

## Determining Responsible Person

**NQS 4.2** Management, educators and staff are collaborative, respectful and ethical.

**NQS 7.1.2** Systems are in place to manage risk and enable the effective management and operation of a quality service.

**NQS 7.1.3** Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.

### Introduction

The Education and Care Services National Law determines that a responsible person must be physically present at a centre based service at all times that an Approved Service operates.

Approved Providers are responsible for appointing nominated supervisors and/or persons in day-to-day charge that are aged 18 years or older, fit and proper, and have suitable skills.

Name	Definition
<b>Nominated Supervisor</b>	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.
<b>Responsible Person</b>	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.

### Aims

- A Responsible Person will be on the premises at Glenaeon Rudolf Steiner Preschool at all times, and the details of the Responsible Person at any time will be clearly displayed for educators, staff and families.
- The process for determining the Responsible Person will be clear to all educators and staff, and followed at all times.
- Details of the Responsible Person are documented.

### Procedures

There will be a Responsible Person physically present at all times when caring for children.

#### **A Responsible Person can be:**

- The APPROVED PROVIDER – if this is an individual. If it is an organisation or company, then someone with management and control of the service.
- The NOMINATED SUPERVISOR – this is a person aged 18 years or older, fit and proper, and has suitable skills and has been designated by the Approved Provider as the Nominated Supervisor.

- Any other person that has been placed in day-to-day charge of the Service that meets the definition of a Responsible Person and is aged 18 years or older, fit and proper, and has suitable skills.

#### **The Approved Provider will:**

- Ensure Nominated Supervisors and duly appointed persons have a clear understanding of the role of the Responsible Person.
- Ensure the Responsible Person is appropriately skilled and qualified.
- Ensure a Responsible Person is physically present at the centre. A substitute for the Responsible Person will be in present where a Waiver is in place.
- Notify the Regulatory Authority if a Nominated Supervisor changes or there is a change to the Nominated Supervisor's name or contact details.
- Ensure that the Nominated Supervisor and Responsible Persons have approved Child Protection Training.
- Gain the written consent of a duly appointed person to be a Nominated Supervisor. Written consent is not required if the approved provider, as an individual applicant, will also be a nominated supervisor.
- Ensure the Nominated Supervisor or appointed person will sign on and take on the role of Responsible Person in the Responsible Person Record indicating what times they are present and taking on this role.

#### **The Nominated Supervisor or delegated authority will:**

- Arrange for the keeping of a **"Responsible Person Record"**, indicating what times they are present and taking on this role.
- Ensure the name of the Responsible Person will be displayed at the main entrance at the service.
- Develop rosters in accordance with the availability of Responsible Persons, centre operation and attendance patterns of children.
- Understands that a Responsible Person placed in day-to-day charge of the Service does not have the same responsibilities under the National Law as the 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.
- Provide written consent to accept the role of Responsible Person.
- Abide by any conditions placed on the Responsible Person

#### **Statutory Legislation & Considerations**

- Children (Education and Care Services National Law Application) Act 2010
- Education and Care Services National Regulations 2011

#### **Sources**

- Children (Education and Care Services National Law Application) Act 2010
- Education and Care Services National Regulations 2011

- ACECQA NQF Information Sheet: RESPONSIBLE PERSON REQUIREMENTS FOR APPROVED PROVIDERS Oct 2017.

#### Links

- Staff Compliance History Statements **J:\2018\QA4 Staffing\New Supervisors-RP**

#### Evaluation

A Responsible Person is physically present at the centre at all times and this is documented and displayed.

#### Review

<b>Date Reviewed</b>	<b>Modifications</b>	<b>Next Policy Review Due</b>
<b>Feb 2013 Oct 2014 Feb 2016</b>	Changes to legislation included	
<b>Aug 2017</b>	<ul style="list-style-type: none"> <li>• Updated the references to comply with the revised National Quality Standard.</li> <li>• Addition of definitions of Nominated Supervisor and Responsible Person</li> <li>• Additional points on who a RP can be</li> <li>• Additional procedures for the AP and the NS</li> </ul>	Dec 2018
<b>Sept 2018</b>	<ul style="list-style-type: none"> <li>• Include reference to and link to Staff Compliance History Statement</li> <li>• Include reference to ACECQA Information Sheet in Sources</li> </ul>	Sept 2019