

ACCEPTANCE AND REFUSAL OF AUTHORISATIONS POLICY

Mandatory – Quality Area 2

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

Bentleigh West Kindergarten Inc. is committed to:

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

2. SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Bentleigh West Kindergarten Inc.

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:

- *Children, Youth and Families Act 2005* (Vic), as amended 2012
- *Child Wellbeing and Safety Act 2005* (Vic), as amended 2012
- *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), as amended 2011
- *National Quality Standard*, Quality Area 2: Children's Health and 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

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)).

Approved Provider: (also known as the Committee): An individual or organisation that has completed an application and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services. Where the applicant is an organisation, each person with management and control of that organisation must complete a separate application form.

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.

At BENTLEIGH WEST KINDERGARTEN, an authorised nominee is generally thought to be 16 years of age or older, however the kindergarten will consider each request for an authorised nominee individually upon enrolment in order to cater to individual needs.

Certified Supervisor: An educator with a Supervisor Certificate (in accordance with the National Regulations) who may consent to being placed in day-to-day charge of the education and care Kindergarten. The designation must be made by the Approved Provider or the Nominated Supervisor and accepted in writing by the Certified Supervisor. A Certified Supervisor placed in day-to-day charge of a Kindergarten does not have the same responsibilities under the National Law as the Nominated Supervisor. Applications for Supervisor Certificates are assessed by the Regulatory Authority.

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 reasonable foreseeable risk of injury.

Inappropriate person: A person who may pose a risk to the health, safety 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 the service. 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.

Nominated Supervisor: A person who is a Certified Supervisor and has been nominated by the Approved Provider of the Kindergarten under Part 3 of the Act to be the Nominated Supervisor of that Kindergarten, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the Kindergarten in accordance with the National Regulations. All Kindergartens must have a Nominated Supervisor. At Bentleigh West Kindergarten this person is also known as the Director.

5. 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 (Committee) is responsible for:

- ensuring that parents/guardians are made aware of the availability of all service policies (in the Policy Folder in the foyer of the Kindergarten).
- ensuring that the Nominated Supervisor and all staff follow the policies and procedures of the service
- 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 is enrolled at the service
- ensuring that permission forms for excursions are provided to the parent/guardian or authorised nominee prior to the excursion (refer to *Excursions and Service Events Policy*)
- ensuring that an attendance record (refer to *Definitions*) is maintained to account for all children attending the service
- keeping a written record of all visitors to the service, including time of arrival and departure
- 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 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 educators/staff allow a child to participate in an excursion only with the written authorisation of a parent/guardian or authorised nominee (refer to *Excursions and Service Events Policy*)
- ensuring educators/staff allow a child to depart from the service only with a person who is the parent/guardian or authorised nominee, or with the written authorisation of one of these, except in the case of a medical emergency or an excursion (refer to *Delivery and Collection of Children Policy* and *Child Safe Environment Policy*)
- ensuring that there are procedures in place if an inappropriate person (refer to *Definitions*) attempts to collect a child from the service (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 service policies (refer to Attachment 1).

The Nominated Supervisor is responsible for:

- following the policy and procedures of the service
- 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 the service with a person who is the parent/guardian or authorised nominee, or with the written authorisation of one of these, except in the case of a medical emergency or an excursion (refer to *Delivery and Collection of Children Policy* and *Child Safe Environment Policy*)
- ensuring a child is not taken outside the service premises on an excursion except with the written authorisation of a parent/guardian or authorised nominee (refer to *Excursions and Service Events Policy*)
- informing the Approved Provider when a written authorisation does not meet the requirements outlined in service policies.

Certified Supervisors and other educators are responsible for:

- following the policies and procedures of the service
- checking that parents/guardians sign and date permission forms for excursions
- checking that parents/guardians or authorised nominees sign the attendance record (refer to *Definitions*) as their child arrives at and departs from the service
- administering medication only with the written 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* and *Emergency and Evacuation Policy*)
- allowing a child to participate in an excursion only with the written authorisation of a parent/guardian or authorised nominee (refer to *Excursions and Service Events Policy*)
- allowing a child to depart from the service only with a person who is the parent/guardian or authorised nominee, or with the written authorisation of one of these, except in the case of a medical emergency or an excursion (refer to *Delivery and Collection of Children Policy* and *Child Safe Environment Policy*)
- following procedures if an inappropriate person (refer to *Definitions*) attempts to collect a child from the service (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 the service

- 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 the service
- signing and dating permission forms for excursions
- signing the attendance record (refer to *Definitions*) as their child arrives at and departs from the service
- 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 the service, 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 the service'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 authorization

AUTHORISATION

This policy was adopted by the Approved Provider of Bentleigh West Kindergarten Inc. on 18/7/2019.

REVIEW DATE: 20/07/20

ATTACHMENT 1

Requirements for updating authorised nominees (person/s authorised to collect child)

A parent or guardian must give written notice to change authorised nominees. This can be done by updating the child's enrolment record or completing 'Other Persons Authorised to Collect Form' (attachment 2) or 'Collection Authorisation Form' (as per Delivery and Collection Policy) and give to the child's teacher. Both forms are located in the kindergarten foyer.

A parent or guardian can also email the kinder the following information (persons full name, address, telephone number/s and date of collection) in lieu of using the above forms for a once off collection of their child. For regular/ ongoing collection of child parent or guardian must complete the 'Other Persons Authorised to Collect Form' or update the child's enrolment record.

More information regarding updating authorised nominees (person/s authorised to collect child) is outlined in the kindergartens Delivery and Collection Policy

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 service policy, the Approved Provider will:

- immediately explain to the parent/guardian that their written authorisation contravenes service policy, and that it cannot be accepted
- ensure that the parent/guardian is provided with a copy of the relevant service 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 service policy
- ensure that procedures outlined in the relevant service 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.

ATTACHMENT 2

Bentleigh West Kindergarten

Other person/s authorised to collect (attach to enrolment form)

Name:	Name:
Address:	Address:
Phone:	Phone:
Mobile:	Mobile:
Relationship to child:	Relationship to child:
<input type="checkbox"/> Authorised to collect (Authorised Nominee) (reg 160(3)(b)(iii))	<input type="checkbox"/> Authorised to collect (Authorised Nominee) (reg 160(3)(b)(iii))
<input type="checkbox"/> Notification in the event of an emergency (reg 160(3)(b)(ii))	<input type="checkbox"/> Notification in the event of an emergency (reg 160(3)(b)(ii))
<input type="checkbox"/> Authorised to consent to medical treatment (reg 160(3)(b)(iv))	<input type="checkbox"/> Authorised to consent to medical treatment (reg 160(3)(b)(iv))
<input type="checkbox"/> Authorised for the administration of medication (reg 160(3)(b)(iv))	<input type="checkbox"/> Authorised for the administration of medication (reg 160(3)(b)(iv))
<input type="checkbox"/> Authorised to authorise an educator to take thr outside the premises (reg 160(3)(b)(iv)&(v))	<input type="checkbox"/> Authorised to authorise an educator to take thr outside the premises (reg 160(3)(b)(iv)&(v))

Parents/guardians name: _____

Parents/guardians signature: _____ Date: _____