

Determining the Nominated Supervisor & Responsible Person Present Procedure

Knox Early Years Services

Purpose

This procedure will provide guidance to assist in determining the Nominated Supervisor and Responsible Person for Knox City Council (KCC) Early Years Services.

Procedure

Knox Early Years Services will ensure a nominated supervisor or responsible person will be on the premises at all times, and the details of the nominated supervisor or responsible person will be clearly displayed and visible from the entrance at all times for educators, staff and families (*Education and Care Services National Law Act: Section 172*)

A Responsible person includes:

- The approved provider;
- The nominated supervisor;
- A person in day-to day charge of the service.

The approved provider is responsible for:

- Determining if a person is suitable to be a nominated supervisor, before nominating at least one Nominated Supervisor for each Knox City Council (KCC) Early Years Services. The nominated supervisor must provide written consent to accept responsibilities of the nominated supervisor nomination. For more information on Nominated Supervisor and Responsible Person requirements, see [Appendix One](#). It is an offence for an Approved Provider to nominate a person to be Nominated Supervisor if they do not meet prescribed minimum requirements. (*Education and Care Services National Law Section 161 & Education and Care National Regulations Section 117*)
- Providing a Nominated Supervisor or Responsible person to be physically present at KCC Early Years service's at all times (*Education and Care Services National Law: Section 162*)
- Making sure that the designated Nominated Supervisor and Responsible Persons have a clear understanding of the role and responsibilities and accept the designated role in writing.
- Making sure that Nominated Supervisors and Responsible Persons are advised of child protection laws and obligations.
- Making sure that information about the Nominated Supervisor and Responsible Person, including name, address, date to birth, and evidence of qualifications, approved training, and a Working with Children's Check or Victorian Institute of Teaching registration including expiry date of that registration is kept on the staff record. (*Education and Care Services National Regulations: Section 146*)
- Advising the regulatory authority through the NQA IT System if the approved provider wishes to change the designated Nominated Supervisor by submitting a Notification of Change to nominated supervisor form. (*Education and Care Services National Law Act: Section 56*)
- Notifying the regulatory authority if a Nominated Supervisor or a Responsible Person of the service has their Working with Children's Check or Victorian Institute of Teaching registration suspended or cancelled, or if they are subject to any disciplinary proceedings under the law. (*Education and Care Services National Law Act: Section 121*)

NOTE:

From 1 October 2017, current nominated supervisors who have previously consented to the role and been notified to the regulatory authority, do not need to provide consent again to continue in this role if the approved provider considers they continue to be suitable.

From 1 October 2017, if a person previously obtained a certified supervisor certificate, and they provided their written consent to be in day-to-day charge of a service, they can be taken to have provided written consent to being a Person in Day-to-Day Charge of a Service.

The Nominated Supervisor or Responsible Person of the service is responsible for:

- Accepting the designation of Nominated Supervisor or Responsible Person. By signing the Responsible Person designation on the Educator Personal Record that you have understood the roles and responsibilities under the Education and Care Services National Law and Regulation.
- Completing and signing a Compliance History Statement and a Prohibition Notice Declaration as part of the recruitment/induction process for new staff employed and nominated for Nominated Supervisor or Responsible Person.
- Successful completion of Victorian child protection training for all Nominated Supervisors and Responsible Persons.
- Making sure the name of the Nominated Supervisor or Responsible person is clearly displayed in the main entrance at the service.
- Making sure a Nominated Supervisor or Responsible person is physically present at the service at all times and this is documented and displayed.

Child Protection:

Each nominated supervisor and Responsible Person of the service must have completed the child protection training required in Victoria.

Record Keeping:

Information used to assess a persons suitability to be a nominated supervisor and responsible person of a service should be kept as evidence on file. This may include but not limited to records of reference checks, declarations, copies of qualifications or course completion certificates.

If the prospective nominated supervisor or responsible person of the service is a new employee to the service, the approved provider should conduct thorough checks of the person's references, including their current and previous employers. Each referee should be asked if they are aware of any compliance action under the National Law or any other law in relation to the candidate. Referee responses should be recorded and kept on file.

Forms to support Nomination of Nominated Supervisor and Responsible Person of the service:

- Compliance History Statement
- Prohibition notice declaration for prospective staff members.

Available from: <http://www.acecqa.gov.au/sample-forms-and-templates-now-available>

After the Nomination:

- If the approved provider becomes aware of a matter or incident, which affects the ability of the nominated supervisor or PIDTDC to meet the minimum requirements for the position, they should consider if it is appropriate to remove the person from their position as nominated supervisor or PIDTDC.

