

Mandatory – Quality Area 2



PURPOSE

This policy will provide clear guidelines to ensure the safe delivery and collection of children attending St Johns Kindergarten.

POLICY STATEMENT

1. VALUES

St Johns Kindergarten is committed to:

- ensuring the safe delivery and collection of children being educated and cared for at the service
- meeting its duty of care obligations under the law.

2. SCOPE

This policy applies to the Approved Provider, Persons with Management or Control, Nominated Supervisor, Persons in Day to Day Charge, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of St Johns Kindergarten.

3. BACKGROUND AND LEGISLATION

Background

A duty of care exists at all times the child is attending a children's service. In addition, the service has a duty of care to a child while he/she is on the service's premises even if he/she hasn't yet been signed into the service or has been signed out of the service, and is legally under the care and supervision of the parent/guardian (refer to *Supervision of Children Policy*).

The child may only leave the service in the care of a parent/guardian, authorised nominee or a person authorised by one of these parties to collect the child. An authorised person does not include a parent who is prohibited by a court order from having contact with the child. An exception is made in the event of a medical or other emergency (refer to *Incident, Injury, Trauma and Illness Policy* and *Emergency and Evacuation Policy*) and for excursions (refer to *Excursions and Service Events Policy*).

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.

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Children, Youth and Families Act 2005* (Vic)
- *Education and Care Services National Law Act 2010*: Sections 167, 170
- *Education and Care Services National Regulations 2011*: Regulations 99, 168(2)(f)
- *Family Law Act 1975* (Cth)
- *National Quality Standard, Quality Area 2: Children's Health and Safety*
 - Standard 2.3: Each child is protected

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law today: <http://www.legislation.vic.gov.au>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

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: (In relation to this policy) 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 him/her to be on the premises e.g. a person under the influence of drugs or alcohol (Act 171(3)).

Incident, Injury, Trauma and Illness Record: Contains details of any incident, injury, trauma or illness that occurs while the child is being educated and cared for by the service. Any incident, injury, trauma or illness must be recorded as soon as is practicable but not later than 24 hours after the occurrence. Details required include the:

- name and age of the child
- circumstances leading to the incident, injury, trauma or illness (including any symptoms)
- time and date
- details of action taken by the service including any medication administered, first aid provided or medical personnel contacted
- details of any witnesses
- names of any person the service notified or attempted to notify, and the time and date of this
- signature of the person making the entry, and time and date of this.

These details must be kept for the period of time specified in Regulation 183. A sample *Incident, Injury, Trauma and Illness Record* is available on the ACECQA website.

Medication record: Contains details for each child to whom 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 person administering the medication and of the person checking the medication if required (Regulation 92). A sample medication record is available on the ACECQA website.

Serious incident: A serious incident is defined in Regulation 12 as:

- the death of a child while being educated and cared for by the service
- any incident involving an injury or trauma, or the illness of a child that requires or ought to have required:
 - attention of a registered medical practitioner, or
 - attendance at a hospital

examples include whooping cough, broken limb, anaphylaxis reaction

- any incident requiring attendance by emergency services

- a circumstance where a child appears to be missing, is unaccounted for, has been removed from the service contrary to the Regulations, or has been locked in or out of the service premises.

The Approved Provider must notify the Regulatory Authority (DET) in writing within 24 hours of a serious incident occurring at the service (Regulation 172(2)(a)). The Notification of a Serious Incident Form (available on the ACECQA website) is to be completed and submitted online using the National Quality Agenda IT System (NQA ITS). Records are required to be retained for the periods specified in Regulation 183.

Unauthorised person: (in relation to this policy) is any person who has not been listed as an authorised nominee on the child's enrolment form.

