



Procedure - internal

Family Day Care Determining the Responsible Person

Table of contents

Introduction	2
Purpose and scope	2
Procedures	2
Identify nominated supervisor and obtain consent.....	2
Identify persons to place in day-to-day charge, and obtain consent	3
Notifications	4
Ensure a responsible person is available to assist educators.....	4
Keep records	5
Review and evaluation.....	5
Controlled Document Information	6

Introduction

A Family Day Care service must ensure that appropriate assistance is available from a 'responsible person' to provide support when an educator is educating and caring for a child (*Law 164*). This includes being available to be contacted by telephone to provide advice and assistance to the educator.

A responsible person may be

- The Approved Provider or a person with management or control of the service
- A nominated supervisor of the service, or
- A person in day-to-day charge of the service

Typically, the Nominated Supervisor has oversight responsibility for managing the day-to-day operation of the service in accordance with all applicable requirements and obligations. There may be occasions when availability for providing direction, advice and guidance is appointed to another suitable person, when the Nominated Supervisor is absent or unavailable.

Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under national law - obligations assigned to the Nominated Supervisor under applicable education and care services National Law and Regulation remain at all times with the Nominated Supervisor.

Purpose and scope

This Procedure outlines minimum requirements for, and appointing, nominated supervisor and person to be placed in day-to-day charge of the service.

Procedures

Item	Summary	Resources
<p>Identify nominated supervisor and obtain consent</p>	<p>Approved Provider will:</p> <ol style="list-style-type: none"> 1. Nominate a Nominated Supervisor to adopt oversight responsibility for delivery of the service in accordance with applicable legislation and obligations 2. Ensure that the Nominated Supervisor is considered 'fit and proper' to be involved in the provision of care and administration of public money (for managing Child care Subsidy), including <ol style="list-style-type: none"> a. Is 18 years of age or older b. Has adequate knowledge and understanding of the provision of education and care to children; and c. Has the ability to effectively supervise and manage an education and care service (considering compliance with applicable legislations, and having regard for any decision to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person under applicable legislation) (<i>Regulation 117C</i>) d. Has successfully completed an approved child protection qualification (<i>Law 162A</i>) 	<p>Compliance History Statement for a person to be a person in day-to-day charge (PIDTDC)</p> <p>Prohibition notice declaration for prospective staff members</p>

Procedure - internal Family Day Care Determining the Responsible Person

	<p>e. Is competent – they have the skills, knowledge and experience needed - to comply with Family Assistance Law, including (but not necessarily limited to)</p> <ul style="list-style-type: none"> i. has a good character – they are diligent, honest and have good judgement and integrity ii. is law abiding – not disqualified by law from performing their role iii. is free of conflicts of interest. <p>3. Not nominate a person as a Nominated Supervisor of an education and care service if the approved provider knows, or could reasonably have known that person was prohibited from being nominated <i>(Law 188)</i></p> <p>4. Obtain written consent from the Nominated Supervisor to the nomination <i>(Law 5-definitions)</i></p> <p>5. Display the name of the Nominated Supervisor so that it is visible from the Approved Service main entrance <i>(Law 172)</i></p> <p>Nominated Supervisor will:</p> <p>6. Not give an approved provider (Council) any information about the content or existence of a prohibition notice that is false or misleading <i>(Law 188)</i></p>	
<p>Identify persons to place in day-to-day charge, and obtain consent</p>	<p>Approved Service / nominated Supervisor will:</p> <p>7. Ensure that any person to be placed in day-to-day charge is considered ‘fit and proper’ to be involved in the provision of care including</p> <ul style="list-style-type: none"> a. Is 18 years of age or older b. has adequate knowledge and understanding of the provision of education and care to children; and c. has the ability to effectively supervise and manage an education and care service (considering compliance with applicable legislations, and having regard for any decision to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person under applicable legislation) <i>(Regulation 117C)</i> d. has successfully completed an approved child protection qualification <i>(Law 162A)</i> e. has Current approved first aid qualifications, including management of asthma and anaphylaxis, and CPR <p>8. Obtain written consent to the nomination from the Person who may be placed in day-to-day charge</p>	

