



ACCEPTANCE AND REFUSAL OF AUTHORISATIONS POLICY 2020

Mandatory – Quality Area 2

AUTHORISATION

This policy was adopted by the Approved Provider of Holy Trinity Kindergarten on 2 August 2020.

REVIEW DATE: AUGUST 2022

PURPOSE

This policy outlines procedures to be followed when:

- obtaining written authorisation from a parent/guardian or person authorised and named in the enrolment record
- refusing written authorisation from a parent/guardian or person authorised and named in the enrolment record.

POLICY STATEMENT

1. VALUES

Holy Trinity Kindergarten (HTK) is committed to:

- ensuring the safety and wellbeing of all children attending HTK
- meeting its duty of care obligations under the law.

2. SCOPE

This policy applies to the Approved Provider, Persons with Management and Control, Nominated Supervisor, Persons in Day-to-Day Charge, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of HTK.

3. BACKGROUND AND LEGISLATION

Background

Under the National Law and Regulations, early childhood services are required to obtain written authorisation from parents/guardians, and/or authorised nominees (refer to *Definitions*) in some circumstances, to ensure that the health, safety, wellbeing and best interests of the child are met. These circumstances include but are not limited to:

- self-administration of medication (Regulation 96)
- children leaving the service premises (Regulation 99)
- children being taken on excursions (Regulation 102).

Specific service policies (including the *Administration of Medication Policy*, *Delivery and Collection of Children Policy*, *Enrolment and Orientation Policy* and *Excursions and Service Events Policy*) should include details of the conditions under which written authorisations will be accepted. However, there may be instances when a service refuses to accept a written authorisation. The *Education and Care*



Services National Regulations 2011 (Regulation 168(2)(m)) specify that services are required to develop a policy in relation to the acceptance and refusal of authorisations to help educators/staff and parents/guardians understand exactly what they need to do.

This policy outlines procedures to be followed when refusing a written authorisation from a parent/guardian or person authorised and named in the enrolment record. As an example, the National Law does not specify the minimum age of a person who is authorised to collect a child from the service premises. After consulting with parents/guardians and families, the Approved Provider may adopt a policy position accepting authorisations for persons over the age of 16 to collect a child from the service. This decision will then be outlined in the service's *Delivery and Collection of Children Policy*. In the event that the service receives written authorisation for a person under the age specified in its *Delivery and Collection of Children Policy*, to collect a child from the service, the procedures outlined below for refusing this written authorisation would be enacted.

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Child Safe Standards* (Vic)
- *Children, Youth and Families Act 2005* (Vic)
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Child Wellbeing and Safety Act 2005* (Vic) (Part 2: Principles for Children)
- *Education and Care Services National Law Act 2010*: Section 167
- *Education and Care Services National Regulations 2011*: Regulations 96, 99, 102, 160, 161, 168(2)(m), 170
- *Family Law Act 1975* (Cth)
- *National Quality Standard*, Quality Area 2: Children's Health and Safety
 - Standard 2.2: Safety

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

4. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

Attendance record: Kept by the service to record details of each child attending the service including name, time of arrival and departure, signature of person delivering and collecting the child or of the Nominated Supervisor or educator (Regulation 158(1)).



Authorised nominee: (In relation to this policy) a person who has been given written authority by the parents/guardians of a child to collect that child from the education and care service. These details will be on the child's enrolment form.

The National Law and National Regulations do not specify a minimum age limit for an authorised nominee. HTK requires all authorised nominees are over the age of 18. However, in exceptional circumstances, HTK may allow an authorised nominee to be under the age of 18 if prior written authority is provided by the parent/guardian and permission is granted by the Approved Provider.

Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonably foreseeable risk of injury.

Inappropriate person: A person who may pose a risk to the safety, health or wellbeing of any child attending the education and care service, or whose behaviour or state of mind make it inappropriate for him/her to be on the premises e.g. a person under the influence of drugs or alcohol (Act 171(3)).

Medication record: Contains details for each child to whom medication is to be administered by HTK. This includes the child's name, signed authorisation to administer medication and a record of the medication administered, including time, date, dosage, manner of administration, name and signature of person administering the medication and of the person checking the medication, if required (Regulation 92). A sample medication record is available on the ACECQA website.

