

Responsible Person Policy

Purpose:	<p>The purpose of this policy is to provide guidelines for determining a Responsible Person in day-to-day charge of the service and ensuring a Responsible Person is physically present at all times children are attending River School Early Childhood Centre.</p> <p>Approved providers are responsible for appointing nominated supervisors and/or persons in day-to-day charge that are aged 18 years or older, fit, and proper, and have suitable skills.</p> <p>Educators and families must be aware of who is the responsible person in charge on any given day at all times. The Nominated supervisor assumes the legal responsibility of the service at all times, however, can pass on the responsibilities of running the service in their absence.</p>	
Scope:	Children attending the service, parents/carers, Approved Provider, Nominated Supervisor, educators and other staff, students undertaking work experience or vocational placements and volunteers.	
Status:	Approved	Supersedes: All previous Responsible Person Policies
Authorised by:	Dee Farquharson	Date of Authorisation: 15 Jun 2022
Related Policies & Procedures	<ul style="list-style-type: none"> • Education and Care Services National Law (Queensland) • Education and Care Services National Regulations: Reg 35, 117A-117C, 145-150,168(2)(i)(i),173 • National Quality Standard • River School Early Childhood Centre Governance and Management Policy • River School Early Childhood Centre Staff Code of Conduct 	
Review Date:	Every 2 years	Next Review Date: 15 Jun 2024
Policy Owner:	AMEL Board	

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Policy Statement & Principles

It is an offence under the Education and Care Services National Law (Queensland) to operate an education and care service unless a Responsible Person is present (s. 162).

The Approved Provider of River School Early Childhood Centre nominate a Nominated Supervisor for the service. The Nominated Supervisor will agree in writing and submit required documentation via the ACECQA NQAIT system.

The Nominated Supervisor, acting on behalf of the Approved Provider, assumes management control of River School Early Childhood Centre service, and nominated a Responsible Person in Day-to-Day charge in the form of a Centre Director, or senior/ experienced staff member. From time to time when the Centre Director is not available, procedures must be implemented to ensure that obligation under the national law is met at all times.

The Centre Director and Educators, that are eligible to be placed in the day-to-day charge of the service must have successfully completed child protection training.

River School Early Childhood Centre services will have one Responsible Person present at all times when caring for and educating children.

A responsible person is:

- An Approved Provider
- A Nominated Supervisor
- A duly appointed person, Responsible Person in Charge

DEFINITIONS:

1. **APPROVED PROVIDER** – An individual, company or organisation who holds the Provider Approval granted under the National Law. This approval authorises the Approved Provider to operate an approved education and care service.
2. **NOMINATED SUPERVISOR** – A person appointed by the Approved Provider who is responsible for the day-to-day management of an Approved Service and has a range of legal responsibilities under the Law and Regulations that govern the operation of education and care services.
3. **RESPONSIBLE PERSON IN DAY-TO-DAY CHARGE** - A person 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. They must consent to the responsibility in writing.

The name and position of the Responsible Person at any given time, will be displayed¹ so as to be visible from the entrance to the service.

¹ *Education and Care Services National Law (Queensland) s.172 & Education and Care Services Regulations s.173(2)(c)*

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Education and care services are required by national law to ensure a Responsible Person is present at all times that the service is educating and caring for children².

River School Early Childhood Centre is committed to the safety and wellbeing of children enrolled at the service and will ensure that a Responsible Person is on duty, at all times children are in attendance. River School Early Childhood Centre’s procedures will outline the process to determine who the Responsible Person will be at any given time children are in attendance and ensure the information is displayed appropriately.

Nominated Supervisor

ACECQA has developed a template [Compliance History Statement](#) to assist in gathering information about a person’s suitability for the role of Nominated Supervisor or PIDTDC.

The approved provider will nominate one or more persons to be a nominated supervisor at the service. Before doing so the approved provider will determine if a person is suitable to be a nominated supervisor³. River School Early Childhood Centre will ensure the person/s, considering their history of compliance with the National Law and any other relevant laws⁴:

- are 18 years or older
- hold a current Blue Card⁵
- have adequate knowledge and understanding of the provision of education and care to children
- have demonstrated ability to effectively supervise and manage an education and care service
- have completed appropriate child protection training

The information above and appropriate evidence of a person’s qualifications, skills and work experience will be recorded.

River School Early Childhood Centre will seek written consent from the person to be a Nominated Supervisor. Written consent ([NS01 Nominated supervisor written consent](#)) will be submitted to the Regulatory Authority, via ACECQA, as part of a service approval application or independently.

As prescribed by the National Regulations, the Name of the Nominated Supervisor/s will be displayed⁶ so as to be visible from the entrance to the service.

Person in day to day charge

Should it be required i.e. the nominated supervisor or approved provider is not present at the service or the service determines a need, River School Early Childhood Centre will appoint a person in day-to-day charge (PIDTDC)

² *Education and Care Services National Law (Queensland) s.162*

³ *Education and Care Services National Law (Queensland) s.161A*

⁴ *Education and Care Services Regulations s.117C*

⁵ *Working with Children (Risk Management and Screening) Act 2000*

⁶ *Education and Care Services National Law (Queensland) s.172 & Education and Care Services Regulations s.173(1)(c)*

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The PIDTDC will be the point of contact for parents and staff. The PIDTDC of the service will not have any additional legal responsibilities placed on them under the National Law, the responsibilities as an educator will continue to apply.

