

<b>Policy title</b>	4.3 Determining the Responsible Person or Primary Nominee and Approved Nominee
<b>Policy type</b>	Management
<b>Group</b>	Family and Children

## Rationale

The purpose of this Policy is to ensure a nominated Responsible Person is physically present at long day care and kindergarten services at all times during service operations. A family day care coordinator is available to assist with the day to day operation of the family day care service. The Responsible Person is clearly identified as required by the *Education and Care Services National Law Act 2010* and *Education and Care Services National Regulations 2011*, and *Victorian Children's Services Regulations 2009*.

Section 162 of the *Education and Care Services National Law Act 2010* requires that the approved provider must have a Responsible Person present at the education and care service at all times that a service operates. A Responsible Person is defined as:

- the Approved Provider (or person in management or control)
- the Responsible Person or Primary Nominee of the service – usually the education and care service coordinator who has a supervisor's certificate and is designated by the service as the Responsible Person or Primary Nominee; or
- a Certified Supervisor – an educator/contractor with a supervisor's certificate, who has consented to be placed in day-to-day charge of the service.

Section 162 of the National Law does not apply to an approved family day care service.

- section 25 of the *Children's Services Act 1996* requires that in the absence of the licensee, an approved Primary Nominee will have the management or control of the service.
- primary Nominee (sections 3,18 & 22a)
- the person who will have primary responsibility for managing or controlling the Children's Service in the licensee's absence
- approved Nominee (sections 3,18 & 22a)

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- persons who will or may manage or control the service on a regular or scheduled basis.

## Policy Statement

Moonee Valley City Council is committed to operating education and care services in accordance with the *Education and Care Services National Regulations 2011*, which includes maintaining appropriate staffing arrangements to effectively manage a service.

In accordance with Section 162 of the *Education and Care Services National Law Act 2010*, Moonee Valley City Council will have a Responsible Person present on education and care service premises at all times:

- the Responsible Person or Primary Nominee will be responsible for the day to day charge of the education and care service
- the Certified Supervisor will be responsible for the day to day charge when the Responsible Person or Primary Nominee is not on duty.

Both the Responsible Person or Primary Nominee and Certified Supervisor must:

- be 18 years of age or older
- meet the minimum requirements for qualifications, experiences and management capability; and have sufficient skills to be placed in the day to day charge of the education and care service. As well, there must be at least one of the following:
  - at least three years' experience working as an educator/contractor in an education and care service or school
  - an approved diploma level education and care qualification
  - an approved early childhood teacher qualification
- satisfy the Regulatory Authority that they are a fit and proper person to be the supervisor of the education and care service-based service.

While the term 'Responsible Person' applies to education and care service-based services, Section 163 of the National Law requires the approved Responsible Person of a family day care service 'to ensure that at all times one or more qualified persons are employed or engaged as family day care co-ordinators of the family day care service to: (a) assist with the operation of the family day care service; and to (b) support, monitor and train the family day care educators/contractors of that service'.

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<b>Procedures</b>	4.3 Determining the Responsible Person Procedure
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<b>Action</b>	<b>Approved Provider</b>	<b>Responsible Person or Primary Nominee</b>	<b>Educator/Contractor</b>	<b>Families</b>	<b>Education and Care Services National Regulations</b>	<b>Education and Care Services National Law Act 2010</b>	<b>Children's Services Regulations 2009 &amp; Children's Services Act 1996</b>
Ensure Primary Nominees, Nominees and Responsible Persons, have a clear understanding of their role.	✓				r.150 r.168-173 r.185	s.161-164	r.15 s.25I s.25K
The process for determining the Responsible Person will be clear to all educators/contractors and staff, and followed at all times.	✓	✓	✓		r.150 r.168-173	s.161-164	r.38-39 r.40 r.42 r.45 r.47 s.30
Ensure the Responsible Person is appropriately skilled and qualified.	✓	✓	✓		r.150 r.168-173	s.161-164	r.38-39
Ensure Responsible Person or Primary Nominees and Certified Supervisors have a clear understanding of the role of the Responsible Person.	✓	✓	✓		r.54 r.168-173 r.185	s.161-164	r.15 s.25I s.25K
A nominated Responsible Person in charge of the service will be on the premises at all times during service operation.		✓	✓			s.161-164	r.40 r.42 r.45 r.47
The name and position of the Responsible Person in charge of the service at any given time must be displayed at the entrance of services so that it is easily visible to anyone. Also, it must be prominently displayed at the Moonee Valley City Council Family Day Care office.		✓					r.40 r.42 r.45 r.47

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Action	Approved Provider	Responsible Person or Primary Nominee	Educator/Contractor	Families	Education and Care Services National Regulations	Education and Care Services National Law Act 2010	Children's Services Regulations 2009 & Children's Services Act 1996
Support and assistance to family day care educators/contractors must be available at all times the family day care service operates. Assistance can be provided by the approved Responsible Person, or Primary Nominee or a Certified Supervisor.	✓	✓				s.164	
Manage staff rosters to ensure that there is a Responsible Person as defined in the legislation at all times.		✓				s.161-164	r.40 r.42 r.45 r.47
As the details of the Responsible Person may change at various times of the day to reflect the education and care services roster, ensure that the name and phone number of the Responsible Person is displayed in a prominent position at all times of the service operating.		✓	✓			s.161-164	r.40 r.42 r.45 r.47
All staff and educators/contractors at the service are to be aware of who the Responsible Person is during the hours of operation.		✓	✓			s.161-164	r.40 r.42 r.45 r.47
Obtain the written consent of Certified Supervisors to be placed in day-to-day charge of the service.	✓	✓			r.54		r.38-39
Ensure that there is a contingency plan for services in times of illness or extended leave of the Responsible Person or Primary Nominee.	✓	✓					r.40 r.42 r.45 r.47
Advise the regulatory body when there is a change to Responsible Person or Primary Nominee.	✓				173		r.42 r.47

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## Link to Council Policies

This Policy and Procedures links to Council's *Occupational Health and Safety Policy* and *OHS Risk Management Program*, which cover a broad range of workplace health and safety issues. These issues relate to the workplace itself, the work undertaken in the workplace, and the people involved in or affected by work activities.

## Resources and Useful Websites

This Policy and Procedures are aligned to the following National Quality Standard  
[www.acecqa.gov.au/national-quality-framework/the-national-quality-standard](http://www.acecqa.gov.au/national-quality-framework/the-national-quality-standard)

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