

Acceptance and Refusal of Authorisations Policy

Policy Details

Classification	Mandatory
Quality area/s	2 – Children’s Health and Safety
Policy owner	President president@raleighst.org
Date of approval/most recent review	12/09/2023
Date of next review	September 2026



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

VALUES

Raleigh Street Community Children’s Centre Services (Raleigh St) are committed to:

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

SCOPE

This policy applies to the Committee of Management (CoM) (the approved provider), Director (nominated supervisor), Responsible Persons (persons in day-to-day charge), early childhood teachers (ECT), educators, staff, students, volunteers, parents/guardians, children and others attending the programs and activities of Raleigh St, including during offsite excursions and activities.

RESPONSIBILITIES	CoM and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
	R indicates legislation requirement, and should not be deleted				

Ensuring that parents/guardians are provided access to all service policies	R	✓	✓		
Ensuring that all staff and parents/guardians follow the policies and procedures of the service	R	✓	✓	✓	
Ensuring the authorisations are kept up-to-date	R	✓		✓	
Ensuring that all parents/guardians have completed the authorised nominee section of their child's enrolment form (<i>refer to Enrolment and Orientation Policy</i>), and that the form is signed and dated before the child commences at the service Regulation 161	R	✓	✓		
Ensuring that permission forms for excursions are provided to the parent/guardian or authorised nominee prior to the excursion (<i>refer to Excursions and Service Events Policy</i>)	R	R	✓		
Ensuring ECT/educators/staff allow a child to participate in an excursion or regular outings only with the written authorisation of a parent/guardian or authorised nominee (<i>refer to Definitions</i>) including details required under Regulation 102(4)(5), 161 (<i>refer to Excursions and Service Events Policy</i>)	R	R	✓		
Ensuring that where children require medication to be administered by ECT/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 (<i>refer to Definitions</i>) (<i>refer to Administration of Medication Policy and Dealing with Medical Conditions Policy</i>) Regulations 92(3)(b)	R	✓	✓		
Ensuring ECT/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 (<i>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</i>)	R	✓	✓		
Ensuring that all parents/guardians have completed the authorised nominee section of their child's enrolment form (<i>refer to Enrolment and Orientation Policy</i>), for authorisation for seeking medical treatment and transportation of the child by an ambulance service Regulation 160 (1) (b)	R	✓	✓	✓	
Ensuring that all parents/guardians have completed the authorised nominee section of their child's enrolment form (<i>refer to Enrolment and Orientation Policy</i>), for authorisation for the transportation of the child or arranging transportation of the child Regulation 120D, 160 (3) (vi)	R	✓	✓	✓	
Ensuring that an attendance record (<i>refer to Definitions</i>) is maintained to account for all children attending the service	R	✓	✓		
Keeping a written record of all visitors to the service, including time of arrival and departure	R	✓			
Ensuring the CoM is informed when a written authorisation does not meet the requirements outlined in service policies		✓	✓		
Ensuring children 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	R	R	✓		

medical or other emergency, and that notification to the Regulatory Authority is performed within 24 hours of any serious incident where a child has left the service in the case of an emergency (<i>refer to Delivery and Collection of Children Policy and Child Safe Environment and Wellbeing Policy</i>) <i>Regulation 99, 160, National Law: Section 167</i>					
Ensuring the service is aware of any contact orders prohibiting an adult from contacting an enrolled child, and keeping a copy of the court orders with the child's enrolment record (<i>Regulation 160</i>).	R	R	✓		
Ensuring processes are in place for circumstances where authorisations are refused/not applicable. For example: <ul style="list-style-type: none"> • where the service is asked to administer medication that is not in its original container (<i>Regulation 95</i>) • when leaving the service, the parent, authorised nominee or person as listed in <i>Regulation 99</i> does not appear to be fit to take the child • the child has been given authorisation to leave the service alone, however the environment they would be in is unsafe 	R	✓			
Ensuring that there are procedures in place if an inappropriate person (<i>refer to Definitions</i>) attempts to collect a child from the service (<i>refer to Delivery and Collection of Children Policy and Child Safe Environment Policy</i>) <i>National Law: Section 167 (Refer to Attachment 1, 2)</i>	R	R			
Enacting procedures for dealing with a written authorisation that does not meet the requirements outlined in service policies (<i>refer to Procedures</i>)	R	✓	✓		
Completing and signing the authorised nominee section (<i>refer to Definitions</i>) of their child's enrolment form (<i>refer to Enrolment and Orientation Policy</i>) before their child commences at the service				✓	
Signing and dating permission forms for excursions				✓	
Signing the attendance record (<i>refer to Definitions</i>) 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 (<i>refer to Definitions</i>)				✓	



PROCEDURES

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 and *Regulation 161*, the CoM 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.
- If an authorisation is refused by Raleigh St, it is best practice to document:
 - the details of the authorisation
 - why the authorisation was refused, and
 - actions taken by Raleigh St

For Procedures on how to deal with an unauthorised person attempting to collect a child, refer to [Attachment 1 – Procedure - Unauthorised person attends service](#) and [Attachment 2 - Refusal of Authorisation Register](#)



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 (if applicable) ([Regulation 96](#))
- children leaving the service premises ([Regulation 99](#))
- children being taken on excursions ([Regulation 102](#))
- transport provided or arranged by the service ([Regulation 102D](#))
- seeking medical treatment for children and transportation by an ambulance service ([Regulation 161](#)).

