



## Determining Responsible Person

### Statement

An Approved Provider operates the service with an appointed Nominated Supervisor. The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, a person deemed responsible by the Approved Provider is to be placed in charge as the Responsible Person. Our Education and Care Service will ensure a Responsible Person is physically present at the service at all times children are being educated and cared for. Details of the Responsible Person on duty will be displayed in the foyer.

### Goals

Legislation requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children. The Responsible Person is either the Approved Provider's Director, the Nominated Supervisor, or an Educator who has been nominated and agreed to the role of Responsible Person who has been placed in day-to-day charge of the service.

### Definitions

#### **Approved Provider**

The individual whom is representing the organisation that has completed an application form and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.

#### **Nominated Supervisor**

A person has been nominated by the Approved Provider of the service under Part 3 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.

#### **Responsible Person**

The individual who is representing the Approved Provider, the Nominated Supervisor an Educator who has been placed in day-to-day charge of the service in accordance with the National Regulations.



## Strategies

### **Appointing a Responsible Person**

The Approved Provider is responsible for ensuring the safety and wellbeing of children at the service and will consider a person's qualifications, experience and age when deciding whether they are suitable to be placed in day to day charge.

A person is covered, and may be placed in day to day charge of the service, when:

- The Approved Provider or the nominated supervisor identifies that they meet the criteria to be a Responsible Person of the service.
- They give their written consent to be placed in day to day charge of the service (required under regulation 54).

### **Criteria to be determined a Responsible Person**

Educators at the service who have been deemed suitable by the Approved Provider or Nominated Supervisor as a Responsible Person and wish to be considered for the role of Responsible Person in the absence of the Nominated Supervisor will be considered based on:

- Their practical knowledge of the day-to-day responsibilities of being an educator at the service, including how to work through unexpected problems.
- Must be over 18 years of age.
- A demonstrated understanding of:
  - » Education and Care Services National Law Act 2010, and the Education and Care Service Services National Regulations 2011
  - » Equal Opportunity Employment Conditions
  - » Health and Safety, including Child Protection responsibilities
  - » Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures
  - » Our education and care service's policies and procedures.
- Current Child Protection Training
- Cleared Working With Children Check



## Roles and Responsibilities

### Approved Provider

- Ensuring there is a Responsible Person on the premises at all times the service is delivering education and care programs for children.
- 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 (National Law: Section 172).
- Ensuring that the name of the Nominated Supervisor is displayed prominently at the service.
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (Section 56, Regulation 35).
- Ensuring that, in the absence from the service premises of a Nominated Supervisor, the Responsible Person is placed in day-to-day charge of the service.
- Ensuring that the Nominated Supervisor and Responsible Persons have a sound understanding of the role of Responsible Person.
- Ensuring there are sufficient Educators to fulfill the role.

### Nominated Supervisor

- Providing written consent to accept the role of Nominated Supervisor.
- Ensuring that, in their absence from the service premises, another Responsible Person is placed in day-to-day charge of the service.
- Ensuring they have a sound understanding of the role of Responsible Person.
- 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.
- Developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.
- Notifying the Approved Provider and 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.

### Responsible Person

- Providing written consent to accept the role of Responsible Person.
- Checking 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 they have a sound understanding of the role of Responsible Person.
- Understanding that a Responsible Person placed in day-to-day charge of an approved service does not have the same responsibilities under the National Law as the Nominated Supervisor.



### **Families**

- Reading and understanding this policy.
- Being aware of the Responsible Person at the service on a daily basis.

## **Monitoring, Evaluating and Review**

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every 18 months. Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

## **Sources**

### **Sources**

Australian Children's Education and Care Quality Authority (ACECQA) [www.acecqa.gov.au](http://www.acecqa.gov.au) Information Sheets

ACECQA Guide to the National Law and National Regulations

ACECQA Compliance History Statement [files.acecqa.gov.au/files/.../ Compliance%20history%20 statement.docx](http://files.acecqa.gov.au/files/.../Compliance%20history%20statement.docx)

### **Related Legislation**

Education and Care Services National Law Act 2010: Section 5, 44, 56, 106–109, 114, 115, 118, 161, 162, 172, 291(5)

Education and Care Services National Regulations 2011: Regulations 35, 46–49, 146, 168(2)(i)(ii), 173, 176(2)(c)

### **Related Guidelines, Standards, Frameworks**

National Quality Standard, Quality Area 4: Staffing Arrangements - Standard 4.1

National Quality Standard, Quality Area 7: Leadership and Service Management - Standard 7.1