

Tocumwal Pre-School

SECTION: 2 - Children's Health and Safety

POLICY NO: 2.1.1

POLICY: Custody arrangements & Access

REVIEW DATE:

DATE OF APPROVAL:

Introduction

Staff have a Duty of Care to ensure the safety and wellbeing of the children in their care. All staff will maintain a safe and secure environment for other staff, the children, families and visitors to the centre. Staff will be informed of protocols for visitors to the centre upon induction and of any relevant custody arrangements or court orders pertaining to a child enrolled in the centre. All staff will make themselves aware of visitors to the Centre, and question and request identification from any visitor with whom they are not familiar.

Goals – What are we going to do?

In accordance with the current regulations and to ensure proper authorisation for access to a child the centre requires parents or guardians to advise the Nominated Supervisor and their child's Educators of any custody arrangements, court orders, parenting orders or parenting plans which relate to their child attending the centre. This can be done at enrolment time and appropriate information filled out on the enrolment form or at any time during the year when such arrangements are finalised. Both parents have lawful authority of their children and are consequently permitted to remove children from the centres' care unless a Magistrates Court or Family Law Court make different orders prohibiting contact with the child.

National Quality Framework, Quality Area 2: Children's

Standard 2.3 Each child is protected

- 2.3.1 Children are adequately supervised at all times
- 2.3.2 Every reasonable precaution is taken to protect children from harm and hazard likely to cause injury.

National Quality Framework, Quality Area Safety 7: Leadership and service management

Standard 7.3 Administrative systems enable the effective management of a quality service

- 7.3.1 Records and information are stored appropriately to ensure confidentiality, are available from the service and maintained in accordance with legislative requirements

Strategies - How will it be done?

- Parents/Authorised nominees must provide written legal documentation, stating court decisions and custody arrangements. Court orders must be provided to the service and will be stored with the child's enrolment information.
- On enrolment parents/guardians are to provide the names of two people who are authorised nominees for the purpose of collecting their child/ren from the service.
- Authorised Nominees must be over 16 years of age to sign a child out. Older siblings who are not 16 years or over are not able to sign a child out.
- Parents/Authorised nominees are required to sign the attendance book on drop off/pick up of child/children and must notify any changes to the person collecting the child/children to staff
- Staff will confirm that the person collecting the child/children is documented as an authorised nominee in the child's/children's enrolment record and will be required to show photo ID to educators prior to collecting and signing out child/ren. A person is not allowed to collect a child if they do not have ID, or if the ID does not match the authorisation list.
- Any changes to an authorised nominee either written and/or verbal will be documented and signed by the parent in the enrolment form, or if by phone call, on a Verbal Collection Authorisation Form which will be signed at earliest convenience by parent.
- It is the parents/authorised nominees responsibility to keep the child's enrolment form up to date with who has access to the child and who can collect their child from pre-school. If a person collecting the child has not been added to the child's enrolment form as an authorised adult and/or a Verbal Collection Authorisation Form not completed then the staff will take all reasonable measures to not allow the child to go with that person.
- Staff will abide by custody arrangements and take all reasonable measures to ensure that any parent that has been denied access to a child by a court order

affecting the custody, or residence of, or access to the child, is excluded from the premises at all times.

- Educators and staff will always act in the interest of safety for the child, themselves and other children in the care and education service. If staff members 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 will exercise their duty of care by not allowing the child to be removed from the service by that person. In this circumstance, staff will contact an authorised nominee to collect the child. 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; and
 - 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.
- If staff are forced to relinquish child to an unauthorised person then the following steps will be taken:
 - Telephone Parents/Authorised nominee at relevant home, work and mobile contact numbers.
 - If unable to contact Parents/Authorised nominee, contact any emergency contacts listed in enrolment form who are authorised contacts.
 - If no contact has been made on nominated phone numbers:
 - ❖ The Community Services Child Protection Helpline is to be contacted on 133627. Staff on the Helpline will guide the procedure from this point on.
- Records of this nature are kept in a locked storeroom and stored accordingly
- The Education and Care Services National Amended Regulations 2014 state that the child may only leave the relevant premises if the child—
 - (a) is given into the care of—
 - (i) a parent of the child; or
 - (ii) an authorised nominee named in the child's enrolment record; or
 - (iii) a person authorised by a parent or authorised nominee named in the child's enrolment record to collect the child from the premises; or
 - (b) leaves the premises in accordance with the written authorisation of the child's parent or authorised nominee named in the child's enrolment record
 - (c) is taken on an excursion in accordance with this Division; or
 - (d) is given into the care of a person or taken outside the premises—

- (i) because the child requires medical, hospital or ambulance care or treatment;
- (ii) because of another emergency.

In this regulation, the term ‘parent’ does not include a parent who is prohibited by a court order from having contact with the child.

Statutory Legislation & Considerations

- National Quality Standard for Early Childhood Education and Care and School Age Care , Council of Australian Governments December 2011
- Education and Care Services National Amended Regulations 2014, 99, 158-159, 168(f), 176
- Family Law Act 1975 (Cth), as amended 2011
- Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Working with Children) Regulation 2013

Sources

- Early Years Learning Framework
- Community Child Care Co-operative Ltd. (NSW)