



Capturing Kids' Minds
Building Brainpower

RESPONSIBLE PERSON POLICY

As per Education and Care Services National Law and Regulations, a Responsible Person must be physically in attendance at all times that the Out of School Hours Care (OSHC) Service is educating and caring for children.

Approved providers are responsible for appointing 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 has an ability to effectively supervise and manage an education and care service (ACECQA, 2017).

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.

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.
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EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
Section 162	Offence to operate education and care service unless responsible person is present
Section 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

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
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PURPOSE

Our OSHC Service is committed to meeting our duty of care obligations under the *Education and Care Services National Law and National Regulations* to ensure a Responsible Person is physically on the premises at all times 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.

Responsible Person	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.
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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 OSHC 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 via the Responsible Person record**. 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 presently holds the position.

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

A responsible person can be:

- An Approved Provider or a person with management or control
- A Nominated Supervisor, *or*
- A person in day-to-day charge of the service (PIDTDC)

The Approved Provider/Management will ensure a Responsible Person:

- is appointed and physically on the premise at all times 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 (or state/territory equivalent) and Australian National Police 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* (MTO), 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)
- has evidence of completing an approved diploma level education and care qualification or higher is considered as a requirement or 'actively working towards' an ACECQA approved qualification **(Recommended but not compulsory)**.
- 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 (not required if the approved provider is the responsible person)

The Approved Provider/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 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
- a Responsible Person will be removed from the position should management become aware of a matter or incident which affects the ability of the person to meet the minimum requirements of the position
- the staff register has the name of the Responsible Person at the Service for each time children are being educated and cared for by the Service
- a Responsible Person is on duty from the time the Service opens each day until the time the Service closes
- the **PIDTDC** interchanges with the Nominated Supervisor in their absence
- 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 recording
 - the full name, address and date of birth of the responsible person/nominated supervisor;
 - evidence of relevant qualifications
 - if applicable, evidence that the **Responsible Person**/Nominated supervisor is actively working towards that qualification

- evidence of any approved training (including first aid training **and child protection training**)
- **acceptance for a Working with Children Check – identifying number and expiry date**

A Nominated Supervisor/appointed Responsible person will:

- provide written consent to accept the role of Responsible Person/**Nominated Supervisor**
- sign their name and hours of responsibility on the Responsible Service 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 management (**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
- ensure they have a sound understanding of the role of Responsible Person
- abide by any conditions placed on the Responsible Person
- 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 management at the Service 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**

RELATED PROCEDURES AND DOCUMENTS

Responsible Person Procedure

Responsible Person Offer and Acceptance

SOURCE

Australian Children's Education & Care Quality Authority. (2014).

Australian Children's Education & Care Authority. (2017). Responsible Person Requirements for Approved Providers: <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).

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)

REVIEW

POLICY REVIEWED	FEBRUARY 2021	NEXT REVIEW DATE	OCTOBER 2021
MODIFICATIONS	<ul style="list-style-type: none"> • additional information related to records for Responsible Person added • related procedures and documents added 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
OCTOBER 2020	<ul style="list-style-type: none"> • Additional standards added- QA7 • related National Law added • rewording of general section regarding Responsible Person for better flow • inclusion of knowledge of Family Assistance Law, CCS, Child Safe Standards • include information about staff records • sources updated and checked for currency 		OCTOBER 2021
October 2019	<ul style="list-style-type: none"> • Additional information added • information for withdrawal of consent added • Related policies added 		October 2020
October 2018	<ul style="list-style-type: none"> • References corrected, added &/or updated. • Incorrect references deleted & replaced. • Sources/references alphabetised. 		October 2019
November 2017	<ul style="list-style-type: none"> • Updated the references to comply with the revised National Quality Standard 		AUGUST 2018