Procedure - internal Family Day Care Determining the Responsible Person

	<p>9. Determine who will be placed in day-to-day charge at any given time, in the absence/unavailability of the Nominated Supervisor, according to:</p> <ol style="list-style-type: none"> a. the amount of experience a person has b. the extent of a person’s skills and competencies, c. the level of knowledge and understanding about providing an education and care to children d. the degree of a person’s ability to effectively supervise and manage the day-to-day operation of the service <p>and considering:</p> <ol style="list-style-type: none"> e. the length or period of time a person is needed to adopt responsibility for day-to-day charge of the service f. the accessibility and availability of the person during the period g. sharing responsibility between identified responsible persons, including opportunity for upskilling individuals when they can be supported by more experienced responsible persons <p>10. Appoint a person in day-to-day charge with acting higher-grade duties if applicable in accordance with Council ‘Payment of Relief Duties/Work (Acting Duties’) internal policy and procedure</p>	
<p>Notifications</p>	<p>Approved Provider will:</p> <ol style="list-style-type: none"> 11. Notify the regulatory authority when a Nominated Supervisor is appointed, 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 12. Notify the regulatory authority if the Nominated Supervisor: <ol style="list-style-type: none"> a. Changes their name or contact details b. Is no longer employed or engaged by the service c. Has been removed from the role, or d. Withdraws their consent to the nomination 	<p>National Quality Agenda IT System (NQAITS) – NS02 – notification of change to nominated supervisor</p>
<p>Ensure a responsible person is available to assist educators</p>	<p>Approved Service will:</p> <ol style="list-style-type: none"> 13. Maintain regular office hours with phone and email accessibility for educators 14. Notify educators if there is to be any interruption to attended office availability 15. Make mobile phone contact numbers for the Nominated Supervisor and any persons with day-to-day-charge available for educators for assistance if required outside of typical attended office hours, or in an emergency 	

Procedure - internal Family Day Care Determining the Responsible Person

	<p>Persons in day-to-day charge will:</p> <p>16. Seek assistance from the Nominated Supervisor, or the Manager Community Partnerships (Approved Provider delegate/Person with management control) to support any direction, guidance or advice as needed</p>	
<p>Keep records</p>	<p>Approved Service will:</p> <p>17. Keep record of Nominated Supervisor and Person in day-to-day-charge nomination consents with their staff personnel record and in the staff register</p> <p>18. Make and keep a record of who is in day-to-day charge, in the staff attendance record</p>	

Review and evaluation

This procedure will be reviewed in accordance with any changes to applicable legislation obligation or requirement.

Controlled Document Information

Authorisation Details

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Department:	Community Partnerships	Officer:	Service Manager Family Day Care - Kim Hartmann
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Related Document Information, Standards & References

Related Legislation:	Education and Care Services National Law and Regulation	
Related Policies:		
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	Monitoring supporting and supervising procedure	
Standards, COP's & Other References		

Definitions

Term / Abbreviation	Definition
Approved provider	Means a person who holds a provider approval
Nominated Supervisor	In relation to an education and care service, means an individual who is nominated by the approved provider to be a nominated supervisor of that service, and who has provided written consent to that nomination
Person in day to day charge	In relation to an education and care service, means a person who is placed in day-to-day charge of the service by the approved provider or a nominates supervisor of the education and care service, and the person has consented to the placement in writing.
Person with management of control	In relation to an education and care service, means a person who has responsibility, alone or with others, for managing the delivery of the education and care service

Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Family Day Care Staff Educators and Stakeholders
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Version History

Version No	Date Changed	Modified By	Details and Comments
1	16/12/2022	K Hartmann	New procedure initiated by monitoring visit August 2022.