



Responsible Person

Document Control

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| 1 | April 2023 | December 2023 | Katherine Darroch | |

Rationale

As per Education and Care Services National Law and Regulations, a Responsible Person must be physically in attendance at all times that the Service is educating and caring for children.

Approved Providers are responsible for appointing a responsible person who is aged 18 years or older, has adequate knowledge and understanding of the provision of education and care to children, and have the ability to effectively supervise and manage an education and care service (ACECQA, 2017).

National Quality Standard (NQS)

| Quality Area 4: Staffing Arrangements | | |
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| 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. |

| Quality Area 7: Governance and Leadership | | |
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| 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. |

Education and Care Services National Law and National Regulations

| Children (Education and Care Services) National Law NSW | |
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| Section 162 | Offence to operate education and care service unless responsible person is present |
| Section 169 | Offence relating to staffing arrangements |
| 117a | Placing a person in day-to-day charge |
| 117b | Minimum requirements for a person in day-to-day charge |
| 117c | Minimum requirements for a nominated supervisor |
| 150 | Responsible Person |
| 168 | Policies and Procedures |
| 173 | Prescribed information to be displayed |

Related Policies

Code of Conduct Policy
 Interactions with Children, Family and Staff Policy

Staffing Arrangements Policy
 Privacy and Confidentiality Policy

Purpose

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

Scope

This policy applies to the Management, Approved Provider Nominated Supervisor, Responsible Person and educators of the Service.

Definitions

| Name | Definition |
|-----------------------------|--|
| Nominated Supervisor | A person with responsibility for the day to day management of an approved service. The Nominated Supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care services. |
| Person in day-to-day charge | A person who is physically at the Service and has the role of Nominated Supervisor or duly appointed person. The Responsible Person has consented to be placed in day to day charge of the Service but does not take on the responsibilities of the Nominated Supervisor rather they ensure the consistency and continuity in practices. |

Implementation

A Responsible Person will be on the premises at all times, and the details of the Responsible Person will be clearly visible to families and visitors at the main entry of the Service.

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 handovers to a designated Responsible Person are documented when commencing this position throughout the day. The process for determining 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.

Our Service will have one Responsible Person present at all times when caring for and educating children.

A Responsible Person can be:

- The Approved Provider or a person with management or control
- A Nominated Supervisor or
- A person in day-to-day charge of the service (PIDTDC)

The Approved Provider/Management will ensure a Responsible Person:

- Is appointed and physically on the premise at all times children are being educated and cared for.
- Is over the age of 18 years.
- Meets the minimum requirements for qualifications, experiences and management capabilities.
- Holds a valid and current Working With Children Check.
- Has completed approved child protection training and is aware of the reportable conduct scheme.
- Has knowledge and a commitment to the National Child Safe Standards.
- Has adequate knowledge and understanding of the provision of education and care to children, the Education and Care National Law and Regulations and National Quality Standard, the approved learning framework (EYLF), Family Assistance Law and administration of CCS.
- Has the ability to effectively supervise and manage an education and care service.
- Is a fit and proper person (as per regulatory authority conditions).
- Has evidence of completing an approved diploma level education and care qualification or higher is considered as a requirement or 'actively working towards' an ACECQA approved qualification.
- Provides references including their current and previous employers. These will be checked, and records kept on file.
- Provides written consent for the position of Responsible Person and this is filed in staff records (not required if the approved provider is the responsible person).

The Approved Provider/Management will ensure:

- The regulatory authority is notified 7 days prior to a Nominated Supervisor starting at the Service or within 14 days after the person has commenced the role through NQA IT System.
- The regulatory authority is notified if the Nominated Supervisor changes their name or contact details; is no longer employed by the Service, has been removed from the role or withdraws their nomination.
- A Responsible Person will be removed from the position should management become aware of a matter or incident which affects the ability of the person to meet the minimum requirements of the position.
- The staff register has the name of the Responsible Person at the Service for each time children are being educated and cared for by the Service.
- A Responsible Person is on duty from the time the Service opens each day until the time the Service closes.

- Ensure that the identity of the Responsible Person on duty is displayed in the main entrance of the Service and is easily visible for families and visitors
- The PIDTDC interchanges with the Nominated Supervisor in their absence.
- Responsible Persons are aware that they have to sign off when they have finished their duty and will ensure the Nominated Supervisor or appointed Responsible Person (PIDTIC) will sign on and take on the role.
- A staff record is kept recording:
 - The full name, address and date of birth of the responsible person/nominated supervisor.
 - Evidence of relevant qualifications.
 - If applicable, evidence that the nominated supervisor is actively working towards that qualification.
 - Evidence of any approved training (including first aid training).
 - Verification of a Working with Children Check – identifying number and expiry date.
 - Written consent for the position of Responsible Person.

A Nominated Supervisor/appointed person will:

- Provide written consent to accept the role of Responsible Person
- Sign their name and hours of responsibility on the staff register
- Ensure that the identity of the Responsible Person on duty is displayed in the main entrance of the Service and is easily visible for families and visitors.
- Inform the management (Approved Provider/Nominated Supervisor) in a timely manner in the event of absence from the Service due to leave or illness so they can be replaced by another Responsible Person.
- Ensure they have a sound understanding of the role of Responsible Person
- Abide by any conditions placed on the Responsible Person
- Understand that a Responsible Person placed in day-to-day charge (PIDTIC) of the Service does not have the same responsibilities under the National Law as the Nominated Supervisor
- In the case of Nominated Supervisor, notify the 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.
- Notify management at the Service in writing, if they wish to withdraw their consent to be a Responsible Person
- Responsible Person appointments will be recorded on the Staff Roster, so all educators and staff are aware of who is appointed Responsible Person at all times the service is open
- The Centre Manager/Nominated Supervisor will advise educators and staff the educators who have been appointed as a Responsible Person

Continuous Improvement/Reflection

Our Responsible Person Policy will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

Source

- Australian Children's Education & Care Quality Authority. (2014).
- Australian Children's Education & Care Authority. (2017). Responsible Person Requirements for Approved Providers:
<https://www.acecqa.gov.au/sites/default/files/2018-09/ResponsiblePersonRequirements.pdf>
- Education and Care Services National Law Act 2010. (Amended 2018).
- [Education and Care Services National Regulations](#). (2011).
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).
- Guide to the National Quality Framework. (2017). (Amended 2020).
- Guide to the National Quality Standard. (2017).
- Revised National Quality Standard. (2018)

Review

| Date Reviewed | Modifications | Next Review Date |
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