

CEEC GOV POL RESPONSIBLE PERSON POLICY

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| Policy Domain | GOVERNANCE |
| Document type | POLICY |
| Applicable to | CATHOLIC EARLY EDCARE |
| Version | 0.3 |
| Date approved | 12/11/2019 |
| Approved by | DIRECTOR, CATHOLIC EARLY EDCARE |
| Review date | 12/11/2021 |
| Policy Sponsor | GOVERNANCE |
| Related policy documents | CEEC HS POL Emergency Management Policy CEEC HS PRO Emergency Management Procedure CEEC Blue Card Policy CEEC Code Of Conduct CEEC Leave Management Policy CEEC OSHC LDC Staff Qualifications Policy CEEC Recruitment Selection Policy CEEC Staff Appointment Policy CEEC Staff Qualifications Policy Archdiocese Of Brisbane HR Employment Guidelines |
| Related legislation | Education And Care Services National Law (QLD) Act 2011 Education And Care Services National Regulations 2011 Education And Care Services National Amendment Regulations 2017 Guide To The National Quality Framework |

PURPOSE

Catholic Early EdCare (CEEC), a Directorate of Centacare under the Corporation of Trustees of the Roman Catholic Archdiocese of Brisbane as an Approved Provider abides by the national legislation and regulation requirements of a Responsible Person.

SCOPE

This policy applies to staff members as defined in the Education and Care Services National Law Act.

1. POLICY STATEMENT

- 1.1 This policy has been developed to comply with the following legislation –
- Education and Care Services National Law Act Section 162 Offence to operate Education and Care Service unless a Responsible Person is present

- Education and Care Services National Regulations 2011- Regulation 117C Minimum requirements for a nominated supervisor and Regulation 168 (2) (i) (ii) Education and Care Service must have policies and procedures
- Education and Care Services National Regulations 2011- Regulation 173 - Prescribed information to be displayed
- Australian Children’s Education & Care Quality Authority: Guide to the National Quality Framework Quality Area 4 – Staffing arrangements

2. RESPONSIBLE PERSON

2.1 A Responsible Person is –

- The Approved Provider, or
- A person with management or control, or
- A Nominated Supervisor, or
- A Person In Day to Day Charge of a Service (PIDTDC)

3. RESPONSIBLE PERSON - NOMINATED SUPERVISOR

3.1 In Catholic Early EdCare Services the position of Nominated Supervisor is generally held by the Coordinator/Director.

3.2 A Nominated Supervisor has a range of legal responsibilities under the Education and Care Services National Law and Regulations that govern the operation of an education and care service.

3.3 Catholic Early EdCare as an Approved Provider must nominate a Nominated Supervisor for a Service, however Catholic Early EdCare can appoint one or more individuals to be a Nominated Supervisor at a Service.

3.4 Catholic Early EdCare as the Approved Provider, or an Area Manager on behalf of the Approved Provider will determine if a person is suitable to be a Nominated Supervisor before nominating the person.

3.5 To be a Nominated Supervisor the following requirements must be met in accordance with the National Regulations (and sufficient evidence should be maintained by Catholic Early EdCare to demonstrate compliance to the requirements of Regulatory Authority). –

- Must be at least 18 years or over
- Have adequate knowledge and understanding of the provision of education and care to children
- Have an ability to effectively supervise and manage an education and care service
- Have completed child protection training requirements for their state and territory prior to commencement in the Nominated Supervisor position.

3.6 Additionally Catholic Early EdCare have the following requirements of a Nominated Supervisor–

- Accessed the CEEC GOV GUIDE Responsible Person Guide

- Complete the CEEC GOV FORM Nominated Supervisor Form
- Undertake to maintain a working knowledge of Catholic Early EdCare policies and procedures including but not limited to prescribed policies and procedures
- When relevant, commenced or completed the Catholic Early EdCare Coordinator/Director induction requirements

3.7 Once appointed, the Nominated Supervisor will retain this role until –

- The individual is no longer employed by the Catholic Early EdCare Service, or
- The individual withdraws consent to the nomination
- Catholic Early EdCare revokes the role from the employee

