

## GOVERNANCE AND MANAGEMENT



### Definitions:

**Fit and Proper Person:** The regulatory authority assesses whether an approved provider or a person with management or control of a service is a fit and proper person to be involved in the provision of an education and care service. In determining whether they are a fit and proper person, the regulatory authority will consider:

- The person's history of compliance with any education and care services, children's services or education law, and any decision under one of those laws to refuse, refuse to renew, suspend or cancel a licence, approval, registration or certification issued to the person under that law;
- Their criminal history, to the extent that it may affect their suitability for the role of provider (including working with children clearance, such as a WWCC, or teacher registration details, jurisdiction dependant);
- Whether they are bankrupt or insolvent;
- Whether they have the financial circumstances to enable them to sustain ongoing operation of a service;
- Whether they have a medical condition that may cause them to be incapable of being responsible for the service;
- Whether they have the management capability to operate a service; and
- Actions taken under Commonwealth Family Assistance Law, including sanctions and suspensions.

**Educational Leader:** The educational leader is an appropriately qualified and experienced educator, coordinator or other individual designated in writing by the approved provider under regulation 118 to lead the development and implementation of educational programs in the service.

**Quality Improvement Plan:** A document created by an approved provider to help self-assess service performance in delivering quality education and care and to plan future improvements. Regulatory authorities consider the service's QIP as part of the quality assessment and rating process. The QIP does not have to be provided in any specific format but must include:

1. an assessment of the quality-of-service practices against the National Quality Standard and the National Regulations;
2. identified areas for improvement; and
3. a statement of the service's philosophy.

### **The Approved Provider is responsible for:**

- Ensuring compliance with the Education and Care Services National Law and Education and Care Services National Regulations;
- Complying with Family Assistance Law;
- Appointing a Nominated Supervisor and Educational Leader
- Ensuring background checks, including criminal history and working with children checks, are completed for all staff and educators through a thorough recruitment process.

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- Determining whether a person working in the service is a 'fit and proper person';
- Supporting the nominated supervisor [responsible persons] in their role, providing adequate resources to ensure effective administration of the service;
- Developing a clear and agreed philosophy;
- Ensuring there are policies and procedures that comply 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 QIP and updating these on a regular basis;
- Confirming incident, injury, illness or trauma records are stored in a safe and secure place until the participant is 25 years of age. In the event of a death of a participant while being cared for by the service or may have occurred as a result of an incident, the records must be kept until seven years after the death;
- Appointing staff and monitoring their performance;
- Ensuring educator qualification requirements are current;
- Ensuring the service remains financially viable;
- Managing control and accountability systems;
- Reviewing the service's budget and monitoring financial performance and management to ensure the service is solvent at all times and has sound financial strength;
- Approving annual financial statements and providing required reports to government bodies and maintaining appropriate delegations and internal controls;
- Complying with funding agreements where appropriate;
- Reviewing the work process regularly; and
- Complying with all other Victorian and Australian governments' legislation that impacts upon.

### **The Nominated Supervisor is responsible for:**

- Adhering to the National Education and Care Service Regulations and National Law;
- Developing 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;
- Developing a centre Quality Improvement Plan and updating this on a monthly basis;
- Undertaking periodical planning and risk assessments and having appropriate risk management strategies in place to manage risks faced by the service;
- The day-to-day management of the service;
- Producing outcomes together with educators and staff. Educators must agree on their responsibilities and work according to current policies and procedures;
- Providing educators with training, resources and support alongside the Project coordinator;
- Identifying and reporting if something significant occurs;
- Identifying work required for completion and delegate to educators/staff; and
- Ensuring educators are adhering to service policies and procedures.
- Complete Fit and Proper Audits on a 12 month basis

### **References:**

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Education and Care Services National Regulations  
2011: 145, 181, 183

National Quality Standards: 6.2.2, 6.2.3

