



7-P3: Family Law, Authorisation and Refusal Procedure

Responsible	Nominated Supervisor, Centre Team		
Accountable 1	Chief Compliance and Quality Officer	Accountable 2	Nominated Supervisor
Consulted	Legal Team, Compliance Team, Policy Committee		
Informed	All staff, students, volunteers, families		

Policy Statement

The objective of this procedure is to articulate Affinity Education Group's compliance with National Law and Regulations, including amendments, from the Education and Care Services National Regulations 2011 and the Education and Care Services National Regulations WA 2012. Affinity Education Group and its employees have a duty of care to protect the safety and well-being of all children and families and comply with lawful instruction.

With the prevalence of family breakdown and other family and personal issues, there may be times when court orders such as parenting plans, protection orders and other lawful instruction are in place for some families (**court order**).

Affinity Education Group and its employees are independent to any custody disputes involving parents or guardians. Affinity Education Group will use their best endeavours to ensure compliance with Court Orders, however the responsibility is ultimately with the person(s) named in, and subject to, those orders.

Families have the right to express their views and opinions about the care and safety of their children. Prior to engaging in any program, activity or event, families must be consulted and permission must be sought. Affinity Education Group will ensure that accurate records of acceptance and/or refusal for authorisations is collected at the time of enrolment, kept updated and communicated with all required people.

The steps outlined in this procedure will guide educators and Centre Managers to uphold these instructions, authorisations and refusals and therefore, protect the well-being of children. In this procedure, references to 'parent' includes legal guardian. The term 'primary guardian' refers to the parent that is nominated in the enrolment form who can make changes to enrolment and authorisations. However, the primary guardian can elect nominees and give them certain powers, rights and responsibilities (e.g. the primary guardian can elect a nominee who can pick up/drop off a child but cannot make medical decisions).

Procedure Strategies

Enrolment evidence

- Prior to the child's first day of attendance, families will complete the enrolment form in XAP in full and submitted. In regard to authorisations, the parent or legal guardian completing the enrolment form must:
 - Provide the details of the child's parents
 - Provide the details of authorised people (nominees) who:
 - can collect the child
 - can be contacted in case of emergency
 - can provide permission for the child to administered medication
 - can provide permission to be taken on an excursion
 - can provide permission to be transported by the centre
 - Provide permission to administer a single dose of paracetamol, if required
 - Provide permission to seek and receive medical treatment and travel to hospital in an ambulance, if required.
 - Provide permission to have photos and documentation kept on their child.Alternatively, families may refuse the above. The Centre Manager/Nominated Supervisor must acknowledge the acceptance or refusal and communicate this with the relevant people.
- Affinity Education Group will ensure that information in a child's enrolment records is stored confidentially and in a safe and secure place and that no personal information or sensitive information is divulged or communicated, directly or indirectly, to any person other than as permitted in accordance with the *Privacy Policy*.
- The *Arrival, Departure and Collection* procedure must be available and communicated to families. Families indicate their understanding of collection and late fees via the enrolment form.
- Families (or legal guardians/ key account holders) are responsible for updating personal details and booking details via the XAP Guardian Dashboard. Centre Managers need to be aware of any updates and communicate changes to all required staff.



7-P3: Family Law, Authorisation and Refusal Procedure

- Refunds – If one party requests a refund of any credits on the accounts, the amount in credit will be refunded to the account that made the payment.

Authorisations

- Parents and legal guardians opt for what they approve and who they grant permission to approve in relation to their child/children including authorised collection, excursion, transport, medical treatment and emergency.
- Parents and legal guardians may change their approval, authorisation or refusal at any time by amending the authorisations and permissions on the online enrolment via XAP Guardian Dashboard and other permissions as relevant.
- Centre teams must understand and follow the parent/guardian's authorities.

Court orders and protection orders

- It is the responsibility of the primary parent(s)/legal guardian to provide the centre with evidence of court orders on enrolment, or as soon as they take effect, if this is after enrolment. A copy will be kept in the child's enrolment file and stored in a secure location.
- The primary parent(s)/legal guardian must provide updated copies of court orders if any details change.
- All information regarding court orders and discussions around same will remain confidential and only shared with those people who are required to know for the child's safety.
- For clarification around contents of a court order, please contact Affinity's legal team.

Written (including electronic) permissions required

- Families will provide written (including electronically) permissions for the child in the enrolment form.
- Separate written permission will be sought prior to taking children out of the centre for the purpose of excursion or regular outing. Please see *Excursion Procedure* and *Transport Children In Vehicles Procedure*.
- Permission will be sought prior to a child attending an in-service experience arranged at the centre. Please see *External Visitors* procedure.

Restrictions on sharing any personal information

- Personal information (including enrolment documents, medical information and records) must be collected, handled, used and disclosed in accordance with the *Privacy Policy* which includes all relevant consents being obtained prior to disclosing personal information.
- If a requesting parent's access to personal and other information is limited by and subject to a Court Order, the Centre Manager/Nominated Supervisor must review the Court Order in respect of that request and ensure any disclosure of personal information is in accordance with the court order.

