

# RESPONSIBLE PERSON POLICY

The Approved Provider of Clarence Family Day Care Service must ensure that support is provided to family day care educators and educator assistants at all times education and care is provided to children by the approved provider (if the provider is an individual or a person with management or control of the service); a nominated supervisor or a person in day-to-day charge of the service.

Approved Providers are responsible for appointing a responsible person who is aged 18 years or older, has adequate knowledge and understanding of the provision of education and care to children, and have the ability to effectively supervise and manage an education and care service (ACECQA, 2017)

Clarence Family Day Care is committed to meeting our duty of care obligations under the Education and Care Services National Law National Regulations to ensure a Responsible Person is available to provide support at all times that a Family Day Care educator is educating and caring for a child as part of the service.

## **SCOPE**

This policy applies to the Approved Provider, Coordinator, Educators and Educator Assistants of Clarence Family Day Care Service.

## **DEFINITIONS**

### **Nominated Supervisor**

A person, who is at least 18 years of age, with responsibility for the day to day management of an approved service. The Nominated Supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care services.

### **Responsible Person**

A person, who is at least 18 years of age, has the role of Nominated Supervisor or duly appointed person. The Responsible Person has consented to be placed in day to day charge of the Service but does not take on the responsibilities of the Nominated Supervisor rather, they ensure the consistency and continuity in practices.

## **IMPLEMENTATION**

The Approved Provider of a Family Day Care Service must ensure that when an educator is educating and caring for a child/ren, assistance from a nominated supervisor or responsible person is available at all times. For a Family Day Care Service, the nominated supervisor assumes the legal responsibilities of the day-to-day operations of the service.

The requirement to be available to provide support for FDC educators includes being available to be contacted by telephone to provide advice and assistance to the FDC educator.

The name of the responsible person will be clearly displayed in the main entrance of the Family Day Care Service. If the responsible person needs to change for any reason, they will 'hand over' obligations for the role to another qualified person at the FDC Service. It is vital that all handovers to a designated Responsible Person are documented when commencing this position throughout the day via the Responsible Person Record.

A Responsible Person can be:

- The Approved Provider or a person with management or control of the service
- A Nominated Supervisor or
- A person in day-to-day charge of the service (PIDTDC)

### **The Approved Provider will ensure a Responsible Person:**

- is nominated for the Family Day Care service and is responsible for the day-to-day management of the service and support to educators
- is over the age of 18 years
- is contactable by telephone at all times education and care is provided to children in the FDC service
- holds a current Working with Children Check

- meets the minimum requirements for qualification, experiences and management capabilities
- has adequate knowledge and understanding of the provision of education and care to children, the Education and Care National Law and Regulations and National Quality Standard, the approved learning framework (EYLF), Family Assistance Law
- has the ability to effectively supervise and manage an education and care service
- is a fit and proper person and the history of the person's compliance with the National Law, children's services law, family assistance law are assessed
- has completed child protection training and is aware of the reportable conduct scheme and processes
- has knowledge and a commitment to the National Child Safe Standards
- provides references including their current and previous employers. These will be checked, and records kept on file
- provides written consent for the position of Responsible Person and this is filed in staff records

**The Approved Provider will ensure:**

- the regulatory authority is notified 7 days prior to a Nominated Supervisor starting at the Service or within 14 days after the person has commenced the role through NQA IT System
- the regulatory authority is notified if the Nominated Supervisor changes their name or contact details; is no longer employed by the Service, has been removed from the role or withdraws their nomination.
- a Responsible Person will be removed from the position should management become aware of a matter or incident which affects the ability of the person to meet the minimum requirements of the position.
- the staff register has the name of the Responsible Person at the Service for each time children are being educated and cared for by the Service
- a Responsible Person is on duty from the time the FDC Service opens each day until the time the FDC Service closes
- ensure that the identity of the Responsible Person on duty is displayed in the main entrance of the FDC Service and is easily visible for families and visitors
- a staff record is kept recording
  - the full name, address and date of birth of the responsible person/nominated supervisor;
  - evidence of relevant qualifications
  - if applicable, evidence that the nominated supervisor is actively working towards that qualification
  - evidence of any approved training (including first aid training and child protection training)
  - verification of a Working with Children Check – identifying number and expiry date
  - written consent for the position of Responsible Person
- the PIDTDC interchanges with the Nominated Supervisor in their absence

**A Nominated Supervisor/appointed Responsible Person will:**

- provide written consent to accept the role of Responsible Person/Nominated Supervisor
- ensure that FDC educators are aware of the name and position of the Responsible Person in charge
- inform the Approved Provider/Management in the event of illness so they can be replaced by another Responsible Person
- ensure they have a sound understanding of the role of Responsible Person
- abide by any conditions placed on the Responsible Person
- in the case of Nominated Supervisor, notify the Regulatory Authority within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status as fit and proper, such as the suspension or cancellation of a Working with Children Check card or teacher registration, or if they are subject to disciplinary proceedings
- notify management in writing, if they wish to withdraw their consent to be a Responsible Person
- the Nominated Supervisor will advise all FDC educators and staff who is the appointed responsible Person

at all times the FDC Service is open

- the Nominated Supervisor will advise all FDC educators and staff the educators who have been appointed as a Responsible Person.

## **NATIONAL QUALITY STANDARD (NQS)**

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.1	Staffing Arrangements	Staffing arrangements enhance children's learning and development
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development
4.1.2	Continuity of staff	Every effort is made for children to experience continuity of educators at the service
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.

## **NATIONAL ECEC REGULATIONS**

Section 162	Offence to operate education and care service unless responsible person is present
Section 169	Offence relating to staffing arrangements
117A	Placing a person in day-to-day charge
117B	Minimum requirements for a person in day-to-day charge
117C	Minimum requirements for a nominated supervisor
146	Nominated supervisor
154	Record of staff employed at family day care service
168	Policies and Procedures
169	Offence relating to staffing arrangements
173	Prescribed information to be displayed
177	Prescribed enrolment and other documents to be kept by approved provider

## **SOURCE**

- Australian Children's Education & Care Authority. (2017). Responsible Person Requirements for Approved Providers: <https://www.acecqa.gov.au/sites/default/files/2018-09/ResponsiblePersonRequirements.pdf>