

## STATEMENT

According to the law, a Responsible Person must be physically in attendance at all times that the Service is educating and caring for children. As an Approved Provider, KCS is obligated to appoint a Responsible Person who is aged 18 years or older, has adequate knowledge and understanding of the provision of education and care to children, and have the ability to effectively supervise and manage an education and care service (ACECQA, 2017).

## PURPOSE

Our Service is committed to meeting our duty of care obligations under the National Law & Regulations to ensure a Responsible Person is physically on the premises at all times when to ensure the health, safety, wellbeing, learning, and development of all children at the service is maintained at all times.

## SCOPE

This policy applies to the Management, Approved Provider, Nominated Supervisor, Responsible Persons and educators of the OSHC Service.

## DEFINITIONS

Name	Definition
Nominated Supervisor	A person, over the age of 18, with responsibility for the day-to-day management of an approved service. The Nominated Supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care services.
Person in day-to-day charge (PIDTDC)	A person, over the age of 18, who is physically at the Service and has the role of Nominated Supervisor or duly appointed person. The Responsible Person has consented to be 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.

## IMPLEMENTATION

A Responsible Person will be on the premises at all times, and the 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 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. The process for determining the Responsible Person will be clear to all educators and staff, and procedures will be followed at all times. Both the outgoing and incoming Responsible Persons will ensure the displayed name of the current Responsible Person at the Service correctly reflects who is presently holding the position.

Our Service will have at least one Responsible Person present at all times when caring for and educating children.

A Responsible Person can be:

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

## KCS MANAGEMENT WILL ENSURE A RESPONSIBLE PERSON:

- Is appointed and physically on the premise at all times when children are being educated and cared for;

- Is over the age of 18 years;
- Meets the minimum requirements for qualifications, experiences and management capabilities;
- Holds a valid and current Working with Children Check
- Has completed child protection training and is aware of the reportable conduct scheme;
- has knowledge and a commitment to the National Child Safe Standards
- has adequate knowledge and understanding of the provision of education and care to children, the Education and Care National Law and Regulations and National Quality Standard, the approved framework for school age care- My Time, Our Place (MTOP), Family Assistance Law and administration of CCS
- Has the ability to effectively supervise and manage an education and care service;
- is a fit and proper person (as per regulatory authority conditions)
- provides references including their current and previous employers. These will be checked, and records kept on file
- Provides written consent for the position of Responsible Person and this is filed in staff records.

#### **KCS MANAGEMENT WILL 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 through NQA IT System.
- The Regulatory Authority is notified upon the receipt of notification from the Nominated Supervisor of changes to their name or contact details, if the Nominated Supervisor is no longer employed by the Service, has been removed from the role or withdraws their nomination.
- A Responsible Person will be removed from the position should management becomes aware of a matter or incident which affects the suitability of the person to meet the minimum requirements of the position.
- Details of the Responsible Person are kept at the Service where children are being educated and cared for.
- A Responsible Person is on duty during the opening hours of the Service.
- 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
- In the absence of the Nominated Supervisor a Responsible Person is assigned the person in day-to-day charge of the Service.
- Responsible Persons are aware that they have to sign off when they have finished their duty and will ensure the Nominated Supervisor or appointed Responsible Person (PIDTIC) will sign on and take on the role
- A staff record is kept to document:
  - The full name, address and date of birth of the Responsible Person/Nominated Supervisor;
  - Evidence of relevant qualifications;
  - Evidence of any approved training (including first aid training);
  - Verification of a Working with Children Check – identifying number and expiry date.
  - written consent for the position of Responsible Person.

#### **A NOMINATED SUPERVISOR/APPOINTED RESPONSIBLE PERSON WILL:**

- Provide written consent to accept the role of Responsible Person;
- Sign their name and hours of responsibility on the staff 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 Coordinator/Nominated Supervisor as soon as practicable in the event of absence from the Service due to leave or illness so they can be replaced by another Responsible Person;
- Ensure they have a sound understanding of the role of Responsible Person;
- Abide by any conditions placed on the Responsible Person according to the changes to the National Regulations, KCS policies or operational needs;
- understand that a Responsible Person placed in day-to-day charge (PIDTIC) of the Service does not have the same responsibilities under the National Law as the Nominated Supervisor.

- in the case of Nominated Supervisor, Notify 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 KCS Management in writing if they wish to withdraw their consent to be a Responsible Person.
- Responsible Person appointments will be 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
- the Director/Nominated Supervisor will advise educators and staff the educators who have been appointed as a Responsible Person.

## CONTINUOUS IMPROVEMENT/REFLECTION

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

## COMPLIANCE

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
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships
QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
162	Offence to operate education and care service unless responsible person is present
169	Offence relating to staffing arrangements
117A	Placing a person in day-to-day charge
117B	Minimum requirements for a person in day-to-day charge
117C	Minimum requirements for a nominated supervisor
150	Responsible Person
168	Policies and Procedures
173	Prescribed information to be displayed

177	Prescribed enrolment and other documents to be kept by approved provider
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#### SOURCE

- Australian Children's Education & Care Quality Authority. (2014).
- Australian Children's Education & Care Authority. (2017).  
<https://www.acecqa.gov.au/sites/default/files/2018-09/ResponsiblePersonRequirements.pdf>
- Education and Care Services National Law Act 2010. (Amended 2018).
- [Education and Care Services National Regulations](#). (2011) (Amended 2020).
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).
- Guide to the National Quality Framework. (2017). (Amended 2020).
- Guide to the National Quality Standard. (2017).
- Revised National Quality Standard. (2018)

#### RELATED POLICIES

- Code of Conduct Policy
- Health and Safety Policy
- Interactions with Children, Family and Staff Policy
- Privacy and Confidentiality Policy
- Respect for Children Policy
- Staffing Arrangements Policy
- Supervision Policy
- Work Health and Safety Policy

#### RECORD OF REVISIONS

*Unless the Policy specifically states otherwise, the Policy does not form part of your employment agreement with KCS. KCS may unilaterally vary, remove or replace this Policy at any time. To the extent that this Policy imposes any obligations on KCS and/or purports to provide any right or benefit to you, those obligations are not contractual and do not give rise to any contractual rights. The Employee is required to be familiar with the content of the Policy and comply with the terms at all times.*

<b>File Reference</b>	CSP048 – Responsible Person				
<b>Date Created</b>	19/10/2021	<b>Created By</b>	Jordan Ross	<b>Responsible</b>	Children's Services Manager

Version Number	Modified or Reviewed by	Modifications Made/Notes	Date	STATUS (Internal, External, Archived)
V1	TT	New Policy using Childcare Centre Desktop Policy Bank	November 2020	External
V2	MT	Content review	November 2020	External
V3	JR	<ul style="list-style-type: none"> <li>• New Format</li> <li>• Minor edits to policy</li> <li>• deleted required for Australian National Police check for Responsible Person (only required for Nominated Supervisor)</li> <li>• sources checked for currency</li> </ul>	October 2021	External
V4	JR	<ul style="list-style-type: none"> <li>• policy maintenance - no major changes to policy</li> <li>• hyperlinks checked and repaired as required</li> </ul>	March 2023	External

		<ul style="list-style-type: none"><li>• new section- Continuous Improvement/Review added</li><li>• minor formatting edits within text</li></ul>		
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