The approved provider or nominated supervisor will determine if the person is suitable to be a PIDTDC. River School Early Childhood Centre will ensure the person, considering their history of compliance with the National Law and any other relevant laws⁷:

- is 18 years or older
- holds a current Blue Card⁸
- has adequate knowledge and understanding of the provision of education and care to children
- has demonstrated ability to effectively supervise and manage an education and care service
- have completed appropriate child protection training

The information above and appropriate evidence of a person’s qualifications, skills and work experience will be recorded.

River School Early Childhood Centre will seek written consent from the person to be a person in day-to-day charge.

Implementation

The service will ensure it is implementing processes relating to the health, safety and wellbeing of its children and conduct of employees by auditing compliance with the processes annually.

The service will ensure on-going risk assessment and management is built into day to day operations to ensure a consistently safe environment.

River School Early Childhood Centre’s commitment to ensuring a responsible person is present at all times children are attending the service, means that it will implement the following measures:

Awareness

Specific details will be required under ‘Awareness’, with regard to the way the approved provider ensures that employees and families are made aware of relevant processes in providing for a responsible person at the service.

The service will inform employees and parents/carers of its processes relating to determining the responsible person at the service, in communications to them, and via the development and implementation of this policy and related procedures.

The name and qualifications of the responsible person, be it the approved provider, nominated supervisor or person in day to day charge, will be displayed and easily visible to families from the main entrance to the service.

⁷ *Education and Care Services Regulations s.117B*

⁸ *Working with Children (Risk Management and Screening) Act 2000*

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River School Early Childhood Centre will ensure that nominated supervisors and staff members at the service are:

- aware of the requirements and responsibilities of being the responsible person
- understand the obligations under the National Law to ensure a responsible person is present at all times children are attending the service
- any changes to the Responsible Person Policy

Parents of children enrolled at the service will be notified at least 14 days before the service makes any change to a policy or procedure that may have a significant impact on the service's provision of education and care to any child enrolled at the service, or the family's ability to utilise the service.

Accessibility

Copies of this policy and any related procedures are readily accessible in the Policy folder and on the River School website and available for inspection by the Regulatory Authority, Nominated Supervisor, employees and families.

Training

The service will ensure that staff are aware of the Responsible Person Policy on induction and at appropriate review times.

River School Early Childhood Centre will ensure the Nominated Supervisor and any person they appoint to be a person in day-to-day charge is appropriately trained in the service's child protection policy and processes for reporting harm or suspected harm of a child, and child protection obligations under national and state law.

River School Early Childhood Centre will ensure the Nominated Supervisor and any person they appoint to be a person in day-to-day charge is appropriately trained in all service policies and procedures on a regular basis, in order to ensure the service is effectively supervised and managed and the safety and wellbeing of children attending the service.

Compliance and Monitoring

The service will ensure appropriate records are kept, stored and retained according to this Policy and the River School Early Childhood Centre Privacy and Record Retention Policies.

In accordance with its responsibilities, River School Early Childhood Centre will undertake the following compliance and monitoring activities:

- Keep up to date and accurate staff records including qualifications, experience and written consent of persons consenting to the roles of Nominated Supervisor and/or person in day-to-day charge.
- Document advice given to parents/carers and staff about the responsible person for the service.
- Notify the regulatory authority via the NQA IT system, (NS02 Notification of change to nominated supervisor), if there is a change of person or an additional person in the role of Nominated Supervisor/s, including the person's written consent (NS01 Nominated supervisor

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written consent), at least 7 days prior to commencement or no more than 14 days after commencement, as required by the Education and Care Services National Law (Queensland)⁹.

- Notify the regulatory authority via the NQA IT system, (NS02 Notification of change to nominated supervisor), if a person ceases to be a Nominated Supervisor/s within 7 days, as required by the Education and Care Services National Law (Queensland)¹⁰.
- Notify the regulatory authority via the NQA IT system, (NS02 Notification of change to nominated supervisor), if there are any changes to a Nominated Supervisor/s details, as required by the Education and Care Services National Law (Queensland)¹¹.
- Review and update the Responsible Person Policy and related procedures, as required.

Complaints

Suggestions of non-compliance with the service's processes may be submitted as complaints under River School Early Childhood Centre Complaints Handling Policy.

The service will ensure appropriate records of complaints or circumstances at the service relating to a risk to the health, safety or wellbeing of a child are kept, stored, and retained according to this Policy and the River School Early Childhood Centre Privacy, Record Retention and [any other specific policies].

⁹ *Education and Care Services National Law (Queensland) s.56*

¹⁰ *Education and Care Services National Law (Queensland) s.56*

¹¹ *Education and Care Services National Law (Queensland) s.56*

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