


# Policy

## Early Years Policy – Acceptance and Refusal of Authorisation for a Child to Leave the Service

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<b>Adoption Method</b>	<input type="checkbox"/> Council	<input type="checkbox"/> CEO	<input checked="" type="checkbox"/> Director Community
<b>Director Signature</b>	Signed by:  A4566C08D5B4450...		<b>Date</b> 06-09-2024
<b>Responsible Officer and Unit</b>	Samantha Waymouth, Coordinator Early Years Services		
<b>Nominated Review Period</b>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Every 4 years	<input type="checkbox"/> Other ( <i>please specify</i> )
<b>Last Endorsement Date</b>	October 2020		
<b>Next Endorsement Date</b>	September 2025		

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft			
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Approval			

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## Purpose/Objective

This policy outlines the 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.

## Scope

This policy and procedure applies to the approved provider, nominated supervisor, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Council's Early Years Services.

## Background/Reasons for Policy

Under the National Law and Regulations, Early Years Services are required to obtain written authorisation from parents/guardians and/or authorised nominees (refer to Definitions) in some circumstances, to ensure the health, safety, wellbeing and best interests of a 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)
- 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 Early Years policies - Administration of Medication; Delivery and Collection of Children; Orientation and Settling In; Excursions and Service Events; and Early Years Enrolment and Fee Policy) should include details of the conditions under which written authorisations for a child to leave the service 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 processes 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. The approved provider has adopted a policy position accepting authorisations for persons over the age of 16 to collect a child from the service. This decision is outlined in the service's Early Years Policy - Delivery and Collection of Children. In the event the service receives written authorisation for a person under the age of 16 to collect a child from the service, the procedures outlined below for refusing this written authorisation are enacted.

## Gender Impact Assessment

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was not required in relation to the subject matter of this policy.

## Definitions

Term	Definition
Approved provider	An individual or organisation that has completed an application form 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. In this policy, the approved provider is Macedon Ranges Shire Council.
Nominated supervisor	A person who is a certified supervisor and has been nominated by the approved provider of the service under Part 3 of the Education and Care Services National Law Act 2010 to be the nominated supervisor of that service, and who has consented to that nomination. The nominated supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a nominated supervisor.

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)).
Authorised nominee	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. The National Law and National Regulations do not specify a minimum age limit for an authorised nominee. Each service will need to determine if a person under the age of 18 is able to be an authorised nominee and, if so, what constitutes the minimum acceptable age at that service.
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 them to be on the premises e.g. a person under the influence of drugs or alcohol( Education and Care Services National Law Act 2010 171(3)).
Medication record	Contains details for each child to who 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 (Regulation 92).
NQS	National Quality Standards.

## References

- > Australian Children's Education and Care Quality Authority (ACECQA) Information Sheets: <https://www.acecqa.gov.au/resources/supporting-materials>

- > Guide to the Education and Care Services National Law 2010 and the Education and Care Services National Regulations 2011: <https://www.acecqa.gov.au/nqf/national-law-regulations>
- > Guide to the National Quality Standard: <https://www.acecqa.gov.au/nqf/national-quality-standard>

## Related Policies

- > Early Years Enrolment and Fees Policy
- > Early Years Policy – Administration of First Aid
- > Early Years Policy - Administration of Medication
- > Early Years Policy - Child Safe Environment and Wellbeing
- > Early Years Policy - Delivery and Collection of Children
- > Early Years Policy - Excursion and Service Events
- > Early Years Policy – Governance and Management of the Service
- > Early Years Policy - Incident, Injury, Trauma and Illness
- > Early Years Policy - Managing Medical Conditions
- > Early Years Policy – Nutrition, Oral Health and Active Play
- > Early Years Policy – Orientation and Settling in
- > Early Years Policy – Road Safety Education and Safe Transport

## Related Legislation

- > *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: 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*
  - o *Standard 2.3: Each child is protected*

## Policy

Mandatory – Quality Area 2

### Responsibilities

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	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	✓	✓	✓	

Responsibilities	management or control	Approved provider and persons with	day charge	Nominated supervisor and persons in day-to-day charge	staff	Early childhood teacher, educators and all other	Parents/guardians	Contractors, volunteers and students
<p>Ensuring that all parents/guardians have completed the authorised nominee section of their child’s enrolment form (refer to Early Years Enrolment and Fee Policy), and that the form is signed and dated before the child commences at the service (Regulation 161)</p> <p>Where/when parent/guardians are unable to provide an authorised nominee, they will be informed and acknowledge that if they are not able to be contacted, CHILD First services will be contacted.</p>	R		✓		✓			
<p>Ensuring that permission forms for excursions are provided to the parent/guardian or authorised nominee prior to the excursion (refer to Early Years Policy - Excursions and Service Events)</p>	R		R		✓			



