

Intereach Children's Services

Determining Responsible Person and Staffing Procedure



Applies to	Intereach Family Day Care (FDC) and Intereach Out of School Hours (OOSH)				
Policy	NQS Four: Staffing Arrangements Policy				
Definition/s	Refer to Schedule of Definitions: <i>Approved Provider, Nominated Supervisor, Responsible Person, Educational Leader, Educator</i>				
Version	2.0	Date approved	4/5/2023	Next review date	4/5/2026

1. Objective

Intereach, as the Approved Provider, is committed to the following:

- appointing a suitably qualified and experienced Nominated Supervisor and Educational Leader;
- ensuring staff with management, control or people responsible for the day-to-day operation of the service and FDC educators will be 'fit and proper persons' to operate an Education and Care service and to administer payments under the Child Care Subsidy and Additional Child Care Subsidy;
- maintaining the required educator to child ratios at all times based on the ages and number of children being educated and cared for at the service; and,
- ensuring staff and educators comply with the *ECA Code of Ethics (2016)*, *Intereach Code of Conduct* and *Child Safe Code of Conduct*.

Under Child Care Subsidy requirements, Intereach, as the Approved Provider, is required to appoint people to the following roles:

- persons with management or control of the provider;
- persons responsible for the day to day operation of the service; and,
- administration staff & service coordinators.

2. Responsibilities

The following information supports the role and responsibilities attributed to each appointed position.

It is the responsibility of the Approved Provider to ensure:

- there is always a Responsible Person on the premises when the service is delivering education and care programs for children or for FDC, there is a Responsible Person available to assist educators and families at any time a child is being educated and cared for. 'Available' includes being available by telephone to provide advice and assistance to the educator;
- that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of each service;
- that the name of the Nominated Supervisor is displayed prominently in the service;
- that in the absence from the service premises of a Nominated Supervisor, the Responsible Person is placed in day-to-day charge of the service;
- that for OOSH, a register will be used to record who the Responsible Person has been during operating hours of the service;
- that the Nominated Supervisor and educators have a sound understanding of the role of the Responsible Person;

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- Responsible Persons have a history of compliance with the National Law and all decisions under the Law;
- the Nominated Supervisor/s and people in day-to-day charge of the service have successfully completed children protection training as required by their jurisdiction;
- each person in day-to-day charge of a service complies with each of the following:
 - is 18 years of age or older;
 - has adequate knowledge and understanding of the provision of education and care to children;
 - can effectively supervise and manage an education and care service;
 - is appropriately skilled and qualified; and,
 - holds a child protection qualification.
- when they nominate an Educational Leader, the appointment is made in writing and written consent from that person is sought;
- the Educational Leader has a clear understanding of the role and is capable of leading the development and implementation of educational programs in the service;
- that staff and educators hold relevant qualifications;
- compliance with an obligation to submit notifications to the Regulatory Authority online via the National Quality Agenda (NQA) IT System or by contacting the Regulatory Authority directly of certain incidents and allegations while a child or children are being educated and cared for by the service;
- the Nominated Supervisor and staff are advised of child protection laws, child safe standards and obligations;
- the Nominated Supervisor and staff have current working with children checks that comply with working with children laws in all jurisdictions;
- that when determining whether a person is a fit and proper person to be involved in the administration of the Child Care Subsidy and the Additional Child Care Subsidy, matters involving fraud, dishonesty, financial management, compliance with the law and administration of funds are all relevant considerations. Matters considered in determining whether someone is a fit and proper person include:
 - evidence of activity that does not comply with criminal or civil law, including (but not limited to) activity related to children or indicating dishonesty or violence;
 - court proceedings and convictions or findings of guilt, including (but not limited to) activity related to children or indicating dishonesty or violence;
 - any past administrative decisions relating to a person's suitability to be involved in child care;
 - evidence of fraud or dishonesty;
 - the person's history of managing public funds; and any past or current debts to the Commonwealth;
 - the person's record of financial management, including any instances of bankruptcy, insolvency or external administration;
 - any potential conflicts of interest between managing or delivering the child care service and other business or financial interests of the person; and,
 - any other matter relevant to the suitability of the provider and their staff.

Note: Specified personnel must be fit and proper persons, regardless of whether they are required to use the Child Care Subsidy System.

