# AUTHORISATION TO COLLECT CHILDREN *POLICY*

*The requirements for a* ***Policy on Authorisation to Collect Children*** *as required by the* [Child Care Act 1991 (Early Years Services) Regulations 2016](https://www.dcya.gov.ie/documents/childcare/20170216ChildcareRegs2016.pdf) *relate only to children leaving the service daily. These requirements are covered in this policy.*

## Rationale and Policy Considerations

The Policy on Authorisation to Collect Children must specify the rules of the service in relation to collecting children attending the service.

The purpose of this policy is:

* + To ensure the welfare and safety of the children in the service.
	+ To encourage all parents/guardians or their assigned carers to come for their children on time.
	+ To ensure children are returned safely into the care of their parents/guardians or their nominated carers.
	+ In cases where a parent/guardian/carer does not arrive on time for their child at the end of their session/closing time, to ensure that the child is cared for safely by at least one competent staff member who is known to the child.
	+ To support staff members in handling challenging or exceptional circumstances related to the children leaving the setting daily.
	+ To ensure that children are received into the service safely and securely, and that parents/guardians/carers make direct contact with the appropriate staff members on arrival each day with their child.

### Legislation and regulatory requirements

* + Regulation 10 of the [Child Care Act 1991 (Early Years Services) Regulations 2016](http://www.irishstatutebook.ie/eli/2016/si/221/made/en/print) requires that a policy relating to ‘Authorisation to Collect Children’ is written and implemented.
	+ Regulation 24 requires that children are checked into and out of the service on a daily basis and that a written record of this is kept.

### Children’s needs

Children need:

* To feel safe and secure when they arrive at the setting and when they leave the setting.
* The adult who takes them to the service to make direct contact with their key person and share any information that might help them to feel comfortable and engage well in their day at the service.
* To know who will come for them at the end of each session/day and that they will not be allowed to leave with anyone they don’t know or anyone who is not old enough to take responsibility for them.
* Their parents/guardians and the staff in the service to communicate positively with each other and make decisions and arrangements for their transitions from one setting to another that are in their best interests.

### Parents/Families’ needs

Parents/guardians need:

* To know the procedure for safely and securely leaving their child in the care of an appropriate staff team member*]* each day.
* To be confident that no person, other than a parent or guardian, who has not been nominated by them (in person or in writing) will be allowed to take their child from the service.
* The service staff team to be very clear, and also to provide very clear information to them, regarding who is entitled to make decisions about who can take their child from the setting.
* Clear information on what the procedures are for any changes to arrangements and/or authorisations agreed on enrolment.

### Staff needs

All staff members need:

* To be very clear on the service’s policy and to have very clear written guidance on how children should be received into the setting.
* Absolute clarity on who children can leave the setting with, in order to ensure that children’s safety and welfare is prioritised at all times. This requires specific information about who a child’s guardians are and any person who has been nominated by a child’s parent/guardian as a person who is allowed to take the child out of the care of the service.
* Clear procedures on how people authorised/nominated by parents/guardians are to be identified where they are unfamiliar.

### Management needs

Management needs:

* To ensure that the requirement to have a policy on ‘Authorisation to Collect Children’ is met.
* To ensure that children’s safety and welfare are prioritised at all times.
* This policy to ensure that everyone in the staff team is absolutely clear on what the service requires and what the procedures are for children’s safe and secure reception into the setting as well as their safe return to their parents’/guardians’ care at the end of each day.
* To ensure that this policy is made clear to parents/guardians.
* To ensure that decisions can only be made by the child’s parents or legal guardians.
* To ensure that all staff members know how to identify which persons can or cannot take a child from the service
* To ensure that persons other than parents/guardians have been nominated by the child’s parents/guardians
* To ensure that children are protected where there is any dispute and/or any concern for their welfare.

