

# ACCEPTANCE AND REFUSAL OF AUTHORISATIONS

QUALITY AREA 2 | ELAA version 1.0



## 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

Leslie Moorhead Pre-School Centre Inc. is 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 approved provider, persons with management or control, nominated supervisor, 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 Leslie Moorhead Pre-School Centre Inc..

| RESPONSIBILITIES  | Approved provider 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 |
|---|--|---|--|-------------------|--------------------------------------|
| <b>R</b> indicates legislation requirement, and should not be deleted   |  |   |  |                   |                                      |
| Ensuring that parents/guardians are provided access to all service policies   | <b>R</b>   | √   | √  |                   |                                      |
| Ensuring that all staff and parents/guardians follow the policies and procedures of the service   | <b>R</b>   | √   | √  | √                 |                                      |
| Ensuring the authorisations are kept up-to-date   | <b>R</b>   | √   |  | √                 |                                      |
| Ensuring that all parents/guardians have completed the authorised nominee section of their child's enrolment form ( <i>refer to Enrolment and Orientation</i> ) | <b>R</b>   | √   | √  |                   |                                      |

|   |          |          |   |   |  |
|---|----------|----------|---|---|--|
| <i>Policy</i> ), and that the form is signed and dated before the child commences at the service <a href="#">Regulation 161</a>   |          |          |   |   |  |
| Ensuring that permission forms for excursions are provided to the parent/guardian or authorised nominee <b>prior</b> to the excursion ( <i>refer to Excursions and Service Events Policy</i> )  | <b>R</b> | <b>R</b> | √ |   |  |
| 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 <a href="#">Regulation 102(4)(5), 161</a> ( <i>refer to Excursions and Service Events Policy</i> )   | <b>R</b> | <b>R</b> | √ |   |  |
| 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> ) <a href="#">Regulations 92(3)(b)</a>  | <b>R</b> | √        | √ |   |  |
| 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> )  | <b>R</b> | √        | √ |   |  |
| 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 <a href="#">Regulation 160 (1) (b)</a>  | <b>R</b> | √        | √ | √ |  |
| 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 <a href="#">Regulation 120D, 160 (3) (vi)</a>  | <b>R</b> | √        | √ | √ |  |
| Ensuring that an attendance record ( <i>refer to Definitions</i> ) is maintained to account for all children attending the service  | <b>R</b> | √        | √ |   |  |
| Keeping a written record of all visitors to the service, including time of arrival and departure  | <b>R</b> | √        |   |   |  |
| Ensuring the approved provider 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 medical or other emergency ( <i>refer to Delivery and Collection of Children Policy and Child Safe Environment Policy</i> ) <a href="#">Regulation 99, 160, National Law: Section 167</a>   | <b>R</b> | <b>R</b> | √ |   |  |
| 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 ( <a href="#">Regulation 160</a> ).  | <b>R</b> | <b>R</b> | √ |   |  |
| Ensuring processes are in place for circumstances where authorisations are refused/not applicable. For example: <ul style="list-style-type: none"> <li>where the service is asked to administer medication that is not in its original container (<a href="#">Regulation 95</a>)</li> <li>when leaving the service, the parent, authorised nominee or person as listed in <a href="#">Regulation 99</a> does not appear to be fit to take the child</li> <li>the child has been given authorisation to leave the service alone, however the environment they would be in is unsafe</li> </ul> | <b>R</b> | √        |   |   |  |

|   |   |   |   |   |  |
|---|---|---|---|---|--|
| 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</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 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.



## 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 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 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](http://www.legislation.vic.gov.au)
- Commonwealth Legislation – Federal Register of Legislation: [www.legislation.gov.au](http://www.legislation.gov.au)

## DEFINITIONS



The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, 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](http://www.acecqa.gov.au)

### RELATED POLICIES

- Administration of First Aid
- Administration of Medication
- Child Safe Environment
- 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 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
- 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: Legislation and Standards relevant to this Policy



## AUTHORISATION

This policy was adopted by the approved provider of Leslie Moorhead Pre-School Centre Inc. on 16<sup>th</sup> May 2022.

