

# Your role as licensee

## Background

In Victoria, a service is required by the *Children's Services Act 1996* (the Act) to be licensed when it provides care or education:

- For five or more children under the age of six years
- In the absence of their parents/guardians
- For a fee or reward or while the parents/guardians use the services or facilities provided by the proprietor of the centre.

The Act and the Children's Services Regulations 2009 Regulations (the Regulations) provide the basis for the licence by setting out minimum standards and requirements. Copies of these should be on display at the centre.

In Victoria, the State Government, through the Department of Education and Early Childhood Development (DEECD) is responsible for the licensing of kindergartens, centre based long day care, Occasional Care Services, Family Day Care and Out of School Hours Care and for monitoring compliance with the Act and Regulations. The DEECD employs Children's Services Adviser (CSA) to visit the centre at least annually and who are responsible for checking for compliance with the Act and Regulations.

A CSA will also investigate any complaints received by the department and any serious incident or complaint reported by the centre.

The licensee is the legal entity that holds the licence to operate a children's service under the Act.

The legal entity is represented by the elected committee of management, which must nominate one or more people to represent the committee. The certificate of names on display at the centre identifies the licensee, the licensee representatives, the Primary Nominee and nominee.

All committee members, as the decision makers, should be aware of the requirements of legislation governing the operation of children's services.

## Overview of the responsibilities of the licensee

- Actively comply at all times with the Act and Regulations and any conditions and restrictions of the licence.
- Develop systems to ensure that they as licensee, their primary nominee, nominees and staff:
  - Understand their obligations under the Act.
  - Are satisfied at any time that the centre is in compliance with the requirements of the Act and Regulations.
  - Are able to promptly remedy or repair any identified non-compliance.
- Develop and implement policies, procedures and accountability and reporting systems to maintain compliance.
- Nominate licensee representatives (Regulations require only one but KPV advises at least two and preferably three). Representatives must be approved as a 'fit and proper' person by the department. They are the people who exercise control over the centre and are the contact on behalf of the licensee with DEECD.

- Notify DEECD within 30 days, via the *Change of Director/Officer of Body Corporate* form, of any changes to the committee, or if a representative ceases to be a member of the committee.
- Licence renewal (a licence may be issued for up to 5 years)
- Notify the regional DEECD office of a serious incident (Clause 29C of the Act) or if a complaint alleging a breach of the regulations or the health, safety or wellbeing of any child may have been compromised (R 105, the Regulations).

## **Compliance**

*Children's Services Act 1996*

Children's Services Regulations 2009

## **Where to get more information**

DEECD regional office

Department of Education and Early Childhood Development [www.education.vic.gov.au](http://www.education.vic.gov.au)