



Determining the Responsible Person Present

Policy Statement

The NBCA must ensure that a responsible person is present at service at all times.

Background and Implementation

- Under the Education and Care Services National Law Act, it is an offense 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 NBCA 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 NBCA Centre, or a person in day-to-day charge of the service.
- An Approved Provider must not operate a Centre unless there is a Nominated Supervisor appointed for that Centre. The Nominated Supervisor does not have to be in attendance at all times, but in their absence, a responsible person is to be placed in charge, ensuring there is always someone on the service premises who has been assessed as fit and proper by the Regulatory Authority.
- It is important to note that a responsible person placed in day-to-day charge of a Centre does not have the same responsibilities under the National Law as the Nominated Supervisor. The responsibilities relevant to educators under the National Law continue to apply.

A responsible person can be:

- Approved Provider – This can be an individual, organisation or company. Someone with Management and control of the NBCA
- Nominated Supervisor
- A person in day-to-day charge of the service

An approved provider will:

- Ensure each Responsible Person has a clear understanding of their role
- Ensure the Responsible Person is appropriately skilled and qualified
- Ensure a Responsible Person is physically present at the NBCA Centre at all times that the service is operating.

The Nominated Supervisor or Delegated Authority will:

- Display in the foyer/main entrance the "Responsible Person Record". This document will detail the current Responsible Person
- Develop rosters in accordance with the availability of Responsible Persons, Centre operation and attendance patterns of children.



Procedure for Determining a Responsible Person

The Approved Provider/Nominated Supervisors/Co-Directors are responsible for:

- Ensuring there is a Responsible Person on the premises at all times the NBCA is delivering education and care programs for children
- Ensuring that the name and position of the Responsible Person in charge of the NBCA centre is displayed in the main entrance/foyer of the centre (National Law: Section 172)
- Ensuring that the NBCA centres do not operate without a Nominated Supervisor, and that this person has given written consent as determined under the Regulations
- 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 is kept on file as part of the staff record requirements (Regulation 146)
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (Section 56, Regulation 35). Display in the foyer/main entrance the "Responsible Person Record". This document will detail the current Responsible Person

Appointing a person in day-to-day charge

The Nominated Supervisor will:

- Ensure that in their absence, they appoint a person in day-to-day charge of the service
- Ensure that the "Responsible Person Record" details the current responsible person;
- The requirements for a person in day-to-day charge will:
 - o Be 18 years or older
 - o Have adequate knowledge and understanding of the provision of education and care to children
 - o Has an ability to effectively supervise and manage an education and care service
 - o Give written consent
- The nominated supervisor must also have regard to:
 - o The person's history of compliance with the National Law and other relevant laws
 - o Any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person under the National Law and other relevance laws.
- Ensure the Responsible Person completes the Responsible Person Record Form on a daily basis.

Child Protection Obligations and Training

- Nominated Supervisors/Co-Directors and all Educators must be advised of child protection laws and obligations and have current working with children checks that comply with working with children laws
- Nominated Supervisors/Co-Directors and a person in day-to-day charge must have successfully completed child protection training.

Policy Links

Policies:

- Authorisations and Access
- Child Protection
- Code of Conduct
- Duty of Care
- Employment Policy
- Interactions with Children, Families and Staff

NQS: All



Regulations: 46-54, 161-162, 168-173, and 177.

Sources:

- National Quality Framework
- Education and Care Services National Regulations
- Education and Care Services National Law
- Responsible Person Requirements for Approved Providers From 1 Oct 2017: ACECQA

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