

Determining Responsible Person (Supervisor on Duty) Policy

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
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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RATIONALE:

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. The Responsible Person is either the Approved Provider, Nominated Supervisor of the service or an allocated candidate who has been placed in day-to-day charge of the service.

AIMS:

To ensure that a Responsible Person (Supervisor on Duty) will be on the premises at all times, and the details of the Responsible Person at any given time are documented and clearly displayed for educators, staff, visitors and families.

To ensure the process for determining the Responsible Person will be clear to all educators and staff and followed at all times.

PROCEDURE:

A service **must always** have a Responsible Person physically present at all times during the operational hours of the service.

The Responsible Person will complete and sign the Responsible Person Record when they commence and finish as Responsible Person each day. There may be 2 or 3 Responsible persons on any given day to cover the hours the service is open.

The Responsible Person (Supervisor on Duty)'s name will be displayed on the wall in the classroom and changed to reflect the person on duty at any given time.

Responsibilities for the Approved Provider

The Approved Provider of an education and care 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 on the wall in 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 is placed in day-to-day charge of the service.
- Ensure that all staff have a sound understanding of the role of Responsible Person. (**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**).
- 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 –

- Be aware of who is the Responsible Person at the service on a daily basis.

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.
 - 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 law, in any state or territory.

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.

KAZ Early Learning Centre's Related Policies and Procedures:

Job Descriptions
Responsible Person Record

Related Statutory Obligations & Considerations

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

REVIEW

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.

Date Issued:	October 2019	Review Date:	October 2020
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Amendment	NQS & regulations added
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Family, Educator and Staff Comments: