

POLICY AIM

Our priority is ensuring the health, safety and wellbeing of children. We aim to ensure that all educators, staff and volunteers are consistent in how authorisations are managed and understand what does or does not constitute a correct authorisation, which consequently may lead to a refusal. Our governance and quality management processes are effective and transparent and meet all regulatory requirements. Decisions around refusing an authorisation will be made on a case-by-case basis by the service in discussion with the Nominated Supervisor, Police or other authorities.

RATIONALE

Under the *Education and Care Services National Law* and *National Regulations*, early childhood services are required to obtain written authorisation from parents or 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 on that person's behalf. Authorisations are usually authenticated by a signature - either in written form or as an electronic signature. All authorisation and refusals are to be kept in the child's enrolment record.

SCOPE - WHO IS AFFECTED BY THIS POLICY?

- Children
- Families
- Educators
- Staff
- Management

NATIONAL QUALITY STANDARD

QUALITY AREA 2 (CHILDREN'S HEALTH AND SAFETY)

- Standard 2.2 (Safety) - *Each child is protected.*
- Element 2.2.1 (Supervision) - *At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.*
- Element 2.2.2 (Incident and emergency management) - *Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.*
- Element 2.2.3 (Child Protection) - *Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.*

RELATED POLICIES & LEGISLATION

RELATED SWEETPEAS POLICIES:

- Administration of Medication Policy
- Arrival and Departure Policy
- CCS Governance and Management Policy
- Child Protection Policy
- Child Safe Environment Policy
- Emergency and Evacuation Policy
- Enrolment and Orientation Policy
- Excursion Policy
- Incident, Injury, Trauma and Illness Policy
- Medical Conditions Policy
- Nutrition and Dietary Requirements Policy
- Safe Transportation of Children Policy
- Sun Protection Policy
- Water Safety Policy

RELATED EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS:

- Regulation 92 Medication record
- Regulation 93 Administration of medication
- Regulation 94 Exception to authorisation requirement - anaphylaxis or asthma emergency
- Regulation 99 Children leaving the education and care service
- Regulation 102 Authorisation for excursions
- Regulation 102D Authorisation for service to transport children

Acceptance and Refusal of Authorisations Policy

- 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
- Regulation 172 Notification of change to policies and procedures

RELATED LEGISLATION:

- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Children and Young Persons \(Care and Protection\) Regulation 2012](#)

TERMINOLOGY

- **Authorised nominee** - A person who has been given permission by a parent or family member to collect the child from the service.
- **Community visit** - After community feedback regarding the negative and violent associations with the term “incursion”, particularly for our First Nations peoples, Sweetpeas, as a company, has reflected and no longer uses the word “incursion” to represent on-site community visits or visits from external education experiences.
- **Enrolment record** - The Approved Provider must ensure that an enrolment record is kept for each child enrolled at the service which includes the information highlighted in Regulations 160-161.
- **Excursion** - An outing organised by Sweetpeas and its educators where the children leave the Sweetpeas premises with educators.
- **Medication** - Medicine within the meaning of the *Therapeutic Goods Act 1989* (Cth). Medicine includes prescription, over-the-counter and complementary medicines.
- **Medical attention** - Includes a visit to a registered medical practitioner (e.g., a GP) or attendance at a hospital.
- **Medical emergency** - An injury or illness that is acute and poses an immediate risk to a person’s life or long-term health.
- **Medication record** - The Approved Provider must keep a medication record for each child to whom medication is administered by the service.
- **Regular outing** - In relation to an education and care service, means a walk, drive or trip to and from a destination:
 - (a) that the service visits regularly as part of its educational program; and
 - (b) where the circumstances relevant to the risk assessment are the same on each outing.
- **Transportation** - Transportation forms part of a Sweetpeas service if the service remains responsible for children during the period of transportation. The responsibility for, and duty of care owed to, children applies in scenarios where Sweetpeas is transporting children, or has arranged for the transportation of children, between Sweetpeas and another location, for example their home, school, or a place of excursion.
Examples of transport *not* forming part of a service include:
 - private transport provided by families and carers (i.e. carers not engaged by/registered with a service)
 - transport provided and/or arranged by an entity other than the Approved Provider (e.g. a school bus) and the children are not under the care of the Approved Provider
 - when a disability service picks up children and transports them to school or an activity.

GLOSSARY OF ABBREVIATIONS

- **ACECQA - Australian Children’s Education and Care Quality Authority** - The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children.
- **ESI - Electronic Sign In** - the HubHello ESI allows families to digitally sign their child in and out of the service each day they attend by either scanning the QR code at the entrance or utilising the available service iPad.