### National Quality Frameworks

* [Tusla Quality and Regulatory Framework](http://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/)
* [Síolta: The National Quality Framework for Early Childhood Education](http://siolta.ie/)
* [Aistear: The Early Childhood Curriculum Framework](https://www.ncca.ie/en/early-childhood/aistear)

## Definitions/Glossary

*[Include definitions here of any other words used in the policy or procedures that may need explanation for some readers.]*

|  |  |
| --- | --- |
| Legal Guardian in Ireland | A person who has a duty to maintain and properly care for a child and has a right to make decisions about the child's religious and secular education, health requirements and general welfare. Legal guardianship and custody can be held jointly between parents or solely by one. Legal guardianship can also be held by persons other than parents in certain circumstances. In addition, all rights to custody of a child can be changed by a Court Order. |
| Custody | Custody is the right of a parent to exercise physical care and control in respect of the upbringing of his or her child on a day-to-day basis. The married parents of a child are automatically joint guardians and custodians of their child. |
|  |  |

Please note some further information relating to guardianship which is relevant to this policy in Appendix A.

3. Policy Statement

On enrolment, information must be obtained by the service about:

* Who the child’s guardians are and their contact details *.*
* Names, addresses and telephone numbers of anyone, other than a guardian, who is authorised by the legal parent/guardian to take the child from the service.

This information is updated as often as necessary. Parents/guardians must inform the service in person and/or in writing of any changes to the planned arrangements for their child/ren leaving the service.

All persons authorised/ by parents/guardians to take a child from the care of the service **must be over the age of 16 years***,* be fit to care for the childand **be authorised in writing** or in person by the child’s parent/guardian.

Parents/guardians must inform the service if a child will not be attending on a given day by 10.00 am on that day and also inform us when their child is expected to return.

To ensure that children transition safely into the service, parents/ guardians or their nominated carers must ensure that they make direct contact with an appropriate member of staff on arrival, and share any information that is relevant to the child’s care, wellbeing and development for the day/session*.*

Persons who have not been named in the enrolment form by the parent/guardian must:

* Have a dated note from the parent/guardian allowing the child to leave with them; and
* Present photo identification **or** an agreed password/code given to them by the child’s parent/guardian.

The parent/guardian must also have confirmed this arrangement with the service by phone or in person beforehand.

Adequate supervision is provided to ensure that no one can remove a child from the service without at least one staff member’s knowledge and a record being kept. Any person, including a parent/guardian, who comes to take a child out of the service, must be over 16 and must make contact directly with an appropriate member of staff before doing so.

These rules are clearly set out for parents/guardians at enrolment.

On returning daily to take their child out of the service, parents/guardians or their nominated carers are encouraged to meet with their child’s Key Person to be given information on how the child has got on during the session/dayand any on significant events, experiences or incidents involving or relevant to the child. If parents cannot attend in person and wish to be given the information directly, this can be arranged with their child’s Key Person.

**The safety and welfare of the children will always be our first consideration**. This includes where parents/guardians or their nominated carers fail to come for their child on time, or arrive for a child in what appears to be an unfit state. All appropriate measures will be taken to protect children in keeping with our Child Safeguarding Statement and Policy and we will do our best to support parents.

A custodial parent has the right to request that the service does not allow another parent to visit or call for the child, provided that the custodial parent makes the request in writing and shows the provider a dated letter from a solicitor confirming the existence of a certified copy of the relevant Court Order. Only a Court can limit the guardianship rights of parents even where they have separated or divorced.

4. Procedures & Practices*[*

**Authorised persons to collect a child**

Parents must provide information on who the child’s legal guardians are and provide their contact details on enrolment.

Parents must inform the service directly if the child will not be attending by *10 am* and also when they expect that their child will be returning. The staff member who receives this notification is to record it in the parent discussion book.

Parents/guardians must notify the service personally (either verbally or in writing) if any person other than those already authorised, is to collect their child/ren on any given day. Any such person is required to produce photo identification on arrival.

Details about any changes to persons collecting child/ren for any given day must be recorded in the child’s record form and Denise Sheridan must be informed.

If there is no written record by a staff member or a parent/guardian as to alternative arrangements for the child leaving the service, **nobody but the parent/guardian or a previously authorised person known to the service** will be given access to the child.

**Routine for drop off and pick up**

On daily arrival at the service,parents/guardians/carers must ensure that they make direct contact with an appropriate member of staff. This is for the child’s safety and is also an important opportunity to share any information that is relevant to their child’s care, wellbeing and development for the day(see Settling-In Policy).