4. NOMINATED SUPERVISOR RESPONSIBILITIES

4.1 The Nominated Supervisor is responsible for –

- Ensuring that, in their absence from a Service premises, another person who meets the criteria of a Person In Day To Day Charge, and who has accepted the nomination in writing via the CEEC GOV FORM PIDTDC form, will be placed in day to day charge of a Service
- Ensuring they have an understanding of the responsibilities of a Responsible Person
- Ensuring that the name and position of the Responsible Person of a Service is displayed and visible from the main entrance of the Service
- Ensuring they have, and maintain, an understanding of the timeframes for reporting incidents, complaints, and changes to information required under legislation
- Ensuring that a register of the Responsible Person/s for that service is maintained on the CEEC Training Register
- Developing rosters and ratios in accordance with the availability of a Person In Day To Day Charge, hours of operation and the attendance patterns of children
- Notifying the Approved Provider within seven (7) days of withdrawing their consent to the nomination, the suspension or cancellation of a working with children card or teacher registration, or disciplinary proceedings under an Education Law of a participating jurisdiction or of any change to the name or contact details of any Nominated Supervisor.
- Before placing a person in the position of a PIDTDC, reasonable steps must be taken to ensure they meet minimum requirements
- It is recommended that Nominated Supervisors also keep a copy of any letter withdrawing their consent to being a Service's Nominated Supervisor. (Catholic Early EdCare advises that this also applies to PIDTDC).

5. NOMINATION AND ACCEPTANCE OF A NOMINATED SUPERVISOR

5.1 Once identified as meeting the required criteria, an Area Manager (or the Approved Provider) will nominate a person as a Nominated Supervisor. The nominated person is required to

acknowledge that they meet the criteria above and consent to the nomination for Nominated Supervisor.

- 5.2 For both existing and prospective employees nominated as a Nominated Supervisor, the relevant Area Manager will provide the following documents for completion –
- CEEC GOV FORM Nominated Supervisor form
 - CEEC GOV GUIDE Responsible Person Guide
 - CEEC PP POL Child Protection Policy
 - NS01 Nominated Supervisor Consent Form
- 5.3 It is a requirement that the existing and/or prospective employee returns the completed forms prior to commencement (to the sender).
- 5.4 When the returned forms are received by the relevant Area Manager the following is required–
- All returned documents are to be saved in the E personnel folder on the Service G Drive
 - The Area Manager is required to review the documents to confirm completion and forward the NS01 Nominated Supervisor Consent form to childcare@bne.centacare.net.au and Catholic Early EdCare will submit an NS02 (with the NS01 attached) to ACECQA
 - The Area Manager will copy the NS01 and the CEEC GOV FORM Nominated Supervisor form across to the L Drive/Service Name/OECEC/Compliance and Notifications/Nominated Supervisor
 - When the Approved Provider receives confirmation from ACECQA of the NS02 submission, the confirmation will be saved by Catholic Early EdCare in L Drive/Service Name/OECEC/Compliance and Notifications/Nominated Supervisor

6. RESPONSIBLE PERSON - PERSON IN DAY TO DAY CHARGE

- 6.1 A Person In Day To Day Charge (PIDTDC) is a person who has provided written consent to be responsible for the day to day operation of a Service in the absence of the Nominated Supervisor.
- 6.2 To be a PIDTDC the following requirements must be met in accordance with the National Regulations –
- Must be at least 18 years of age
 - Have adequate knowledge and understanding of the provision of education and care to children
 - Ability to effectively supervise and manage an education and care service
 - Have, and maintain, an understanding of the timeframes for reporting incidents, complaints, and changes to information required under legislation
 - Have completed child protection training requirements for their state and territory prior to commencement in the PIDTDC position.
- 6.3 Additionally Catholic Early EdCare have the following requirements of a PIDTDC –
- Accessed the CEEC GOV GUIDE Responsible Person Guide (available on AI)

- Completion of the CEEC GOV FORM PIDTDC form (available on AI)\
- Undertake to maintain and have a working knowledge of Catholic Early EdCare policies and procedures including but not limited to prescribed policies and procedures
- When relevant, commenced or completed the Catholic Early EdCare Coordinator/Director induction requirements

7. PIDTDC RESPONSIBILITIES

7.1 The PIDTDC is responsible for –

- Providing written consent to accept the nomination of the responsibilities of PIDTDC
- Ensuring they have a sound understanding of the responsibilities of PIDTDC
- Understanding that when placed in day-to-day charge of a Service this does not place any additional legal responsibilities on a person under the National Law, for example, where an educator becomes a PIDTDC the responsibilities relevant to educators under the National Law continue to apply.

8. NOMINATION AND ACCEPTANCE OF A PIDTDC

8.1 A Nominated Supervisor should gather sufficient evidence to demonstrate compliance that an Educator meets the requirements to be a PIDTDC and provide this as a recommendation to the Area Manager for nomination.

8.2 Catholic Early EdCare as the Approved Provider, or an Area Manager will determine if a person is suitable to be in day to day charge of a Catholic Early EdCare Service.

