



BOURKE AND DISTRICT CHILDREN'S SERVICES

QUALITY AREA 4: STAFFING ARRANGEMENTS

POLICY NAME: RESPONSIBLE PERSON

POLICY STATEMENT

An Approved Provider operates an Education and Care 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, there is still to be a Responsible Person in day-to-day charge. Our service will ensure a Responsible Person is physically present at the service at all times that children are being educated and cared for; to ensure the health, safety, wellbeing, learning, and development of all children at the service.

A Responsible Person can be:

- The Approved Provider or a person with management or control.
- A Nominated Supervisor.
- A person placed in day-to-day charge of the service.

BACKGROUND

The Education and Care Services National Regulations requires Approved Providers to ensure their services have policies and procedures in place in relation to determining a Responsible Person. As per Education and Care Services National Law and Regulations, a Nominated Supervisor or a Responsible Person must be physically in attendance at all times that the service is educating and caring for children.

DEFINITIONS

Approved Provider: An individual or organisation that has completed an application form and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.

Nominated Supervisor: A person who has been nominated by the Approved Provider of the approved service under Part 6 of the Act and who has consented to that nomination. The Nominated Supervisor has responsibility for the day-to-day management of the approved service in accordance with the National Regulations. The Nominated Supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care services. All education and care services must have a Nominated Supervisor.

Person in day-to-day charge: A person who is physically at the service and has the role of Nominated Supervisor in their absence. This Person has consented to be a Responsible Person 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.

OVERALL STRATEGIES / HOW WILL IT BE DONE?

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 a Responsible Person. The criteria below is used to help determine a Responsible Person:

- A fit and proper person (as per regulatory authority conditions).
- Over 18 years of age.
- Adequate knowledge and understanding of the provision of education and care to children and of the day-to-day responsibilities of being a Responsible Person, including how to work through unexpected problems.
- The ability to effectively supervise and manage an education and care service.
- Hold a valid and current Working With Children Check.
- Completed a Child Protection course (which has been approved by the NSW Regulatory Authority) and aware of the reportable conduct scheme and their responsibilities in keeping children safe.
- Knowledge and a commitment to the National Child Safe Standards.
- A demonstrated knowledge and understanding of:
 - Approved learning framework (EYLF).
 - Education and Care Services National Law.
 - Education and Care Services National Regulations.
 - National Quality Standard.



BOURKE AND DISTRICT CHILDREN'S SERVICES

QUALITY AREA 4: STAFFING ARRANGEMENTS

POLICY NAME: RESPONSIBLE PERSON

- Equal Opportunity Employment Conditions.
- Work Health and Safety.
- BDCS Policies and Procedures
- Consideration will also be given to 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.

A Responsible Person must give their written consent to be placed in day-to-day charge of the service and this consent is filed in their staff file on SharePoint (this is not required for the Approved Provider). 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. If the Approved Provider deems the individual is no longer considered to meet the requirements of a Responsible Person, the Approved Provider will remove them from the position.

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. Both the outgoing and incoming Responsible Persons will ensure the displayed name of the current Responsible Person at the service correctly reflects who currently holds the position.

ROLES AND RESPONSIBILITIES

THE APPROVED PROVIDER AND NOMINATED SUPERVISORS WILL:

- Ensure there are policies and procedures in place for determining a responsible person and take reasonable steps to ensure those policies and procedures are followed.
- Ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- Ensure educators (including casual staff) receive information and induction training to fulfil their roles effectively, including being made aware of the Responsible Person policy, their responsibilities in implementing it, and any changes that are made over time.
- Ensure students, visitors and volunteers have knowledge of and adhere to this policy.
- 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 via the [NQA-ITS](#).
- Ensure 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.
- Ensure a Responsible Person is on duty from the time the service opens each day until the time the service closes when caring for children.
- Use the criteria listed in this policy to determine the suitability of a Responsible Person.
- Ensure that the identity of the Nominated Supervisor and Responsible Person on duty is displayed in the main entrance of the service and is easily visible for families and visitors.
- Remove a person from the position of Responsible Person if there is a matter or incident which affects the ability of the person to meet the minimum requirements of the position.
- Ensure records are kept of the name of the Responsible Person at the service for each time children are being educated and cared for by the Service.
- Ensure the person in day-to-day charge interchanges with the Nominated Supervisor in their absence and takes on the Responsible Person role.
- Ensure the individual's compliance history is taken into account prior to appointing the Nominated Supervisor or Responsible Person.
- Ensure they consider 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 prior to appointing a Nominated Supervisor.
- Ensure documentation is recorded on the staff members SharePoint file that demonstrates their capacity to supervise and manage the service, this may include:
 - Resume detailing work history.



BOURKE AND DISTRICT CHILDREN'S SERVICES

QUALITY AREA 4: STAFFING ARRANGEMENTS

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- Reference from previous employer.
- Transcripts of courses or unit relating to staff management or administration of an education and care service.
- Ensure Responsible Persons are aware that they have to sign off when they have finished their duty and will ensure the Nominated Supervisor or the alternative Responsible Person will sign on and take over the role.
- Ensure a staff record is kept on Smartsheet recording:
 - The full name, address and date of birth of the Nominated Supervisors and Responsible Persons.
 - Evidence of relevant qualifications.
 - 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 Nominated Supervisor/Responsible Person.
- Ensure all staff know which staff members have been appointed as a Responsible Person.
- Ensure Responsible Person appointments are recorded on the Staff Roster, so all educators and staff are aware of who is appointed Responsible Person at all times the service is open.

AN APPOINTED RESPONSIBLE PERSON WILL:

- Ensure they have a thorough understanding of their role of being placed in day-to-day charge of the service and ask for clarification from the Nominated Supervisor/Approved Provider if necessary.
- Provide written consent to accept the role of Responsible Person.
- Sign their name and hours of responsibility on the Responsible Person register.
- 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 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.
- Abide by any conditions placed on the Responsible Person.
- Understand 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 Nominated Supervisor/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. Notify the Nominated Supervisor/Approved Provider in writing, if they wish to withdraw their consent to be a Responsible Person.

EDUCATORS WILL:

- Ensure they are aware at all times, who the Responsible Person of the service is.

FAMILIES WILL:

- Know who the Responsible Person of the service is as their name will be displayed at the entrance to the service. (If their child is transported to the service, they can ask the educator collecting their child who the Responsible Person is).

CONTINUOUS IMPROVEMENT/REFLECTION

Our Responsible Person Policy will be reviewed on an annual basis in consultation with children, families, staff, educators, and management.

CHILD SAFE STANDARDS

Standard 1	Child safety is embedded in organisational leadership, governance, and culture
Standard 3	Families and communities are informed and involved
Standard 5	People working with children are suitable and supported
Standard 7	Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training
Standard 10	Policies and procedures document how the organisation is child safe.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS



BOURKE AND DISTRICT CHILDREN'S SERVICES

POLICY AUTHORISED BY	Prue Ritchie	POLICY REVIEWED	August 2024
NEXT REVIEW DATE	August 2025		
MODIFICATIONS	<ul style="list-style-type: none"> • New policy format • Child Safe Standards added • Regulation amendments incorporated • Was Previously called 'Determining Responsible Person' 		
PREVIOUS REVIEW			
POLICY AUTHORISED BY	Prue Ritchie	DATE	January 2021