

Intereach Out of School Hours

Authorised Access to Children Procedure



Applies to	Intereach Out Of School Hours (OOSH)				
Policy	NQS Two: Children's Health and Safety Policy				
Version	1.0	Date approved	4/09/2025	Next review date	4/09/2028

1. Objective

Intereach, recognises the diversity of families within the community and the complexities of family situations. Intereach Children's Services staff will safeguard the children's safety in the service by ensuring that only authorised people have access to the children who are provided with education and care in the service. Children's enrolment records will include details of any court orders, parenting orders or parenting plans in relation to the child or access to the child.

A child's enrolment record must identify who is authorised to collect the child from the children's service. A children's service may only give a child into the care of a person who is (regulation 72(1)(a)):

- a parent of the child
- a guardian of the child
- a person who has lawful authority to collect the child; or
- a person who is authorised by the child's parent, guardian or person who has lawful authority to collect the child. Lawful authority means a power, duty, responsibility or authority conferred in relation to a child at common law or under an Act (including an Act of the Commonwealth) or by an order of a court

A parent or legal guardian of a child may enter a service's premises at any time the child is being educated and cared for by the service except when:

- permitting entry would pose a risk to the safety of the children and staff of the service;
- permitting entry would conflict with any duty of the provider, supervisor or staff under the National Law; and,
- Intereach reasonably believes permitting entry would contravene a court order.

Intereach Children's Services will not facilitate Access Visits at any of their services.

This procedure, regarding access to children, should clarify for staff and parents the circumstances in which a person may be denied access.

2. Responsibilities

It is the responsibility of the Nominated Supervisor to:

- ensure all staff are aware and implement all relevant policies and procedures as required;
- the parents/guardians are provided access to all service policies and procedures; and,
- ensure parents/guardians have signed the authorised nominee section of their child's enrolment form.

It is the responsibility of staff to:

- comply with their duty of care which exists at all times that the child is in the care of the children's service. Staff must;
- comply with the service Delivery and Collection of Children Procedure and - Acceptance and Refusal of Authorisations Procedure
- be diligent in ensuring that they are familiar with the nominated people on individual children's enrolment forms who are authorised to collect children. If staff members are not able to identify the adult presenting to collect the child it would be reasonable to ask for

photo identification or to confirm with parents or guardians who is collecting the child. Staff members should not rely solely on the child identifying the adult who is there to collect them.

- Children may only leave the service/premise if the child is given into the care of their parent or an authorised nominee named in the child's enrolment record unless a child requires medical, hospital or ambulance care or treatment, or because of another emergency (regulation 99)
- restrict a nominated person from collecting a child, for example if the service's policy does not allow children to be collected by a person under the age of 16.
- ensure child enrolment details include any person who is an authorised nominee (a person who has been given permission by a parent or family member to collect the child from the education and care service or the family day care educator)
- reserve the right to deny a parent/guardian access to the service if they pose a risk to the safety of children, and staff; (Refer to *Visitors to service procedure*)
- reserve the right to have parents/guardians who are physically or verbally aggressive and intimidating, removed by the police
- comply with current Court orders provided by parents/guardians;
- ensure opportunity to exchange information about the child with a parent/guardian at a mutually convenient time on an ongoing basis
- ensure the service is contactable at any time during service operational hours;
- ensure opportunity to exchange information about the child with a parent/guardian at a mutually convenient time on an ongoing basis.

It is the responsibility of parents/guardians of children attending Intereach OOSH to:

- provide copies of any current court orders to the Nominated Supervisor of the service. (Copies will be passed on to staff.); and,
- provide written copies of any changes to court orders to the service, to ensure currency of information. Only court orders that are on file at the service can be followed.

3. Procedure

A child will only depart from the service 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 (Refer to *Delivery and Collection of Children Procedure and Enrolment and Orientation Procedure*).

Visitors are welcomed and considered valuable to the service, but strict safeguards are in place to ensure children's health, safety, and wellbeing and will not be left alone with children (*Refer to the Visitors to the Service Procedure*)

3.1. Concerns for the safety, health and wellbeing of children

If staff are concerned for the safety of a child or do not consider that a person is in a fit state to take responsibility for a child, they should exercise their duty of care by not allowing the child to be removed from the service by that person. Situations when this may occur include:

- when a parent or other person who is authorised to collect the child seems to be ill or affected by drugs or alcohol and does not appear to be able to safely care for the child; or,
- when a young person who is authorised to collect the child, for example a sibling, does not seem sufficiently mature to safely care for the child.

