RESPONSIBLE PERSON POLICY

As per *Education and Care Services National Law and Regulations,* a Responsible Person must be physically in attendance at all times that the Out of School Hours Care (OSHC) Service is educating and caring for children.

*Approved providers are responsible for appointing a Responsible Person who is aged 18 years or older, has adequate knowledge and understanding of the provision of education and care to children, and has an ability to effectively supervise and manage an education and care service (ACECQA, 2017).*

NATIONAL QUALITY STANDARD (NQS)

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| QUALITY AREA 4: STAFFING ARRANGEMENTS | | |
| 4.1 | Staffing Arrangement s | 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. |

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| QUALITY AREA 7: GOVERNANCE AND LEADERSHIP | | |
| 7.1 | Governance | Governance supports the operation of a quality service |
| 7.1.3 | Roles and responsibilities | Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service. |

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| EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS | |
| Section 162 | Offence to operate education and care service unless responsible person is present |
| Section 169 | Offence relating to staffing arrangements |
| 117A | Placing a person in day-to-day charge |
| 117B | Minimum requirements for a person in day-to-day charge |
| 117C | Minimum requirements for a nominated supervisor |
| 150 | Responsible Person |
| 168 | Policies and Procedures |
| 173 | Prescribed information to be displayed |
| 177 | Prescribed enrolment and other documents to be kept by approved provider |

RELATED POLICIES

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| Code of Conduct Policy  Health and Safety Policy  Interactions with Children, Family and Staff Policy  Privacy and Confidentiality Policy | Respect for Children Policy  Staffing Arrangements Policy  Supervision Policy  Work Health and Safety Policy |

PURPOSE  
Our OSHC Service is committed to meeting our duty of care obligations under the *Education and Care Services National Law and National Regulations* to ensure a Responsible Person is physically 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.

SCOPE  
This policy applies to the management, approved provider, nominated supervisor, staff and educators of the Outside School Hours Care Service.  
  
DEFINITIONS

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| NAME | DEFINITION |
| Nominated Supervisor | A person, over the age of 18, 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 education and care services. |
| Responsible Person | A person, over the age of 18, 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

Our OSHC Service will ensure a Responsible Person will be on the premises at all times, and the details of the Responsible Person will be clearly visible to families and visitors at the main entry of the OSHC Service. A record of the Responsible Person will be documented each day via the Critical Reflection Diary

If the Responsible Person leaves the premises, they will ‘hand over’ obligations for the role to another duly appointed person at the Service. It is vital that handover to a designated Responsible Person are conducted to ensure the Responsible Person is aware of the routine, program, child and family details and staffing arrangements for each session. The process for determining the Responsible Person will be clear to all educators and staff, and procedures will be followed at all times. Both the outgoing and incoming Responsible Persons will ensure the displayed name of the current Responsible Person at the Service correctly reflects who presently holds the position.

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

A responsible person can be:

* An Approved Provider or a person with management or control
* A Nominated Supervisor, *or*
* A person in day-to-day charge of the service (PIDTDC)
* A person deemed by management to be a Responsible Person and who has completed the Responsible Person – Offer and Acceptance form

THE APPROVED PROVIDER/MANAGEMENT WILL ENSURE A RESPONSIBLE PERSON:

* is appointed and physically on the premise at all times children are being educated and cared for
* is over the age of 18 years
* meets the minimum requirements for qualifications, experiences and management capabilities
* holds a valid and current Working With Children Check
* has completed their RRHAN
* has knowledge and a commitment to the National Child Safe Standards
* has adequate knowledge and understanding of the provision of education and care to children, the Education and Care National Law and Regulations and National Quality Standard, the approved framework for school age care- *My Time, Our Place* (MTOP), Family Assistance Law and administration of CCS
* has the ability to effectively supervise and manage an education and care service
* is a fit and proper person (as per regulatory authority conditions)
* has evidence of completing an approved diploma level education and care qualification or higher is considered as a requirement or ‘actively working towards’ an ACECQA approved qualification
* provides written consent for the position of Responsible Person and this is filed in staff records (not required if the Approved Provider is the responsible person)
* is removed from the position, if the approved provider deems the individual is no longer considered to meet the fit and proper requirements

THE APPROVED PROVIDER/MANAGEMENT WILL ENSURE:

* educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy
* the regulatory authority is notified 7 days prior to a Nominated Supervisor starting at the Service or within 14 days after the person has commenced the role through NQA IT System
* the regulatory authority is notified if the Nominated Supervisor changes their name or contact details; is no longer employed by the Service, has been removed from the role or withdraws their nomination
* a Responsible Person will be removed from the position should management become aware of a matter or incident which affects the ability of the person to meet the minimum requirements of the position
* the staff register has the name of the Responsible Person at the Service for each time children are being educated and cared for by the Service
* a Responsible Person is on duty from the time the Service opens each day until the time the Service closes
* ensure that the identity of the Responsible Person on duty is displayed in the main entrance of the Service and is easily visible for families and visitors
* the **PIDTDC** interchanges with the Nominated Supervisor in their absence
* the individual’s compliance history is taken into account prior to appointing the nominated supervisor or responsible person including compliance with:
  + the National Law
  + a former education and care services law
  + children’s services law
* they consider any decision under the National Law, or any other children’s services or education law, to refuse, refuse to renew, suspend, or cancel a license, approval, registration, certification or other authorisation granted to the person prior to appointing a nominated supervisor
* documentation is recorded that demonstrates the individual’s capacity to supervise and manage the service, this may include:
  + a Supervisor Certificate (including any conditions of the certificate),
  + resume detailing work history,
  + reference from previous employer, or
  + transcripts of courses or unit relating to staff management or administration of an education and care service.
* Responsible Persons are aware that they have to handover when they have finished their duty and will ensure the Nominated Supervisor or appointed Responsible Person (PIDTIC) will participate in handover and ask any clarifying questions if unsure and place themselves on the board to take on the role
* a staff record is kept recording
  + the full name, address and date of birth of the responsible person/nominated supervisor;
  + evidence of relevant qualifications
  + if applicable, evidence that the Responsible Person/Nominated supervisor is actively working towards that qualification
  + evidence of any approved training (including first aid training and child protection training)
  + verification of a Working with Children Check – identifying number and expiry date
  + written consent for the position of Responsible Person