Parents/guardians must have stated on the *Registration/Enrolment* *Form* the names of persons **(over the age of 16 years**) who they authorise to come to the service for their child/ren.

Parents/guardians/authorised carers are to present to an appropriate staff member when arriving to take their child/ren from the service.

Parents/guardians/carers are encouraged to meet with their child’s Key Person to be given information on how their child has got on during the dayand any on significant events, experiences or incidents involving or relevant to their child*.*

**Supervision during collection times and drop off**

During collection and drop off times, each child is under the direct supervision of a competent staff member, until it is ensured that the child leaves the premises in the care of their parent/guardian or a person nominated by their parent/guardian.

**When a non-authorised person arrives to collect**

If a discrepancy arises about who the child is to leave the service with, a staff member (usually the Key Person) must consult the manager and contact a parent/guardian. In these situations all children must remain on the premises until parents/guardians have been notified.

If there are exceptional circumstances where a Custody or Restraining Order exists, for example, we will require the parent/guardian to provide the manager with a solicitor’s letter confirming the existence of the Order. This will be kept confidentially in a locked filing cabinet and be referred to only by the manager in the case of a dispute.

*In situations where parents are in disagreement about who should collect a child, the appropriate action depends on whether there is a court order relating to custody. A parent who is a guardian can only be denied access to their child by a court.*

**When the person who is to take the child out of the service does not arrive**

Parents/guardians are informed that if they are not able to collect their child as planned, they must inform the appropriate staff member. Parents are provided with our contact number to phone.

Parents/guardians are informed of our procedures so that, if they or their nominated carer are unavoidably delayed, they will be reassured that their child will be properly cared for.

Parents are also informed that in the event that they or the person they have nominated do not arrive and we can no longer supervise the child on our premises, we will apply our Procedures as set out in our Child Safeguarding Statement and Policy *.*

In this event we will ensure that the child receives a high standard of care in order to help avoid their becoming distressed.

Where we have not been contacted before the assigned time by a parent/guardian:

* A staff member will contact a parent/guardian as soon as possible.
* The manager will be notified.
* Staff members will ensure that the child is cared for appropriately until the situation is resolved.

In a situation where a parent or carer has not arrived for the child at close to normal time, or prior to *18* pm the following is the procedure:

1. The manager or lead staff member will remain at *service* with the child/ren until the situation has been resolved.
2. A parent/guardian is to be contacted via information on the *enrolment* form to establish a time for them to get to the service.
3. If unsuccessful in contacting a parent/guardian, notify the manager.
4. After 10 *minutes*, staff members are to choose the best-suited option:
* Remain at the Service– continuing to try to contact a parent/guardian.
* Ring the parent and after consultation with them, arrange for the child/ren to become the responsibility of *their designated contact.*
* Do **not** allow the child to leave with any person not nominated by parent/guardian *except their designated contact.*

Under no circumstances are staff members to go to look for the parent/guardian or to take the child home with them.

A full written report of the incident is to be recorded

#### When parents/carers arrive late

Ensure that the parents are aware of session ending times and ask them for their co-operation.

Consistent lateness of parents/guardians/carers may require care arrangements to be reviewed.

Staff members who stay late are to document overtime to the manager, for time off in lieu (TOIL) at a convenient stage.

#### Habitual lateness in arriving for a child/children

Ensure that the child’s parents/guardians are clear about session ending times and ask them for their co-operation.

If the problem continues:

1. Discuss with the parents/guardians whether they are experiencing particular difficulties in arriving on time.

2. Enforce the €10 per ten minutes Late Fee (effective from 15 minutes after the agreed time), to help cover cost of staff cover and to encourage parents/guardians to come for their children on time.

#### Parents/guardians/carers who arrive for children in an ‘unfit state’

It may happen that a person arrives for a child in an ‘unfit state’ due to illness, drugs or alcohol. Where the condition is severe, it may be quite distressing for staff members who have concerns for the child's safety and/or wellbeing.