It is the responsibility of the Nominated Supervisor to ensure:

- that in their absence from the service premises, another Responsible Person is placed in day-to-day charge of the service;
- they have a sound understanding of the role of Responsible Person; and,
- that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service.

It is the responsibility of the Responsible Person to:

- ensure they have a sound understanding of the role of the Responsible Person;
- understand that a Responsible Person placed in day-to-day charge of an approved service does not have the same responsibilities under the National Law as the Nominated Supervisor; and,
- exercise supervisory and leadership responsibilities in the absence of the Nominated Supervisor.

It is the responsibility of the Educational Leader to:

- ensure they have a sound understanding of the role of the Educational Leader; and,
- carry out the role of Educational Leader as described in the position description.

2.1. Staffing arrangements at Intereach FDC

Intereach, as the Approved Provider, will ensure that:

- there is a minimum ratio of one full-time equivalent coordinator to 25 educators registered at the service. When employing more than 25 educators, a pro-rata allowance for second and subsequent coordinators is applied which is 0.2 FTE coordinators for every 5 educators.
- Educators comply with the required ratios;
- Intereach only registers educators who are over 18 years of age;
- Child Development Coordinators have an approved Diploma level education and care qualification;
- all educators have at least an approved Certificate III level education and care qualification;
- each educator holds and maintains a current approved first aid qualification, including emergency asthma management, anaphylaxis management, Child protection training and annually update their CPR training; and,
- each Family Day Care educator registered with the service maintains an adequate knowledge and understanding of the provision of education and care to children.

3. Procedure

3.1. Requirements for Recruitment

The Approved Provider will:

- notify the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor;
- notify the Regulatory Authority if there are any changes to the Nominated Supervisor, including:
 - changes their name or contact details;
 - is no longer employed or engaged by the service;
 - has been removed from the role;
 - withdraws their consent to the nomination;
 - suspension or cancellation of a Working with Children Check card or teacher registration; and,

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- being subject to disciplinary proceedings;
- 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 notification must be made 7 days prior to the Nominated Supervisor starting, or if this is not possible, within 14 days after the Nominated Supervisor has commenced in the role;
- only employ people who are over 18 years of age. Trainee staff may be under 18 years of age;
- only include educators in the educator-to-child ratio when they are working directly with the children;
- ensure that each person employed in or managing childcare, understands their role and the actions they are each allowed regarding the Child Care Subsidy System (refer to Appendix One); and,
- ensure that the following checks are undertaken prior to appointing people in the following roles – refer to table outlines the roles of people employed in or managing child care and the checks required to determine they are fit and proper persons:

Checks required	Person with management or control of the provider	Person with responsibility for day-to-day operation of the service	FDC educator
National Police Certificate from the state or territory police service (or an agency accredited by the Australian Criminal Intelligence Commission) no more than six months before the date of the application	✓	✓	✓
Working with children card (if required to hold one)	✓	✓	✓
National Personal Insolvency Index check performed using the Bankruptcy Register Search service provided by the Australian Financial Security Authority	✓		
Evidence that the person does not appear on the banned and disqualified register held by the Australian Securities and Investments Commission (ASIC)	✓		
A current and historical personal name extract search of ASIC records	✓		

3.2. Requirement for acceptance of role

The Nominated Supervisor will:

- provide written consent to accept the role of Nominated Supervisor;
- notify the Approved Provider within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status as fit and proper, such as the suspension or cancellation of a Working with Children Check card or teacher registration, or if they are subject to disciplinary proceedings; and
- undertake an Australian National Police Criminal History Check as requested by Intereach.

Note: Regulatory authorities can restrict a person from being a Nominated Supervisor either entirely or subject to conditions, if it considers the person is not fit and proper to be the supervisor of an education and care service. Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the National Law.

The Responsible Person will:

- provide written consent to accept the role of Responsible Person;
- check that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service; and,
- undertake an Australian National Police Criminal History Check as requested by Intereach.

The Educational Leader will:

- provide written consent to accept the role of Educational Leader.

4. Monitoring, evaluation and review

This procedure will be reviewed every three years and incorporate feedback and suggestions from children, families, educators, co-ordinators, volunteers, and students.

5. National Quality Framework

Standard/ Elements	Concept	Descriptor
4.1	Staffing arrangements	Staffing arrangements enhance children's learning and development.
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development.
4.1.2	Continuity of staff	Every effort is made for children to experience continuity of educators at the service.
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.
7.1	Governance	Governance supports the operation of a quality service.
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.

