

# Bendigo Regional YMCA Children’s Services – Determining Responsible Person Policy

Mandatory – Quality Area 4

<b>Policy Number</b>	<b>CS 4.2</b>	<b>Version</b>	<b>1</b>
<b>Drafted by</b>	JB	<b>Approved by CEO on</b>	04.04.2018
<b>Responsible Person</b>	CSM	<b>Scheduled Review date</b>	04.04.2019

## 1. OBJECTIVE

This policy will outline how Bendigo Regional YMCA will determine the Responsible Person at each BRYMCA children’s service.

## 2. SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, educators, bus drivers, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities.

## 3. POLICY

BRYMCA is committed to meeting legislative requirements for a Responsible Person to be on each service premises at all times.

BRYMCA will not operate a service unless there is a Nominated Supervisor appointed for that service. The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, a Responsible Person, such as a Person in day-to-day Charge must be present.

## 4. RESPONSIBILITIES

**BRYMCA is responsible for:**

- ensuring there is a Responsible Person on the premises at all times the service is delivering education and care programs to children.
- nominating sufficient Nominated Supervisors to meet legislative requirements for a Responsible Person at the service at all times, including during periods of leave or illness.
- ensuring that a person nominated as a Nominated Supervisor or a Person in day-to-day Charge:
  - is at least 18 years of age
  - has adequate knowledge and understanding of the provision of education and care to children
  - has the ability to effectively supervise and manage an education and care service
  - has not been subject to 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
  - has a history of compliance with the National Law and other relevant laws
- ensuring 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.
- ensuring that the service does not operate without a Nominated Supervisor (s), and that the Nominated Supervisor (s) has given written consent to be in the role.

- ensuring that the name of the Nominated Supervisor is displayed prominently at the service
- ensuring that information about the Nominated Supervisor, including name, address, date of birth, evidence of qualifications, approved training, a Working With Children's Check or teaching registration, and other documentary evidence of fitness to be a Nominated Supervisor is kept on the staff record.
- notifying the Regulatory Authority if there is a change to the name and contact details of the Nominated Supervisor or if there is any matter or incident which affects the ability of the Nominated Supervisor to meet minimum requirements of the role.
- ensuring that, when the Nominated Supervisor is absent from the premises, an alternative Responsible Person is on site
- ensuring that the Nominated Supervisor and Person in-day-to-day Charge have a sound understanding of the role of Responsible Person.
- ensuring there is record maintained at the service of the name of the Responsible Person for each time that children are being educated and cared for by the service
- ensuring that the Nominated Supervisors and Person in day-to-day Charge have successfully completed child protection training.

**The Nominated Person is responsible for:**

- providing written consent to accept the role of Nominated Supervisor
- ensuring they have a sound understanding of the role of Responsible Person
- ensuring that, in their absence from the service premises, a Responsible Person is present
- ensuring 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
- notifying their Supervisor 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.

**All Educators are responsible for:**

- meeting the qualifications, experience and other requirements to be nominated as a Person in day-to-day Charge
- providing written consent to be the Person in day-to-day Charge
- ensuring they have a sound understanding of the role of Responsible Person

**5. LEGISLATION AND STANDARDS**

Relevant legislation and standards include but are not limited to:

- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*
- Child Safe Standards
- *National Quality Standard, Quality Area 4: Staffing Arrangements*
- *National Quality Standard, Quality Area 7: Leadership and Service Management*

- *Working with Children Act 2005 (Vic)*
- *Working with Children Regulations 2006 (Vic)*

## 6. DEFINITIONS

The terms defined in this section relate specifically to this policy.

<b>Person in day-to-day Charge</b>	A person who is placed in day-to-day charge of an education and care service by an Approved Provider and who has consented to the placement in writing
<b>Responsible Person</b>	Services must have a Responsible Person present at all times that the service is delivering education and care. The responsible person is the Person in day-to-day Charge at the service and can be the Nominated Supervisor or a Person in day-to-day Charge of the service
<b>Nominated Supervisor</b>	A person who has been nominated by the BRYMCA and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor (s) with responsibility for the service in accordance with the National Regulations (Section 5 and 161)

## 7. ROLES AND RESPONSIBILITIES

<b>Department/Area</b>	<b>Role/Responsibility</b>
Educators, Supervisors, Directors and Coordinators	<ul style="list-style-type: none"> <li>• Supervisors, Directors and Coordinators will oversee the implementation and service adherence to this policy</li> <li>• All Educators and Bus Drivers are responsible for the daily implementation of the policy when directly supervising children.</li> </ul>
Community Services Manager	<ul style="list-style-type: none"> <li>• Is responsible for ensuring suitable resources and support systems to enable compliance with this policy.</li> <li>• Drive the consultation process and provide leadership and advice on the continuous improvement of the policy. Seek individual community feedback and facilitate an active consultation process with service users as appropriate.</li> </ul>
CEO	<ul style="list-style-type: none"> <li>• Policy Approval</li> </ul>

## **8. MONITORING, EVALUATION AND REVIEW**

BRYMCA management team is responsible for formally reviewing and updating this policy every twelve months, in consultation with representatives from key stakeholder groups and in accordance with current legislation, research, policy and best practice. Small changes and additions may be made outside of the formal review to ensure the policy remains relevant and current. We retain records of each review undertaken. Such records may include minutes of meetings and documentation of changes to policies and procedures that result from a review.