SOURCES AND RELATED POLICIES

Sources

- Australian Children's Education and Care Quality Authority (ACECQA): www.acecqa.gov.au

Service policies

- *Administration of Medication Policy*
- *Child Safe Environment Policy*
- *Dealing with Medical Conditions Policy*
- *Delivery and Collection of Children Policy*
- *Enrolment and Orientation Policy*
- *Excursions and Service Events Policy*
- *Incident, Injury, Trauma and Illness Policy*

PROCEDURES

The Approved Provider and Persons with Management and Control are responsible for:

- ensuring that parents/guardians are provided with access to all HTK policies through folders of hard copies kept in the foyer and also via HTK's website
- ensuring that the Nominated Supervisor and all staff follow the policies and procedures of HTK
- ensuring that all parents/guardians have completed the authorised nominee section of their child's enrolment form (refer to *Enrolment and Orientation Policy*), and that the form is signed and dated before the child begins sessions at HTK
- ensuring that if parents/guardians telephone HTK to give permission for another adult to collect their child, they must speak with two staff members on the phone to confirm arrangements (as



recommended by the DET). An authorisation form will be sent home with the child and the form is to be completed and returned to HTK the following session (refer to Attachments 1 and 2 of the *Delivery and Collection of Children Policy*)

- ensuring that permission forms for excursions and participation in the Beachcomber and Bushwalker Kindergarten Program (BBK Program) are provided to the parent/guardian or authorised nominee prior to the excursion or BBK Program outing (refer to *Excursions and Service Events Policy* and *Beachcomber and Bushwalker Kindergarten Program Policy*). Families will be provided with a Regular Outing Permission Form and, in the case of four-year-old kindergarten children, an Authorisation Form for BBK Program Regular Outing at the commencement of the kindergarten year for completion in advance of any regular outings or BBK Program outings
- ensuring that an attendance record (refer to *Definitions*) is maintained to account for all children attending HTK
- keeping a written record in the visitor's sign-in book of all visitors to HTK, including time of arrival and departure. HTK requires all parents/guardians/carers who volunteer to be on duty at HTK to have a current Working With Children Check
- ensuring that where children require medication to be administered by educators/staff, this is authorised in writing, signed and dated by a parent/guardian or authorised nominee, and included with the child's medication record (refer to *Definitions*) (refer to *Administration of Medication Policy* and *Dealing with Medical Conditions Policy*)
- ensuring educators/staff do not administer medication without the authorisation of a parent/guardian or authorised nominee, except in the case of an emergency, including asthma or anaphylaxis emergency (refer to *Administration of Medication Policy*, *Dealing with Medical Conditions Policy*, *Incident, Injury, Trauma and Illness Policy*, *Emergency and Evacuation Policy*, *Asthma Policy* and *Anaphylaxis Policy*)
- ensuring educators/staff allow a child to participate in an excursion or BBK Program outing only with the written authorisation of a parent/guardian or authorised nominee including details required under Regulation 102(4) & (5) (refer to *Excursions and Service Events Policy* and *Beachcomber and Bushwalker Kindergarten Program Policy*)
- ensuring educators/staff allow a child to depart from HTK only with a person who is the parent/guardian or authorised nominee, or with the written authorisation of one of these, or with the verbal authorisation of one of these provided to two staff members, except in the case of a medical or other emergency or an excursion or BBK Program outing (refer to *Delivery and Collection of Children Policy*, *Child Safe Environment Policy* and *Beachcomber and Bushwalker Kindergarten Program Policy*)
- ensuring that there are procedures in place if an inappropriate person (refer to *Definitions*) attempts to collect a child from HTK (refer to *Delivery and Collection of Children Policy* and *Child Safe Environment Policy*)
- developing and enacting procedures for dealing with a written authorisation that does not meet the requirements outlined in HTK's policies (refer to Attachment 1).