IMPLEMENTATION AND STRATEGIES

Our Service will ensure we comply with the current *Education and Care Services National Regulations*, and have policies and procedures in place in relation to the acceptance and refusal of authorisations which require parent or guardian written authorisation to be provided in matters including:

- Administering medication to children (*Regulation 92*)
- Children leaving the premises in the care of the parent or the authorised nominee (*Regulation 99*)
- Excursions, including transportation (*Regulation 102*)
- Transport provided or arranged by the service (*Regulation 102D*)
- Seeking medical treatment for children and transportation by an ambulance service (*Regulation 161*).
- Administration of medical treatment, dental treatment, and general first aid treatment
- Attendance at community learning visits
- Taking of photographs by people other than educators
- Water based activities
- Enrolment of children, including providing details of persons nominated to authorise consent for medical treatment, to collect children from the service, or to provide authority for the child to be taken outside the service
- Children leaving the premises in the care of someone other than a parent or guardian.

All enrolling families are provided with an *Enrolment QR Flyer* which contains a QR link to all current Sweetpeas policies and procedures (see *Enrolment and Orientation Policy*). Hard copies of policies are available on request.

RESPONSIBILITIES

RESPONSIBILITIES OF THE APPROVED PROVIDER

- Ensure the service operates in accordance with the *Children (Education and Care Services National Law) Act 2010* and *Education and Care Services National Regulations 2011*.
- Ensure the *Acceptance and Refusal Authorisation Policy* is reviewed and maintained by Service management and adhered to at all times by educators and staff.

RESPONSIBILITIES OF THE NOMINATED SUPERVISOR

- Provide supervision, guidance, training and advice to staff to ensure adherence to the policy at all times.
- Ensure all authorisations will be retained within the Enrolment Record (*National Regulation 161*), original copy and will include:
 - The name of the child enrolled in the service.
 - The date.
 - The signature of the child's parent/guardian or authorised nominee who is listed in the enrolment form.
 - The original form/letter/register provided by the service.
- Ensure that all parents/guardians have completed the authorised nominee section of their child's enrolment form (see *Enrolment and Orientation Policy*) and that the form is signed and dated before the child is enrolled at the service (*National Regulation 161(a)*).
- Ensure an enrolment record is kept for each child that includes authorisations signed by a parent/guardian or a person authorised:
 - to consent to medical treatment of the child if relevant
 - to authorise the education and care service to transport the child or arrange transportation for the child.
- Ensure all staff understand circumstances that may lead to refusal of an authorisation.
- Ensure permission forms for excursions are provided to the parent/guardian or authorised nominee prior to the excursion (refer to *Excursion Policy* and *Safe Transportation of Children Policy*).
- Waive compliance where a child requires emergency medical treatment for conditions such as anaphylaxis or asthma. In accordance with *National Regulations (Regulation 93)* the Service can administer medication in these circumstances without authorisation. If these situations occur

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- Management will be required to contact the parent/guardian as soon as practicable after the medication has been administered and emergency services called.
- Note: Notification to the Regulatory Authority is required within 24 hours of a serious incident.
 - Ensure that medication is not administered to a child without the authorisation of a parent/guardian or authorised person, except in the case of an emergency, including and asthma or anaphylaxis emergency (refer to *Administration of Medication Policy, Incident, Injury, Trauma and Illness Policy, Emergency and Evacuation Policy*).
 - Ensure a child only departs from the Service with:
 - a person who is the parent/guardian or authorised nominee named in the child's enrolment record; or
 - with a person authorised by a parent or authorised nominee; or
 - leaves in accordance with the written authorisation of the parent; or authorised nominee; or
 - is taken on an excursion; or
 - in the case of a medical emergency or another emergency (Refer to *Arrival and Departure Policy, Emergency and Evacuation Policy, and Incident Procedure*).
 - 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.
 - Ensure a child is not taken outside the Service premises on an excursion except with the written authorisation of a parent/guardian or authorised nominee.
 - Inform the Approved Provider when a written authorisation does not meet the requirements outlined in the Service's policies.

The Nominated Supervisor will exercise the right of refusal for a child to leave the service with a person that is unauthorised to collect the child or is not able to transport the child safely (i.e., if they appear to be under the influence of substances, if they do not have an appropriate car seat or transport arrangements). See *Arrival and Departure Policy*.

- If an authorisation is refused by the Service, it is best practice to document:
 - the details of the authorisation
 - why the authorisation was refused, and
 - actions taken by the service. (E.g., if the service refused an authorised nominee named in the child's enrolment record to collect the child from the service as they were under the influence of alcohol, the action taken to ensure that the child was collected.)

