

Acceptance and Refusal of Authorisation Policy and Procedure

Quality Area 2



Purpose

The service is committed to providing an environment that fosters the growth, independence and development of children while protecting their health, safety and wellbeing. This includes the implementation of policies and procedures around accepting and refusing authorisation from parents/guardians.

The purpose of this policy is to provide clear guidance regarding when the service will accept authorisations and refuse authorisations.

Scope

This policy applies to children, families, staff, volunteers and visitors at the service.

Background

Under the National Law and Regulations, early childhood services are required to obtain written authorisation from parents/guardians, and/or authorised nominees in some circumstances, to ensure that the health, safety, wellbeing and best interests of the child are met. There may be circumstances and conditions under which the service refuses to accept a written authorisation.

Principles

The Service is committed to:

- The health, safety and well-being of all children attending our service
- Including families in the decision-making process. Through authorisations, they are made aware of risks and can make informed decisions.
- Ensuring all staff are provided with the necessary training and support to act in accordance with the authorisations provided.
- Prioritising good governance and quality management. We ensure that our acceptance and refusal of authorisation processes are effective and transparent and meet all regulatory requirements.

Roles and responsibilities

The Approved Provider and/or the Nominated Supervisor of the Service will:

- provide parents/guardians with a copy of relevant policies and procedures
- keep an enrolment record for each child that includes the required authorisations signed by a parent/guardian for a person authorised to consent to medical treatment or authorised to authorise the service to transport the child or arrange regular outings for the child on behalf of the parent/guardian.
- ensure documentation relating to authorisations contains the full name of the child enrolled in the service, the date of the authorisation and the signature of the child's parent/guardian and authorised nominee as named on the enrolment form.
- ensure all staff understand circumstances that may lead to refusal of an authorisation.
- ensure the right of refusal is exercised if written or verbal authorisations do not comply with National Regulations or Child Protection Legislation.
- in the case of a refusal, document the details of the authorisation, why the authorisation was refused, and any actions taken by the service to ensure the health, safety and wellbeing of the child.

- ensure all parents/guardians have completed the authorised person's section of their child's enrolment form including the names of any authorised nominees, and that the form is signed and dated before the child commences at the service.
- maintain attendance records for all children attending the service.
- maintain a written record of all visitors to the service, including time of arrival and departure and the reasons for the visit.

Educators will:

- ensure that written authorisation is provided by the parent/guardian or other person named in the child's enrolment record for a regular outing or regular transportation of the child.
- ensure that parents/guardians sign and date authorisation forms for excursions prior to the date of the excursion.
- only allow a child to participate in an excursion with the written authorisation of a parent/guardian or authorised nominee.
- monitor and check the attendance record to ensure a parent/guardian or authorised nominee has signed as their child arrives or departs the service.
- ensure the person collecting the child is authorised to do so by the parent or guardian in writing and that appropriate photo identification is provided and recorded on file should they not be known by a staff member.
- only administer medication with the written authorisation of a parent/guardian or authorised nominee as per the Administration of Medication Record, except in the case of an emergency.
- only allow a child to depart from the service with a person who is the parent/guardian or authorised nominee named in the child's enrolment record, or in accordance with the written authorisation of the parent or authorised nominee, or on an excursion, or in the case of a medical or other emergency.
- follow procedures if an inappropriate person attempts to collect a child from the service and poses a risk to the safety of the children and staff, as per Regulation 99.
- inform the approved provider when a written authorisation does not meet the requirements of the service.

Families will:

- complete and sign the authorised nominee section of their child's enrolment form before their child commences at the service.
- ensure any changes to nominated authorised persons are provided to the service as soon as possible.
- sign and date authorisation forms for regular transportation and regular outings.
- sign and date authorisation forms for excursions.
- sign the attendance record as their child arrives and departs from the service.
- provide written authorisation on the Administration of Medication Form when their child requires medication to be administered by staff, including signing and dating it for inclusion in the child's medication records

Authorisations may be refused under the following circumstances:

- when authorisations are incomplete or incorrectly recorded (they should be returned to parents/guardians in this circumstance for required adjustments).
- if the authorisation does not comply with National Regulations or Child Protection Legislation (the approved provider or nominated supervisor will inform the parent/guardian why the authorisation does not comply in this circumstance).
- when a request relating to dietary restriction does not relate to medical or cultural reasons and the Service is not able to cater for it.
- an authorised person collecting the child appears to be under the influence of drugs or alcohol.
- the authorisation breaches a policy of the service.
- when medication is not provided to the service in its original container, prescribed to the child or other breach of the Administration of Medication Policy.
- when consent for an excursion is provided by someone not listed as a parent/guardian or authorised nominee on the enrolment form.

Induction and ongoing training

This policy will be accessible by service staff via the intranet and by families via the website. A hard copy of the policy will be available through the Service. Nominated supervisors are responsible for ensuring staff access to the policy and any supporting documents and undertake induction training prior to the policy being implemented. All service staff

are responsible for understanding and complying with this policy and ongoing training will be provided using a range of learning platforms.

