

<b>Title</b>	Determining Responsible Person Policy
<b>Policy Category</b>	Childrens Programs
<b>Policy Type</b>	Mandatory
<b>NQF Standard</b>	NQS: Quality Area 4 and 7
<b>Related Legislation</b>	See legislation map

### Background and Context

This policy will provide guidelines to assist in determining the Responsible Person at Glen Education.

Glen Education is committed to:

- meeting its duty of care (refer to Definitions) obligations under the law
- ensuring staffing arrangements contribute to the safety, health, wellbeing, learning and development of all children at the service
- meeting legislative requirements for a Responsible Person (refer to Background and Definitions) to be on the service premises at all times.

Under the *Education and Care Services National Law Act 2010*, it is an offence to operate an approved centre-based education and care service unless a Responsible Person (refer to *Definitions*) is physically in attendance at all times the service is educating and caring for children.

Glen Education must not operate a service unless there is a Nominated Supervisor appointed for that service. The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, a Responsible Person, such as a Person in day-to-day Charge must be present.

### Scope

This policy applies to Glen Education, Nominated Supervisor, educators, staff, and students on placement, volunteers and parents/guardians of the Glen Education service.

### Definitions

**Duty of care:** A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

**Glen Education Leader:** A person who is nominated by Glen Education Management to provide leadership and mentoring (operational and educational) across the organisation, that aligns with the National Early Years Framework and who actively promotes and ensures adherence to all Glen Education practices, policies and procedures

**Person in day-to-day Charge:** A person who is placed in day-to-day charge of an education and care service by Glen Education or a Nominated Supervisor/Glen Education Leader; and who has consented to the placement in writing (Regulation 117A).

**Person with Management or Control:** Where the Approved Provider of a service is an eligible association, each member of the association’s executive committee is a Person with Management or Control and has the responsibility, alone or with others, for managing the delivery of the education and care service (National Law: Definitions (b)).

**Responsible Person:** Centre-based services must have a Responsible Person present at all times that the service is delivering education and care. The responsible person is the Person in day-to-day Charge at the service and can be one of the following:

- An Approved Provider, if the Approved Provider is an individual, or in any other case, a Person with Management or Control (refer to Definitions) of an education and care service operated by the Approved Provider
- the Nominated Supervisor/Glen Education Leader of the service
- a Person placed in day-to-day Charge of the service (National Law, Section 162)

**Nominated Supervisor:** A person who has been nominated by Glen Education under Part 3 of the Act and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor(s) with responsibility for the service in accordance with the National Regulations (Section 5 and 161).

## Policy

### Responsibilities

#### Glen Education is responsible for:

- ensuring there is a Responsible Person on the premises at all times the service is delivering education and care programs for children
- nominating sufficient Nominated Supervisors/Glen Education Leaders to meet legislative requirements for a Responsible Person at the service at all times, including during periods of leave or illness
- ensuring that a person nominated as a Nominated Supervisor or a Person in day-to-day Charge:
  - is at least 18 years of age
  - has adequate knowledge and understanding of the provision of education and care to children
  - has the ability to effectively supervise and manage an education and care service
  - has not been subject to 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
  - has a history of compliance with the National Law and other relevant laws (Regulations 117C and 117B)
- 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<sup>1</sup> (National Law: Section 172)
- ensuring that the service does not operate without a Nominated Supervisor(s), and that the Nominated Supervisor(s) has given written consent to be in the role
- ensuring that the name of the Nominated Supervisor is displayed prominently at the service
- ensuring that information about the Nominated Supervisor, including name, address, date of birth, evidence of qualifications, approved training, a Working with Children Clearance or teaching registration, and other documentary evidence of fitness to be a Nominated Supervisor (refer to *Staffing Policy*) is kept on the staff record (Regulation 146)

- notifying the Regulatory Authority if:
  - there is a change to the name or contact details of the Nominated Supervisor (Section 56, Regulation 35)
  - the Nominated Supervisor is no longer employed or engaged by the service
  - has been removed from the role
  - the Nominated Supervisor withdraws their consent to the nomination
  - if a Nominated Supervisor or person in day-to-day charge has their Working with Children Clearance or teacher registration suspended or cancelled, or if they are subject to any disciplinary proceedings under the law
  - there is any other matter or incident which affects the ability of the Nominated Supervisor to meet minimum requirements and re-assessing the Nominated Supervisor’s suitability for the role
- ensuring that, when the Nominated Supervisor is absent from the premises, an alternative Responsible Person is on site
- ensuring that the Nominated Supervisor and Person in day-to-day Charge have a sound understanding of the role of Responsible Person
- ensuring that the staff record includes the name of the Responsible Person at the centre-based service for each time that children are being educated and cared for by the service (Regulation 150)
- ensuring that the Nominated Supervisors and Person in day-to-day Charge have successfully completed child protection training (*see Child Safe Environment Policy*)
- developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.

**The Nominated Supervisor/Glen Education Leader is responsible for:**

- providing written consent to accept the role of Nominated Supervisor
- ensuring they have a sound understanding of the role of Responsible Person (refer to *Definitions*)
- ensuring that, in their absence from the service premises, a Responsible Person is present
- ensuring that a Person in day-to-day Charge:
  - is at least 18 years of age
  - has adequate knowledge and understanding of the provision of education and care to children,
  - has the ability to effectively supervise and manage an education and care service
  - has not been subject to 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
  - has a history of compliance with the National Law and other relevant laws (Regulation 117B)
- ensuring that an educator gives written consent to being a Person in day-to-day Charge
- 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
- supporting Glen Education to develop rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children
- notifying Glen Education and the Regulatory Authority within seven 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 Clearance or teacher registration, or if they are subject to disciplinary proceedings.

**Other staff are responsible for:**

- meeting the qualifications, experience and other requirements if they wish to be nominated as a Person in day-to-day Charge
- providing written consent to be the Person in day-to-day Charge

- ensuring they have a sound understanding of the role of Responsible Person.

**Parents/guardians are responsible for:**

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

**Volunteers and students, while at the service, are responsible for following this policy and its procedures.**

**Approvals and Revision**

Date	Version	Author	Revision Description
<i>Q3 2012</i>	<i>1.00</i>	<i>Glen Education Management</i>	<i>New Policy</i>
<i>Q2 2022</i>	<i>4.00</i>	<i>Glen Education Management</i>	<i>Policy updated due to rebranding May 2022</i>