

## Refusal of Authorisation Policy

<b>Published</b>	<b>January 2019</b>
<b>Review Date</b>	<b>September 2020</b>
<b>Sources</b>	Education and Care Services National Regulations, October 2017 Guide to the Education and Care Services National Law and the Education and Care Services National Regulations, October 2017 Guide to the National Quality Standard, October 2018 Interim Standards for In Home Care, Funding Agreement Requirements,

### Aim:

The service will ensure relevant procedures and legislative requirements relating to access of children are implemented. The service will ensure information is made available to appropriate staff and Educators in relation to access to individual children, and the safe release of children into another persons care.

### Explanation:

When there is joint custody of a child, or a situation which has created issues over access to a child, it is important for Educators and parents/guardians to be able to work together to ensure the children can continue in care in a stress-free and safe environment. For this to occur, it is important to have good communication between parents, Educators and Co-ordination Unit staff, and for all parties to be informed of the requirements of the Education and Care Services National Regulations, Interim Standards for In Home Care Funding Agreement Requirements and the services Refusal of Authorisation Policy.

### Responsibilities:

#### In relation to Co-ordination Unit Staff:

- Abide by their obligations under the current Education and Care Services National Regulations and National Quality Standard in relation to the refusal of authorisations for a child to leave the service
- Maintain policies and procedures that guide Educators in the provision of appropriate access to parents/guardians
- Maintain confidentiality for all matters relating to custody, access and court orders
- Store copies of all relevant documents provided by families and/or Educators in a safe and secure manner respecting the individual's privacy
- Provide advice, support and information to Educators and parents on issues relating to access and custody
- Request a copy of the relevant court order if applicable

#### In relation to Educators:

- Abide by their obligations under the current Education and Care Services National Regulations and the National Quality in relation to the refusal of authorisations for a child to leave the service
- Ensure that children are not released into the care of any person under the age of 18 years
- Ensure that children are not released into the care of another person without authority from the child's parent/s
- Ensure that Photo ID is sighted when a new person comes to collect a child for the first time
- Within legal boundaries respect the wishes of the parent that has placed that child in care with them
- Seek advice and support from the Co-ordination Unit staff to ensure all people involved in

- the access/custody are treated fairly and within the regulatory requirements of the service
- Maintain confidentiality for all matters relating to custody, access and court orders
  - Request a copy of the relevant court order if applicable
  - Keep any copies of relevant court orders stored in a safe yet accessible place
  - Ensure you are familiar at all times with court orders, custody arrangements and access for families
  - Remind families with court orders, custody and access matters to keep you up-to-date with relevant information and as changes in arrangements occur
  - An Educator must not prevent a parent of a child being educated and cared for from entering the Family Day Care Residence or Venue at any time **unless**:
    - Permitting the parent's entry would pose a safety risk to the children and staff of the Education and Care Service
    - Permitting the parents entry poses a conflict with any duty of the provider, supervisor or Educator under the law
    - They are aware that the parent is prohibited by a court order from having contact with the child

**In relation to Families:**

- Ensure that any person apart from yourself that may collect your child from care is over 18 years of age
- Ensure that any person who may be collecting your child from care for the first time is aware that they will need to provide Photo ID to confirm they are authorised to collect your child
- Notify your Educator if someone apart from yourself is going to collect your child from care
- Provide copies of any relevant court orders to the Educator and Co-ordination Unit
- Discuss all relevant issues with the Educator regarding who has legal access to the children
- Keep your Educator and Co-ordination Unit up-to-date with any relevant information and as changes in custody arrangements, court orders or access occur

**In relation to a person who has been denied access to the child by a court order:****Educators will:**

- Not give that person any information concerning the child
- Not allow that person access to the child
- If contacted by that person, inform the custodial parent of the situation
- Contact the police if necessary
- Contact Country Children's Early Learning for help and support
- Take all reasonable precautions to ensure the safety of all the children in care and themselves

**However:** Under no circumstances should the Educators place themselves or other children at risk. If a child is taken against the Educators wishes the Educator should:

- Contact the custodial parent
- Contact the police
- Contact Country Children's Early Learning

### **In relation to a parent where there is no court order forbidding that parent contact with a child:**

- The service must ensure that the parent can:
  - Contact the child at any time during the hours the child is at the service, and
  - Exchange information about the child with staff and Educators at mutually convenient times
- The parent is required to contact Country Children's Early Learning and the Educator to make arrangements for appropriate contact times and ring the Educator before visiting
- An Educators home is not to be used as a point of contact for access visits without approval from the Educator and Country Children's Early Learning

### **Continual Monitoring and Improvement:**

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Co-ordination Unit Staff accessing current relevant information
- Co-ordination Unit Staff and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

### **Policy Review**

<b>Date Revised</b>	<b>Comments</b>
November 2011	Added relevant regulations and quality standards in relation to new Education and Care Services National Regulations and National Quality Standard.
May 2012	Changed the name of the Policy from " Access" to "Refusal of Authorisation" in line with the National Regulations and NQS.
January 2013	Added information for In Home Care
February 2013	Scheduled Policy Review – added other situations for the collection of children – over 18 years of age, have authority from the parent, photo ID
August 2014	Scheduled Policy Review – no changes made
February 2016	Scheduled Policy Review – no changes made
Jan 2018	IHC removed