**Reviewed by:** Sallie McCarthy

**REVIEW DATE:** April 2024

## ATTACHMENT 2 : LEGISLATION AND STANDARDS RELEVANT TO THIS POLICY

### EDUCATION AND CARE SERVICES NATIONAL LAW ACT 2010: SECTION 167

|         |         |  |
|---------|---------|--|
| Section | 167     | <p><b>Offence relating to protection of children from harm and hazards</b></p> <p>(1) The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.</p> <p>(2) A nominated supervisor of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.</p>  |
|         | 171 (3) | <p>Offence relating to direction to exclude inappropriate persons from education and care service premises</p> <p>(3) In this section—</p> <p><i>inappropriate person</i> means a person—</p> <p>(a) who may pose a risk to the safety, health or wellbeing of any child or children being educated and cared for by the education and care service; or</p> <p>(b) whose behaviour or state of mind or whose pattern of behaviour or common state of mind is such that it would be inappropriate for him or her to be on the education and care service premises while children are being educated and cared for by the education and care service.</p> <p>Example: A person who is under the influence of drugs or alcohol.</p> |

### EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2011

|      |        |  |
|------|--------|--|
| Reg. | 9<br>6 | <p><b>Self-administration of medication</b></p> <p>The approved provider of an education and care service may permit a child over preschool age to self-administer medication if—</p> <p>a) an authorisation for the child to self-administer medication is recorded in the medication record for the child under regulation 92; and</p> <p>(b) the medical conditions policy of the service includes practices for self-administration of medication</p>  |
|      | 9<br>9 | <p><b>Children leaving the education and care service premises</b></p> <p>(1) The approved provider of an education and care service must ensure that a child who is being educated and cared for by the education and care service does not leave the education and care service premises except in accordance with sub regulation (4).</p> <p>(4) The child may only leave the relevant premises if the child—</p> <p>(a) is given into the care of—</p> <p>(i) a parent of the child; or</p> <p>(ii) an authorised nominee named in the child's enrolment record; or</p> <p>(iii) a person authorised by a parent or authorised nominee named in the child's enrolment record to collect the child from the premises;</p> <p>or</p> |

|  |     |   |
|--|-----|---|
|  |     | <p>(b) leaves the premises in accordance with the written authorisation of the child's parent or authorised nominee named in the child's enrolment record; or</p> <p>(c) is taken on an excursion in accordance with this Division; or</p> <p>(d) is given into the care of a person or taken outside the premises—</p> <p>(i) because the child requires medical, hospital or ambulance care or treatment; or</p> <p>(ii) because of another emergency.</p>  |
|  | 102 | <p><b>Authorisation for excursions</b></p> <p>(1) The approved provider of an education and care service must ensure that a child being educated and cared for by the service is not taken outside the education and care service premises on an excursion unless written authorisation has been provided under sub regulation (4).</p> <p>(2) The nominated supervisor of an education and care service must ensure that a child being educated and cared for by the service is not taken outside the education and care service premises on an excursion unless written authorisation has been provided under sub regulation (4).</p> <p>(4) The authorisation must be given by a parent or other person named in the child's enrolment record as having authority to authorise the taking of the child outside the education and care service premises by an educator and must state—</p> <p>(a) the child's name; and</p> <p>(b) the reason the child is to be taken outside the premises; and</p> <p>(c) the date the child is to be taken on the excursion (unless the authorisation is for a regular outing); and</p> <p>(d) a description of the proposed destination for the excursion; and</p> <p>(e) the method of transport to be used for the excursion; and</p> <p>(f) the proposed activities to be undertaken by the child during the excursion; and</p> <p>(g) the period the child will be away from the premises; and</p> <p>(h) the anticipated number of children likely to be attending the excursion; and</p> <p>(i) the anticipated ratio of educators attending the excursion to the anticipated number of children attending the excursion; and</p> <p>(j) the anticipated number of staff members and any other adults who will accompany and supervise the children on the excursion; and</p> <p>(k) that a risk assessment has been prepared and is available at the service.</p> <p>(5) If the excursion is a regular outing, the authorisation is only required to be obtained once in a 12 month period</p> |
|  | 160 | <p><b>Child enrolment records to be kept by approved provider and family day care educator</b></p> <p>The approved provider of an education and care service must ensure that an enrolment record is kept that includes the information set out in sub regulation (3) for each child enrolled at the education and care service.</p> <p>(3) An enrolment record must include the following information for each child—</p> <p>(a) the full name, date of birth and address of the child;</p> <p>(b) the name, address and contact details of—</p>   |