The [Children First Act 2015](http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/html), Article 10 requires thata provider of a relevant service shall ensure, as far as practicable, that each child availing of the service from the provider is safe from harm while availing of that service. In this regard **we will always act in the child’s best interests.** In the case of a nominated carer who is not a guardian, the parent/guardian should be contacted immediately.

In the case of a parent/guardian being in an unfit state, the following measures may be adopted where appropriate:

1. Attempt to get the parent/guardian to take some time before they leave with the child, for example invite them to sit down for a cup of tea/coffee and talk with a staff member.

2. Offer to contact a family member or friend, or the person(s) listed as the child's emergency contact person on their enrolment form.

3. Offer to call a taxi.

If the parent/guardian rejects the above suggestions and insists on taking the child, the service will follow their Child Safeguarding Procedures by contacting an Garda Síochána where there is a perceived risk to the child for example through negligent driving or the person’s inability to appropriately supervise the child on the way home.

#### Procedure if an unauthorised or unknown person attempts to remove a child from the service

* If an unauthorised or unknown person tries to take a child from the service, stay calm, and ask for the person’s identification with a photograph.
* Emphasise the rules and procedures you are obliged to follow whenever you allow a child to leave the service.
* If possible, give the person a copy of your policies to show that these rules apply to everyone, including grandparents, siblings, other relatives, neighbours and family friends.
* Explain that because you are legally bound to follow the instructions of the person with legal guardianship and you cannot allow the child to leave unless you have that person’s personal or written authorisation.
* If a person (even a child’s parent or parent’s partner) is **not** a guardian and does **not** have legal custody and is **not otherwise authorised** by the person who has legal custody, a child should not be released to the unauthorised person.
* If the unauthorised or unknown person insists, telephone the parent/guardian who has legal custody and inform them of the situation.
* If you feel that the situation is getting out of control or if the person threatens you or the children in your care in any way, do not hesitate to call An Garda Síochána.

### Record keeping

All records relating to arrangements for collecting children will be kept for two years following the date that the child leaves the service for good.

## Communication Plan *[For staff & families]*

All parents/guardians are to be informed of this Policy on enrolment. Staff members will check with parents/guardians that they have read and understood the policy and provide any assistance needed.

The policy statement will be included in the Parent/Guardian Handbook. This policy will also be reviewed with the staff team at induction and annual staff training.

A copy of all policies will be available during all hours of operation to all staff team members and parents in the Policy Folder located on our website : www.ullabeag.ie

Parents may receive a copy of the policy at any time upon request.

Parents and all staff members will receive notification of any updates.

## Related Policies, Procedures and Forms *[List of all related documents]*

* Admissions Policy
* Parent Involvement Policy
* Confidentiality Policy
* Record Keeping Policy
* Child Safeguarding Policy
* Key Person Policy
* Transitions Policy
* Interactions Policy
* Communication Policy
* Enrolment Forms
* Incident Recording Forms

7. References/Supporting Documents/Related Legislation*[List of any relevant Legislation and Practice Guides referred to in drafting the Policy]*

* [Tusla Quality and Regulatory Framework](http://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/)
* [Child Care Act 1991 (Early Years Services) Regulations 2016](http://www.irishstatutebook.ie/eli/2016/si/221/made/en/print)
* [Guardianship of Infants Act 1964](http://www.irishstatutebook.ie/eli/1964/act/7/enacted/en/html)
* [Children and Family Relationships Act 2015](http://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/html)
* [Síolta: The National Quality Framework for Early Childhood Education](http://siolta.ie/)
* [Children First: National Guidance for the Protection and Welfare of Children 2017](http://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf)
* The UN Convention on the Rights of the Child

## Who Must Observe This Policy

*[List here all of the relevant people who are responsible for observing the policy within your service.]*

## Actions to be Followed if the Policy is not Implemented

*[Add in any relevant actions to be taken]*

10. Contact Information*[Who to contact for more information]*

If you need more information about this policy, contact:

|  |  |
| --- | --- |
| Name |  |
| Phone number or email |  |

## Policy Created

|  |  |
| --- | --- |
| Date this policy was created  |  |

## Signatures

|  |  |  |
| --- | --- | --- |
|  | Name and position | Signature |
| Approved by  |  |  |
| Approved by |  |  |