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 CoM 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 within this policy 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)
- Child Wellbeing and Safety Act 2005 (Vic) (Part 2: Principles for Children)
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Family Law Act 1975 (Cth)

- 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: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au



DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. CoM, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to the Definitions file of the PolicyWorks catalogue.

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 them to be on the premises e.g. a person under the influence of drugs or alcohol (*National Law: Section 171(3)*)



SOURCES AND RELATED POLICIES

SOURCES

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

RELATED POLICIES

- Administration of First Aid
- Administration of Medication
- Child Safe Environment and Wellbeing
- Dealing with Medical Conditions
- Delivery and Collection of Children
- Emergency and Evacuations
- Enrolment and Orientation
- Excursions and Service Events
- Governance and Management of the Service
- Incident, Injury, Trauma and Illness
- Nutrition, Oral Health and Active Play
- Road Safety Education and Safe Transport



EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the CoM 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
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk (*Regulation 172 (2)*).



ATTACHMENTS

- Attachment 1 Procedure – Unauthorised Person Attends Service
- Attachment 2 Refusal of Authorisation Register



AUTHORISATION

This policy was adopted by the CoM of Raleigh Street Community Children's Centre on 12/09/2023

REVIEW DATE: September 2026

POLICY REVIEW HISTORY

Date	Modification
Sept 2023	<p>Policy reviewed and updated to align with ELAA Version 1.0 including the following changes from the previous version:</p> <ul style="list-style-type: none"> • Removal of requirement for reason for visit on visitors record • Removal of the following management responsibilities: <ul style="list-style-type: none"> ○ Keeping all authorisations relating to each child on file as a hard copy • Addition of requirement: Ensuring the service is aware of any contact orders prohibiting an adult from contacting an enrolled child, and keeping a copy of the court orders with the child's enrolment record (Regulation 160). • Addition of procedures for refusing a written authorisation • Addition of procedures for refusing an unauthorised person from attending/collecting a child • Addition of Refusal of Authorisation Register
May 2021	Policy created and endorsed by CoM to replace ELAA 2017 version

ATTACHMENT 1. PROCEDURE - UNAUTHORISED PERSON ATTENDS SERVICE

Under the National Law and National Regulations, early childhood services are required to obtain written authorisation from parents/guardians for some circumstances, to ensure that the health, safety, wellbeing, and best interests of the child are met and upheld. An authorisation is given where a person who has legal responsibility for a child gives permission to another person to do something or to make a decision (such as when to receive medical treatment) on that person's behalf.

Working in conjunction with the *Acceptance and Refusal of Authorisations Policy*, this procedure provides guidance for the service when a **person without authority** attempts to collect a child. In some circumstances a person without authority may not be able to even enter the property – refer to details of any court orders or parenting plans in place on a case-by-case basis.

Education and Care Services National Law or Regulations (R. S170, S171, 99, 157, and 160) NQS QA 2 and 7: Element 2.21, 2.2.2, 2.2.3 and 7.1.2 Health and Governance practices and procedures

Related Policy: Acceptance and Refusal of Authorisations Policy

UNAUTHORISED PERSON ATTENDS THE CHILDCARE PREMISES		
If an unauthorised person attends the Service, staff will:		
1	Discreetly alert the Nominated Supervisor/responsible person or the closest staff available.	
2	Calmly explain to the unauthorised person that you are unable to permit them into the premises and explain why	
3	Attempt to stall or distract the person if they start to become aggressive and/or refuse to leave	
4	Avoid putting themselves or others at risk if the unauthorised person goes to collect the child. It is not always possible to prevent an unauthorised person taking a child.	
5	Educators will not be expected to physically prevent any person from leaving the Service with a child	
6	If such an event occurs, pay attention to details such as: <ul style="list-style-type: none"> • the unauthorised person's appearance and clothing worn (hat, sunglasses, colour of clothing) • child's appearance and clothing • direction taken after leaving the premises • make, colour and registration of the car/vehicle 	
7	Provide information to any other staff member handling the situation to advise emergency services/Police	
8	Complete an <i>Incident Record</i> as soon as practicable	
The Nominated Supervisor/Responsible Person or notified staff will:		
1	Stay within hearing range to provide support to the staff member dealing with the unauthorised person and seek other available assistance if possible	

2	Alert other staff to action the Services' <i>Emergency Procedures</i> such as lock down or lock out depending on the location of the unauthorised person	
3	Call emergency services/Police on 000 immediately and provide details of the unauthorised person details including any court order information	
4	Follow Police instructions	
5	Contact the parent/guardian to advise what has occurred and reassure them the Police have been notified	
6	In the instance that the child has been taken by the unauthorised person, contact the Police and parent/guardian and provide updates accordingly	
7	Notify the Regulatory Authority of the serious incident within 24 hours through the NQA IT System	
8	Provide emotional and wellbeing support to staff and children	
9	Evaluate and review procedures and policies	

ATTACHMENT 2. REFUSAL OF AUTHORISATION REGISTER - CONFIDENTIAL

The purpose of this register is to ensure the safety of the protected persons identified below. Staff are expected to respond appropriately to any unauthorised person who attempts to gain access to a child whilst being educated and cared for at Raleigh St. Information contained in this register is sensitive and confidential. Refer to our 'Refusal of Authorisation Procedure' for further information.

Date	Unauthorised person	Details of court order	Protected person	Emergency contact	Phone
01-10-20	Brett Smith	Parenting order	Amy Smith	Susan Smith (mum)	0432 123 567