Monitoring, evaluation and review

Monitoring of compliance with this policy and the related procedure will be overseen by the policy owner. The review process for this policy will begin eight (8) weeks prior to the scheduled review date and include a consultation period with families, educators, compliance team and any other relevant stakeholders and will be facilitated by the Policy Officer.

All service staff will receive communication about any changes in or review of the policy or procedure. Training will be provided where required to ensure an understanding of the changes. Families will be notified of any changes 14 days prior to the implementation. Breaches of this policy will be dealt with in line with the MACSEYE Code of Conduct.

Related policies

- Administration of First Aid Policy
- Anaphylaxis Management Policy
- Asthma Management Policy
- Child Safety and Wellbeing Policy
- Delivery and Collection of Children Policy
- Diabetes Management Policy
- Emergency and Evacuation Policy
- Enrolment Policy
- Excursion and Incursion Policy
- Incident, Injury, Trauma and Illness Policy
- Medical Conditions and Administration of Medication Policy
- Nutrition Food Safety Policy
- Record Keeping Policy
- Safe Transportation Policy
- Sun Safety Policy
- Supervision Policy
- Water Safety Policy

Legislative requirements

NATIONAL QUALITY STANDARDS (NQS)

Quality Area 2	Children's Health and Safety
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EDUCATION AND CARE SERVICES NATIONAL LAW ACT

Section 165	Offence to inadequately supervise children
Section 167	Offence relating to protection of children from harm and hazards
Section 175	Offence relating to requirement to keep enrolment and other documents
Section 167	Offence relating to protection of children from harm and hazards

EDUCATION AND CARE SERVICES NATIONAL LAW REGULATIONS

Regulation 92	Medication record
Regulation 93	Administration of medication
Regulation 94	Exception to authorisation requirement- anaphylaxis or asthma emergency

EDUCATION AND CARE SERVICES NATIONAL LAW REGULATIONS

Regulation 99	Children leaving the education and care service
Regulation 102	Authorisation for excursions
Regulation 102C	Conduct a risk assessment for transporting children by the education and care service
Regulation 102D	Authorisation for service to transport children
Regulation 157	Access for parents
Regulation 160	Child enrolment records to be kept by approved provider
Regulation 161	Authorisation to be kept in enrolment record
Regulation 168	Education and care services must have policies and procedures
Regulation 170	Policies and procedures must be followed
Regulation 171	Policies and procedures to be kept available

RELATED LEGISLATIONS

Child Wellbeing and Safety Act 2005 (Vic)

Children, Youth and Families Act 2005 (Vic)

Family Law Act 1975 (Cth)

Definitions

Term	Meaning
Adequate supervision	Means: <ul style="list-style-type: none"> an educator can respond immediately, particularly when a child is distressed or in a hazardous situation knowing where children are at all times and monitoring their activities actively and diligently.
Approved provider	A person who holds a provider approval (National Law). A provider approval authorises a person to apply for one or more service approvals and is valid in all jurisdictions.
Education and care service premises	In relation to a centre-based service, means each place at which an education and care service operates or is to operate.
Educational program	A program that: <ul style="list-style-type: none"> is based on an approved learning framework; and is delivered in a manner that accords with the approved learning framework; and is based on the developmental needs, interests and experiences of each child; and is designed to take into account the individual differences of each child (National Law).
Excursion	An outing organised by an education and care service or family day care educator, but does not include an outing organised by an education and care service provided on a school site if the child or children leave the education and care service premises in the company of an educator and the child or children do not leave the school site (National Regulations).
MACSEYE	Melbourne Archdiocese Catholic Early Years Education Ltd, a subsidiary of Melbourne Archdiocese Catholic Schools Ltd established to conduct early childhood education and care services.
National Law	Unless otherwise specified, the Education and Care Services National Law Act 2010 or, in Western Australia, the Education and Care Services National Law (WA) Act 2012. This applied law system sets a national standard for children's education and care across Australia. See the ACECQA website for the Application Act or legislation that applies in each jurisdiction.
National Regulations	The National Regulations support the National Law by providing detail on a range of operational requirements for an education and care service.
Nominated supervisor	In relation to an education and care service, means a person who: <ul style="list-style-type: none"> is nominated by the approved provider of the service under Part 3 to be a nominated supervisor of that service; and

Term	Meaning
	<ul style="list-style-type: none"> unless the individual is the approved provider, has provided written consent to that nomination (National Law).
Person in day-to-day charge	<p>A person is in day-to-day charge of an education and care service if:</p> <ul style="list-style-type: none"> the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the service; and the person consents to the placement in writing (National Regulations). There are minimum requirements for the person in day-to-day charge.
Person with management or control	<p>In relation to an education and care service, means:</p> <ul style="list-style-type: none"> if the provider or intended provider of the service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service; or if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service; or if the provider of the service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service; or in any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service (National Law).

Policy information

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Policy title:	Acceptance and Refusal of Authorisations Policy	Version:	1.0
Authorised Executive:	Director, Service Delivery	Responsible Manager:	Director, Service Delivery
Approving authority:	Managing Director	Approval date:	06/09/2024
Effective date:	06/09/2024	Review date:	06/09/2025

Version control		
Version	Date	Changes
1.0	6/9/2024	Policy developed