5. SOURCES AND RELATED POLICIES

Sources

- Australian Children's Education and Care Quality Authority (ACECQA): www.acecqa.gov.au
- Department of Education and Training (DET) Licensed Children's Services, phone 1300 307 415 or email licensed.childrens.services@edumail.vic.gov.au

Service policies

- *Acceptance and Refusal of Authorisations Policy*
- *Child Safe Environment Policy*
- *Dealing with Medical Conditions Policy*
- *Emergency and Evacuation Policy*
- *Enrolment and Orientation Policy*
- *Excursions and Service Events Policy*
- *Fees Policy*
- *Incident, Injury, Trauma and Illness Policy*
- *Privacy and Confidentiality Policy*
- *Road Safety and Safe Transport Policy*
- *Supervision of Children Policy*

PROCEDURES

The Approved Provider or Persons with Management and Control is responsible for:

- ensuring parents/guardians have completed the authorised nominee (refer to *Definitions*) section of their child's enrolment form, and that the form is signed and dated (refer to *Enrolment and Orientation Policy*)
- providing an attendance record (refer to *Definitions*) that meets the requirements of Regulation 158(1) and is signed by the parent/guardian or authorised nominee on delivery and collection of their child from the service every day
- ensuring a child does not leave the service except with a parent/guardian or authorised nominee, or with the written authorisation of one of these (refer to Attachment 2 – Authorisation Form) or in the case of a medical or other emergency (Regulation 99) (refer to *Acceptance and Refusal of Authorisations Policy, Dealing with Medical Conditions Policy, Incident, Injury Trauma and Illness Policy* and *Child Safe Environment Policy*)
- ensuring a child is not taken outside the service premises on an excursion except with the written authorisation of a parent/guardian or authorised nominee (refer to *Excursions and Service Events Policy*)
- ensuring authorisation procedures are in place for excursions and other service events (refer to *Excursions and Service Events Policy*)
- ensuring that there are procedures in place when a child is given into the care of another person, such as for a medical or other emergency (refer to *Emergency and Evacuation Policy* and *Incident, Injury, Trauma and Illness Policy*)
- ensuring that there are procedures in place when a parent/guardian or authorised nominee telephones the service to advise that a person not listed on their child's enrolment form will be collecting their child (refer to Attachment 1 – Authorisation procedures)
- ensuring that parents/guardians or authorised nominees are contacted in the event that an unauthorised person arrives to collect a child from the service, and that appropriate procedures are followed (refer to Attachment 1 – Authorisation procedures)
- ensuring that there are procedures in place if an inappropriate person (refer to *Definitions*) attempts to collect a child from the service (refer to Attachment 3 – Procedures to ensure the safe collection of children)
- keeping a written record of all visitors to the service, including time of arrival and departure
- ensuring procedures are in place for the care of a child who has not been collected from the service on time (refer to Attachment 4 – Procedures for the late collection of children)

- ensuring that the educator-to-child ratios are maintained at all times children are in attendance at the service (including when children are collected late from the service) according to the requirements of Regulations 123 and 360 (refer also to *Supervision of Children Policy*)
- notifying DET in writing within 24 hours, and the parents as soon as is practicable, in the event of a serious incident (refer to *Definitions*), including when a child has left the service unattended by an adult or with an unauthorised person (Regulations 12, 86, 176)
- providing parents/guardians with information regarding procedures for delivery and collection of children prior to their child's commencement at the service
- ensuring that educators and staff comply with the service's *Road Safety and Safe Transport Policy*
- encouraging parents/guardians to comply with the service's *Road Safety and Safe Transport Policy*.

The Nominated Supervisor or Person in Day to Day Charge is responsible for:

- ensuring a child does not leave the service except with a parent/guardian or authorised nominee, or with the written authorisation of one of these (refer to Attachment 2 – Authorisation Form) or in the case of a medical or other emergency (refer to *Acceptance and Refusal of Authorisations Policy, Dealing with Medical Conditions Policy, Incident, Injury Trauma and Illness Policy* and *Child Safe Environment Policy*)
- ensuring a child is not taken outside the service premises on an excursion except with the written authorisation of a parent/guardian or authorised nominee (refer to *Excursions and Service Events Policy*)
- ensuring that educator-to-child ratios are maintained at all times children are in attendance at the service (including when children are collected late from the service) according to the requirements of Regulations 123 and 360 (refer also to *Supervision of Children Policy*)
- ensuring children are adequately supervised at all times (refer to *Supervision of Children Policy*)
- following the authorisation procedures listed in Attachment 1
- following the procedures to ensure the safe collection of children (refer to Attachment 3 – Procedures to ensure the safe collection of children)
- following the procedures for late collection of children (refer to Attachment 4 – Procedures for the late collection of children)
- ensuring that educators and staff comply with the service's *Road Safety and Safe Transport Policy*

- encouraging parents/guardians to comply with the service's *Road Safety and Safe Transport Policy*.

