

POLICY: 2.5 ACCEPTANCE AND REFUSALS

Procedure: 2.11 Acceptance and Refusal

This procedure provides information about the requirements of the acceptance and refusal of authorisations policy required under regulation 168(2) of the Education and Care Services National Regulations 2011. This procedure outlines what constitutes a correct authorisation and guides what does not and may, therefore, result in a refusal.

2.11.1 Linking to Policy

This procedural guidance should be read in conjunction with the service **2.5 Acceptance and Refusals Policy** and will assist the Approved Provider, Management, Staff (Nominated Supervisors, Coordinators and Administrative Staff members) Educators, Educator Assistants and parents/guardians to implement the policy. This procedure covers:

[2.11.2: The Type of Authorisation – associated policies](#)

[2.11.3 Types of Refusals to Authorisation](#)

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2.11.2 Type of Authorisation under the National Regulations

The Nominated Supervisor will:

- Ensure all authorisations will be retained within the Enrolment Record, 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 nominated contact person who is on the enrolment form
- Apply these authorisations to the collection of children, administration of medication, excursion, access to records and transportation via ambulance.
- Ensure authorisations are stored with each individual child's enrolment record and Educators have a copy kept at their residence.

- Ensure that all parents/guardians have completed the authorised nominee section of their child’s enrolment form and that the form is signed and dated before the child is enrolled at the service.

Educators have a responsibility to protect the health, safety and wellbeing of each child at all times while in their care.

Educators will require authorisation for actions such as administration of medications, collection of children, excursions and providing access to personal records.

Authorisation must be obtained from parents/guardians or authorised nominees in the following circumstances:

- administering medication to children (regulation 92)
- Self-Medication
- children leaving the premises in the care of someone other than their parent (regulation 99) other than in the case of an emergency
- children being taken on excursions (regulation 102)

Type of Authorisation	How these authorisations are managed
Regulation 92	<p>The details to be recorded on a medication record includes the authorisation to administer medication (including self-administration if applicable) signed by a parent or a person named in the child’s enrolment record as authorised to consent to medication administration. Medication may be administered to a child without an authorisation in case of an anaphylaxis or asthma emergency.</p> <p>Guidance on this authorisation is covered in POLICY: 4.4 Medical Conditions Policy 4.5 Administration of Medication Policy & PROCEDURE: 4.22 Administration of Medication & 4.23 Self Administration of Medication</p>
Regulation 96	<p>An approved provider may permit a child over preschool age to self-administer medication if:</p> <ul style="list-style-type: none"> • an authorisation for the child to self-administer medication is recorded in the medication record for the child, and • the medical conditions policy of the Service sets out practices in relation to self-administration of medication by children over preschool age. <p>Guidance on this authorisation is covered in POLICY: 4.5 Administration of Medication Policy PROCEDURE: 4.22 Administration of Medication & 4.23 Self Administration of Medication</p>
Regulation 99	<p>The approved provider, nominated supervisor, and Educator must make sure that a child being educated and cared for by the Service does not leave the premises except where the child:</p> <ul style="list-style-type: none"> - is given into the care of a parent, an authorised nominee named in the child’s enrolment record or a person authorised by a parent or authorised nominee; or

	<ul style="list-style-type: none"> - leaves in accordance with the written authorisation of the child's parent or authorised nominee; or - is taken on an excursion; or is given into the care of a person or taken outside the residence because the child requires medical, hospital or ambulance care or treatment, or because of another emergency. <p>Guidance on this authorisation is covered in POLICY: 9.1 Enrolment and Orientation Policy PROCEDURES: 9.2 Enrolment and Orientation</p>
<p>Regulation 102</p>	<p>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 premises by an Educator. The authorisation must state the information listed in regulation 102(4).</p> <p>Guidance on this authorisation is covered in POLICY: 3.2 Excursions and Transporting Children Policy, PROCEDURES: 3.3 Excursions & 3.4 Transporting Children Procedure</p>
<p>Regulation 161</p>	<p>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 medical treatment for the child from a registered medical practitioner, hospital or ambulance service; and transportation of the child by an ambulance service. If relevant, an authorisation is given under regulation 102 for the service to take the child on regular outings</p> <p>Guidance on this authorisation is covered in POLICY: 4.3 Serious Incident and Emergencies Policy, 4.4. Medical Conditions Policy, 4.6 Administration of First Aid, 9.1 Enrolment and Orientation Policy PROCEDURES: 4.12 Responding to Medical Emergency, 4.13 Responding to other emergencies, 4.20 Anaphylaxis, 4.21 Asthma, 4.24 Administration of First Aid, 9.2 Enrolment and Orientation</p>

2.11.3 Types of Refusals to Authorisation

The purpose of the procedure for acceptance and refusal of authorisations is to ensure that all educators, staff, and volunteers of the Service act consistent in how authorisations are managed.

In exceptional circumstances, there may be circumstances where the service refuses an authorisation. Decisions around refusing an authorisation will be made on a case by case basis by the Service staff and educators. Some examples of when an authorisation may be refused are outlined below.

The Service staff and Educators can exercise the right of refusal if written or verbal authorisations do not comply with the Service's Policies, Legislation or when this puts children at risk of harm. The following table provides some guidance.

