



DAME NELLIE MELBA
KINDERGARTEN
EST 1915

Acceptance and Refusal of Authorisations Policy

Mandatory – Quality Area 2



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

Dame Nellie Melba,

DNMK 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 DNMK.

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
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 <i>Regulation 102(4)(5), 161</i> (<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>) <i>Regulations 92(3)(b)</i>	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 <i>Regulation 160 (1) (b)</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 the transportation of the child or arranging transportation of the child <i>Regulation 120D, 160 (3) (vi)</i>	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 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>) <i>Regulation 99, 160, National Law: Section 167</i>	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 (<i>Regulation 160</i>).	R	R	√	√	
Ensuring processes are in place for circumstances where authorisations are refused/not applicable. For example:	R	√			

<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 					
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
- 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. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to Attachment General Policy Definitions

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 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: General Policy Definitions

AUTHORISATION

This policy was adopted by the approved provider of DNМК on 08/2022

REVIEW DATE: 08/2023

Attachment 1

General Policy Definitions

Approved Provider: An individual or organisation that has completed an application 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. Where the applicant is an organisation, each person with management and control (see definition below) of that organisation must complete a separate application form. (Note: Under the Education and Care Services National Law Act 2010, Section 5, Definitions: “**person with management or control**, in relation to an education and care service, means – (b) 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”).)

Australian Children’s Education and Care Quality Authority (ACECQA): The national authority established to oversee the National Quality Framework and guide its implementation in a consistent way throughout Australia.

Department of Education and Training (DET): The Victorian State Government department with Primary responsibility for the approval, monitoring and quality assessment of services in Victoria in accordance with the national legislative framework and in relation to the *National Quality Standards*

Early childhood teacher: A person with an approved early childhood teaching qualification as listed on the ACECQA website www.acecqa.gov.au

Educational Leader: The Approved Provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, coordinator or other individual to lead the development and implementation of education programs at the service (Regulation 118). This person must have a thorough understanding of the Early Years Learning Framework (or other approved learning framework), be able to guide other educators in their planning and reflection, and mentor colleagues in their implementation practices.

Educator: An individual who is qualified to provide education and care for children as part of an education and care service.

Learning frameworks: Under the National Quality Framework (NQF), education and care services are required to ensure that the program delivered to all children being cared for and educated by the service is based on and delivered in a manner that accords with an approved learning framework. In Victoria, the approved frameworks are:

- ☐ *Early Years Learning Framework (EYLF)*
- ☐ *Victorian Early Years Learning and Development Framework (VEYLDF)*
- ☐ *My Time, Our Place: Framework for School Age Care in Australia.*

National Law: Refers to the *Education and Care Services National Law Act 2010*: the national law regulating education and care services for children.

National Quality Framework (NQF): This framework for the early childhood education and care sector helps providers to improve the quality of services in areas that impact on a child’s development. The framework includes:

- ☐ a National Law – the Education and Care Services National Law Act 2010
- ☐ National Regulations – the Education and Care Services National Regulations 2011 (please check online to ensure the most current version is being used)
- ☐ the National Quality Standard
- ☐ an assessment and rating system
- ☐ a Regulatory Authority in each state and territory with primary responsibility for the approval, monitoring and quality assessment of services in their jurisdiction in accordance with the national legislative framework and in relation to the National Quality Standard
- ☐ the Australian Children’s Education and Care Quality Authority (ACECQA). The national body responsible for providing oversight of the system and ensuring consistency of approach.

National Quality Standard (NQS): The NQS sets a National benchmark for the quality of children’s education and care services. The NQS is comprised of guiding principles, quality areas, standards and elements. There are seven quality areas which capture aspects critical to the provision of quality education and care.

National Regulations: Refers to the *Education and Care Services National Regulations 2011*: the regulations or rules under which education and care services must operate. The regulations are the way in which the law is applied.

Nominated Supervisor: A person who has been nominated by the Approved Provider of the service under Part 3 of the Act and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The Approved Provider must take reasonable steps to ensure that the Nominated Supervisor is a fit and proper person (in accordance with Sections 12, 13 and 14 of the National Law), with suitable skills, qualifications and experience. The Regulatory Authority must be notified if the Nominated Supervisor for the service changes, or is no longer employed at the service.

Person with management or control: Means— (a) 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 (b) 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 (c) 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 (d) in any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service (Note: Under the *Education and Care Services National Law Act 2010*, Section 5).

Person in day-to-day charge: A person is in day-to-day charge if (a) the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the education and care service after meeting the definition for a service supervisor certificate: and (b) the person consents to the placement in writing (Regulation 54)

Policy: A formal statement of principles which provides a framework for decision-making and indicates the course of action to be taken in specific circumstances. Policies provide services with an approved way of operating in relation to particular matters and improve the management of risk. They reflect the values and

beliefs of a service, current thinking, national standards and community expectations, and are relevant in terms of current laws and regulations.

Procedures: The steps required to implement and comply with a policy. Procedures specify how to achieve the necessary result by outlining who does what and when. Procedures are succinct, factual and to the point, and are generally expressed as a list.

Program: The group/activity in which a child is enrolled and which has specific hours of attendance.

Regulatory Authority: see definition for the Department of Education and Training.

Responsible Person: The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or person who has been placed in day-to-day charge of the service in accordance with the National Regulations.

Service Supervisor Certificates: On 1st November 2016 the National Regulations were amended to expand the classes of people who may be covered by a prescribed class supervisor certificate.

The new prescribed classes are set out in regulation 238A, and include a person who is:

- ☐ *responsible for day to day management of the service, or*
- ☐ *exercising supervisory and leadership responsibilities for part of the service, or*
- ☐ *a family day care coordinator*

Certificates issued for people working in one of these roles are referred to as “*service supervisor certificates*”.

Service supervisor certificates will not be issued to a particular person. Instead they may apply to any person working at the service who has been identified by the approved provider as working in one of the above roles.

For example, if the service director is responsible for day to day management of the service, they can be covered under the service supervisor certificate. Similarly, a room leader who is responsible for supervising part of the service can also be covered by the service supervisor certificate.

With this new flexibility, most individuals do not need to apply to the regulatory authority for a supervisor certificate.

Under these arrangements, a person is covered under the service supervisor certificate and may be a nominated supervisor if:

- ☐ the approved provider identifies that they meet the definition for a service supervisor certificate and
- ☐ they give their written consent to be the nominated supervisor (required under sections 35, 44 and regulation 56).

Nominated supervisors have specific obligations under the National Law (See Nominated Supervisors above).

A person is covered and may be placed in day to day charge of the service if:

- ☐ the approved provider or the nominated supervisor identifies that they meet the definition for a service supervisor certificate and
- ☐ they give their written consent to be placed in day to day charge of the service (required under regulation 54).

These arrangements apply for centre based and family day care services, and make it easier for providers to meet the requirements to ensure that:

☐ for centre based services, either the approved provider, nominated supervisor or certified supervisor in day to day charge is present at the service at all times the service is educating and caring for children (section 162) and

☐ for family day care services, either the approved provider, nominated supervisor or a certified supervisor in day to day charge is available at all times to support family day care educators

Staff: Any individual (other than the Nominated Supervisor or a volunteer) employed, appointed or engaged to work in or as part of an education and care service.