benefit
- any written nominations of the kind mentioned in subsection 7 (1) of the A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Determination 2006
- copies of receipts issued to people who have paid child care fees
- enrolment forms
- copies of notices of enrolment given to the Secretary by the child care service under section 219A or 219AA of the Administration Act
- insurance policies and any other documentation relating to insurance
- accounting records, including cash books and journals

² Or for the time ordered by a court, if that time is longer than 36 months (see section 219F(2)(b) of the Administration Act)

³ Section 219F(2)(a) of the Administration Act

- copies of any agreements made in accordance with section 24 of the Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000 (family day care services and in-home care services: in-home care agreement).

Family Day Care services must also retain records of:

- the full name, residential address and contact number of each carer employed or contracted by the approved family day care service
- if the child care is provided by a carer at a place other than the carer's residence – the address and telephone number of the premises where that care is provided.

Change of Operator and Closed Services

It is a condition for the continued approval of a Child Care Benefit (CCB) approved child care service that it continues to be operated by the person (the operator) who applied for the service's CCB approval. If the service (regarded as a business) ceases to be operated by that operator for any reason, the Secretary must cancel the service's CCB approval. A new application for CCB approval must be made by the new operator of the child care service if the (new) operator wishes parents of children using the service to have access to CCB and Child Care Rebate (CCR).

Regardless of whether a child care service is:

- sold as an ongoing business (for example, to a new operator); or
- is closed,

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.⁴

In addition, the 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. 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.

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.

Electronic Record Keeping

Records can be kept electronically where services:

- have a reliable means of ensuring the integrity of the information
- store documents so they are accessible for subsequent reference

⁴ Section 219G of the Administration Act

- scan any hard copy of records in a format that cannot be altered.

Records of 219N reports of the Administration Act can be kept either via access to the Child Care Management System (CCMS) or as hard copy print outs of all relevant CCMS reports.

Confidentiality and storage of records including personal information⁵

A CCB approved service must not disclose personal information about any member of a family that uses the service, other than to the Department of Social Services or the Department of Human Services, unless the disclosure is legally required to be made.

Personal information must be securely stored and people's personal details must not be discussed other than as needed for the administration of the service. All child care services must comply with the National Privacy Principles under the Privacy Act 1988 in handling personal information.

National Quality Framework Requirements

Approved services that fall within the scope of the National Quality Framework must comply with the National Law and the National Regulations.

Under the National Law, records such as enrolment and other documents relating to the operation of the service, any staff member, or children attending the service must be kept for the relevant period specified in the National Regulations.

For more detailed information about the requirements under the National Law refer to the

[Guide to the National Law and National Regulations](#)

For questions about state or territory specific areas of the National Law and National Regulations, contact your local [State or Territory Regulatory Authority](#).

More information

General information on child care obligations can be found in the [Child Care Service Handbook](#), located on the Department of Social Services website⁶

Further information on the National Quality Framework can be found on the [Australian Children's Education and Care Quality Authority](#) website⁷

⁵ Section 22, *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000*

⁶ <https://www.dss.gov.au/node/39071>

⁷ www.acecqa.gov.au