

Early Learning

Determining Responsible Person Policy

Policy Statement

Uniting Early Learning is committed to:

- meeting its duty of care (refer to *Glossary*) obligations under the law;
- ensuring staffing arrangements contribute to the health, safety, well-being, learning and development of all children at the service;
- meeting legislative requirements for a Responsible Person to be on the centre-based service premises at all times and the Responsible Person of family day care services to be available at all times.

Executive Summary

An Approved Provider/Licensee must not operate a service unless there is a Nominated Supervisor/Primary Nominee appointed for that service to take on the role of Responsible Person. The *Uniting Early Learning Responsible Person* must be over the age of 18 years, be fit and proper, have suitable skills and a current *Working with Children and/or Working with Vulnerable Persons* check. *The Responsible Person* does not have to be in attendance at the service at all times, but in their absence, a Responsible person with day-to-day charge of the service must be placed in charge, ensuring there is always someone on the service premises who has been assessed as fit and proper (refer to *Glossary*). Written consent must be provided to accept the role of a Responsible Person or Responsible person with day-to-day charge.

Staffing arrangements/rosters on a day-to-day basis must be developed in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children. The name and position of the Responsible Person in charge of the service must be displayed and be easily visible from the main entrance of the service and at the family day care office.

Current Environmental Context

It is an offence to operate an approved centre-based education and care service/ licensed service unless a Responsible Person is present.

Legislation requires that a Responsible Person is always physically in attendance the centre-based service is educating and caring for children. The Responsible Person of a family day care service must always be available to provide support to educators the service is educating and caring for children. The Responsible Person is the person in day to day charge at the service and can be either:

- the Approved Provider/Licensee (or the person in management or control of the service),
- the Nominated Supervisor/Primary Nominee of the service, or
- a Responsible person /Nominee who has been placed in day-to-day charge of the service.

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The staff record/file must include the name of the Responsible Person each time children are being educated and cared for by the service.

A current *Working with Children* check must be held by the Responsible Person, or a Victorian Institute Teaching (VIT) registration.

For more information regarding these terms, (refer to *Glossary*).

Attachment: 24a: Responsibilities relating to the Determining Responsible Person Policy

Attachment 24b: Responsibilities of a Uniting Early Learning Responsible Person

Attachment 24c: Uniting Early Learning Procedure for Nominating a Responsible Person

Forms can be found on the Intranet share point site – [Click here](#)

Form No: 24.1: Assessment of Nominated Responsible Person

Form No: 24.2: Declaration of Responsible Person and Approval of AP form

Form No: 24.4: Consent-NSo1-Nominated Supervisor consent form

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Reference/Sources

This policy should be read in conjunction with:

Keeping Children Safe Policy of the Uniting Church in Australia Synod of Victoria and Tasmania, Approved May 2017:

- *Code of Conduct* Policy
- *Participation of Volunteers and Students* Policy
- *Privacy and Confidentiality* Policy
- *Staffing* Policy
- *Supervision of Children* Policy
- Australian Children's Education and Care Quality Authority (ACECQA), supporting materials: <https://www.acecqa.gov.au/resources/supporting-materials>
- *Children's Services Act 1996 (Vic)*: Section: 11, 30
- *Children's Services Regulations 2009 (Vic)*
- *Education and Care Services National Law Act 2010*: Sections 5, 44, 56, 106–109, 114, 115, 118, 161, 162, 172, 291(5)
- *Education and Care Services National Regulations 2011*: Regulations 35, 46–49, 146, 150, 168(2)(i)(ii), 173, 176(2)(c)
- *National Quality Standard*, Quality Area 4: Staffing Arrangements
- *National Quality Standard*, Quality Area 7: Leadership and Service Management
- *Tasmanian Licensing Standards for Centre Based Child Care Class 4 2014*
- *The Child Care Act 2001 (Tas)*

Authorisation

This policy was adopted by Uniting Early Learning on: 22 January 2020

Review

This policy is to be reviewed by: 04 March 2021

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Attachment 24a: Responsibilities relating to the Determining Responsible Person Policy

