

DETERMINING A RESPONSIBLE PERSON

Reviewed August 2022
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POLICY STATEMENT

Our preschool will ensure a Responsible Person or Nominated Supervisor is physically present at our service at all times that children are being educated and cared for.

Details of the Responsible Person on duty will be communicated to all staff and are displayed at the sign-in area on our verandah.

DEFINITIONS

Approved Provider

The Approved Provider of Elizabeth Chifley Presbyterian Preschool is Presbyterian Church of Australia. They have been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate early childhood education and care services.

Nominated Supervisor

A person who has been nominated by the Approved Provider of the service under Part 6 of the Law to be the Nominated Supervisor of this 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 at least one Nominated Supervisor, but can nominate more.

Person in Day-to-Day Charge (PIDTDC)

A PIDTDC is a responsible person under Section 162 of the Law and is the point of contact for parents and staff if the Nominated Supervisor is absent. A PIDTDC has provided their written consent to accept the role of Responsible Person. Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the National Law. The responsibilities relevant to educators under the National Law continue to apply.

GOALS

Legislation requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children. The Responsible Person can be: The Approved Provider, the Nominated Supervisor or a Person in Day-to-Day Charge (PIDTDC).

STRATEGIES

CRITERIA TO BE DETERMINED A NOMINATED SUPERVISOR

Individuals at the service who are considered appropriate for the role of Nominated Supervisor must meet the following requirements as per Regulations 117B and 117C;

Individuals at the service who are considered appropriate for the role of Nominated Supervisor must meet the following requirements:

- be over 18 years of age.
- have adequate knowledge and understanding of the provision of education and care to children.
- have an ability to effectively supervise and manage an early childhood education and care service and practical

knowledge of the day-to-day responsibilities at the service.

- have a current *Working with Children Check* and comply with working with children laws.
- must have completed child protection training as required in NSW, and be aware of, and ensure staff are aware of, child protection laws and obligations.
- As required by Approved Provider, ensure all staff working with children undertake and hold current child protection training.
- A demonstrated understanding of
 - Education and Care services National Law Act 2010*, and the *Education and Care Services National Regulations 2011*
 - Early Childhood Australia *Code of Ethics*
 - Equal Opportunity Employment Conditions
 - Health & Safety including Child Protection responsibilities
 - Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures
 - Our service policies and procedures
- Consideration would also be given to whether the individual has been subject to compliance action or disciplinary proceedings under a Children's services law, education law, or a previous education and care services law, in any state or territory. Candidates will be asked to submit a Compliance History Statement.

PLACING A PERSON IN DAY-TO-DAY CHARGE

The Approved Provider and Nominated Supervisor is responsible for ensuring the safety and wellbeing of children at the service. The Nominated Supervisor of this service will consider a person's qualifications, experience and age when deciding whether they are a suitable candidate to be placed in day-to-day charge.

A person may be placed in day-to-day charge of the service when:

- the Nominated Supervisor identifies that they meet the criteria required under Section r117B and 117C, and
- they give their written consent to be placed in day-to-day charge of the service if the Nominated Supervisor is physically absent, and
- it is communicated to them by the Nominated Supervisor that they will be in day-to-day charge and they will sign in/out on the attendance record in that role.

RELATED GUIDELINES, STANDARDS, FRAMEWORKS, LEGISLATION

National Quality Standards

Quality Area 4: Staffing Arrangements – Standard 4.1
Quality Area 7: Governance and Leadership – Standard 7.1

Legislation

Education and Care Services National Law Act 2010: Part 6, 56, 161, 161A, 172, 291 [5]

Education and Care Services National Regulations: Regulations 35, 46-49, 117 [A] [B] [C], 146, 168 [2] [i] [ii], 173, 176 [2] [c]



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ROLES AND RESPONSIBILITIES

Approved Provider responsibilities

- I. Ensuring there is a person placed in day-to-day charge on the premises at all times the service is delivering education and care programs for children.
- II. Ensuring that the name and position of the Nominated Supervisor or Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service (National Law: Section 172)
- III. Ensuring that the name of the Nominated Supervisor or Responsible Person is displayed prominently at the service.
- IV. Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (Section 56, Regulation 35).
- V. Ensuring that, in the absence from the service premises of a Nominated Supervisor, a Responsible Person is placed in day-to-day charge of the service.
- VI. Ensuring that the Nominated Supervisor and educators have a sound understanding of a person placed in day to charge of the service.
- VII. Maintain records with information relating to each Nominated Supervisor (r146).
- VIII. Maintain records relating the Responsible Person (r150) including the name of the Responsible Person for each time that children are being educated and cared for by the service.

Nominated Supervisor responsibilities

- I. Providing written consent to accept the role of Nominated Supervisor.
- II. Ensuring that, in their absence from the service premises, a Responsible Person is placed in day-to-day charge of the service.
- III. Ensure they have a sound understanding of the role of being placed in day-to-day charge of the service.
- IV. Ensuring that the name and position of the person being placed in day-to-day charge of the service is displayed and easily visible from the main entrance of the service.
- V. Developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.
- VI. Notifying the Approved Provider and 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.

Responsible Person responsibilities

- I. Providing written consent to accept the role of Responsible Person.
- II. Checking 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.
- III. Ensuring they have a sound understanding of the role of Responsible Person.

- IV. Understanding that a Responsible Person placed in day-to-day charge of an approved service does not have the same responsibilities under the National Law as the Nominated Supervisor.

Family's responsibilities

- I. Reading and understanding of this policy.
- II. Being aware of the Responsible Person at the service on a daily basis.

MONITORING, EVALUATION AND REVIEW

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every 18 months.