Collection of a child where there is a court order or protection order in place

- Any queries or concerns regarding custody, court or protection orders will be discussed with the Nominated Supervisor/Centre Manager who may then contact Affinity's legal team for further support. The Nominated Supervisor/Centre Manager will explain to all parties that staff members and volunteers must act in accordance with the court order until it is confirmed in writing that it is no longer in place.
- Centre Managers/Nominated Supervisors, staff and volunteers must only allow children to leave the centre:
 - to a person who is approved and authorised in writing to collect the child in accordance with the enrolment form unless overridden by a court order, in which case the court order takes precedence.
 - to attend an excursion where written permission has been provided in accordance with any court order and the *Excursion* procedure; and
 - into the care of a relevant professional to receive medical care or treatment or because of another emergency.
- A child must not be released into the care of any person, including the primary guardian, that is prohibited by a court order from doing so or who has not been given written permission by the primary guardian. If a parent prohibited by a court order enters the centre and collects (or attempts to collect) the child, the police will be called immediately and the primary parent(s)/guardian contacted.
- Photographic identification is required upon collection of a child from the centre by a person authorised in the enrolment form. For more information please see the *Arrival, Departure and Collection* procedure.
- Where a court order is in place, Centre Managers/Nominated Supervisors and staff must refer to the terms of the court order when a request is made by a person for the release of documents or information about a child to ensure information is not released to a parent whose access to information about the child is limited by the court order.



7-P3: Family Law, Authorisation and Refusal Procedure

- In shared parenting arrangements, the parent with daily care and control on the day the child is in attendance may alter collection arrangements. E.g. Mother has custody on Thursday and Friday. Thursday mother informs centre that grandmother is collecting child.
- Where the centre is used as a transfer point, clear guidelines should be devised for smooth and seamless transition. E.g. Expected drop off and pick up times should be documented in the order.
- Centre Managers/Nominated Supervisors and staff will act in the best interests of children and follow the court orders to the best of their ability however, under no circumstances are Centre Managers/Nominated Supervisors, staff or volunteers to put themselves or any other educator, child or family of the service at risk or breach any laws.
- A court order overrides any other form of written (or electronic) verification, direction or communication given by a primary guardian, including on an enrolment form. Note that a protection order (designed to protect against domestic violence) is a specific type of court order that cannot be overridden by other court orders (i.e. it must always be followed and take precedence).
- Centre Managers/Nominated Supervisors, staff and volunteers must provide a copy of any court order to Affinity's legal team for advice and be sure to read these legal documents carefully to ensure they are being interpreted properly and advise the Area Manager of any concerns.

Collection of a child where there is no court order or protection order in place

- Educators cannot withhold a child from their parent where court orders are not in place. If educators believe the child is at risk, the police will be notified immediately informing them of the situation, the car registration details or home address, as relevant. The other parent (the parent who has usual contact or is expected to collect the child) will be notified.

Non-complying parents

- Affinity Education Group reserve the right to refuse primary guardian authorisations anytime during the child's enrolment that conflicts with company policy, or breach legislative or regulatory requirements.
- Upon any discrepancy, the State Manager should be contacted immediately. A full report should be written and filed with IST in addition to reporting obligations to the Regulatory Authority, as required.
- If a situation arises where an educator feels is dangerous or life threatening, a lockdown may be conducted. If the person is inside the centre, educators will cooperate with the demands of the non-custodial person and attempt to discretely gain the attention of another educator to call the police. Educators should attempt to get the number plate of the vehicle, if possible. If this situation arises, the Educator or other centre staff should contact Affinity's legal team as soon as possible and when it is safe to do so and log the incident on the Compliance, Risk and Safety portal on Service Now.
- Any changes to the child's enrolment details need to be made by the primary account holder or by Centre Manager with direction from the primary account holder. Without approval from all parties no changes can be made to the enrolment unless authorised by a court order.

References

- *Education and Care Services National Law Act 2010* (VIC)
- *Education and Care Services National Regulations 2011* (NSW)
- *Education and Care Services National Law (WA) Act 2012* (WA)
- *Education and Care Services National Regulations 2012* (WA)
- *Family Law Act 1975* (Cth)
- *Family Law Rules 2004* (Cth)
- *Family Law Regulation 1984* (Cth)
- *Privacy Act 1988* (Cth)
- Relevant Child Protection Legislation in the various states
- Early Childhood Australia Code of Ethics (2016)

Family Court of Australia. 'Family Law in Australia.' Retrieved June 2020.

<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/family-law-matters/family-law-in-australia/>



7-P3: Family Law, Authorisation and Refusal Procedure

Version Control	Date	Author	Description of Change
1	Oct 2013	AEG	Update ECSNR
V4.16	Apr 2016	AEG	Revision and merge
V7.17	July 2017	AEG	Revision
V2.18	Feb 2018	AEG	NQS update
V4.19	Apr 2019	AEG	Scheduled review
V5.20	May 2020	AEG	Scheduled review
V5.21	May 2021	AEG	Scheduled review
V5.22	May 2022	AEG	Update to reflect SPM
V8.23	Aug 2023	AEG	Scheduled review
V10.23	Oct 2023	AEG	Added reference to revised Regulation 177
V12.23	Dec 2023	AEG	Added RACI table and reference
V11.24	Nov 2024	AEG	Scheduled review, no material change
V5.0	Nov 2025	AEG	Revised and condensed procedure strategies, added further details regarding refusal of authorisations

Responsible = those who are responsible for carrying out the task

Accountable level 1 = the owner and person accountable for the sign off or approval of a task

Accountable level 2 = the person who is accountable for the task being carried out

Consulted = the person to be consulted with and whose input, opinions and feedback are crucial to the task

Informed = the person who should be informed and made aware of the task and any updates

Policy Written by: Policy Team	Position: Policy	Date: December 2025
Approved by: Affinity Education Group	Approved Date: December 2025	Next review date: November 2026

Educators to sign: