

Procedure SO: 08.01 Responsible Persons



Policy – Service Management

Area – Service Operations

Document Control	
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Scope

This procedure, when read with the policy, provides a framework to guide all actions for the C&K Board, C&K staff, C&K Central, C&K branch services, C&K affiliate services*, children, parents, volunteers, contractors and visitors.

C&K associate members are excluded from the scope of this procedure.

*This procedure is optional for affiliate services.

Introduction

A 'responsible person' must be present during service operations. A responsible person can be:

- The Approved Provider - a person with service management or control (e.g. an executive member of the Volunteer Management Committee (VMC)),
- The Nominated Supervisor, or
- A Designated Supervisor.

This procedure should be read in conjunction with [ACECQA Information Sheet - Responsible person requirements for approved providers](#).

Procedure

1.0 Responsible Persons

1.1 Approved Provider

- An Approved Provider is a person or entity who holds provider approval, must hold a service approval to operate each service, and is legally responsible for children's health, safety and wellbeing and service compliance to *Education and Care Services National Regulations and Law (2011)*.
- C&K is the Approved Provider for all branch services.
- To be considered a responsible person and immediately upon appointment, the executive members of a Volunteer Management Committee (VMC) are required to complete and submit the following forms via the National Quality Agenda (NQA) IT System:
 - [PA08 Notification of change to information about approved provider](#) (ACECQA form)
 - [PA02 Declaration of fitness and propriety](#) (ACECQA form).

1.2 Nominated Supervisor

- Typically, the service Director is the Nominated Supervisor. This expectation is outlined in the position description, during recruitment and upon appointment.
- A Nominated Supervisor is legally responsible for children's health, safety and wellbeing and service compliance to *Education and Care Services National Regulations and Law (2011)* and C&K policies and procedures.
- A Nominated Supervisor must be and meet the Designated Supervisor criteria (refer to section 2.0 of this procedure).
- More than one (1) Nominated Supervisor may be appointed at a service (e.g. part-time co-directors working different days).
- The Approved Provider (i.e. C&K / VMC) must take reasonable steps to ensure an appointed Nominated Supervisor is not a prohibited person under National Law. When undertaking reference checks, C&K (including affiliate services) will ask each referee if they are aware of any compliance action under National Law or any other Law in relation

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to the candidate. A record of referee responses must be kept on file. Reference checks for branch educators are kept by the C&K Recruitment Team.

- A Nominated Supervisor does NOT need to be 'onsite' at all times. There is no specified time period the Nominated Supervisor must be 'onsite'.
- When a nominated supervisor is absent for an extended period (e.g. leave), the Children's Services Manager (CSM) / VMC are required to determine if another Nominated Supervisor should be appointed.
- If the Approved Provider (i.e. C&K or VMC) becomes aware of a matter or incident which may affect the ability of the Nominated Supervisor to meet minimum requirements (i.e. section 2.0 of this procedure), they must consider if it is appropriate to remove them as the Nominated Supervisor.
- The regulatory authority can restrict a person from being a Nominated Supervisor either entirely or subject to conditions, if they consider the person is not fit and proper to be the supervisor of an education and care service.
- Before an educator can act as a Nominated Supervisor a *NS01 [Nominated Supervisor Consent Form](#)* (ACECQA) must be completed and submitted to the regulatory authority:

Branch	Affiliate
<ol style="list-style-type: none"> 1. Educators to email completed <i>NS01 Nominated Supervisor Consent Form</i> to C&K Recruitment Team / Children's Services Manager (CSM). 2. The C&K Recruitment Team / CSM will forward to the Quality and Regulation Team (nqf@candk.asn.au). 3. The Quality and Regulation Team will complete the <i>NS02 Notification of change to Nominated Supervisor Form</i> on the NQA IT System AND attach the completed <i>NS01 Nominated Supervisor Consent Form</i>. 	<ol style="list-style-type: none"> 1. Complete a <i>NS02 Notification of change to Nominated Supervisor</i> on the NQA IT System AND attach the completed <i>NS01 Nominated supervisor consent form</i>.

1.2.1 Notifying the regulatory authority of changes to nominated supervisors

- An approved provider must notify the regulatory authority when a Nominated Supervisor is appointed through the NQA IT System by submitting a notification of change to nominated supervisor form. The Quality and Regulation Team submits this notification on behalf of branch services.
- The regulatory authority must be notified seven (7) days prior to the Nominated Supervisor starting, or if that is not possible, within 14 days after the Nominated Supervisor has commenced in the role.
- An Approved Provider must also notify the regulatory authority via a separate NQA IT System notification if the Nominated Supervisor:
 - changes their name or contact details,
 - is no longer employed or engaged by the service,
 - has been removed from the role or
 - withdraws their consent to the nomination.

