

Determining Responsible Person Policy

Date: 3/09/14, reviewed 7/11/2017, reviewed 10/01/2020

Signed by Management Committee _____ **Date** _____

Aim:

A Responsible Person will be on the premises at all times. The details of the Responsible Person will be clearly displayed for educators, staff and families.

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

Details of the person responsible are documented and displayed for all users of UPCCC.

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.

Under the Education and Care Services National Law the responsible person can be:

- 1) The APPROVED PROVIDER
- 2) The NOMINATED SUPERVISOR
- 3) A staff member who is a RESPONSIBLE PERSON and has agreed to exercise supervisory and leadership responsibilities in the absence of the Nominated Supervisor.

Definitions:

- 1) The APPROVED PROVIDER – Holds the Provider Approval granted under the Children Education and Care Services National Law 2011. This approval authorises the Approved Provider to operate an approved education and care service.
- 2) The NOMINATED SUPERVISOR – this is a person designated by the approved provider as the Nominated Supervisor. This person 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. The nominated person must give written consent.
- 3) A RESPONSIBLE PERSON is who the Approved Provider or Nominated Supervisor sees fit to be left in charge of the day-to-day operations of the service. A Responsible Person however, does not have any statutory responsibilities under the National Law and Regulations in the absence of the Nominated Supervisor.

Practices:

- 1) University Preschool & Child Care Centre Management Committee has determined that the person appointed as the Director of the Centre has day-to-day management and control of the service.
- 2) The person appointed as the Director of UPCCC must be someone who:
 - a) Must be 18 years of age or older.
 - b) Has at least 3 years' experience working with children in an education and care setting.
 - c) Or has approved early childhood teaching qualifications.
 - d) Or has approved diploma qualifications.
- 3) When appointing a Nominated Supervisor, regard must be given to:
 - a) the person's history of compliance with the National Law and other relevant laws
 - b) any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person under the National Law and other relevant laws
- 4) An approved provider, must not nominate a person as a nominated supervisor if you knew or could reasonably have known that person was prohibited from being nominated. Currently you must not engage a person or volunteer if you know, or could reasonably have known, that person was prohibited under the National Law.
- 5) The Director will be designated as the Nominated Supervisor of the Centre and placed in day-to-day charge of the Centre.

- 6) The Management Committee will identify a number of staff who they see as fit to be left in charge of the day-to-day operations of the service and who are willing to be appointed as the Responsible Person so there can always be someone available to take on the role of Responsible Person at times when the Director is not physically present on the premises, i.e. before or after the Director's daily normal start and finish times, attendance at meetings, lunch breaks, during absence for personal or recreational leave.
- 7) A staff member so identified will acknowledge their agreement to accept the role of the Responsible Person in writing. This acceptance will be kept on their staff files.
- 8) Where a staff member so identified is required to assume the position of Responsible Person in the absence of the Director this will be on the understanding that they are not taking on the legal responsibilities of the Nominated Supervisor.
- 9) Compliance with Education and Care Services National Regulations 150. A staff roster will be developed to ensure that a Responsible Person is always on duty at the Centre and can be designated as the Responsible Person during times when the Director is not present. The name of the responsible person will be displayed in the main entrance of UPCCC.
- 10) The Nominated Supervisor or Responsible Person must sign a register located in the Administration offices.

Source

Australian Children's Education & Care Quality Authority (ACECA) Information Sheet, Changes to Supervisor Certificate Application requirements, accessed from <https://www.acecqa.gov.au/sites/default/files/2018-09/ResponsiblePersonRequirements.pdf> on 10/01/20

ACT Government, *Education and Care Services National Law (ACT) Act 2011*, and the Education and Care Services National Regulations 2011 (available from <https://www.legislation.nsw.gov.au/#/view/regulation/2011/653>)

Date for Review: September 2020