

Determining Responsible Person Policy

Purpose

This policy will provide guidelines for the employment of a responsible person, which meets the requirements of the Education and Care Services National Regulations 2011 (ECSNR) Education and Care Services National Law Act 2010 and the Child Care Management System”(CCMS).

Policy statement

1 Values -

St Kevin's Out of Hours School Care (OHSC) Centre is committed to:

- The employment of qualified staff with a range of relevant qualifications and experience to provide an educational program, which meets the needs of all children and families using the centre
- The employment of staff, according to the requirements of the Education and Care Services National Regulations 2011 (ECSNR) Education and Care Services National Law Act 2010 and the Child Care Management System”(CCMS).
- Ensuring families are aware of who is the responsible person at St Kevin's OHSC.

2 Scope -

This policy applies to staff, committee, students on placement, volunteers and parents/guardians whose child/ren are attending, or who wish to enrol child/ren, in St Kevin's Out of Hours School Care (OHSC) Centre early childhood programs.

3 Background and legislation

The National Law requires that approved providers must have a responsible person present at all times in an education and care service that is educating and caring for children.

The responsible person must have the minimum level of qualifications which can be found on the DEEWR website.

Relevant legislation may include but is not limited to:

- Education and Care Services National Regulations 2011 (ECSNR)
- Education and Care Services National Law Act 2010

Responsible Person

A responsible person is defined in the Education and Care Services National Law Act 2010 as:

- the Approved Provider—if the approved provider is an individual—in any other case, a person with management or control of the service
- the Nominated Supervisor of the service
- a certified supervisor who has been placed in day to day charge of the service.

The responsible person at St Kevin's OHSC will be determined by the committee. The hierarchy used at our service is:

1. The Approved Provider, who is employed to run the service day to day, will be the responsible person and a notice will be put up advising families of this

2. Should the Approved Provider be away, a Relief Educator will be employed and they will hold a Supervisor certificate and hold the correct qualifications to be put in charge of the day to day Centre. A relief educator may be from St Kevin's staff, or a relief agency.
3. In an emergency the Approved Provider (school principle) will take over responsibility of the Centre.

4 Definitions

Department of Education and Employee workplace relations (DEEWR): federal government responsible for the licensing and regulation of out of hours school care.

Relief Educators: A staff member who is engaged for a period of up to four consecutive days to replace a staff member in a staffing emergency.

Fit and proper assessment: Consideration by DEEWR under the Act as to whether a person is a fit and proper person to manage or control the children's service.

Responsible person is either the approved provider, nominated supervisor or can be a certified supervisor who has been placed in day to day charge of the service

5 Sources and related policies

NATIONAL QUALITY FRAMEWORK: RESPONSIBLE PERSONS, NOMINATED SUPERVISORS & SUPERVISOR CERTIFICATES

<http://www.eduweb.vic.gov.au/edulibrary/public/earlylearning/nqfinfoSheet6.pdf>

NATIONAL QUALITY FRAMEWORK NOMINATED SUPERVISORS information sheet

<http://acecqa.gov.au/storage/ACECQA%20Information%20Sheet%20-%20Nominated%20Supervisors.pdf>

National Quality framework Certified Supervisor information sheet

<http://acecqa.gov.au/storage/ACECQA%20Information%20Sheet%20-%20Certified%20Supervisors.pdf>

NATIONAL QUALITY FRAMEWORK Provider approval information sheet -

[http://acecqa.gov.au/storage/3-ACECQA Information Sheet - Provider approval.pdf](http://acecqa.gov.au/storage/3-ACECQA%20Information%20Sheet%20-%20Provider%20approval.pdf)

Procedures

The committee is responsible for:

- Employing staff who hold a qualification specified by DEEWR or have an approved equivalent that has been assessed by DEEWR as equivalent to those qualifications
- Ensuring that all staffing requirements of the National Act and regulations are met at all times when the service is operating
- Referring applicants with overseas and interstate qualifications not included on the schedule of recognised qualifications to DEEWR for assessment for suitability
- Determining which staff member will be the **Responsible person, nominated supervisor** and which staff members will hold **certified supervisor** certificates
- Ensuring that all forms (Fit and proper assessment etc) required by DEEWR are completed and given to the DEEWR in a timely manner

- Ensuring any permanent changes to **responsible persons, nominated supervisors, certified supervisors** are given to DEEWR on the appropriate form within 14 days of the change.
- Developing procedures to ensure that the **Provider** has read a person's current assessment notice before that person becomes an employee or is otherwise engaged as a staff member; ensuring also that details of the police records check/working with children assessment are recorded on the staff record
- Ensuring that all staff have (an approved) current first-aid and anaphylaxis management training on engagement or employment
- Developing procedures to ensure the required first-aid qualifications are checked regularly, and that staff are provided with the opportunity to update them before their expiry dates
- Ensuring that staff records (including regulatory requirements) are updated annually or as soon as new information is provided by a staff member, or rostered hours of work are changed
- Ensuring that a staff member's health does not adversely affect the staff member's ability to care for or educate the children, or they are not adversely affected by alcohol, drugs or any other deleterious substance while on duty and developing procedures to deal with such situations (see related policies)
- Placing a sign on the door which states the name of the Provider and Nominated Supervisor

Staff are responsible for :

- Providing honest information to the Committee when completing forms for DEEWR
- Informing parents/guardians, via a sign on the door, the name of the person replacing the Nominated Supervisor member when that staff member is absent

Evaluation

In order to assess whether the policy has achieved the values and purposes, the committee will:

- Check staff records on an annual basis to ensure staff are employed in line with all legislative requirements as outlined in the policy.

Attachments

[Attachment 1](#): Definitions and Requirements of Provider Approval, Nominated Supervisor, Responsible Person & Supervisor Certificates under National Legislation

Attachment 2: St Kevin's OHSC Set up

Authorisation

The policy was adopted by the **St. Kevin's OHSC** committee of management at a committee meeting on **5th October 2012**

Review date: October 2015

Attachment 1 - Definitions and Requirements of Provider Approval, Nominated Supervisor, Responsible Person & Supervisor Certificates under National Legislation

Provider Approval

A provider approval is a nationally recognised approval to operate an Approved Service. Once granted, a provider approval is ongoing, unless suspended or cancelled.

The state or territory Regulatory Authority will assess applications for provider approvals. The process examines whether the applicant is a fit and proper person to be involved in the provision of an education and care service.

In determining whether a person is fit and proper, a Regulatory Authority must have regard to the applicant's:

- history of compliance with any current and former education and care services law, children's service law or education law
- criminal history check record or working with vulnerable people check
- any bankruptcy or insolvency issues.

The service provider, is the person who is legally responsible for running the approved service or services. They may be or may not be

- a) an educator at the service (as well as being the approved service provider) and/or
- b) the nominated supervisor (as well as being the approved service provider) and/or
- c) The holder of a supervisor certificate

Please see attachment 2 for details of the set up for St. Kevin's OHSC.

Nominated Supervisor

The nominated supervisor assumes the legal responsibilities of the day to day operations of the service; educators and families must be aware of who the responsible person in charge of the service is while the child is receiving education and care by St. Kevin's OHSC

Individuals who hold a Supervisor Certificate are eligible to be nominated as a Nominated Supervisor of a service. They are responsible for:

- Ensuring educational programs are:
 - o based on and delivered in accordance with an approved learning framework
 - o based on the developmental needs, interests and experiences of each child
 - o designed to take into account the individual differences of each child
- Supervision and safety of children
 - o Ensuring children are adequately supervised, are not subject to inappropriate discipline, and are protected from harms and hazards
- Entry to and exit from the premises
 - o ensuring children do not leave the education and care service premises except in accordance with the National Regulations (for example, with a parent, on an authorised excursion, or for emergency medical treatment)
 - o ensuring that a parent of a child being educated and cared for by the service may enter the service premises at any time when the child is being educated and cared for by the service—except when:
 - permitting entry would pose a risk to the safety of the children and staff or conflict with the duty of the supervisor under the National Law, or

