

Management of Local Services

- *Determining the Responsible Person*

Policy Statement

Meerilinga as an organisation is the Approved Provider of the children's programs and aims to ensure all legal and financial requirements are implemented and recognised through effective governance practices that are based upon the principles and elements of the organisation.

Our organisation is committed to ensuring good governance and accountability to its stakeholders by:

- Conducting our affairs legally, ethically and with integrity, ensuring compliant with all funding, regulatory and legislative requirements placed on the organisation.
- Remaining solvent and comply with all our financial obligations.
- Identifying organisational risks and legal obligations and manage these.
- Ensuring mechanisms are in place for fair and transparent governance.

This Policy is to be read in conjunction with Meerilinga's Strategic and Business Planning – Governance Policy.

The Approved Provider appoints the Chief Executive Officer (CEO) as the person with management or control of the service. The CEO is responsible for guiding the direction of the children's programs, ensuring their goals and objectives are met in line with the philosophy, and all legal and regulatory requirements governing the operation of the service.

The CEO will appoint a Nominated Supervisor / Responsible Persons for the day to day management and responsibility for the service. In the absence of the Nominated Supervisor, a person deemed responsible by the CEO is to be placed in charge as the Responsible Person.

A Responsible Person must be physically in attendance at all times the service is educating and caring for children.

Policy Purpose

Our service recognises the importance of having a framework of rules, relationships, systems and processes within, and by which authority is exercised and controlled in the organisation. We view good governance and management as essential to our provision of quality education and care.

We are committed to meeting our duty of care obligations under the National Law and Regulations to ensure a Responsible Person is on the premises at all times to ensure the health, safety, wellbeing, learning and development of children at the service is maintained at all times.

Scope

This Policy applies to the Approved Provider, Advisors, Nominated Supervisor/Responsible Persons, Co-ordinators, Educators and Staff of the organisation.

Exclusions

Policy Review

Biennial or from time to time when the organisation may make changes to this policy to improve the effectiveness of its operations and customer service.

Policy Reviewed	25 November 2023	By	Advisor Policy & Compliance
Approved By	CEO		
Previous Review	21 October 2021		

Implementation

The Approved Provider and Nominated Supervisor of the service accept the legal responsibilities associated with establishing, administering, and maintaining the service.

The CEO must approve all appointments to Nominated Supervisor and Responsible Persons for the day to day management and responsibility of the service. This person will be aged 18 years or older, has adequate knowledge and understanding of the provision of education and care to children, and has an ability to effectively supervise and manage an education and care service.

Our service will have one Responsible Person present at all times when caring for and educating children. A responsible person is:

- An Approved Provider,
- A Nominated Supervisor, or
- A duly appointed person, 18 years or older, fit and proper, and have suitable skills.

The details of the Responsible Person will be readily available to families and visitors.

If the Responsible Person leaves the premises, they will 'hand over' obligations for the role to another duly appointed person at the service. It is vital that all hand-overs to a designated Responsible Person are documented via the roster when commencing this position throughout the day.

The Responsible Person will be clear to all educators and staff, and procedures will be followed at all times. Both the outgoing and incoming Responsible Persons will ensure the displayed name of the current Responsible Person at the service correctly reflects who presently holds the position.

The Approved Provider is responsible for:

- Complying with all other Western Australian and Australian Governments' legislation that impact upon the management and operations of a service.
- Developing and implementing ethical standards and a code of conduct which guide actions and decisions in a way that is consistent and reflective of the service's expectations.
- Approving all appointments of Advisors, Nominated Supervisor/Responsible Persons and an Educational Leader for the service.
- Acting honestly and with due diligence.
- Ensuring there is a sound foundation of policies and processes that complies with all legislative and regulatory requirements, and that enables the daily operation of the service to be in line with the service's philosophy and goals.
- Being an employer, including all legal and ethical responsibilities that this entails.
- Managing control and accountability systems.
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (National law Section 56, Regulation 35).

The Nominated Supervisor / Co-ordinator / Manager CCS is responsible for:

- Complying with the National Education and Care Services National Law and Regulations, the National Quality Standards and all other legislative requirements placed on the organisation.
- Ensuring the Nominated Supervisor and Responsible Persons meet the minimum requirements of age, qualification, experience and management capabilities to effectively manage the service.
- Ensuring the Nominated Supervisor/Responsible Persons have a sound understanding of the position and have given written consent in acceptance of the role.
- Guiding the Nominated Supervisor/Responsible Persons in their role, providing adequate training and resources to ensure effective management of the service.
- Providing clear guidelines on service processes in relation to ensuring a Responsible Person will be physically present at the service at all times the service is delivering education and care programs for children.
- Appointing staff and monitoring their performance and development.
- Ensuring all staff have a clear understanding of the hierarchy of management.
- Developing coherent aims and goals that reflect the interests, values and beliefs of all stakeholders of the service.
- Providing clear and direct written and verbal feedback and instruction that is suitable and appropriate to the task.
- Guiding the Quality Improvement Plan for the service and ensuring it's updated at least annually.

The Nominated Supervisor or appointed Responsible Persons will:

- Complying with the National Education and Care Services National Law and Regulations, the National Quality Standards and all other legislative requirements placed on the organisation.
- Manage all aspects of the day to day operation of the service.
- Ensure they have a sound understanding of the role and abide by any conditions placed on them as the Responsible Person at the service.
- Provide written consent to accept the role and this record is retained in personnel records.
- Establish a well-defined partnership between the CEO and Advisors. The partnership requires clear understanding of roles and responsibilities, and regular and open communication.
- Produce outcomes together with educators and staff. Educators must agree on their responsibilities and work according to current policies and procedures.
- Maintain the services Quality Improvement Plan in collaboration with all stakeholders.
- Developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.
- Sign their name and hours of responsibility on the Responsible Person Roster.
- Ensuring at all times, 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 for families, visitors and staff.
- Ensuring that, in their absence from the service premises, another Responsible Person is placed in day-to-day charge of the service.
- Inform the Co-ordinator/Advisor in a timely manner in the event of absence from the service due to leave or illness to ensure replacement by another Responsible Person.
- Undertake periodical planning and risk assessments. Having appropriate risk management strategies in place to manage risks faced by the service. Identifying and reporting if something significant occurs.
- Understand that a Responsible Person placed in day-to-day charge of the Service does not have the same responsibilities under the National Law as the Nominated Supervisor unless they hold both positions.
- Ensure prescribed documents are available for inspection by an Authorised Officer from the Education and Care Services Regulatory Unit if requested, in accordance with Section 175 of the Education and Care Services National Law (WA) Act 2012.
- Notify the Advisor/CEO and Regulatory Authority 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.