

EARLY YEARS POLICY

Early Years Services Determining the Responsible Person Present	Policy No:	QA 4.2
	Document No:	D15/42616
	Approved Date:	1 April 2014
	Approved By:	Manager Aged and Family
	Review Date:	5 December 2021
Responsible Officer:		Coordinator Early Years
Authorising Officer:		Manager Community Strengthening

1. Purpose

To ensure that all Surf Coast Shire Early Years Services have a suitable, recognised, responsible and qualified person present at all times during the hours of operation.

2. Scope

Evidence of link to National Quality Standards: 4.1, 4.2, 7.3.1, 7.3.5
 Victorian Children's Services Regulations 2009
 Evidence of link to Education & Care Services National Regulations
 s5, s161, s162, s164, r117(a) to (c) s168 (2) (i)

3. Application

All Surf Coast Shire Council staff, educators, volunteers and students; and families of children receiving Surf Coast Shire Council Early Years Services under the National Regulations.

For applicable services the equivalent to the responsible person present under the *Victorian Children's Services Regulations 2009* applies.

4. Definitions

A Responsible person, in relation to an education and care service, means a person referred to in section 162(1)(a) to (c) of the Law;

Responsible Persons

The Surf Coast Shire will adhere to the principals and standards set out in the National Quality Framework (NQF), which relates directly to section 162(1)(a) to (c) of the National Law.

The Surf Coast Shire will use the information set out to guide its practices when relating to a responsible person.

A Responsible person can be one of the following;

Approved Provider: (Surf Coast Shire)

a person with management or control of the provider if the provider is not an individual

The Approved Provider has overall responsibility for the service, and must take reasonable steps to ensure children's safety and wellbeing is protected. This includes making an informed decision about whether a person is fit and proper, with suitable skills to be the Nominated Supervisor or to be placed in day to day charge of the service.

Nominated Supervisor: (Kindergarten Lead Teacher)

the Nominated supervisor of the service

A Nominated Supervisor is a person who:

- Is Nominated by the Approved Provider to be the Nominated Supervisor of that service; and has consented to that nomination (section 5). If required, they will be asked to complete a Compliance History Statement
- The Approved Provider must display the following details at the service:
- The name of the Nominated Supervisor, or
- If the Nominated Supervisor is a member of a prescribed class, the class (for example, a principal of a school).

Certified Supervisor (Responsible Person)

A person placed in day to day charge of the service

Where the Nominated Supervisor is not able to be responsible for the day to day operations of the service, a responsible person will be appointed. This person will have met the criteria including, qualification, skills, work experience and knowledge in accordance with the National Regulations (section 164(1)(c), section 162(1)(c) and regulation 54) and accepts in designation in writing.

Family day care services

For a family day care service, one of these three people (the Approved Provider, the Nominated Supervisor or a Certified Supervisor placed in day to day charge) must be available to provide support to the family day care educators at all times the service is educating and caring for children. 'Available' includes being available by telephone.

The information must be displayed in a place where it is clearly visible to anyone from the main entrance to the education and care service premises. For family day care service premises, this includes the main entrance to the family day care office, and the family day care residences and venues.

Criteria

Minimum requirements to be a Responsible Person

The Surf Coast Shire will follow the standards set out in the National Law (section 161, 162 and 164) and Part 4.3A of the Regulations 117(a)(b)(c) concerning the minimum requirements of a responsible person.

Additionally every responsible person must have completed the child protection training (if any) required in their state or territory.

Minimum requirements to be a nominated supervisor or a person in day-to-day charge

- be at least 18 years of age

To be a nominated supervisor the person must:

- have adequate knowledge and understanding of the provision of education and care to children
- have the ability to effectively supervise and manage an education and care service.

For a person in day-to-day charge, either an approved provider or the nominated supervisor must take reasonable steps to ensure the person

- has adequate knowledge and understanding of the provision of education and care to children
- has the ability to effectively supervise and manage an education and care service.

In determining whether to nominate a person as the nominated supervisor, the approved provider must consider:

- the history of the person's compliance with:
 - the National Law
 - a former education and care services law
 - a children's services law
 - an education law
- any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person.

For a person in day-to-day charge, the approved provider or the nominated supervisor must have regard to:

- the person's history of compliance with the National Law and other relevant laws
- any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorization granted to the person under the National Law and other relevant laws.

A person who previously consented to be in day-to-day charge of the service will not need to provide consent again from 1 October 2017.

5. Policy

- Determination of the responsible person present will follow the requirements of the Education and Care Services National Regulations 2011 (as outlined under 'Definitions' in this document), or as applicable the Victorian Children's Services Regulations 2009.
- A responsible person will be available at all times during the hours that the service is being provided to children in all Surf Coast Shire Council Early Years Services.
- A responsible person will accept the role in writing Staff / educators must be aware of who the responsible person in charge of the service is for the days they are employed.
- The details of the responsible person present will be displayed at the service.
- Families and members of the public must have access to who the responsible person is via signage at the service and / or verbally by staff and educators of the service.

6. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Staff Record	Records	7 years after conclusion of action	

7. Attachments

Not applicable

8. References

Related Surf Coast Shire Council and Early Years Services Policies

- D15/54259 Early Years Quality Framework Policy
D14/70701 Educational Programs Policy
D15/15724 Employment of Qualified Staff and Ratios Policy
D15/15250 Family Day Care Recruitment of Family Day Care Educators Policy

Related Surf Coast Shire Early Years Services Work Instructions and Forms

- D17/6013 DET Responsible Person – Sign off

Other References

- Education and Care Services National Law 2010
Education and Care Services National Regulations 2011
ACECQA National; Quality Framework Resource Kit
Victorian Children's Services Regulations 2009
Childcare Service Handbook (Department of Education)
Victorian Early Years Learning and Development Framework
Early Years Learning Framework for Australia
My Time, Our Place
National Quality Framework (NQF)
NQF (2017) Information Sheet 'Responsible Person Requirements for Approved Providers'

Approval Date:	01/04/2014	Approved by:	General Manager Culture and Community
Amendment/Review 1:	23/06/2017	Approved by:	Manager Aged and Family
Amendment/Review 2:	18/01/2019	Approved by:	Manager Community Strengthening
Amendment/Review 3:	05/06/2020	Approved by:	Manager Community Strengthening