Educators and other staff are responsible for:

- ensuring the attendance record is signed by the parent/guardian, authorised nominee, Nominated Supervisor or an educator, detailing the child's time of arrival and departure from the service (Regulation 158(1))
- developing safety procedures for the mass arrival and departure of children from the service
- refusing to allow a child to depart from the service with a person who is not the parent/guardian or authorised nominee, or where there is not written authorisation of one of these (refer to Attachment 2 – Authorisation Form) (refer also to *Acceptance and Refusal of Authorisations Policy*)
- implementing the authorisation procedures outlined in Attachment 1 in the event that a parent/guardian or authorised nominee telephones the service to advise that a person not listed on their child's enrolment form will be collecting their child
- following the authorisation procedures (Attachment 1) and contacting the parents/guardians or authorised nominees if an unauthorised person arrives to collect a child from the service
- following procedures in the event that an inappropriate person (refer to *Definitions*) attempts to collect a child from the service (refer to Attachment 3 – Procedures to ensure the safe collection of children)
- informing the Approved Provider as soon as is practicable, but within 24 hours, if a child has left the service unattended by an adult or with an unauthorised person (refer to *Definitions*)
- following procedures for the late collection of children (refer to Attachment 4 – Procedures for the late collection of children)
- maintaining educator-to-child ratios at all times children are in attendance at the service (including when children are collected late from the service)
- ensuring the entry/exit doors and gates are kept closed during program hours
- displaying an up-to-date list of the telephone numbers of the Approved Provider, DET, Child FIRST, DHS Child Protection Service and the local police station
- complying with the service's *Road Safety and Safe Transport Policy*.

Parents/guardians are responsible for:

- completing and signing the authorised nominee section of their child's enrolment form before their child attends the service

- signing and dating permission forms for excursions
- signing the attendance record as their child arrives at and departs from the service
- ensuring educators are aware that their child has arrived at/been collected from the service
- collecting their child on time at the end of each session/day
- alerting educators if they are likely to be late collecting their child
- 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 (refer to *Definitions*)
- supervising their own child before signing them into the program and after they have signed them out of the program
- familiarising themselves with the service's *Road Safety and Safe Transport Policy*
- supervising other children in their care, including siblings, while attending or assisting at the service
- paying a late-collection fee if required by the service's *Fees Policy*.

Volunteers and students, while at the service, are responsible for following this policy and its procedures.

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
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

ATTACHMENTS

- Attachment 1: Authorisation procedures
- Attachment 2: Authorisation Form

- Attachment 3: Procedures to ensure the safe collection of children
- Attachment 4: Procedures for the late collection of children

AUTHORISATION

This policy was adopted by the Approved Provider of St Johns Kindergarten on March 3rd 2020.

REVIEW DATE: 01/03/2022

ATTACHMENT 1

Authorisation procedures

These procedures are to be followed when a child is collected by an unauthorised person, including where a parent/guardian or authorised nominee telephones the service to notify that such a person will be collecting their child.

The Nominated Supervisor will:

1. request that the parent/guardian or authorised nominee email or fax the authorisation if it is possible to do so, detailing the name, address and telephone number of the person who will be collecting the child
2. accept a verbal authorisation if it is not possible for the parent/guardian or authorised nominee to provide authorisation via email or fax, provided the following procedure is followed:
 - 2.1 all details of the person collecting the child, including the name, address and telephone number of the person must be obtained
 - 2.2 two educators take the verbal authorisation message (recommended by DET)
 - 2.3 the verbal authorisation is documented and stored with the child's enrolment record for follow-up
 - 2.4 photo identification is obtained to confirm the person's identity on arrival at the service
 - 2.5 ensure that parents/guardians or authorised nominees follow up a verbal authorisation by completing an Authorisation Form (Attachment 2) when next at the service, or by adding details of the new authorised nominee to the child's enrolment form
3. ensure that fax or email authorisation is stored with the child's enrolment record
4. ensure the attendance record is completed prior to child leaving the service
5. refuse to release a child where authorisation is not/cannot be provided by the parent/guardian or authorised nominee
6. contact police if the safety of the child or service staff is threatened
7. implement late collection procedures (refer to Attachment 4) if required

8. notify the Approved Provider in the event that written authorisation is not provided for further follow-up.