8.3 Once identified as meeting the required criteria, the Approved Provider or an Area Manager will nominate an Educator as a PIDTDC. The nominee is required to acknowledge that they meet the criteria above and consent (or decline the nomination) by completing the CEEC GOV FORM PIDTDC Form.

8.4 Completed CEEC GOV FORM PIDTDC forms are to be scanned and saved in the Service L Drive in the relevant E personnel folder.

9. PIDTDC – LOCATION SPECIFIC

9.1 In circumstances where a PIDTDC from one Service is rostered to perform PIDTDC duties at another Service, or intends to seek work at another Catholic Early EdCare Service as a PIDTDC, it is a requirement that the Area Manager nominates the employee for that responsibility at the new/additional workplace

9.2 The employee is then required to accept the nomination for the second and/or subsequent Service via the CEEC GOV FORM Responsible Person PIDTDC form, so that the employee can hold the responsibility of PIDTDC at additional Services.

- 9.3 Completed CEEC GOV FORM PIDTDC forms are to be saved in the Service L Drive in the relevant E personnel folder.

10. CHANGE IN RESPONSIBLE PERSON

- 10.1 Once appointed, a Responsible Person will retain the position/responsibilities until –
- The individual is no longer employed by the Catholic Early EdCare Service, or
 - The individual withdraws consent to the nomination
 - Catholic Early EdCare revokes the position/responsibilities from the employee

11. ABSENCE OF RESPONSIBLE PERSON – AGENCY STAFF

- 11.1 In circumstances where agency staff is required to fulfil the role of PIDTDC, the Approved Provider or Area Manager must ensure the following apply and/or is completed by the agency staff member prior to commencement –
- The agency staff member must be at least 18 years of age
 - The agency staff must have adequate knowledge and understanding of the provision of education and care to children
 - The agency staff member must have the ability to effectively supervise and manage an education and care service
 - The agency staff member must have completed child protection training requirements for their state and territory prior to commencement. In Queensland this requirement is met by reading the CEEC PP POL Child Protection Policy. In New South Wales this is met by completing a course in child protection approved by the NSW regulatory Authority.
 - It is recommended the agency staff member is provided with access to the CEEC GOV GUIDE Responsible Person Guide (available on AI)
 - The agency staff and the Area Manager must complete a CEEC GOV FORM PIDTDC form
 - Completed CEEC GOV FORM PIDTDC forms are to be scanned and saved in the Service L Drive in the relevant E personnel folder.

12. AREA MANAGER RESPONSIBILITIES

- 12.1 In addition to the responsibilities delegated to them by the Approved Provider, an Area Manager is required to –
- Nominate and accept employees for the responsibility of Nominated Supervisor and/or PIDTDC for their Services via the CEEC GOV FORM Nominated Supervisor form and/or the CEEC GOV FORM PIDTDC form

- Adhere to the Catholic Early EdCare internal processes stated in 5.4, 8.3 and 8.4 and ensure the completed NS01 is provided to childcare@bne.centacare.net.au for submission to ACECQA
- When visiting Services confirm the names for display at a Service is appropriate and compliant
- Adopt the responsibilities of a Nominated Supervisor for a Service in periods where there is no Nominated Supervisor appointed or in position
- Assist in the nomination, acceptance and training of Responsible Persons (Nominated Supervisors and/or PIDTDC)

13. APPROVED PROVIDER – GENERAL

13.1 Catholic Early EdCare as the Approved Provider will ensure as far as reasonably practical –

- It is the responsibility of the Approved Provider to notify the Authorised Authority at least seven days before a new person is to become the Nominated Supervisor (or as soon as practicable and not more than 14 days after they take up the role)
- That there is a Nominated Supervisor and/or Person In Day to Day Charge (PIDTDC) on the premises at all times a Catholic Early EdCare Service is delivering education and care programs for children
- That the name and position of the Nominated Supervisor and any PIDTDC of a Catholic Early EdCare Service is displayed and visible from the main entrance of the Service
- That a Catholic Early EdCare Service does not operate without a Nominated Supervisor or a PIDTDC, and that this person has given written consent
- That a Catholic Early EdCare Nominated Supervisor has an understanding of the responsibilities of a PIDTDC
- That the Regulatory Authority will be notified in writing if there any changes to –
 - The name of the Approved Provider
 - The appointment, removal or change in a person with management or control of the service operated by the Approved Provider (i.e. Nominated Supervisor)
 - The status of the Approved Provider as fit and proper
 - Notifying the Regulatory Authority if a Nominated Supervisor 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.
 - The Approved Provider of an education and care service must give written notice to the Regulatory Authority of any change to the name or contact details of any nominated supervisor of the education and care service

Timeframes for these notifications are outlined in CEEC GOV POL Governance and Service Management Policy.