Educators are responsible for:

- Having a detailed understanding of the role and responsibilities before accepting the role of Nominated Supervisor or Responsible Person.
- Accepting the role of Nominated Supervisor or Responsible Person in writing. (*Education and Care Services Regulations: Section 54*)

Definitions

Approved Provider:	Someone with management or control that will operate the education and care service, this can be an individual, an organisation or a company.
Educator:	These are staff employed to care and educate children enrolled in the Early Years' Service. This may include but is not limited to an Approved Provider, Responsible Person, Nominated Supervisor Person In Day-to-Day Charge and Educational Leader
Early Years Service:	Refers to Long Day Care, Occasional Care and Preschools unless otherwise specified.
Nominated Supervisor:	This is a person designated by the service as the Nominated Supervisor.
Responsible Person:	Must be present at all times at a centre based service who is educating and caring for children. A responsible person can be one of the following (section 162): <ul style="list-style-type: none">• The approved provider or a person with management or control• The nominated supervisor of the service• A person who has been placed in day-to-day charge of the service.
Parent:	The term 'parent' includes a child's legal guardian. It does not include a parent who is prohibited by a court order from having contact with the child.
Person in Day-to-Day Charge of the Service:	In relation to an education and care service, means a person who is placed in day-to-day charge of the service in accordance with the national regulations.

Legislation and Standards

Education and Care Services National Regulations 2011
Education and Care Services National Amendment Regulations 2017
Education and Care Services National Law 2010
National Quality Standard

References and Sources

National Quality Standard and Operational Requirements, Part B Operational Requirements October 2017
Responsible Person Requirement for Approved Provider – National Quality Framework Information Sheet.

Related Policy and Procedures

Staffing Arrangements Policy

Appendix One:

Responsibilities of the Approved Provider in Nominating a Nominated Supervisor and the Approved Provider and Nominated Supervisor for placing a Person In Day-to-Day Charge of a Service:

An approved service must have at least one nominated supervisor. The nominated supervisor must provide written consent to the nominated supervisor nomination.

The approved provider or a nominated supervisor may place a person in day-to-day charge (PIDTDC) of a service. A PIDTDC of the service is the point of contact for parents and staff and must meet minimum requirements to be appointed to the role. The person must give written consent to being a PIDTDC.

NOTE: Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the National Law.

Minimum Requirements to be a Nominated Supervisor or Responsible Person of a Service:

The approved provider may nominate a person to be a nominated supervisor if they meet certain requirements. The approved provider or a nominated supervisor may nominate the placement of a PIDTDC of the Service:

To be a nominated supervisor or Responsible Person of the Service the person must:

- Be at least 18 years of age
- Have adequate knowledge and understanding of the provision of education and care to children
- Have the ability to effectively supervise and manage an education and care service.

In determining whether to nominate a person as the nominated supervisor, the approved provider must consider:

- The history of the persons compliance with:
 - The National Law
 - A former education and care services law
 - A children’s services law
 - An 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.

Guidance for approved providers, in nominating a nominated supervisor and the Responsible Person in the absence of the Nominated Supervisor:

An approved provider must assess if a person meets the minimum requirements (above) before they nominate the person to be a nominated supervisor or place a responsible person in day-to-day charge of a service.

The approved provider should also consider if the person has adequate knowledge and understanding of the provision of education and care and the ability to effectively supervise and manage a service (see below).

Adequate knowledge and understanding:

The approved provider should consider the persons qualifications, skills and work experience in determining if the person has adequate knowledge and understanding of the provision of education and care of children.

The approved provider may consider the following types of evidence against this requirement:

- A supervisor certificate previously issued to the person under the National Law, including any conditions which were imposed on the supervisor certificate
- A resume detailing the person’s position, duties, duration of employment and their employer’s details.
- A written reference from an employer that addresses the person’s knowledge and understanding of the provision of the education and care to children.

- Transcripts demonstrating completion of an education and care qualification. For example, evidence of completing an approved diploma level education and care qualification may indicate that the person has adequate knowledge and understanding of the provision of education and care to children.

Under the National Regulations, a nominated supervisor and responsible person must have the ability to effectively supervise and manage a service. The approved provider and/or nominated supervisor 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 the 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.

Approved providers and/or Nominated Supervisors may consider any other type of evidence that satisfies them of the person's adequate knowledge and understanding of the provision of education and care to children.