ATTACHMENT 2

Authorisation Form

Authorisation form

To be used as a follow-up to a verbal/email/fax authorisation when the parent/guardian or authorised nominee is next at the service

I _____ authorised by telephone/email/fax
(please circle)

for my child/ren (write name/s) _____ to
be _____

collected from St Johns Kindergarten on _____ by:

Name:

Address:

Telephone number:

This was a one-off occasion and this person is **not** to be included on my child's enrolment form as an authorised nominee to collect my child on an ongoing basis.

Signed: _____ (Parent/guardian or authorised
nominee)

Date:

This form will be attached to the child's enrolment form.

Authorisation form

To be used where the parent/guardian or authorised nominee is able to provide prior written authorisation

I _____ authorise

Name:

Address:

Telephone Number:

to collect my child/ren (write name/s)

from St Johns Kindergarten on.

This will be a one-off occasion and this person is **not** to be included on my child's enrolment form as an authorised nominee to collect my child on an ongoing basis.

Signed: _____ (Parent/guardian or authorised nominee)

Date:

This form will be attached to the child's enrolment form.

ATTACHMENT 3

Procedures to ensure the safe collection of children

Early childhood professionals have a duty of care not to endanger children at the service by knowingly placing them in a situation that could reasonably be expected to be dangerous, including releasing a child into the care of an inappropriate person (refer to *Definitions*).

Where an educator believes that the parents/guardians or authorised nominee may be ill, affected by alcohol or drugs, or not able to safely care for the child, the following procedures must be followed.

- Consult with the Nominated Supervisor or the Approved Provider, if possible.
- Advise the person collecting the child of their concerns and suggest contacting an alternative authorised nominee to collect the child.
- If the Nominated Supervisor or the Approved Provider fears for the safety of the child, themselves or other service staff at any time, contact the police immediately.
- Complete the *Incident, Injury, Trauma and Illness Record* and file with the child's enrolment form.
- Inform the Approved Provider as soon as is practicable, and at least within 24 hours of the incident.
- Inform the Regulatory Authority (DET) within 24 hours of a serious incident occurring (refer to *Definitions*).

ATTACHMENT 4

Procedures for the late collection of children

Scenario 1: The service has been notified of the late collection

Where a parent/guardian or authorised nominee **has** notified the service that they will be late collecting their child, the Nominated Supervisor is responsible for:

- ensuring that the educator-to-child ratios are maintained at all times children are in attendance at the service
- contacting parents/guardians or the authorised nominee if the child has not been collected by the agreed time, and informing the Approved Provider of the situation
- following the steps listed in scenario 3 (below) if parents/guardians or the authorised nominee do not arrive to collect the child and cannot be contacted.

Scenario 2: The service has *not* been notified of the late collection

Where a parent/guardian or authorised nominee is late collecting their child and **has not** notified the service that they will be late, the Nominated Supervisor is responsible for:

- ensuring that the educator-to-child ratios are maintained at all times children are in attendance at the service
- contacting parents/guardians or the authorised nominee to request collection
- informing the Approved Provider of the situation
- following the steps listed in scenario 3 (below) if the parents/guardians or authorised nominee cannot be contacted.

Scenario 3: The child has not been collected and a parent/guardian/authorised nominee is unable to be contacted

Where the parent/guardian or authorised nominee is late collecting their child and is **unable to be contacted**, the Nominated Supervisor is responsible for:

- ensuring that the educator-to-child ratios are maintained at all times children are in attendance at the service
- contacting Child FIRST or the local police if a child has not been collected within a set time period (to be determined by the service)
- notifying DET as soon as is practicable
- informing the Approved Provider of the situation.

Late collection fee

A late collection fee may be charged in accordance with the *Fees Policy* of the service in all of the above scenarios.