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7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.
7.2.2	Educational Leadership	The educational leader is supported and leads the development and implementation of the educational program and assessment and planning cycle.
7.2.3	Development of professionals	Educators, co-ordinators and staff members' performance is regularly evaluated and individual plans are in place to support learning and development.

6. Procedure Context - this procedure relates to:	
6.1. Standards or other external requirements	<p>Australian Children's Education and Care Quality Authority (2017). <i>National Quality Standards</i>.</p> <p>Australian Children's Education and Care Quality Authority (2017). <i>Guide to the National Quality Framework</i>.</p> <p>Early Childhood Australia (2016). <i>Code of Ethics</i>.</p> <p>Department of Education, Employment and Workplace Relations. <i>Childcare Service Handbook, 2018 - 2019</i>.</p> <p>Child Safe Standards NSW</p> <p>Child Safe Standards VIC</p>
6.2. Legislation or other requirements	<p>Education and Care Services National Regulations consolidated 2017</p> <p>Education and Care Services National Law Act 2010</p>
6.3. Internal Documentation	<p>Intereach Code of Conduct Policy</p> <p>Intereach Disciplinary and Dismissal Policy</p> <p>Intereach Recruitment and Selection Policy</p> <p>Intereach Child Safe Code of Conduct</p> <p>Children's Services Staffing Arrangement Policy</p>

7. Document control			
Version	Date approved	Approved by	Next review date
1.0	15/04/2020	R.Phillips - Acting Senior Manager, Children and Family Services	15/04/2023
2.0	04/05/2023	M. Piffero – General Manager, Operations	04/05/2023

Appendix One

The roles of people employed in or managing child care and the actions they are each allowed regarding the Child Care Subsidy System:

Role	Allowed actions in relation to the Childcare Subsidy System
<p>Persons with management or control of the provider.</p> <p>The following people are persons with management or control of the provider:</p> <ul style="list-style-type: none"> ○ a member of the group of persons responsible for the executive decision of the provider; ○ a person who has authority or responsibility for, or significant influence over, planning, directing or controlling the activities of the provider; ○ a person who is responsible for the day-to-day operations of the provider (whether or not the person is employed by the provider); and/or, ○ a person who is responsible for the day-to-day operation of a child care service, for which the provider is approved or seeking approval (whether or not the person is employed by the provider) <p>In other words, these are people who participate directly or indirectly in the decision-making or management of the provider (the legal entity) that operates the childcare service</p> <p>Depending on the structure of the organisation and involvement of the individual, this may include the executive officers, board members, officers of the body corporate, the partners or a member of the organisation's governing body and persons in management positions</p>	<p>These people may (subject to their authority and capacity to do so within the provider's organisation):</p> <p>change bank account details and other information regarding the childcare service;</p> <p>add and remove other persons, such as persons responsible for the day-to-day operation of the service, from the Child Care Subsidy System;</p> <p>authorise data submission transactions to the Child Care Subsidy System;</p> <p>notify the Department of Education of the cessation of operations; and,</p> <p>apply to add or remove a service</p>
<p>Person or Persons Responsible for the day-to-day operation of the service</p> <p>These are persons nominated by a person with management or control of the provider to be responsible for day-to-day operation of the service</p>	<p>When nominated to do so by the persons with management or control of the provider, they may:</p> <p>add and remove persons responsible for the day-to-day operation of the service and service contacts;</p> <p>authorise data submission transactions to the Child Care Subsidy System; and,</p> <p>notify the Department of Education of changes regarding the service for which they are responsible, excluding bank</p>

Role	Allowed actions in relation to the Childcare Subsidy System
	account details and cessation of operations.
<p>Service contacts</p> <p>These are people nominated by the persons with management and control of the provider or responsible for day-to-day operation of the service who are authorised to discuss family entitlements and transaction processing results with the Department of Education.</p>	<p>They can notify the Department of Education of non-financial contact details, including addresses and phone numbers, but they cannot notify the department about any other changes to information about a service.</p>
<p>FDC educators</p> <p>These are people contracted, engaged or employed by a FDC provider to provide care for children and record attendance information.</p>	<p>FDC educators are specified personnel, but they do not interact directly with the Child Care Subsidy System (in their capacity as a FDC educator).</p>