Approved Provider/ Licensee

- Ensure there is a Responsible Person (refer to *Glossary*) on the premises at all times the centre-based service is delivering education and care programs for children.
- Ensure there is a Responsible Person of a family day care service available to provide support to educators at all times the service is educating and caring for children.
- Nominate sufficient *Uniting Early Learning Responsible Persons* to meet legislative requirements, to be at the service at all times, including during periods of leave or illness.
- Ensure that a person nominated as a Responsible Person has the appropriate skill level, experience, qualifications and approval to work with children, as required under National Law and National Regulations/ Victorian Law and Victorian Regulations/ Tasmanian Law and Licensing standards.
- Ensure the service does not operate without a *Uniting Early Learning Responsible Person*, and that this person has given written consent to the role.
- Ensure that information about the *Responsible Person*, including name, address, date of birth, evidence of qualifications, approved training, and a Working with Children Check is kept on the staff record.
- Ensure that in the absence from the service premises, family day care office of a *Uniting Early Learning Responsible person*, a *Responsible Person in day-to-day charge of the service* is placed in charge.
- Ensure the *Uniting Early Learning Responsible Person* have a sound understanding of the role.
- Ensure the name of the *Responsible Person* is recorded on the staff record each time children are being educated and care for by the service.
- Notify the Regulatory Authority in writing:
 - If there is a change of status of the Responsible Person as fit and proper
 - The signed consent (*Consent-NSo1-Nominated Supervisor form 24.4*)
 - If the person in the role of Nominated Supervisor/Primary Nominee changes
 - If the *Responsible person* has their Working with Children Check card or teacher registration suspended or cancelled, or if they are subject to any disciplinary proceedings under the law.

Responsible Person

- Ensure the name and position of the *Responsible Person* in charge of the service is displayed and easily visible from the main entrance of the service or family day care office.
- Provide written consent to accept the role of *Uniting Early Learning Responsible Person*.
- Ensure that, in the absence from the service premises, family day care office of a *Uniting Early Learning Responsible Person*, a *Responsible Person* is placed in day-to-day charge of the service.
- Possess a sound understanding of the role of the *Uniting Early Learning Responsible Person*.
- Develop rosters/ daily staff attendance in accordance with the availability of *Responsible Persons*, hours of operations and the attendance patterns of children.
- Notify the Approved Provider/Licensee and the Regulatory Authority within 7 days of any changes to your personal situation, including a change in mailing address, circumstances that affect your status as fit and proper, such as the suspension or cancellation of a Working with Children check card/vulnerable children check or teacher registration, or if subject to disciplinary proceedings.
- Inform the Approved Provider/Licensee and/or Nominated Supervisor/Primary Nominee in the event of absence from the service due to leave or illness so you can be replaced by another Responsible Person as soon as practicable and in writing within 12 hours.

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Educator

- Understand the role of the *Uniting Early Learning Responsible Person*.
- Provide written consent to accept the role of *Responsible Person in day-to-day charge*.
- Meet the qualifications, experience and management requirements if you wish to be nominated as a *Uniting Early Learning Responsible Person*.

Parents

- Read and understand this policy.
- Be aware of the *Responsible Person* at the service, family day care office on a daily basis.

Note: Volunteers, contractors and students, while at the service, are responsible for following this policy and its procedures.

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Attachment 24b: Responsibilities of a Uniting Early Learning Responsible Person

The person with responsibility for the day-to-day management of an Approved Service, has a range of responsibilities including:

Supervision and safety of children

Ensuring children are adequately supervised, are not subject to inappropriate discipline, and are protected from harms and hazards.

Notification requirements and reporting process

Any serious incident, complaint, circumstance at the service that contravenes the law or poses a risk to the health, safety or wellbeing of a child attending the service, or allegation that physical or sexual abuse has or is occurring must be reported to the Approved Provider as soon as practicable and in writing, within 12 hours. (This must be read and applied with in conjunction with the Incidents Notification Process) [Click here](#)

Duty of Care

All Uniting staff have a moral obligation to protect any child under our care and supervision from foreseeable harm. As Uniting early childhood service staff members, we play an especially critical role in protecting children (including identifying, responding to and reporting child abuse) and **must** meet a range of legal obligations to do so.