It is not always possible to prevent a person from collecting a child. If this is the case, the staff member should:

- inform the Nominated Supervisor of the children's service. Advice may be sought from an authorised officer at the relevant regional office of the Department if necessary.
- If at any time a staff member has concerns for the health and welfare of a child or concerns that the child is at risk of harm, a referral to Child First or the Department of Human Services (Children, Youth and Families) should be made.

Services must:

- ensure all staff are familiar with the child protection protocol Protecting the safety and wellbeing of children and young people which defines the respective roles and responsibilities of the Department of Human Services, the Department of Education and Training and staff members in licensed children's services and Victorian schools.

3.2 Children with Court Orders

- A person who has been forbidden by court order will be prevented from having contact with a child attending the service.
- Any information or documents relating to the child will not be provided to the restricted person/s on the court order.
- The person named on the court order, where possible will be prevented from entering the premises of the service while the child is attending the service and where possible prevented from collecting the child from the service. (Refer to *Visitors to the centre procedure*).
- Opportunities will be provided to discuss all relevant issues with the legal custodian concerning the situation.
- Staff will act only on court orders that they have on file at the service.
- Staff will immediately contact police if a parent/guardian arrives at the service in breach of a court order and advise Intereach of the incident as soon as possible. Refer to *Incident, Injury, Trauma and Illness Procedure including Administration of First Aid Procedure*

3.2. Children in Care of the Minister

- When a child enrolled at the service is in the care of the Minister, it is ensured the correct procedures will be followed by the services as per the order of the Children's Court under the following legislation:
 - Children and Young Persons (Care and Protection) Act 1998 and are requested to release the child from their care for a supervised access visit, authorised by the NSW Department of Communities and Justice (DCJ)
- If children are collected by a DCJ (NSW) nominated worker a lawful authority from the services to facilitate access visits, the parent or guardian is requested to update the child's enrolment form to include the relevant lawful authority nominated worker's name and contact details
 - the authorised person must show identification in the form of their licence and/or staff identification tag at the time of the child being picked up; and,
- the authorised person picking up the child, is instructed to sign the child out of the service, stating the time the child leaves the service and then upon drop off, the time the child returns to the service.
- If the Approved Provider or Nominated Supervisor from the service believes that permitting a parent or authorised person entry to the service will contravene a court order, access will be denied.

3.3. Video Surveillance

- Approval from the Nominated Supervisors/Coordination and signed consent from parents are obtained before using video monitoring or surveillance equipment at the service.
 - OOSH – obtain approval for use of video monitoring or surveillance from the Nominated Supervisor
- Recorded data will not be used by the services to view children or staff from a place other than the approved and consented premises.

4. National Quality Framework

Element	Concept	Description
2.2	Safety	Each child is protected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented
2.2.3	Child protection	Management and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service

5. Context	
5.1. Standards or other external requirements	Australian Children's Education and Care Quality Authority (2017), National Quality Standards Australian Children's Education and Care Quality Authority (2017), Guide to the National Quality Framework Department of Education, Employment and Workplace Relations, Childcare Service Handbook 2018-2019 Early Childhood Australia (2016), Code of Ethics Child Safe Standards NSW
5.2. Legislation or other requirements	Education and Care Services National Regulations consolidated 2017 Education and Care Services National Law Act 2010 Family Law Act 1975 Children and Young Persons (Care and Protection) Act 1998 (NSW)
5.3. Internal Documentation	Intereach Child Safe Policy Delivery and Collection of Children Procedure Incident, Injury, Trauma and Illness Procedure Administration of First Aid procedure Enrolment and Orientation Procedure Visitors to the Service Procedure Attendance Record Communication Plan Enrolment Form Enrolment Update Form

6.Document control			
Version	Date approved	Approved by	Next review date
1.0	13/12/2019	R. Phillips - Acting Senior Manager, Children and Family Services	13/12/2022
2.0	29/09/2022	M.Tai, General Manager, Operations	29/09/2025
1.0	4/09/2025	Children's Services Procedure split as a stand-alone OOSH Procedure – Approved by <u>J Farrow Education and Care Manager</u>	4/09/2028