

RESPONSIBLE PERSON POLICY

The Approved Provider of Dalas Family Day Care 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)

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.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL 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

Victorian Child Safe Standards	
Standard 1	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued
Standard 2	Child safety and wellbeing is embedded in organisational leadership, governance and culture
Standard 3	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
Standard 4	Families and communities are informed, and involved in promoting child safety and wellbeing
Standard 5	Equity is upheld and diverse needs respected in policy and practice
Standard 6	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
Standard 7	Processes for complaints and concerns are child focused
Standard 8	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
Standard 9	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
Standard 10	Implementation of the Child Safe Standards is regularly reviewed and improved
Standard 11	Implementation of the Child Safe Standards is regularly reviewed and improved

RELATED POLICIES

Code of Conduct Policy Health and Safety Policy Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy	Respect for Children Policy Staffing Arrangements Policy Supervision Policy Work Health and Safety Policy
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PURPOSE

Dalas 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 the Family Day Care Service.

DEFINITIONS

NAME	DEFINITION
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. A record of the Responsible Person will be documented each day via the Responsible Person Register.

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
- 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 is 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
- evidence of completing an approved diploma level education and care qualification or higher is considered as a requirement
- 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 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)
 - acceptance for a Working with Children Check – identifying number and expiry date
- the **PIDTDC** interchanges with the Nominated Supervisor in their absence
- Responsible Persons are aware that they have to sign off when they have finished their duty and will ensure the Nominated Supervisor or appointed Responsible Person (PIDTIC) will sign on and take on the role.

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.

CONTINUOUS IMPROVEMENT/REFLECTION

Our Responsible Person Policy will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

RELATED PROCEDURES AND DOCUMENTS

Responsible Person Procedure

Responsible Person Offer and Acceptance

SOURCE

Australian Children's Education & Care Quality Authority. (2014).
 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>
 Education and Care Services National Law Act 2010. (Amended 2018).
 Education and Care Services National Regulations. (2011)
 Guide to the Education and Care Services National Law and the Education and Care Services National Regulations, (2017).
 Guide to the National Quality Framework. (2018). (Amended 2020).
 Revised National Quality Standard. (2018)

REVIEW

POLICY REVIEWED	August 2022	NEXT REVIEW DATE	August 2023
MODIFICATIONS	• additional information related to records for Responsible Person added • related procedures and documents added • policy maintenance - no major changes to policy • hyperlinks checked and repaired as required • continuous improvement/reflection section added • minor formatting edits within text • link to Western Australian Education and Care Services National Regulations added in 'Sources'		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
August 2021	Modifications made to adhere with Family Day Care requirements Policy purchased from Child care Desk top		August 2021