Duty of care is a common law concept that refers to your responsibility to adequately protect children in your care from harm and any hazard likely to cause injury within approved education and care services. Staff within education and care services must also ensure no child being educated and cared for by the service is subjected to any form of corporal punishment or any discipline that is unreasonable in the circumstances. Failure to meet this requirement can amount to a criminal offence. It applies to all staff members in an early childhood service.

Mandatory Reporting (Victoria)

The following early childhood professionals are mandatory reporters:

- All educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service.
- All proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service.
- Educators registered with the Victorian Institute of Teaching (VIT) .

All mandatory reporters **must** make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical injury and/or sexual abuse, **and**
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type. It is a criminal offence not to report in these circumstances.

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Mandatory Reporting (Tasmania)

Mandatory reporters include the following:

- Principals and teachers in an educational institution (including a kindergarten)
- A person who provides childcare, or a child care service, for fee or reward

A person concerned in the management of a licensed childcare service

Section 14 of the Act provides that if a mandatory reporter in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows

- that a child has been or is being abused or neglected or is an affected child within the means of the Family Violence Act 2004 or
- that there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child is likely to reside

Entry to and Exit from premises

Ensuring children do not leave the education and care service premises except in accordance with the legislative requirements (for example, with a parent on an authorised excursion, or for emergency medication treatment).

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 legislative requirements, or*
- *the supervisor is aware the parent is prohibited by a court order from having contact with the child.*

Ensuring an unauthorised person is not at the service while children are present unless the person is under direct supervision.

Educational Programs

Ensuring educational programs are:

- based on and delivered in accordance with the relevant approved learning framework.
- based on the developmental needs, interests and experiences of each child.
- designed to take into account the individual differences of each child.

Food and Beverage

Ensure adequate health and hygiene practices and safe practices for handling, preparing and storing food are implemented by all staff members and volunteers to minimise risk to children.

Ensure 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.

Ensure 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.*

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.

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Administration of medication

Ensuring that medication is not administered to a child being cared for by the service unless the administration is authorised (except of anaphylaxis or asthma emergency) and is administered in accordance with any legislative requirements. (Refer to form 10.1)

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. (Refer to form 10.2)

Prescription and non-prescription drugs and alcohol

Educators while educating and caring for children at the service, 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.

Sleep and rest

Taking reasonable steps to ensure that the needs for sleep and rest of children are met, having regard to the ages development stages and individual needs of children.

Excursions

Ensuring that a risk assessment is conducted before an excursion in accordance with the legislative requirements, and specifically that the risk assessment is conducted before authorisation is provided to take a child on the excursion.

Staffing

Ensuring the prescribed educator to child ratios are met, and each educator at the service meets the quality requirements relevant to the educator's role.

Australian Children's Education & Care Quality Authority. National Quality Framework
Nominated Supervisor Information Sheet

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Attachment 24c: Uniting Early Learning process for nominating a Responsible Person

<p>1.</p> <p>Recruitment</p>	<ul style="list-style-type: none"> • Identify nominated/responsible person • Inform nominated/responsible person
<p>2.</p> <p>Policy</p>	<ul style="list-style-type: none"> • Read and understand Determining Responsible Person Policy
<p>3.</p> <p>Responsibilities</p>	<ul style="list-style-type: none"> • <i>Attachment 24a</i> - Responsibilities relating to the Determining Responsible Person policy
<p>4.</p> <p>Assessment</p>	<ul style="list-style-type: none"> • Assessment of nominated/responsible person • <i>Test - form 24.1 - (Answers available by emailing approvedprovider@vt.uniting.org)</i> • Collate relevant information
<p>5.</p> <p>Declaration</p>	<ul style="list-style-type: none"> • Complete Responsible Person Declaration & Approval form No. 24.2 • Add documents to staff file
<p>6.</p> <p>Approval</p>	<ul style="list-style-type: none"> • Responsible Person to accept in writing • <i>Complete Form 24.4-NS01-and send to approvedprovider@vt.uniting.org to be uploaded on NQATIS by Approved Provider</i>
<p>7.</p> <p>Approved Provider</p>	<ul style="list-style-type: none"> • <i>Approved Provider uploaded the Form 24.4 form into the NQATIS system to advise the Department of the Responsible Person (Nominated Supervisor) change and or addition.</i>

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