

	<h2 style="text-align: center;">Acceptance and Refusal of Authorisations Policy and procedure</h2>
<b>Version No.</b>	Version 3.0 12 April 2023 (approved)
<b>Authorisation</b>	Director City Life
<b>Expiry Date</b>	Policy to be reviewed by December 2025
<b>Responsible Officer</b>	Manager Families and Children
<b>Policy Owner</b>	Early Childhood Coordinator

### 1. Purpose

This policy outlines Melton City Council's commitment to:

- ensuring the safety and wellbeing of all children attending the service
- meeting its Duty of Care obligations under the law
- obtaining written authorisation from a parent/guardian or person authorised and named in the enrolment form
- refusing written authorisation from a parent/guardian or person authorised and named in the enrolment form.

1.1. This policy has been adapted from ELLA *PolicyWorks* Manual - National Quality Framework released by the Early Learning Association Australia.

### 2. Scope

This policy applies to services responsible for the direct education and care of children. This includes the Approved Provider, Persons in Day to Day Charge Nominated Supervisor, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of the City of Melton.

### 3. 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 (National Regulations 96)
- children leaving the service premises (National Regulations 99)
- children being taken on excursions (National Regulations 102).

Specific service policies 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.

### 4. Definitions

The terms defined in this section relate specifically to this policy and related procedures. For commonly used terms e.g. Approved Provider, Regulatory Authority etc. refer to the *Glossary of Terms*.

Word/Term	Definition
<b>Attendance Record</b>	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 (National Regulations 158).
<b>Authorised Nominee</b>	(In relation to this policy) a person 16 years or over 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.
<b>Duty of Care</b>	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.
<b>Inappropriate Person</b>	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 ( <i>National Law Act Reference 171</i> ).
<b>Lawful Authority</b>	<p><b>Parent</b> All parents have powers and responsibilities in relation to their children that can only be changed by a court order. It is not affected by the relationship between parents, such as whether or not they have lived together or are married. A court order, as such under the <i>Family Law Act</i>, may take away the authority to something or may give it to another person.</p> <p><b>Guardians</b> The guardian of a child also has Lawful Authority. A legal guardian is given Lawful Authority by a court order. The definition of 'Guardian' under the regulations also covers situations where a child does not live with their parents and there are no court orders. In these cases, the guardian is the person the child lives with who has day-to-day care and control of the child.</p>
<b>Medication Record</b>	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 the person administering the medication and of the person checking the medication, if required (National Regulations 92).

## 5. Responsibility/Accountability

5.1. The Approved Provider, according to Regulations is responsible for the implementation of this policy. This will be achieved through the Leadership Group and their service staff:

- that parents/guardians are provided access to all service policies
- all staff follow the policies and procedures of the service
- that all parents/guardians have completed the Authorised Nominee section of their child's enrolment form, and that the form is signed and dated before the child is enrolled at the service
- that permission forms for excursions are provided to the parent/guardian or Authorised Nominee prior to the excursion

- that an Attendance Record 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
- 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
- that 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
- educators/staff allow a child to participate in an excursion only with the written authorisation of a parent/guardian or Authorised Nominee
- 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 or other emergency
- that there are procedures in place if an Inappropriate Person attempts to collect a child from the service
- developing and enacting procedures for dealing with a written authorisation that does not meet the requirements outlined in service policies.

5.2. The Nominated Supervisor or Person in Day to Day Charge is responsible for:

- following the policy and procedures of the service
- 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
- 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 or other emergency
- 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 including details required under National Regulations 102
- informing the Approved Provider when a written authorisation does not meet the requirements outlined in service policies.

5.3. Educators and other staff 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 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 (
- allowing a child to participate in an excursion only with the written authorisation of a parent/guardian or Authorised Nominee including details required under National Regulations 102
- 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 or other emergency
- following procedures if an Inappropriate Person attempts to collect a child from the service

- informing the Nominated Supervisor, Person in day to day charge and the Approved Provider when and why a written authorisation does not meet the requirements outlined in service policies.

5.4. Parents/guardians are responsible for:

- reading and complying with the policies and procedures of the service
- completing and signing the Authorised Nominee section of their child's enrolment form before their child commences at the service
- signing and dating permission forms for excursions
- signing the Attendance Record 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.

5.5. Volunteers and students, while at the service, are responsible for following this policy and its procedures.

## 6. References, Sources, Links to Legislation and Other Documents

6.1 Please refer to Reference and Sources page.

6.2 Relevant legislation and standards include but are not limited to:

- 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

6.3 Related service policies:

- *Administration of Medication Policy and Procedure*
- *Dealing with Medical Conditions Policy and Procedure*
- *Delivery and Collection of Children Policy and Procedure*
- *Enrolment and Orientation Policy and Procedure*
- *Excursion, Incursion, Transport and Road Safety Policy and Procedure*
- *Incident, Injury, Trauma and Illness Policy and Procedure*

## Procedure

### Activities requiring written authorisation

The person identified on the service enrolment form as the person with Lawful Authority will be required to provide authorisation in writing for the following activities:

- administration of medication
- administration of medical treatment, ambulance transportation
- emergency care arrangements
- arrangements for collection in the event of an accident, injury or illness
- excursions including regular outings
- permission for photographs, video and audio recording
- water based activities

- head lice checks
- delivery and collection of children from the service
- enrolment of children including naming of people other than the parent/guardian/person with Lawful Authority to consent to medical treatment or trips outside the service premises
- applying sunscreen and topical creams.

Any person identified on the service enrolment form, who is under the age of 16 years, will not be accepted as the person with Lawful Authority for any purpose other than delivery of children to the service.

#### Collection of children by unannounced and unauthorised persons

These procedures are to be followed when an unauthorised person arrives unannounced to collect a child, or where a parent/guardian or Authorised Nominee telephones the service to notify that such a person will be collecting their child.

Service staff and Educators will:

- request that the parent/guardian or Authorised Nominee email the authorisation if it is possible to do so, detailing the name, address and telephone number of the person who will be collecting the child
- in the event of an emergency, accept a verbal authorisation if it is not possible for the parent/guardian or Authorised Nominee to provide authorisation via email, provided the following procedure is followed:
  - all details of the person collecting the child, including the name, address and telephone number of the person must be obtained
  - two educators (where possible) take the verbal authorisation message
  - the verbal authorisation is documented and stored with the child's enrolment record for follow-up
  - photo identification is sighted to confirm the person's identity on arrival at the service
  - ensure that parents/guardians or Authorised Nominees follow up a verbal authorisation by completing an Authorisation Form when next at the service, or by adding details of the new Authorised Nominee to the child's enrolment form.
- ensure that email authorisation is stored with the child's enrolment record
- ensure the Attendance Record is completed prior to child leaving the service
- refuse to release a child where authorisation is not/cannot be provided by the parent/guardian or Authorised Nominee
- contact police if the safety of the child or service staff or Educator is threatened
- implement late collection procedures if required
- notify the Approved Provider in the event that written authorisation is not provided.