

DETERMINING THE RESPONSIBLE PERSON POLICY – 2021



NATIONAL QUALITY STANDARD (NQS)

| QUALITY AREA 4: STAFFING ARRANGEMENTS | | |
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| 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. |

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

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| 150 | Responsible Person |
| 168 | Policies and Procedures |
| 173 | Prescribed information to be displayed |
| 177 | Prescribed Records |

Purpose

Jindabyne OSHC ensures that a Responsible Person is in attendance at all times the service is educating and caring for children. The Responsible Person is either the Approved Provider, Nominated Supervisor of the service or an allocated candidate (certified supervisor) who has been placed in day-to-day charge of the service.

Responsibilities for the Approved Provider

The Approved Provider of the service must –

- Ensure there is a Responsible Person on the premises at all times the service is educating and caring for children.
- Ensure that the name of the Nominated Supervisor is displayed prominently at the main entrance of the service.
- Notify the Regulatory Authority within 7 days if there is a change of person in the role of Nominated Supervisor through the NQA ITS Portal (**ACECQA Notification**).
- Ensure that, in the absence of the Nominated Supervisor from the service, the Responsible Person is placed in day-to-day charge of the service.
- Ensuring that the Nominated Supervisor and Responsible Person have an understanding of their role and have given their acceptance of this role in writing (**National Regulation 117A**).
- Ensure that there are sufficient staff at the service who meet the criteria to be a Responsible Person at the service during periods of leave or illness.
- Ensure that there is sign in and out register (**National Regulation 150**).
- Ensure to notify if adding another Nominated Supervisor to the service (**National Regulation 35, National Law 56**).

Responsibilities of the Nominated Supervisor

The Nominated Supervisor of an education and care service must –

- Provide written consent to accept the role of Nominated Supervisor (**National Regulation 117C**).
- Ensure that, in their absence from the service premises, another Responsible Person place in day-to-day charge of the service.
- Ensure that all staff have a sound understanding of the role of Responsible Person. It is recommended that these staff members who are in a responsible position are given an outline of their responsibilities and that they sign off that they agree to undertake the position. This should be placed in their file (**National Regulation 117A**).
- Ensure that the name of the Nominated Supervisor (**National Regulation 173(C)**) and other Responsible Person is signed into the responsible person register at all times (**National Regulation 150, 177(B)**).
- Create a roster in accordance with the availability of a Responsible Person, hours of operation and attendance patterns of children.
- Notify the Approved Provider and the Regulatory Authority within 14 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) or if they are subject to disciplinary proceedings.

Responsibilities of the Responsible Person

The Responsible Person of an education and care service must –

- Provide written consent to accept the role of Responsible Person (**National Regulation 117A**).
- Ensure to sign into the register when in responsible position (**National Regulation 150**).
- Ensure that they have a sound understanding of the role of Responsible Person (**National Regulation 117B**).
- Understand that a Responsible Person placed in a day-to-day charge of an approved service does not have the same statutory responsibilities under the National Law as the Nominated Supervisor.

Responsibilities of the Family/Guardian

The Family/Guardians of an education and care service must –

- Reading and understanding this policy
- Being aware of who is the Responsible Person at the service.

Procedure

Appointing a Responsible Person

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 of the service (**National Regulation 117A**).

- The Approved Provider or the Nominated Supervisor identifies that an educator meets the criteria to be given a Responsible person role, and
- they give their written consent to be placed in day to day charge of the service

Criteria to be determined a Responsible Person

Educators at the service who have been deemed suitable by the Approved Provider or Nominated Supervisor and wish to be considered for the role of Responsible Person in the absence of the Nominated Supervisor will be considered based on the following criteria set out in the National Regulations (**National Regulation 117B**).

- 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.
- A demonstrate understanding of:
 - Children (Education and Care Services National Law) Act 2010, and the Education and Care Services National Regulations 2011.
 - Equal Opportunity Employment Conditions.
 - Health and Safety, including Child Protection responsibilities.
 - Privacy and Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures.
 - The education and care service’s policies and procedures.
- Consideration will be also given regarding whether the individual has been subject to compliance action to or disciplinary proceedings under a children’s service law, education law, or a previous education and care service aw, in any state or territory. Candidates will be asked to submit a Compliance History Statement.

Determining the Responsible Person

- Whenever possible the Nominated Supervisor will be the Responsible Person. If the Nominated Supervisor will be absent, they will ask a suitable staff member/s to be the Responsible Person.
- The Responsible Person will sign in, as on duty, on the Responsible Person register and upon leaving, hand over to the next responsible person to sign in (**National Regulation 177(G)**).
- Only one staff member can be appointed to the position of Responsible Person at any one time.

