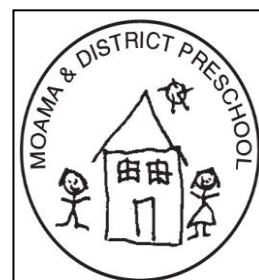


# RESPONSIBLE PERSON POLICY



## 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 always physically on the premises to ensure the health, safety, wellbeing, learning, and development of all children at the service is always maintained.

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

## SCOPE

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

## PRINCIPLES

*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 can effectively supervise and manage an education and care service (ACECQA, 2017).*

## 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.
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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 Interactions with Children Confidentiality Policy	Staffing Arrangements Policy Supervision Policy Workplace health and safety Policy
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### 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.

<p>Person in day-to-day charge (PIDTDC)</p>	<p>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.</p>
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## IMPLEMENTATION

A Responsible Person will be always on the premises, 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 this is on OWNA and displayed in the main foyer.

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 always followed. 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 always have one Responsible Person present 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)

Note all these people must meet the regulatory requirements as listed next.

### **THE APPROVED PROVIDER/MANAGEMENT WILL ENSURE A RESPONSIBLE PERSON:**

- is always appointed and physically on the premise children are being educated and cared for
- is over the age of 18 years.
- meets the minimum requirements for qualifications, experience, 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).
- can 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) Please see “Responsible Person – Offer and Acceptance” letter attached at the end of this document.

**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, this is also displayed on OWNA.
- the PIDTDC interchanges with the Nominated Supervisor in their absence

- Responsible Persons are aware that they must 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 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
- sign their name and hours of responsibility on the Responsible Person register that is in the Main Office
- 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 always appointed Responsible Person 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 a three-yearly basis in consultation with children, families, staff, educators, and management or if regulatory requirements change.

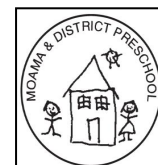
## SOURCES

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>  
 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)  
 Child care Centre desktop Jul 2022

## REVIEW

POLICY REVIEWED BY	Staff, Committee and families	[POSITION]	Feb 23
POLICY REVIEWED	FEBRUARY 2023	NEXT REVIEW DATE	FEBRUARY 2026
MODIFICATIONS	<ul style="list-style-type: none"> <li>• policy maintenance - no major changes to policy, just changes to the way it is set up and removal of Certified supervisor to PIDTDC as per regulations.</li> <li>• As this has no major changes this will be implemented straight away as per a requirement of regulations.</li> </ul>		

# RESPONSIBLE PERSON – OFFER AND ACCEPTANCE



The Education and Care Services National Regulations require a Responsible Person to be present at all times that the service is educating and caring for children. To consent to the position of Responsible Person, you must ensure you are familiar with the requirements and obligations set out under the National Quality Framework of Early Childhood Education and Care (National Quality Framework) which includes the Education and Care Services National Law and the Education and Care Services National Regulations and understand the roles and responsibilities of this position within our Service.

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS	
4.2	Management, educators and staff are collaborative, respectful and ethical.
7.1.2	Management Systems

EDUCATION AND CARE SERVICES NATIONAL LAW AND 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 are required in relation to determining the responsible person present at the service
173	Prescribes information to be displayed
177	Prescribes enrolment and other documents to be kept by the approved provider

EDUCATION AND CARE SERVICES NATIONAL LAW (2010)	
Part 1 Preliminary	a person in day-to-day charge, in relation to an education and care service, means a person who is placed in day-to-day charge of the service in accordance with the national regulations.

5 (1) Definitions	<p><i>person with management or control</i>, in relation to an education and care service means-</p> <p>(a) If the Approved Provider or intended Approved Provider of the Service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service; or</p> <p>(b) If the Approved Provider of the Service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service; or</p> <p>(c) If the Approved Provider of the Service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service; or</p> <p>(d) In any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service.</p>
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PERSONAL DETAILS	
Title	
Family Name	
Given Name	
Date of Birth	
Address	
Mobile Phone Number	
Email Address	

<p>Have you ever been known by a different name? (including maiden name, married name)</p> <p><input type="checkbox"/> Yes, If Yes, please provide name/s below.      <input type="checkbox"/> No</p>	
Family Name:	Given Name:



Documents collected and viewed by Management	Tick
Licence or document to identify	
Citizenship Certificate (if required)	
Current passport (if relevant)	
Resume or CV	
Written References	
Transcripts or certificates of Early Childhood Approved Qualifications	

Criminal History Check	
Working with Children Check Number	
Expiry Date	
Working with Children Check Verification	

Compliance History Statement Source: <a href="http://www.acecqa.gov.au">www.acecqa.gov.au</a>	This section is NOT mandatory.
<p>1: If you have been subject to any compliance action or disciplinary proceedings in any Australian state or territory, please provide information below:</p> <ul style="list-style-type: none"> <li>the Education and Care Services National Law- (including Education and Care Services National Regulations)</li> <li>or any other state or territory relevant law including children’s services laws, education laws, former education, and care laws.</li> </ul>	
<p>2: Have you ever been subject to a prohibition or suspension notice under the Education and Care Services National Law?</p> <p><input type="checkbox"/> Yes - please provide details below                      <input type="checkbox"/> No</p>	
<p>3: Have you ever held or applied for a license, approval, registration, certification or other authorization under National Law which the regulatory authority refused, refused to renew, suspended or cancelled (nominated supervisor, a person in day-to-day charge, a person with management or control)?</p> <p><input type="checkbox"/> Yes - please provide details below                      <input type="checkbox"/> No</p>	

4: Were you formerly registered with another approved provider? If so, please list your previous role.

Yes - please provide details below

No

**Declaration and Signature of person nominated as Responsible Person**

I declare that:

1. The information provided in this form (including any attachments) is true, complete, and correct.
2. I have read, understood, and agree to the conditions and the associated material contained in this form.
3. I have read and understood my legal obligations under the Education and Care Services National Law
4. The regulatory authority is authorized to verify any information provided in this application.
5. Some of the information provided in this form may be disclosed to the Commonwealth for the purposes of the Family Assistance Law and may be disclosed to other persons/authorities were authorized by the Education and Care Services National Law or other legislation, and
6. I am aware that I may be subject to penalties under the Education and Care Services National Law if I provide false or misleading information in this form.

**Appointment of Responsible Person at [Service Name]**

Moama & District Preschool Centre Inc **appoints** \_\_\_\_\_ as a Responsible Person as per Education and Care Services National Regulations.

**Acceptance of Responsible Person**

I \_\_\_\_\_ consent to the position of Responsible Person of  
 I agree to follow the Responsible Person Policy and procedures to ensure a Responsible Person is always physically on the premises children are being educated and cared for.

Responsible Person Name		
Signature		Date
Director Name		
Signature		Date

