

Determining Responsible Person Policy

Scope

This policy applies to management, approved provider, nominated supervisor, responsible person, staff and educators of the Service.

Statement

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).

Legislation

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
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		
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	
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
177	Prescribed enrolment and other documents to be kept by approved provider

Related Policies

Code of Conduct Policy	Privacy and Confidentiality Policy Supervision
Health and Safety Policy	Policy
Interactions with Children, Family and Staff Policy	Work Health and Safety Policy

Purpose

Our Service is committed to meeting our duty of care obligations under the Education and Care Services National Law and National Regulations to ensure a Responsible Person is physically 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.

Definitions for Responsible Person

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 (PIDTDC)	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

Our Service will ensure 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. A record of the Responsible Person will be documented each day via the Responsible Person Register.

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 via the Responsible Person record. 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 (or state/territory equivalent)
- 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)
- is removed from the position, if the approved provider deems the individual is no longer considered to meet the fit and proper requirements

The Approved Provider/Management will ensure:

- educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy
- 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
- the individual's compliance history is taken into account prior to appointing the nominated supervisor or responsible person including compliance with:
 - the National Law
 - a former education and care services law
 - a children's services law
 - an education law
- they consider 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 prior to appointing a nominated supervisor
- documentation is recorded that demonstrates the individual's capacity to supervise and manage the service, this may include:
 - a Supervisor Certificate (including any conditions of the certificate),
 - resume detailing work history,
 - reference from previous employer, or
 - transcripts of courses or unit relating to staff management or administration of an education and care service
- 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

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- if applicable, evidence that the Responsible Person/Nominated Supervisor is actively working towards that qualification
- evidence of any approved training (including first aid training and child protection 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 Responsible Person will:

- provide written consent to accept the role of Responsible Person/Nominated Supervisor
- 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
- Highlight their name in the staff attendance record when the Nominated Supervisor is not in attendance
- 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 Director/Nominated Supervisor will advise educators and staff the educators who have been appointed as a Responsible Person

Continuous Improvement/Reflection

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

CHILDCARE CENTRE DESKTOP - RELATED RESOURCES

Responsible Person Procedure Responsible Person Offer and Acceptance	Responsible Person Register Routine Checklist - Responsible Person
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Sources

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>

Australian Children’s Education & Care Authority. (2018). Nominated Supervisors.

<https://www.acecqa.gov.au/sites/default/files/2018-03/InformationSheetNominatedSupervisor.pdf>

Australia Children’s Education & Care Quality Authority. (2023). [*Guide to the National Quality Framework.*](#)

Education and Care Services National Law Act 2010. (Amended 2023).

[Education and Care Services National Regulations.](#) (Amended 2023).

Revised National Quality Standard. (2018)

[Western Australian Education and Care Services National Regulations](#)

Review

POLICY REVIEWED	OCTOBER 2023	NEXT REVIEW DATE	OCTOBER 2024
VERSION NUMBER	V9.10.23		
MODIFICATIONS	<ul style="list-style-type: none"> annual policy review- no major changes additional information added under Approved Provider section Childcare Centre Desktop resources added sources checked for currency and updated as required 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
OCTOBER 2022	<ul style="list-style-type: none"> policy maintenance - no major changes to policy hyperlinks checked and repaired as required minor formatting edits within text continuous improvement/reflection section added 	OCTOBER 2023	

	<ul style="list-style-type: none"> link to Western Australian Education and Care Services National Regulations added in 'Sources' 	
OCTOBER 2021	<ul style="list-style-type: none"> Minor edits to policy deleted required for Australian National Police check for Responsible Person (only required for Nominated Supervisor) sources checked for currency 	OCTOBER 2022
FEBRUARY 2021	<ul style="list-style-type: none"> additional information related to records for Responsible Person added related procedures and documents added 	OCTOBER 2021
OCTOBER 2020	<ul style="list-style-type: none"> Additional standards added- QA7 related National Law added rewording of general section regarding Responsible Person for better flow inclusion of knowledge of Family Assistance Law, CCS, Child Safe Standards, staff records sources updated and checked for currency 	OCTOBER 2021
OCTOBER 2019	<ul style="list-style-type: none"> Changes to wording and descriptions of roles Information for withdrawal of consent 	OCTOBER 2020
OCTOBER 2018	<ul style="list-style-type: none"> References corrected, added &/or updated Incorrect references deleted & replaced Sources/references alphabetised 	OCTOBER 2019
AUGUST 2017	<ul style="list-style-type: none"> Adjustments made to comply with new regulation changes (Oct 1, 2017) 	AUGUST 2018
OCTOBER 2017	<ul style="list-style-type: none"> Updated the references to comply with the revised National Quality Standard 	AUGUST 2018