The Nominated Supervisor and Persons in Day-to-Day Charge are responsible for:

- following the policies and procedures of HTK
- ensuring that medication is not administered to a child without the authorisation of a parent/guardian or authorised nominee, except in the case of an emergency, including an asthma or anaphylaxis emergency (refer to *Administration of Medication Policy*, *Dealing with Medical Conditions Policy*,



Incident, Injury, Trauma and Illness Policy, Emergency and Evacuation Policy, Asthma Policy and Anaphylaxis Policy)

- ensuring a child only departs from HTK with a person who is the parent/guardian or authorised nominee, or with the written authorisation of one of these, or with the verbal authorisation of one of these provided to two staff members, except in the case of a medical or other emergency or an excursion or BBK Program outing (refer to *Delivery and Collection of Children Policy, Child Safe Environment Policy* and *Beachcomber and Bushwalker Kindergarten Program Policy*)
- ensuring a child is not taken outside HTK's premises on an excursion or BBK Program outing except with the written authorisation of a parent/guardian or authorised nominee including details required under Regulation 102(4)&(5) (refer to *Excursions and Service Events Policy* and *Beachcomber and Bushwalker Kindergarten Program Policy*)
- informing the Approved Provider when a written authorisation does not meet the requirements outlined in HTK's policies.

Educators and other staff are responsible for:

- following the policies and procedures of HTK
- checking that parents/guardians sign and date permission forms for excursions and BBK Program outings
- checking that parents/guardians or authorised nominees sign the attendance record (refer to *Definitions*) as their child arrives at and departs from HTK
- administering medication only with the written authorisation of a parent/guardian or authorised nominee, except in the case of an emergency, including asthma or anaphylaxis emergency (refer to *Administration of Medication Policy, Dealing with Medical Conditions Policy, Incident, Injury, Trauma and Illness Policy* and *Emergency and Evacuation Policy*)
- allowing a child to participate in an excursion or BBK Program outing only with the written authorisation of a parent/guardian or authorised nominee including details required under Regulation 102(4)&(5) (refer to *Excursions and Service Events Policy* and *Beachcomber and Bushwalker Kindergarten Program Policy*)
- allowing a child to depart from HTK only with a person who is the parent/guardian or authorised nominee, or with the written authorisation of one of these, or with the verbal authorisation of one of these provided to two staff members, except in the case of a medical emergency or other emergency or an excursion or BBK Program outing (refer to *Delivery and Collection of Children Policy, Child Safe Environment Policy* and *Beachcomber and Bushwalker Kindergarten Program Policy*)
- following procedures if an inappropriate person (refer to *Definitions*) attempts to collect a child from HTK (refer to *Delivery and Collection of Children Policy* and *Child Safe Environment Policy*)
- informing the Approved Provider when a written authorisation does not meet the requirements outlined in service policies.

Parents/guardians are responsible for:

- reading and complying with the policies and procedures of HTK
- completing and signing the authorised nominee section (refer to *Definitions*) of their child's enrolment form (refer to *Enrolment and Orientation Policy*) before their child commences at HTK
- completing authorisation forms by the following session after phoning/emailing a request for another adult to collect their child from HTK
- signing and dating permission forms for excursions and participation in the BBK Program



- signing the attendance record (refer to *Definitions*) as their child arrives at and departs from HTK
- providing written authorisation where children require medication to be administered by educators/staff, and signing and dating it for inclusion in the child's medication record (refer to *Definitions*).

Volunteers and students, while at HTK, are responsible for following this policy and its procedures.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of HTK's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

ATTACHMENTS

- Attachment 1: Procedures for refusing a written authorisation



ATTACHMENT 1

Procedures for refusing a written authorisation

On receipt of a written authorisation from a parent/guardian that does not meet the requirements outlined in the related HTK policy, the Approved Provider will:

- immediately explain to the parent/guardian that their written authorisation contravenes HTK policy, and that it cannot be accepted
- ensure that the parent/guardian is provided with a copy of the relevant HTK policy and that they understand the reasons for the refusal of the authorisation
- request that an appropriate alternative written authorisation is provided by the parent/guardian that complies with the requirements of the relevant HTK policy
- ensure that procedures outlined in the relevant HTK policy are followed where a parent/guardian cannot be immediately contacted to provide an alternative written authorisation
- follow up with the parent/guardian, where required, to ensure that an appropriate written authorisation is obtained.