



Determining a Responsible Person

Quality Area 7: Governance & Leadership

Policy Statement

Tathra Preschool will ensure a Responsible Person or Nominated Supervisor is always physically present at the service children are being educated and cared for. Details of the Responsible Person on duty will be communicated and displayed for all users of the preschool.

Policy Goals

Legislation requires that a Responsible Person is physically in attendance at all times the preschool 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).

Definitions

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.

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 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 at least one Nominated Supervisor

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. A service does not need to have a PIDTDC if a nominated supervisor or approved provider is the responsible person at the service.

Strategies: How will it be done?

Criteria to be Determined a Nominated Supervisor

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

- Current and practical knowledge of the day-to-day responsibilities of being an educator at the Preschool, including how to work through unexpected problems.
- Must be over 18 years of age.
- Must have completed the child protection training (if any) required in their state or territory.
- Demonstrate a sound understanding of:
 - Education and Care Services National Law Act 2010, and the Education and Care Service Services National Regulations 2011
 - Equal Opportunity Employment Conditions
 - Health and Safety, including Child Protection responsibilities.
 - Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures; and
 - Tathra Preschool policies and procedures.

Consideration will be also given regarding 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 is responsible for ensuring the safety and wellbeing of children at the preschool and will consider a person's qualifications, experience and age when deciding whether they are suitable to be placed in day-to-day charge.

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

- The Approved Provider or Nominated Supervisor identifies that they meet the criteria required under r117B and 117C and
- They give their written consent to be placed in day-to-day charge of the preschool.

Role and Responsibilities

Approved Provider will:

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

Nominated Supervisor will:

- Provide written consent to accept the role of nominated supervisor.
- Ensure that, in their absence from the preschool premises, a Responsible Person is placed in day-to-day charge of the preschool.

- Ensure they have a sound understanding of the role of being placed in Day-to-day charge of the preschool.
- Ensure that the name and position of the person in day-to-day charge of the preschool is displayed and easily visible from the main entrance of the preschool.
- Develop rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.
- Notify 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.

Person in Day-to-Day Charge (PIUDTC) will

- Provide written consent to accept the role of Responsible Person.
- Check that the name and position of the responsible person in Charge of the preschool is displayed and easily visible from the main entrance of the preschool.
- Ensure they have a sound understanding of the role of Responsible Person.
- Understand that a Person in Day-to-Day charge of an approved service does not have the same responsibilities under the National Law as the Nominated Supervisor

Families will:

- Have access to this policy on the preschool website and will develop an understanding of the policy as part of enrolment induction.
- Being aware of the Responsible Person at the service on a daily basis.

Monitor, 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 preschool will review this Policy every 3 years.

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 preschool will ensure that families of children enrolled at the preschool 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 preschool; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

Relevant Legislation

- Education and Care Services National Law Act 2010: Part 6, 56, 161, 161A, 162, 162A, 172, 291(5)
- Education and Care Services National Regulations: Regulations 35, 117 (A) (B) (C), 146, 150, 168(2)(i)(ii), 173, 176(2)(c)

Guidelines, Standards and Frameworks

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

Sources and References

- 2021, Community Early Learning Australia (CELA).
- Australian Children's Education and Care Quality Authority (ACECQA) – www.acecqa.gov.au
- ACECQA Guide to the National Quality Framework www.acecqa.gov.au/nqf/about/guide
- ACECQA Compliance History Statement www.acecqa.gov.au/resources/applications/sample-forms-and-templates
- Education and Care Services National Regulations 2011

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Review Date

2027 or when procedure, practice or legislation changes.