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CHILDREN'S FILES

The purpose of this print resource is

1. to provide information about what should be collected and maintained in each child's file

and
2. to outline key points to consider about confidentiality, control, custody, retention and destruction of children's files.

The Child Care Licensing Regulation (Part 4, Division 4, Section 57) requires that for each child enrolled, certain 'Records and consents' must be maintained at the child care facility. Typically, most of this information is collected from the enrolling parent/legal guardian and documented on the child care program's 'Registration Form' and 'Consent Forms'. Upon enrolment a file is established and subsequently maintained for each child. The licensee must ensure that all files are regularly reviewed and updated to ensure that information on all children presently enrolled is accurate and up to date.

Contents of Children's Files

The following information is appropriate to include in each child's file:

- date of enrolment in the child care facility/program
- legal/familial name, gender, date of birth
- names, addresses and work/home telephone numbers of the enrolling parent/guardian
- names, addresses and work/home telephone numbers of persons to contact in case of emergency
- written authorization from the enrolling parent/guardian for each person authorized to pick up the child

- copies of legal guardianship/access instructions and/or restrictions (e.g. custody and related court orders), if applicable
- details about allergies or dietary information
- name, address and telephone numbers of the child's doctor and dentist
- medical insurance number of the child
- immunization records
- any illnesses or medical disability disclosed by the enrolling parent/guardian or doctor
- consent signed by the enrolling parent/guardian authorizing staff to call a doctor or ambulance in the case of accident or illness, and/or to transport the child if necessary
- permission to administer medication when necessary
- signed copy of the Family/Centre Agreement/Contract
- consent for students/volunteers to work with the children, if applicable
- field trip consents, including transportation
- other consents required to implement specific centre policies and procedures
- consent to take photographs and utilize them according to centre policies
- a photograph of each child for identification purposes
- copies of incident report forms (please note these may be located both in a child's file as well as in a separate "Incident Report Form" file)
- correspondence from the parent/guardian to the licensee and correspondence from the licensee to the parent/guardian.

Because of the sensitive nature and the need to ensure confidentiality, many organizations prefer to seal and store certain information related to a specific child/family in a location separate from a child's file. This may include:

- reports of allegations/disclosures of abuse
- staff documentation of unusual events or behaviours.

Confidentiality

The information contained in each child's files is confidential - that is, private and personal. The licensee in developing policy and procedures to ensure confidentiality will need to consider:

- the rights of the child and enrolling parent/guardian
- the responsibilities of the child care staff and others working with the child and family
- the responsibilities of those involved with managing the child care program
- the responsibilities of the licensing officer to review the children's files as needed
- legislation and other legal requirements that may apply.

Control of Children's Files

It is important for all organizations delivering child care to have policies and procedures outlining control of the files. They will explain:

- who will have access to information in the files
- "how" and "to whom" information will be released
- the legal obligation of the licensee if there is a subpoena (a court authorized demand to give information under oath or share records/files).

The licensee is responsible for ensuring that all staff understand and implement the policies and procedures to "manage the information" in the children's files.

Custody of Children's Files

It is important for all organizations to have policies and procedures that explain:

- who is responsible for preparing, maintaining and storing the information and
- where the files are stored.

To ensure confidentiality, files should be stored in a secure way and in a safe place - in a locked filing cabinet, within an office or area that is strictly accessible to those who require the information in accordance with the policies and procedures outlining control of children's files.

Retention and Destruction of Files

The licensee should have policies and procedures that outline:

- how long each file will be typically kept (retention)
- how files will be destroyed (destruction).

Retention:

According to the Child Care Licensing Regulation (Part 4, Division 4, Section 60, #5) a licensee must keep a record for at least 2 years from the date the child leaves the facility.

However, some organizations may prefer to establish policies to retain some files for a longer period of time, especially when:

- children have required additional intervention
- there has been a complicated family situation (e.g. custody)
- a formal complaint has been made
- an investigation has taken place.

In such situations, the organization may want to keep copies of relevant information in case of follow up or future contact.

Destruction:

To ensure confidentiality at all times, each licensee should develop policies and procedures regarding destruction of files. These procedures will outline a safe way to get rid of unwanted files e.g. first shredding the total contents and then recycling the shredded paper.

Please refer to the Personal Information Protection Act for more information.

More information is available in:

Westcoast

INFORM Guide: An Administration Manual for Non-Profit Child Care in B.C.

- Chapter 3 - Regulation and Licensing
- Chapter 8 - Legal Issues and Liability

Westcoast Child Care Resource Centre Print Resources

- Tough and Sensitive Policies and Procedures

For further information:

- **Community Care Facility Act** - Child Care Licensing Regulation - Part 4, Division 4, Section 57 Records for each child
- **Freedom of Information and Protection of Privacy Act**
- **Taking Care: A Child Abuse Prevention Manual for Canadian Early Childhood Educators** - Chapters 6 and 7

This information is presented as a resource for licensed non-profit child care facilities. Westcoast Child Care Resource Centre does not assume responsibility for actions taken based on information provided.