The Quality and Regulation Team submits this notification on behalf of branch services.

1.2 Designated Supervisor

- A Designated Supervisor must be placed temporarily in charge of a service when the Nominated Supervisor is not physically present.
- When placed in day-to-day charge of a service, a Designated Supervisor must ensure the service operates in accordance with the Law and C&K policies and procedures.
- There is no maximum number of Designated Supervisors per service.

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- The Approved Provider (i.e. C&K / VMC) must take reasonable steps to ensure an appointed Designated Supervisor is not a prohibited person under National Law. When undertaking reference checks, C&K (including affiliate services) will ask each referee if they are aware of any compliance action under National Law or any other Law in relation to the candidate. A record of referee responses must be kept on file. Reference checks for branch educators are kept by the C&K Recruitment Team.
- If the Approved Provider (i.e. C&K or VMC) becomes aware of a matter or incident which may affect the ability of the Designated Supervisor to meet minimum requirements (section 2.0 of this procedure), they must consider if it is appropriate to remove them as the Designated Supervisor.

2.0 Designated Supervisor Criteria*

1. Be 18 years or older,
2. Have adequate knowledge and understanding of the provision of education and care to children,
3. Be fit and proper and able to effectively supervise and manage a service **AND**
4. Have at least one of the following:
 - minimum three years' experience working as an educator in an education and care service, or
 - hold an approved Certificate 111 and working towards an approved Diploma level education and care qualification, or
 - hold an approved Diploma level education and care qualification, or
 - be working towards or hold an approved early childhood teaching qualification.

- Educators who meet the above criteria are required to be a Designated Supervisor.
- Written consent (via a *SO: 08.01. T1 Template Designated Supervisor Consent*) is sought upon appointment and required before an educator can act as a Designated Supervisor. **Please note:** Certified Supervisors appointed prior to 1 October 2017, do **NOT** need to complete the *SO: 08.01. T1 Template Designated Supervisor Consent*. Written consent obtained prior to 1 October to be a certified supervisor will be sufficient to meet the requirements of this procedure.

*Under some circumstances, the CSM / VMC is able to nominate an educator to be a Designated Supervisor if they do not meet criterion 4. However, an educator is required to meet criteria 1 to 3 and at a minimum, be actively studying towards an approved Certificate 111 qualification.

3.0 If a Nominated Supervisor is absent

- When the Nominated Supervisor is absent from a service, a Designated Supervisor is required to be placed in charge of the service (i.e. be the responsible person).
- Considering the hours of operation of a childcare service, there may be a number of Designated Supervisors, who are placed in charge for different time periods throughout a given day.

4.0 No responsible person

- In the event a responsible person is not available to step up to be in charge of the day to day operation of a service, immediately contact your CSM / VMC to determine an appropriate plan of action.
- If a responsible person cannot be found, the service may need to close. If a service closes, notify the regulatory authority and refer to *SO01.05 Procedure Child Incident Reporting*. **Please note, only a Regional Manager or Senior C&K Manager / VMC can authorise a service closure.**

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6.0 Displays and records

- All records relating to Nominated and Designated Supervisors must be kept on service staff files. Records for branch casual Designated Supervisors are kept at C&K Central / HR.
- The date and times a responsible person is placed in charge of a service are to be recorded via the daily [staff sign in / out sheet](#) and [displayed prominently for parents / guardians and visitors.](#)
- The [C&K Service Profile](#) displays the nominated supervisor(s) name and photograph.

Links to associated documents

SO: 08.01.T1	<i>Template - Written consent to be a Designated Supervisor</i>
Template	<i>Service profile – available on the C&K intranet (NQF site)</i>
SO:01.05	<i>Procedure: Child Incident reporting</i>
PA02	Declaration of fitness and priority form (ACECQA)
PA08	Notification of change to information about approved provider form (ACECQA)
NS01	Nominated supervisor consent form (ACECQA)
Information Sheet	Nominated supervisor (ACECQA)
Information Sheet	Responsible person requirements for approved providers

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Acknowledgements and references

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- ACECQA. 2016. *Certified supervisors*. [ONLINE] Available at: <http://www.acecqa.gov.au/supervisor-certificate-approvals>. [Accessed 20 July, 2016].
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- ACECQA. 2016. *Nominated supervisors - information sheet*. [ONLINE] Available at: <http://files.acecqa.gov.au/files/Information%20sheets/Information%20Sheet%20-%20Nominated%20Supervisors%20140602.pdf>. [Accessed 20 July 2016]
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Revision Record

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