|     |  |   |
|-----|--|---|
|     |  | <ul style="list-style-type: none"> <li>(i) each known parent of the child; and</li> <li>(ii) any person who is to be notified of an emergency involving the child if any parent of the child cannot be immediately contacted; and</li> <li>(iii) any person who is an authorised nominee; and</li> </ul> <p><b>Note:</b> <i>Authorised nominee</i> means a person who has been given permission by a parent or family member to collect the child from the education and care service or the family day care educator. See section 170(5) of the Law.</p> <ul style="list-style-type: none"> <li>(iv) any person who is authorised to consent to medical treatment of, or to authorise administration of medication to, the child; and</li> <li>(v) any person who is authorised to authorise an educator to take the child outside the education and care service premises;</li> </ul> <ul style="list-style-type: none"> <li>(c) details of any court orders, parenting orders or parenting plans provided to the approved provider relating to powers, duties, responsibilities or authorities of any person in relation to the child or access to the child;</li> <li>(d) details of any other court orders provided to the approved provider relating to the child's residence or the child's contact with a parent or other person;</li> <li>(e) the gender of the child;</li> <li>(f) the language used in the child's home;</li> <li>(g) the cultural background of the child and, if applicable, the child's parents;</li> <li>(h) any special considerations for the child, for example any cultural, religious or dietary requirements or additional needs;</li> <li>(i) the relevant authorisations set out in regulation 161;</li> <li>(j) the relevant health information set out in regulation 162.</li> </ul> <p>(4) In this regulation—</p> <p><i>parenting order</i> means a parenting order within the meaning of section 64B(1) of the <i>Family Law Act 1975</i> of the Commonwealth;</p> <p><i>parenting plan</i> means a parenting plan within the meaning of section 63C(1) of the <i>Family Law Act 1975</i> of the Commonwealth, and includes a registered parenting plan within the meaning of section 63C(6) of that Act.</p> |
| 161 |  | <p><b>Authorisations to be kept in enrolment record</b></p> <p>(1) The authorisations to be kept in the enrolment record for each child enrolled at an education and care service are—</p> <ul style="list-style-type: none"> <li>(a) an authorisation, signed by a parent or a person named in the enrolment record as authorised to consent to the medical treatment of the child, for the approved provider, nominated supervisor or an educator to seek— <ul style="list-style-type: none"> <li>(i) medical treatment for the child from a registered medical practitioner, hospital or ambulance service; and</li> <li>(ii) transportation of the child by an ambulance service; and</li> </ul> </li> <li>(b) if relevant, an authorisation given under regulation 102 for the education and care service to take the child on regular outings.</li> </ul> <p>(2) The authorisations to be kept in the enrolment record for each child educated and cared for by a family day care educator are—</p> <ul style="list-style-type: none"> <li>(a) an authorisation, signed by a parent or a person named in the enrolment record as authorised to consent to the medical treatment of the child, for the family day care educator to seek— <ul style="list-style-type: none"> <li>(i) medical treatment for the child from a registered medical practitioner, hospital or ambulance service; and</li> </ul> </li> </ul>  |



|  |                    |  |
|--|--------------------|--|
|  |                    | (ii) transportation of the child by an ambulance service; and<br>(b) if relevant, an authorisation given under regulation 102 for the family day care educator to take the child on regular outings.   |
|  | 168<br>(2)(m)<br>) | <b>Education and care service must have policies and procedures</b><br>(1) The approved provider of an education and care service must ensure that the service has in place policies and procedures in relation to the matters set out in sub regulation (2).<br><b>Note:</b> These may include policies and procedures prepared by the approved provider in accordance with an education law of the participating jurisdiction. Policies and procedures are required in relation to the following—<br>(m) the acceptance and refusal of authorisations;   |
|  | 170                | <b>Policies and procedures to be followed</b><br>(1) The approved provider of a centre-based service must take reasonable steps to ensure that the nominated supervisor and staff members of, and volunteers at, the service follow the policies and procedures required under regulation 168.<br>(2) The approved provider of a family day care service must take reasonable steps to ensure that the nominated supervisor and staff members of, and family day care educators engaged by or registered with, the service follow the policies and procedures required under regulations 168 and 169.<br><b>Note:</b> A compliance direction may be issued for failure to comply with sub regulation (1) or (2). |

**NATIONAL QUALITY STANDARD, QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY**

|            |            |                                |
|------------|------------|--------------------------------|
| <b>QA2</b> | <b>2.3</b> | <b>Each child is protected</b> |
|------------|------------|--------------------------------|