## **Review Date**

|  |  |
| --- | --- |
| Date this policy will be reviewed  |  |

***Appendix* A**

**GUARDIANSHIP[[1]](#footnote-1)**

Guardianship means the rights and responsibilities of parents in respect of the upbringing of their children. The rights and responsibilities encompassed by conferring guardianship on a person include the responsibility to:

* + Make decisions on the child’s place of residence
	+ Make decisions regarding the child’s religious, spiritual, cultural and linguistic upbringing
	+ Decide with whom the child should live
	+ Consent to medical, dental and other health related treatment for the child, in respect of which the guardians consent is required
	+ Consent to the issuing of a passport together with other further
	+ Place the child for adoption and consent to said adoption

The married mother and father of a child are the most common guardians. For the father to have automatic guardianship status, the parties must be married at the time of the birth of the child. Alternatively there are a number of other situations where automatic guardianship can be granted. A father can acquire guardianship status if the parties marry after the birth of the child or if he has been cohabiting with the child’s mother for no less than 12 consecutive months, which must include three consecutive months after the birth of the child or if he has obtained equivalent guardianship rights in another State he can have those rights and responsibilities recognised in this jurisdiction by way of guardianship.

A father who is not married to the mother of his child can also become a guardian either by agreement with the mother (in which case a statutory declaration must be completed) or by application to the court.

Under the [Children and Family Relationships Act 2015](http://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/html) persons may be deemed eligible by the court to become guardians if they are over the age of 18 and they are married to or in a civil partnership with or have cohabited with a parent of the child and have had shared parental responsibility for the child’s day to day care for a period of 2 or more years.

A person who has provided for the child’s day-to-day care for a continuous period of more than a year may apply for guardianship if the child has no parent or guardian who is willing or able to exercise the rights and responsibilities or guardianship.

The expansion of guardianship rights under the [Children and Family Relationships Act 2015](http://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/html) to step-parents and cohabitees where they have been acting effectively in loco parentis for a period of two years will apply to a large variety of family structures.

### Custody

Custody is the right of a parent to exercise physical care and control in respect of the upbringing of his or her child on a day-to-day basis. The married parents of a child are automatically joint guardians and custodians of their child.

#### When married parents separate

Where married parents have separated or divorced, they can decide between themselves on custody arrangements for their children. If they cannot agree, they may try to work out an arrangement through mediation but if that fails they must apply to the court for a final decision.

### *Appendix B*

### SAMPLE FORM

**Persons Nominated by a Parent/Guardian to take Child from the Service in Exceptional Circumstances or Emergencies**

In the interests of safety, children can only be taken from the service by a person authorised in writing by a parent or a guardian and for whom the service has seen photographic identification (such as Driver Licence or Passport). Please supply contact information for these persons when enrolling your child. In the case of short notice changes, the use of a password provided by the parent/guardian may be used in place of photo ID and until this can be provided.

Please nominate two local people who can come for your child in an emergency if you are not able to come – they will need to be able reach us within one hour – and give their contact details below.

Please note: we will require photograph identification from each emergency contact person to ensure we are transferring care of your child into safe hands. Children will only be given into the care of a responsible adult over 16 years old who is authorised by the child’s parent/guardian.

|  |  |  |
| --- | --- | --- |
| 1st emergency contact | Name and address: | Relationship to child: |
|  | Password: |  |
| Mobile Number: |
| Home Number: |
| 2nd emergency contact | Name and address: | Relationship to child: |
|  | Password: |  |
| Mobile Number: |
| Home Number: |

Please inform us of any court order which disallows any person to have contact with your child as the service does not have the right to refuse access to a child by a parent who is a legal guardian or any other person who is a legal guardian, without evidence of such an order.

If there is such an order please give us the name of the person who is currently disallowed by a court to have contact with your child:

…………………………………………………………………………………………………...

It is essential to also enclose a signed, headed letter from your solicitor confirming the existence of the court order.

1. Information is from The Courts Service of Ireland [www.courts.ie](http://www.courts.ie) [↑](#footnote-ref-1)