14. APPROVED PROVIDER RESPONSIBILITIES

- 14.1 The Approved Provider when nominating the Nominated Supervisor or PIDTDC; or the Nominated Supervisor when recommending nomination of a PIDTDC must have regard to the nominee having a satisfactory history of compliance with—
- The National Law
 - A former education and care services law
 - A children’s services law
 - Any education law
 - Any decision under the National Law, or any other children’s services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person.
- 14.2 An Approved Provider must assess –
- If a person meets the minimum requirements before they nominate the person to be a Nominated Supervisor or PIDTDC and has adequate knowledge and understanding of the provision of education and care
 - If the Nominated Supervisor or the PIDTDC has the ability to effectively supervise and manage a service.
- 14.3 The Approved Provider should consider how a person’s skills and experience contribute to their ability to manage a service in accordance with the National Law and Regulations. This may include consideration of a person’s –
- Knowledge of, and ability to apply; practices that help ensure the education and care needs of children are met
 - Knowledge of, and ability to apply; practices that help ensure a service complies with the National Law and Regulations
 - Skills in managing relationships with staff and families at the service
- 14.4 Catholic Early EdCare as the Approved Provider may consider the following types of evidence for this requirement, as well as any other type of evidence of a person’s management ability –
- A supervisor certificate previously issued to the person under the National Law and any conditions which were imposed on the certificate
 - A résumé detailing their position, duties, duration of employment and their employer’s details
 - A written reference from an employer that addresses the person’s management ability
 - Transcripts or a certificate of attainment, demonstrating completion of units of study or professional development that is relevant to supervising or managing an education and care service. For example, courses or units that relate to staff management or managing an education and care service in accordance with the National Law and Regulations.
 - Information used to assess suitability of a Responsible Person should be kept as evidence on file. This may include records of reference checks, declarations, copies of qualifications or course completion certificates. This evidence will help demonstrate the Approved

Provider has taken reasonable steps to comply with requirements under the National Law.
This evidence does not need to be submitted to the regulatory authority.

15. SUPPORTING DOCUMENTS

- 15.1 CEEC GOV GUIDE Responsible Person Guide
- 15.2 CEEC GOV FORM Nominated Supervisor form
- 15.3 CEEC GOV FORM PIDTDC form

COMPLIANCE

Breaches of this policy will be dealt with under Centacare’s misconduct provisions, as stated in the Employment Guidelines Code of Conduct.

IMPLEMENTATION

Centacare will place this policy on the Archdiocesan Intranet (AI). Directors and managers are responsible for ensuring that the appropriate communication of policies and supporting documents to staff has occurred. All staff are responsible for understanding and complying with this policy. Contact the Policy Sponsor for further interpretation of this policy.

DEFINITIONS

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| Responsible Person | A Responsible Person is - The Approved Provider, or A person with management or control, or A Nominated Supervisor, or A Person In Day To Day Charge of a Service (PIDTDC) |
| Nominated Supervisor | Workers who have consented to the nomination by the Approved Provider to take on the responsibility and obligations under the National Law and National Regulations to manage a Kindergarten, Long Day Care, Outside School Hours Care Service. |
| Person In Day To Day charge (PIDTDC) | The PIDTDC is placed in day-to-day charge in the absence of the Nominated Supervisor by the Approved Provider or a Nominated Supervisor of the education and care service; and the person consents to the placement in writing. |
| Approved Provider | Approved Provider is a person who holds a provider approval. A provider approval authorises a person to apply for one or more service approvals and is valid in all jurisdictions. |

16. RECORD KEEPING

- 16.1 Catholic Early EdCare will maintain all records as required by AOB and Centacare policies and procedures relating to record keeping.

- 16.2 All Catholic Early EdCare Services are required to maintain all records in their Service folder on the L:\ drive.
- 16.3 All Catholic Early EdCare Services will adhere to Division 3 – Information and Record Keeping Requirements, Education and Care Services National Regulations; specifically Subdivision 4 – Confidentiality and Storage of Records (181, 182, 183, 184).
- 16.4 Catholic Early EdCare will ensure all privacy provisions are implemented in relation to record keeping in accordance with the Archdiocese of Brisbane (AOB) privacy statement and AOB privacy policy available on the AI portal this extends to storing records in a secure and confidential manner.
- 16.5 Service records will be maintained (stored and preserved) in conditions suitable to the length of time they need to be kept and made available for use. This applies regardless of the format of the records or the media they are stored on.
- 16.6 Catholic Early EdCare will coordinate the removal, archiving and disposal of records as required.