

RESPONSIBLE PERSON POLICY

This policy is informed by:

- CMS Duty of Care Policy (*reviewed 2016*)
- Education and Care Services National Law Act 2010: Sections 5, 44, 56, 106-109, 114, 115, 118, 161, 162, 172, 291(5)
- Education and Care Services National Regulations 2011: Regulations 35, 46-49, 146, 168(2)(i)(ii), 173, 176(2)(c) •
- National Quality Standard, Quality Area 4: Staffing Arrangements — Standard 4.1: Staffing arrangements enhance children's learning and development and ensure their safety and wellbeing
- National Quality Standard, Quality Area 7: Leadership and Service Management -
 - Standard 7.1: Effective leadership promotes a positive organisational culture and builds a professional learning community -
 - Element 7.1.5: Adults working with children and those engaged in management of the service or residing on the premises are fit and proper

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, children, families, Educators, staff, students and volunteers of the Service.

PURPOSE

Our Service is committed to meeting our duty of care obligations under the National Law & Regulations to ensure a Responsible Person is 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.

DEFINITIONS

Nominated Supervisor

A person 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 the Education and Care Service.

Responsible Person

A person 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.

IMPLEMENTATION

A Responsible Person will be on the premises at all times, and the details of the Responsible Person will be readily available to families & visitors.

If the Responsible Person needs to change, they will 'hand over' obligations for the role to another duly appointed person at the Service. It is vital that the Responsible Person is documented when taking over this position. The process for determining the Responsible Person will always be clear to all Educators and staff and followed. Both the old and new Responsible Person will converse directly and ensure the name of the Responsible Person presented at the Service appropriately reflects who presently holds the position.

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

A Responsible Person is:

- An Approved Provider
- A Nominated Supervisor
- A duly appointed person, 18 years or older, fit and proper, and having suitable skills.

Management will ensure:

Responsible Persons are appointed and are:

Over the age of 18 years.

Meet the minimum requirements for qualification, experiences and management capabilities.

Have a clear understanding of the role.

Are fit and proper persons.

- A Responsible Person interchanges with the Nominated Supervisor in their absence.
- Responsible Persons are aware that they must sign off when they have finished their duty and ensure that the Nominated Supervisor or another appointed Responsible Person signs on, taking on the role of Responsible Person.
- Written consent of the Nominated Supervisor role has been accepted.
- Written consent of each Responsible Person role has been accepted.
- The Responsible Person Record lists the name of the Responsible Person at the Service for each time that children are being educated and cared for by the Service.
- The Nominated Supervisor or appointed Responsible Persons sign their name and present time on the Responsible Person Record.

A Nominated Supervisor or appointed Responsible Person will:

- Sign their name & present time on the Responsible Person Record.
- Provide written consent to accept the role of Nominated Supervisor.
- Provide written consent to accept the role of Responsible Person.
- Check that the identity of the Responsible Person in charge of the Service is always available to families & visitors.
- Inform the Approved Provider 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 them as the Responsible Person.

- Understand that a Responsible Person placed in day-to-day charge of the Service does not have the same responsibilities under the National Law as the 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

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 12 months. Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved. In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

Approved by:	Date:	Next Review Date:
Principal	07/08/2020	07/08/2022