

	<p align="center">Determining Responsible Person of Children Policy & Procedures</p>
<p>Version No.</p>	<p>Version 6 2024</p>
<p>Authorisation</p>	<p>General Manager</p>
<p>Expiry Date</p>	<p>Policy to be reviewed Annually</p>
<p>Responsible Officer</p>	<p>Manager Evolve Early Learning & Kindergarten</p>
<p>Policy Owner</p>	<p>Evolve Early Learning & Kindergarten</p>

Policy

Evolve Early Learning & Kindergarten is committed to:

- Meeting its Duty of Care (refer to *Definitions*) obligations under the law
- Ensuring staffing arrangements contribute to the health, safety, wellbeing, learning and development of all children at the service
- Meeting legislative requirements for a Responsible Person to be on the service premises at all times.

Purpose

Evolve Early Learning & Kindergarten is committed to:

- Determining the Responsible Person at Evolve Early Learning & Kindergarten
- This policy has been adapted from *PolicyWorks Manual - National Quality Framework* released by the Early Learning Association Australia.

Scope

This policy applies to Evolve Early Learning & Kindergarten who is responsible for the direct education and care of children including offsite excursions and activities.

This policy applies to the Approved Provider, Nominated Supervisor, Educators, Staff, Students on placement, Volunteers, Parents/guardians, Children and others attending Evolve Early Learning & Kindergarten

National Quality Standards (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

Background

- Under the *Education and Care Services National Law Act 2010*, it is an offence to operate an approved centre-based education and care service unless a Responsible Person is present.
- Legislation requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children.
- The Responsible Person is either the Approved Provider (or the person in management or control of the service), the Nominated Supervisor of the service, or a nominated person who has been placed in day-to-day charge of the service. For more information regarding these terms, refer to *Definitions*.
- An Approved Provider (Manager) must not operate a service unless there is a Nominated Supervisor appointed for that service.
- The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, a suitably qualified person is to be placed in charge, ensuring there is always a responsible person on the premises.
- It is important to note that a Responsible Person placed in day-to-day charge of a service does not have the same responsibilities under the National Law as the Nominated Supervisor.

Education and Care National Regulations

- Responsible person (National Regulations 150)
- Policies and procedures (National Regulations 168)
- Prescribed information to be displayed (National Regulations 173)
- Prescribed Records (National Regulations 177)

Responsibility/Accountability

The Approved Provider, according to Regulations is responsible for the implementation of the *Determining Responsible Person Policy*. This will be achieved through the Centre Manager and the staff:

- Ensuring there is a Responsible Person (refer to Background and *Definitions*) on the premises at all times the service is delivering education and care programs for children
- Ensuring that a person eligible to be nominated as a Responsible Person has appropriate skill level, experience, qualifications and approval to work with children, as required under the National Law and National Regulations
- Ensuring that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service (National Law, Section 172)
- Ensuring that the service does not operate without a Nominated Supervisor, and that this person has given written consent
- Ensuring that the name of the Nominated Supervisor is displayed prominently at the service
- Ensuring that information about the Nominated Supervisor, including name, address, date of birth, evidence of qualifications and approved training, and a Working with Children Check (refer to *Staffing Policy*) is kept in the staff record (National Regulations 146)
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (National Law, Section 56, National Regulation 35)
- Ensuring that, in the absence from the service premises of a Nominated Supervisor, a Responsible Person (refer to *Definitions*) is placed in day-to-day charge of the service
- Ensuring that the Nominated Supervisor have a sound understanding of the role of Responsible Person

Notifying the Regulatory Authority in writing if there any changes to:

- The name of the Approved Provider
- The appointment or removal of a person with management or control of the service operated by the Approved Provider
- The status of the Approved Provider as Fit and Proper
- Notifying the Regulatory Authority if a Nominated Supervisor has their Working with Children Check card or teacher registration suspended or cancelled, or if they are subject to any disciplinary proceedings under the law.

The Nominated Supervisor is responsible for:

- Ensuring that, in their absence from the service premises, a Responsible Person (refer to *Definitions*) is placed in day-to-day charge of the service
- Ensuring they have a sound understanding of the role of Responsible Person
- Ensuring that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service
- Developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children
- Notifying the Approved Provider and the Regulatory Authority within seven 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

Educators are responsible for:

- Ensuring they have a sound understanding of the role of Responsible Person.

Parents/guardians are responsible for:

- Reading and understanding the *Determining Responsible Person Policy*
- Being aware of the Responsible Person at the service on a daily basis.
- Volunteers and students, while at the service, are responsible for following the *Determining Responsible Person Policy* and its procedures.

Definitions

The terms defined in this section relate specifically to this policy and related procedures. For commonly used terms e.g. Approved Provider, Regulatory Authority etc. refer to the *Glossary of Terms*.

Word/Term	Definition
Approved Provider	An individual or organisation that has completed an application form and been approved by the Regulatory Authority as Fit and Proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.
Approved Service	An education and care service for which a service approval exists. A request for service approval must be made in writing to the Regulatory Authority and include prescribed information including details of the Nominated Supervisor and their written consent to be nominated as such.
Duty of Care	A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.
Fit and Proper	In determining whether an applicant is Fit and Proper, the Regulatory Authority must take into account the applicant's history of involvement in education and care services, their compliance with current and prior law, criminal history record check and any bankruptcy or insolvency issues. The Regulatory Authority may reassess fitness and propriety at any time. Applicants are required to complete the Declaration of Fitness and Propriety form on the Australian Children's Education and Care Quality Authority (ACECQA) website (see <i>Sources</i>) and have this approved by the Regulatory Authority. This form must be completed by an individual provider applicant or in the case of an entity provider applicant, each person with management or control of a service.
Nominated Supervisor	A person who has been nominated by the Approved Provider of the service under Part 3 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.

Responsible Person	The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider), Nominated Supervisor, or suitably qualified person who has been placed in day-to-day charge of the service in accordance with the National Regulations.
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DETERMINING RESPONSIBLE PERSON PRESENT PROCEDURE

Purpose

- This procedure will provide a process for determining the Responsible Person at Evolve Early Learning & Kindergarten

Procedure

The Responsible Person at Evolve Early Learning & Kindergarten will be outlined in the following order:

- Owner / Director of Evolve Early Learning & Kindergarten (Approved Provider)
- Centre Manager (Nominated Supervisor)
- Educators

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- Meeting legislative requirements for a Responsible Person to be on the service premises at all times.

References, Sources, Links to Legislation and Other Documents

Please refer to Reference and Sources page

Related service policies:

Code of Conduct Policy

Participation of Volunteers and Students Policy

Privacy and Confidentiality Policy

Staffing Policy

Supervision of Children Policy.