



JUMBUNNA COMMUNITY PRESCHOOL AND EARLY INTERVENTION CENTRE INC.

QUALITY AREA 4: STAFFING ARRANGEMENTS

DETERMINING RESPONSIBLE PERSON

Date Approved: 6/6/12

Related Legislation

- Education and Care Services National Law Act 2010: Part 6, 56, 161,161A, 162, 162A, 172, 291(5)
- Education and Care Services National Regulations: 35, 46-49, 117(A) (B) (C), 146, 168(2)(i)(ii), 173, 176(2)(c)

Sources.

- Education and Care Services National Regulations 2011
- Australian Children's Education and Care Quality Authority (ACECQA) – www.acecqa.gov.au Information Sheets
- ACECQA Guide to the National law and National Regulations
- ACECQA Compliance History Statement

Related Guidelines, Standards, Frameworks

- National Quality Standard, Quality Area 4: Staffing Arrangements – Standard 4.1
- National Quality Standard, Quality Area 7: Governance and Leadership – Standard 7.1

Policy 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 Responsible Person is to be placed in Day to Day charge.

Our Education and Care Service will ensure a Responsible Person or Nominated Supervisor is physically present at the service at all times children are being educated and cared for.

Details of the Responsible Person or Nominated Supervisor on duty will be communicated and displayed for all users of the service.

Goals - What we are going to do?

Legislation requires that a Nominated Supervisor or Responsible person is physically in attendance at all times the service is educating and caring for children. The person placed in day to day charge of the service is either the Approved Provider (or the person in management or control of the service), the Nominated Supervisor of the Service, or a Responsible Person.

- 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 person responsible are documented and retained on file.

A service must always have a responsible person physically present at all times.

A responsible person can be:

1. The NOMINATED SUPERVISOR – this is the General Manager of Jumbunna.
2. A CERTIFIED SUPERVISOR who has been placed in day-to-day charge of the Service.
3. The APPROVED PROVIDER – this is an Executive Committee member of Jumbunna and would only be called upon if 1. or 2. where not available.

Strategies – How it will be done?

Placing a person in day-day charge or nominated supervisor

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 may be placed in day to day charge of the service, when:

- The Approved Provider, Nominated Supervisor or Responsible Person identifies that they meet the criteria required under R117B and 117C and
- They give their written consent to be placed in day to day charge of the service.

Criteria to be determined a Responsible Person or Nominated Supervisor

Educators at the service who are considered appropriate for the role of Responsible Person or Nominated Supervisor must meet the following requirements:

- 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.
- Must have completed an approved Child Protection course. In NSW, nominated supervisors and persons in day-to-day charge are required to have completed the child protection courses approved by the NSW Regulatory Authority (162A Education and Care Services National Law).
- A demonstrated understanding of:
 - a) Education and Care Services National Law Act 2010, and the Education and Care Services National Regulations 2011
 - b) Equal Opportunity Employment Conditions
 - c) Health and Safety, including Child Protection responsibilities
 - d) Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures; and
 - e) Our education and care service's policies and procedures.
- Consideration will be also given regarding whether the individual has been subject to compliance action or disciplinary proceedings under a children's services law, education law, or a previous education and care services law, in any state or territory. Candidates will be asked to submit a Compliance History Statement.

Roles and Responsibilities

| Role | Authority/Responsibility For |
|-----------------------------|---|
| Approved Provider | <ul style="list-style-type: none"> • Ensuring there is a person placed in day to day charge (refer to Background and Definitions) on the premises at all times the service is delivering education and care programs for children. • Ensuring that the name and position of the Nominated Supervisor or 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 or Responsible Person 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, a Responsible Person is placed in day-to-day charge of the service. • Ensuring that the Nominated Supervisor and educators have a sound understanding of a person placed in day to day charge of the service. • Maintain records with information relating to each Nominated Supervisor (r146). • Maintain records relating the Responsible Person (r150) including the name of the Responsible Person for each time that children are being educated and cared for by the service. |
| Nominated Supervisor | <ul style="list-style-type: none"> • Providing written consent to accept the role of Nominated Supervisor. • Ensuring that, in their absence from the service premises, a Responsible Person is placed in day-to-day charge of the service. • Ensuring they have a sound understanding of the role of being placed in day to day charge of the service. • Ensuring that the name and position of the person being placed in day to day 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 | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Reading and understanding this policy. • Being aware of the Responsible Person at the service on a daily basis. |

Monitoring, Evaluation and Review

A responsible person is physically present at the centre at all times and this is documented and displayed.

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.

DOCUMENTATION

| Documents related to this policy | |
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| Related policies | |
| Forms, record keeping or other organisational documents | |

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| Policy Name: | Determining Responsible Person | Policy Number: | |
| Date Approved: | 24 August 2023 | Approved By: | Board of Management |
| Date Issued: | 31 August 2023 | Review Date: | 30 June 2024 |
| Version 1.5 | This version of the policy was approved 24 August 2023 and replaces the version approved 30 June 2022 | | |