- the supervisor is aware the parent is prohibited by a court order from having contact with the child
 - o ensuring an unauthorised person (as defined in the National Law) is not at the service while children are present unless the person is under direct supervision
- Food and beverages
 - o ensuring adequate health and hygiene practices and safe practices for handling, preparing and storing food are implemented at the service to minimise risks to children
 - o ensuring children being cared for by the service have access to safe drinking water at all times and are offered food and beverages on a regular basis throughout the day
 - o ensuring that, where food and beverages are supplied by the service, they are:
 - nutritious and adequate in quantity
 - chosen with regard to the dietary requirements of individual children
 - o ensuring that, where food and beverages are provided by the service, a weekly menu that accurately describes the food and beverages to be provided is displayed at the premises in a location accessible to parents
- Administration of medication
 - o ensuring that medication is not administered to a child being cared for by the service unless the administration is authorised (except in the case of anaphylaxis or asthma emergency) and is administered in accordance with the National Regulations
 - o where medication is administered to a child without authorisation in a case of an anaphylaxis or asthma emergency, ensuring that a parent of the child and emergency services are notified as soon as practicable
- Prescription and non-prescription drugs and alcohol
 - o that while educating and caring for children at the service, they must not consume alcohol or be affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or provide education and care to children
- Excursions- No excursions will be permitted at St Kevin's OHSC
- Staffing
 - o Ensuring the prescribed educator to child ratios are met and each educator at the service meets the qualification requirements relevant to the educator's role.

This will be the educator employed by St. Kevin's OHSC Committee to run the service.

Supervisor Certificates

The purpose of a Supervisor Certificate is to identify those persons who can be put in day to day charge of an approved education and care service. It is not a qualification, but indicates that a person has the correct qualifications to be put in charge of a service. There is no maximum number of Certified Supervisors per service.

A Supervisor Certificate is ongoing and moves with a person. It is not related to a service.

In order to be granted a Supervisor Certificate, a person must:

- be 18 years or above
- meet the minimum requirements for qualifications, experience and management capability
- satisfy the Regulatory Authority that they are a fit and proper person to be the supervisor of a service.

At St Kevin's OHSC individuals will apply for an over preschool age Supervisor Certificate, as they care for children over preschool age. An applicant for an over preschool age Supervisor Certificate must have sufficient skills to be placed in day to day charge of a service. This certificate will be subject to the condition that they may only be placed in day to day charge of a service that primarily educates and cares for children over preschool age.

A service may have many certified supervisors and relief educators are able to apply for a Supervisor Certificate.

At St. Kevin's OHSC, the following people will hold Supervisor certificates:

- St Kevin's staff employed as permanent employees (as many as possible)
- The St Kevin's School Principle
- The St Kevin's School Vice –Principle
- Any school staff or peoples employed casually by the St Kevin's OHSC Committee

Supervisor Certificates without Application

The Regulations allow for certain classes of persons to be granted a Supervisor Certificate without an application. These classes are:

• The Principal of a school providing an education and care service

- a person in charge of a campus of a school providing an education and care service at that campus
- preschool directors in certain jurisdictions where there is a pre-existing process of registration or checking of fitness and propriety
- a registered teacher delivering a pre-preparatory learning program within the meaning of the Education (General Provisions) Act 2006 (Qld).

This provision recognises that some classes of persons have previously undergone similar screening processes to ensure fitness and propriety.

