



# Determining the Responsible Person

Approval: September 2022

Review: September 2024

## POLICY STATEMENT:

Bondi Before & After School Care, has a duty of care obligation under the National Law and Regulations to ensure that a Responsible Person is on the premises at all times to ensure the health, safety and well-being, learning and development of all children at the service. This is to ensure that all legislative requirements are met.

## 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.

## 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

## PROCEDURES:

### Selecting a Responsible Person

- Service supervisor certificates will not be issued to a particular person. From 1 June 2014, regulatory authorities granted a *service supervisor certificate* for each approved education and care service.
- Instead they may apply to any person working at the service who has been identified by the approved provider within the service as: responsible for the day-to-day management of the service or exercising supervisory and leadership responsibilities for part of the service.
- This person can be an approved provider, a nominated supervisor or an Educator who is in charge of the daily running of the Centre.

### The Approved Provider will ensure:

- **The Responsible person must have completed accredited Child Protection training.**
- The Responsible person must accept the position in writing.
- The name of the Responsible Person must be displayed clearly at the Centre near the entrance to the Centre.
- The staff record has the name of the responsible person at the service for each time that children are being educated and cared for by the service.
- A record which includes the name of the responsible person at the service for each time that children are being educated and cared for by the service.
- Understand that a Certified Supervisor placed in day-to-day charge of the Service does not have the same responsibilities under the National Law as the Nominated Supervisor (i.e. Director)
- 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
- **The Responsible Person must be a Fit and Proper Person.**
- The Responsible Person has a minimum of 3 years working as an Educator in an Education and Care service (Recommended but not compulsory)

CONSIDERATIONS	
<b>Education &amp; Care Services National Regulations</b>	150, 168, 173, 177
<b>National Quality Standard</b>	QA 4.1, 4.1.1 QA 7.1.5, 7.3.1, 7.3.5

<b>Service Policies &amp; Documentation</b>	<ul style="list-style-type: none"> <li>● Staff Handbook</li> <li>● Providing a Child Safe Environment Policy.</li> <li>● Interactions with Children Policy.</li> <li>● Governance and Management Policy</li> <li>● Confidentiality Policy.</li> <li>● OSHC Code of Professional Standards.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>● Australian Children’s Education &amp; Care Quality Authority (2014)</li> <li>● Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2015</li> </ul>