Responsibilities	management or control	Approved provider and persons with	day charge	Nominated supervisor and persons in day-to-day charge	staff	Early childhood teacher, educators and all other	Parents/guardians	Contractors, volunteers and students
Ensuring early childhood teachers/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, including details required under Regulation 102(4)(5), 161 (refer to Early Years Policy - Excursions and Service Events)	R		R		✓			
Ensuring that where children require medication to be administered by early childhood teachers/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 Early Years policies: Administration of Medication; and Dealing with Medical Conditions) (Regulations 92(3)(b))	R		✓		✓			

Responsibilities	management or control	Approved provider and persons with	day charge	Nominated supervisor and persons in day-to-day	staff	Early childhood teacher, educators and all other	Parents/guardians	Contractors, volunteers and students
Ensuring early childhood teachers/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 Early Years policies: Administration of Medication; Dealing with Medical Conditions; Incident, Injury, Trauma and Illness; Emergency and Evacuation; Asthma; and Anaphylaxis and Allergic Reactions)	R		✓		✓			
Ensuring that all parents/guardians have completed the authorised nominee section of their child’s enrolment form (refer to Early Years Enrolment and Fee Policy), for authorisation for seeking medical treatment and transportation of the child by an ambulance service (Regulation 160 (1) (b))	R		✓		✓		✓	

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
Ensuring that all parents/guardians have completed the authorised nominee section of their child’s enrolment form (refer to Early Years Enrolment and Fee Policy), 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 (refer to Definitions) 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 approved provider is informed when a written authorisation does not meet the requirements outlined in service policies		✓	✓		

Responsibilities	management or control	Approved provider and persons with	day charge	Nominated supervisor and persons in day-to-day	staff	Early childhood teacher, educators and all other	Parents/guardians	Contractors, volunteers and students
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 (refer to Early Years policies: Delivery and Collection of Children; and Child Safe Environment and Wellbeing) (Regulation 99, 160) (National Law: Section 167)	R		R		✓			
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)	R		R		✓			

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
<p>Ensuring processes are in place for circumstances where authorisations are refused/not applicable, for example:</p> <ul style="list-style-type: none"> <li>• where the service is asked to administer medication that is not in its original container (Regulation 95)</li> <li>• when leaving the service, the parent, authorised nominee or person as listed in Regulation 99 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>	R	✓			
<p>Ensuring that there are procedures in place if an inappropriate person (refer to Definitions) attempts to collect a child from the service (refer to Early Years policies: Delivery and Collection of Children; and Child Safe Environment and Wellbeing) (National Law: Section 167)</p>	R	R			

Responsibilities	management or control	Approved provider and persons with	day charge	Nominated supervisor and persons in day-to-day charge	staff	Early childhood teacher, educators and all other	Parents/guardians	Contractors, volunteers and students
Enacting procedures for dealing with a written authorisation that does not meet the requirements outlined in service policies (refer to procedure 'Delivery and collection of children – authorisation procedure' <a href="#">D23-74548 - Early Years Policy - Delivery and Collection of Children - Attachment 1 - Authorisation procedures (View)</a> )	R		✓		✓			
Completing and signing the authorised nominee section of their child's enrolment form (refer to Early Years Enrolment and Fee Policy) before their child commences at the service							✓	
Signing and dating permission forms for excursions							✓	
Acknowledging if the medical authorisation has not been completed, a child will not be allowed to enrol in the service and therefore will not be accepted into the program							✓	

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
Acknowledging if medical authorisation has not been completed, a child will not be allowed to enrol in the service and therefore will not be accepted into the program				✓	
Acknowledging if a child requires medical attention or an ambulance, permission will not be sought from parents, as they will have signed the authorisation to seek medical treatment. This will be at the cost to the family				✓	
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				✓	

## Evaluation

In order to assess whether the values and purposes of the policy have been achieved, the approved provider or persons with management or control 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 all stakeholders, including parents/guardians, at least 14 days before making any changes to this policy or its procedures, unless a lesser period is necessary due to risk (Regulation 172 (2)).

## Attachments

Nil