RESPONSIBILITIES OF THE EDUCATORS

- Apply these authorisations to the collection of children, medication administration, excursions, medical treatment in the event of an emergency and access to records.
- Exercise the right of refusal if written or verbal authorisations do not comply.
- Waive compliance where a child requires emergency medical treatment for conditions such as anaphylaxis or asthma. The service can administer medication without authorisation in these cases, provided it is noted on medical plans and that parents/guardians are contacted as soon as practicable after the medication has been administered (*National Regulation 161*).
- Follow the service's *Incident, Injury, Trauma and Illness Policy, Medication Policy, and Medical Conditions Policy* regarding authority to provide children with medication.
- Ensure that parents/guardians sign and date permission forms for excursions prior to the excursion being implemented.
- Allow a child to participate in an excursion only with the written authorisation of a parent/guardian or authorised nominee.
- Check that parents/guardians or an authorised nominee sign the attendance record as their child arrives and departs from the Service.
- Administer medication only with the written authorisation of a parent/guardian or authorised nominee as per the Medication Form, except in the case of an emergency, including an asthma, anaphylaxis.
- 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 (for example, an intoxicated person).
- Inform the Nominated Supervisor when a written authorisation does not meet the requirements outlined in Service's policies.

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RESPONSIBILITIES OF THE FAMILY/GUARDIAN

- Ensure that you complete the authorised nominee section of your child's enrolment form before your child attends the service.
- Keep child enrolment details forms current by stating who the authorised nominees are as circumstances change.
- Inform service of current contact numbers to ensure you are contactable at all times.
- Communicate to Responsible Person and staff any individual requests regarding authorisations.
- Ensure that where children require medication to be administered by educators or other staff, you authorise this in writing, sign and date it for inclusion in your child's medical record.
- Update educators in relation to any medical conditions, medical plans, or ongoing medication requirements. This must include the names of medical practitioner, medications, dosage, signs, symptoms and contact information for any relevant medical professionals.
- Ensure that where children require medication to be administered by educators or other staff, you authorise this in writing, sign and date it on your child's individual medication record.
- Sign and date permission forms for regular transportation and regular outings.
- Sign and date permission forms for excursions.
- Sign the attendance record as their child arrives and departs from the Service (i.e. HubHello ESI).

An Authorised Nominee must be a minimum age of 18 years old to sign a child in or out of the Education and Care Service.

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, the Approved Provider or delegated authority will:

- Immediately explain to the parent/guardian that their written authorisation does not meet legislative and policy guidelines.
- Provide the parent/guardian with a copy of the relevant service policy and ensure that they understand the reasons for the refusal of the authorisation.
- Request that an appropriate alternative written authorisation is provided by the parent/guardian.
- In instances where the parent/guardian cannot be immediately contacted to provide an alternative written authorisation, follow related policy procedures pertaining to the authorisation type.
- Follow up with the parent/guardian, where required, to ensure that an appropriate written authorisation is obtained.

RELATED SWEETPEAS DOCUMENTS

- Family FAQs/Fact Sheets
 - How do I update my details?
 - How to add a contact
 - How to complete child and family details for enrolment
 - How to log in to HubHello
- Medication Form
- Standard Products Agreement
- Photo Authorisation Form
- Enrolment QR Flyer

REFERENCES

- ACECQA. 2021. Policy and Procedure Guidelines. Acceptance and refusal of authorisations.
- Australian Children's Education and Care Quality Authority (ACECQA)
<https://www.acecqa.gov.au/>
- Children (Education and Care Services) National Law 2010

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- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulations 2012
- Education and Care Services National Regulations 2011
- Family Law Act 1975 (Cth) <https://www.legislation.gov.au/Details/C2017C00385>
- Kidsafe - <http://www.kidsafensw.org/>

REVIEW AND AMENDMENTS

This policy will be updated regularly to ensure compliance with all relevant legal requirements. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with *Regulation 172* of the National Regulations, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Version	Amendment(s)	Review Date	Updated By
2.	<ul style="list-style-type: none"> • Policy was updated to reflect current regulations 	July 2020	Janine Evans (Nominated Supervisor)
2.1.	<ul style="list-style-type: none"> • No changes required 	July 2021	Janine Evans (Nominated Supervisor)
2.2.	<ul style="list-style-type: none"> • No changes required 	July 2022	Janine Evans (Nominated Supervisor)
3.	<ul style="list-style-type: none"> • Cosmetic changes for new template and colour • Updated and check references and links • Added Terminology and Glossary of Abbreviations sections • Added Related Sweetpeas Documents • Updated to reflect ACECQA policy fact sheet • Extended on Responsibilities to ensure clear understandings of all stakeholders. 	June 2023	Cassandra Way (Assistant Manager) Janine Evans (Nominated Supervisor & Managing Director)