Type of authorisation	Considerations for a Refusal
Administration of medication (regulation 92)	<p>In what circumstances might an educator refuse an authorisation? For example: If someone who has not been listed as authorised to authorise the administration of medication to a child asks the Educator to administer medication to the child If the Educator is requested to administer medication to a child that is not in accordance with the requirements of regulation 95 such as, being administered not from its original container. This could include, the name of the medication is not the child, the dosage noted on permission is not in accordance with the recommended dosage, or it has expired.</p>
Self-administration of medication (regulation 96)	<p>Educators will consider: Is the child capable of self-administering? Has the parent provided permission? Does the medication have the child's name on the label or has it expired?</p>
Children leaving the education and care service premises (regulation 99)	<p>In what circumstances might the Educator refuse an authorisation? For example: If the parent or any other authorised nominee or person listed in regulation 99 does not appear to be fit to take care of the child. The sibling or older child authorised to take another child out of the service does not appear to be capable. The child has been given authorisation to leave the service alone, however they do not appear to be capable or the environment they would be is unsafe. In the event that a person not known to them is asked to collect the child by a parent and the parent has given permission, ask the person for identification to prove their identity. Children will not be given to a person unless the parent has informed the Educator of this occurring, or if the person does not have identification to verify their identity.</p>
Authorisation for excursions (regulation 102)	<p>In what circumstances might an authorisation be refused? For example: If an authorisation received by the service for an excursion does not meet the requirements of regulation 102, such as it appears not to have been signed by a person authorised to sign.</p>

2.11.4 Procedure for when a refusal is made

1. If a refusal to allow someone to collect the child is made or likely to be made based on their fitness, the Educator will:

- talk to the person about their condition and explain the risk to the child and offer some alternative solutions.
- ask them to contact the parent/guardian (or another person if the person is one of the parents) to discuss if an alternate person could do the pick up.
- talk about their responsibility to ensure the child leaves care in the safety of a responsible person who is known to the Educator or has identification to prove who they are.
- contact the Service Office or out of hours emergency number to seek support.
- if the person becomes aggressive, call the police, ask the person to wait outside and lock the door.
- ensure other children are safe.
- once resolved, complete the Incident, Injury, Illness and Trauma Record outlining the circumstances for the refusal and send it to the office within 24 hours.

2. If a refusal to administer medication is made, the Educator will:

- contact the parent/guardian as soon as possible or nominated nominee if the parent is not available.
- request that they return to the residence and complete the appropriate record or collect the child immediately.
- if the parent is unable to return, ask the parent to email or text their authorisation in writing.
- ensure the family completes the administration of medical permission on arrival.
- contact the Nominated Supervisor and explain the situation.

3. Refusal to allow a school-aged child to self-administer medication, the educator will:

- contact the parent of the child as soon as possible and within 24 hours and discuss the situation.
- negotiate how the medication will be administered – in accordance with the legislation and the Service Administering Medication Procedure.
- complete the Incident, Injury, Illness and Trauma Record outlining the circumstances for the refusal.

4. Where a refusal to go on an excursion or exclude the children because the parent refuses to complete permission, the Educator will:

- NOT charge a family who decides they will not permit their child to be taken outside the Educator's residence.
- however, if the child has entered care, without the written permission, the Educator will not leave the home and will notify all other families of the excursion cancelation.
- if the permission is not signed and/or information is not complete, the Educator will not take the child outside the Educator's residence unless this is rectified.

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- ensure confidentiality is maintained, if the excursion is cancelled, the reason should be that the authorisation was not received, no naming and shaming will occur.
- notify the Nominated Supervisor of the Incident within 24 hours of the refusal.

2.11.5 Other Circumstances where Authorisations are not required

The Educators and staff are able to:

- waive compliance where a child requires emergency medical treatment for conditions such as anaphylaxis or asthma.
- 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.

It is expected that an Educator is sensitive to the child and other children in care, ensuring they are talking about what is happening and the next step. In these cases, all families will be notified of the incident while maintaining confidentiality to ensure children are supported.

The Educator and staff will complete the Incident, Injury, Illness and Trauma Record and Administering Medication Form – *refer to 4.3 Serious Incident and Emergencies and 4.4 Medical Conditions Policy for further guidance.*

2.11.6 Families Obligations

Families will:

- ensure that they complete and sign the authorised nominee section of the child's enrolment form before the child attends the service.
- keep the child's enrolment record up to date and current including the details of who the authorised nominees are.
- inform the Service of current contact numbers to ensure you are contactable at all times.
- communicate to the nominated supervisor, Educator or other staff any individual requests regarding authorisations which differ from that noted on the child's enrolment record.
- update Educators in relation to any medical conditions, medical plans or ongoing medication requirements.
- this includes the names of medications, dosage, signs, and symptoms and contact information for any relevant health professionals.
- ensure that where children require medication to be administered by educators or other staff, this is authorised in writing, signed and dated.

2.11.6 Recording of refusal/s of authorisation

If an authorisation is refused by the Service, the Service and/or Educator will document:

- the details of the authorisation;
- why the authorisation was refused;
- actions taken by the Educator or Service (i.e. 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, what action was taken to ensure that the child was collected safely).
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Review

	Date	Details
Revision 00	07/2015	Original Policy Issued
Revision 01	12/2016	Reviewed
Revision 02	08/2017	Reviewed
Revision 03	10/2020	Reviewed and separated from Policy

Related Documents

Policies

2.5 Acceptance and Refusal Policy

Forms

Child Enrolment Form

Additional Child Details Form

Incident, Injury, Illness and Trauma Record

Medication Record/ Permission

References

Refer to 2.5 Acceptance and Refusal Policy

Education and Care Services National Law Act 2010: Section 167

Education and Care Services National Regulations: Regulations 99, 102, 160, 161, 168(2)(m)

Family Law Act 1975 (Cth), as amended 2011

Children and Young Persons (Care and Protection) Act 1998