Definitions, Terms & Abbreviations

| Term | Definition |
|----------------------|--|
| Approved Provider | Holds the Provider Approval granted under the Children (Education and Care Services National Law) Act 2011. This approval authorises the Approved Provider to operate an approved education and care service. |
| Nominated Supervisor | This person is responsible for the day to day management of an Approved Service and has legal responsibilities under the Law and Regulations that govern the operation of education and care services. |
| Responsible Person | The person the Approved Provider or Nominated Supervisor deems fit to be left in charge of the day to day operations of the service. A Responsible Person, does not have any statutory responsibilities under the National Law and Regulations in the absence of the Nominated Supervisor. |

Related Statutory Obligations & Considerations

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| Australian Children’s Education and Care Quality Authority (ACECQA) | www.acacqa.gov.au |
| Children (Education and Care Services National Law (NSW) 104a | https://www.legislation.nsw.gov.au/#/view/act/2010/104a/full |
| Education and Care Services National Regulations | https://www.legislation.nsw.gov.au/#/view/regulation/2011/653 |

Related Telephone Numbers

Early Childhood Education and Care Directorate - 1800 619 113

Amendment History

| Version | Amendment | Date |
|---------|----------------|-----------|
| 001 | Policy Created | 7/11/2019 |

This policy will be updated to ensure compliance with all relevant legal requirements every year. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the *Education and Care Services National Regulation*, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

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| Date: | 5 th January 2021 |
| Version: | 002 |
| Last Amended By: | Kylie Showman |
| Next Review: | January 2022 |
| Position: | Director / Nominated Supervisor |

Determining the Responsible Person

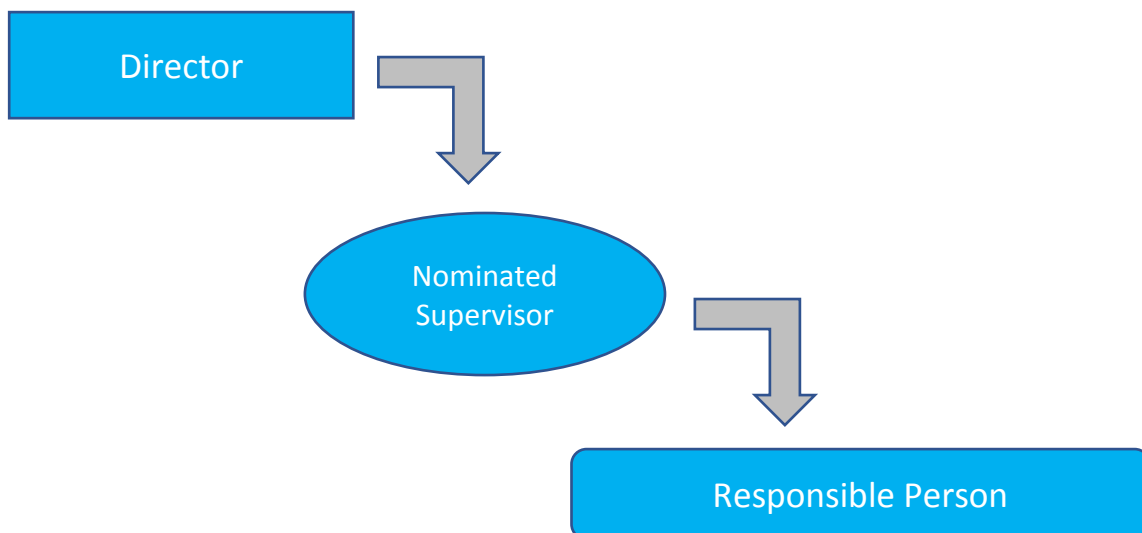
The name and position of the responsible person in charge of the service must be displayed at any given time. A “responsible person” can be:

- the Approved Provider, or
- the Nominated Supervisor, or
- Any other person designated as responsible person who has consented to be in day-to-day charge and signed designation Regulation 117A.

At **Jindabyne OSHC**:

- When the Approved Provider is on the premises, they are the responsible person.
- When Approved Provider is away, then the Nominated Supervisor, is the responsible person.
- If both Approved Provider and Nominated Supervisor are away, then the people named as the responsible person on the responsible person list will be next responsible.

If you have a question, complaint or query, the responsible person on duty is who you should discuss it with. This should be visible in the front foyer.



RESPONSIBLE PERSON RECORD

It is an offence to operate an Education and Care Service unless a Responsible Person is present.
(Section 161, 161A, 162, 164 Regulation 117 A. 117B. 117C of the National Law and Regulations.)

The person signed in as the authorised person is the person responsible for the day to day operation of the centre.

This person is the person to go to, for any matters relating to the centre.

The Nominated Supervisor, Kylie Showman, is always to be signed in when on the premises.

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| MONDAY <hr/> | Name: Time in: Sign: Time out: Sign: | Name: Time in: Sign: Time out: Sign: | Name: Time in: Sign: Time out: Sign: |
| TUESDAY <hr/> | Name: Time in: Sign: Time out: Sign: | Name: Time in: Sign: Time out: Sign: | Name: Time in: Sign: Time out: Sign: |
| WEDNESDAY <hr/> | Name: Time in: Sign: Time out: Sign: | Name: Time in: Sign: Time out: Sign: | Name: Time in: Sign: Time out: Sign: |
| THURSDAY <hr/> | Name: Time in: Sign: Time out: Sign: | Name: Time in: Sign: Time out: Sign: | Name: Time in: Sign: Time out: Sign: |
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