Minimum Requirements for Qualifications, Experience and Management

The Regulations set out minimum requirements for qualifications, experience and management capability needed to gain a Supervisor Certificate. The applicant must have:

- sufficient skills to be placed in day to day charge of an education and care service and
- at least one of the following:
 - at least three years experience working as an educator in an education and care service or children's service or school
 - an approved diploma level education and care qualification
 - an approved early childhood teacher qualification.

Fitness and Propriety Test for Supervisor Certificates

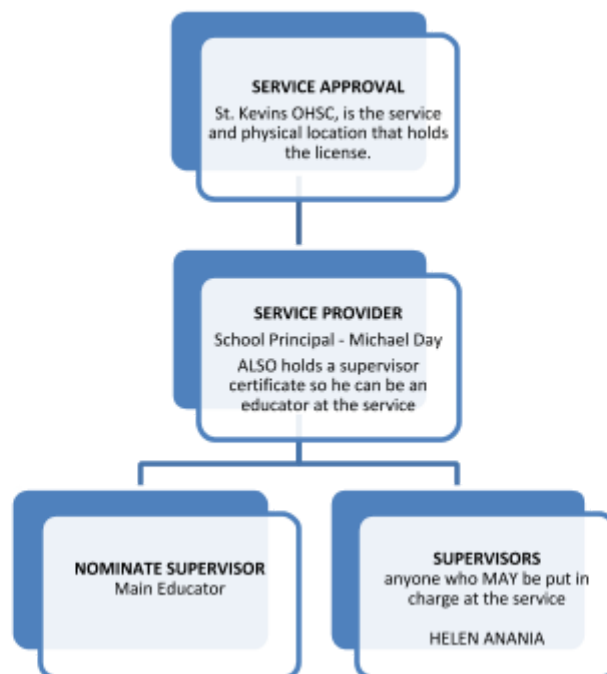
In determining fitness and propriety in the context of an application for a Supervisor Certificate, the Regulatory Authority must take into account the applicant's:

- history of involvement in education and care services
- compliance with current and previous education and care services law, children's service law or education law
- working with children check or, in jurisdictions where this check is not applicable, the applicant's criminal history check.

Additionally, the Regulatory Authority may have regard to the applicant's medical history.

Registered teachers and persons who hold a current working with children card are taken to satisfy the fit and proper test in an application for a Supervisor Certificate.

Attachment 2 – St. Kevin's OHSC Set-up



APPROVAL

The service approval has been granted for St. Kevin's Primary School's hall and playground. The service cannot change location without approval from DEEWR.

SERVICE PROVIDER

The service provider for St. Kevin's OHSC is the school's principal (currently Michael Day). He:

- Is in charge of the service but will delegate the responsibility for the day to day running of the educational program to the main educator
- Holds a supervisor certificate so can be left in charge of the service if the nominated supervisor is ill, away, at the toilet, on a break etc
- Is deemed fit and proper to run the service as he has already satisfied these requirements as a school principal

NOMINATED SUPERVISOR

This will be the main educator, who is a qualified early childhood professional (ie diploma qualified or higher). If there are more than 1 educators at St Kevin's OHSC (e.g. one on a Monday-Wednesday & a 2nd educator Thursday-Friday) then there will be 2 nominated supervisors, but each will be responsible only on the days of the week they are working at the service. The name of the nominated supervisor will be on display in the foyer of the service.

OTHERS HOLDING SUPERVISOR CERTIFICATES

As staff sometimes are unable to attend work, or in case of an emergency, the service needs to have a pool of 'back-up' educators who are qualified to take over the service. For example if the main educator falls over and needs to go to hospital, then someone needs to take control of the service.

This person will most likely be the school principal plus we also have the vice principal nominated for a supervisor certificate, should she be in charge of the school at the time.

It is envisaged a pool of casual employees will be established who will also be added as supervisors to assist should the main educator not be at work. This may be current teaching staff or other casual employees or agency staff. They must be fully qualified (Diploma or above qualification).