A NOMINATED SUPERVISOR/APPOINTED RESPONSIBLE PERSON WILL:

* provide written consent to accept the role of Responsible Person/Nominated Supervisor
* ensure that the identity of the Responsible Person on duty is displayed in the main entrance of the Service and is easily visible for families and visitors
* inform management (Approved Provider/Nominated Supervisor) in a timely manner 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 the Responsible Person
* understand that a Responsible Person placed in day-to-day charge (PIDTIC) of the Service does not have the same responsibilities under the National Law as the Nominated Supervisor.
* in the case of 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.
* notify management at the Service in writing, if they wish to withdraw their consent to be a Responsible Person
* Responsible Person appointments will be made known to the staff via direct communication and roster, so all educators and staff are aware of who is appointed Responsible Person at all times the service is open
* the Director/Nominated Supervisor will advise educators and staff the educators who have been appointed as a Responsible Person.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Responsible Person Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

CHILDCARE CENTRE DESKTOP - RELATED RESOURCES

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| Responsible Person Procedure  Responsible Person Offer and Acceptance | Responsible Person Register  Routine Checklist - Responsible Person |

SOURCES

Australian Children’s Education & Care Quality Authority. (2014).

Australian Children’s Education & Care Authority. (2017). Responsible Person Requirements for Approved Providers: <https://www.acecqa.gov.au/sites/default/files/2018-09/ResponsiblePersonRequirements.pdf>

Australian Children’s Education & Care Authority. (2018). Nominated Supervisors. <https://www.acecqa.gov.au/sites/default/files/2018-03/InformationSheetNominatedSupervisor.pdf>

Australia Children’s Education & Care Quality Authority. (2023). [*Guide to the National Quality Framework.*](https://www.acecqa.gov.au/sites/default/files/2023-03/Guide-to-the-NQF-March-2023.pdf)

Education and Care Services National Law Act 2010*.* (Amended 2023).

[Education and Care Services National Regulations](https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2011-0653?query=((Repealed%3DN+AND+PrintType%3D%22act.reprint%22+AND+PitValid%3D@pointInTime(20200831000000))+OR+(Repealed%3DN+AND+PrintType%3D%22reprint%22+AND+PitValid%3D@pointInTime(20200831000000))+OR+(Repealed%3DN+AND+(PrintType%3D%22epi.reprint%22+OR+PrintType%3D%22epi.electronic%22)+AND+PitValid%3D@pointInTime(20200831000000)))+AND+Content%3D(%22early%22+AND+%22childhood%22)&dQuery=Document+Types%3D%22%3Cspan+class%3D%27dq-highlight%27%3EActs%3C/span%3E,+%3Cspan+class%3D%27dq-highlight%27%3ERegulations%3C/span%3E,+%3Cspan+class%3D%27dq-highlight%27%3EEPIs%3C/span%3E%22,+Search+In%3D%22%3Cspan+class%3D%27dq-highlight%27%3EAll+Content%3C/span%3E%22,+All+Words%3D%22%3Cspan+class%3D%27dq-highlight%27%3Eearly+childhood%3C/span%3E%22,+Point+In+Time%3D%22%3Cspan+class%3D%27dq-highlight%27%3E31/08/2020%3C/span%3E%22). (Amended 2023).

Revised National Quality Standard. (2018)  
[Western Australian Education and Care Services National Regulations](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_12929_subsidiary.html)

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| POLICY REVIEWED BY | OSHC Advisory Committee and Governing Council | Governing body | | May 2024 |
| POLICY REVIEWED | OCTOBER 2023 | NEXT REVIEW DATE | OCTOBER 2024 | |
| VERSION NUMBER | V9.10.23 | | | |
| MODIFICATIONS | * annual policy review- no major changes * additional information added under Approved Provider section * Childcare Centre Desktop resources added * sources checked for currency and updated as required   responsible person register removed from Appendix of this policy | | | |
| POLICY REVIEWED | PREVIOUS MODIFICATIONS | | NEXT REVIEW DATE | |
| OCTOBER 2022 | * policy maintenance - no major changes to policy * hyperlinks checked and repaired as required * new section- Continuous Improvement/Review added * minor formatting edits within text * link to Western Australian Education and Care Services National Regulations added in ‘Sources’ | | OCTOBER 2023 | |
| OCTOBER 2021 | * minor edits to policy * deleted requirement to have an Australian Police Check for responsible person (Only required for Nominated Supervisor) | | OCTOBER 2022 | |
| FEBRUARY 2021 | * additional information related to records for Responsible Person added * related procedures and documents added | | OCTOBER 2021 | |
| OCTOBER 2020 | * Additional standards added- QA7 * related National Law added * rewording of general section regarding Responsible Person for better flow * inclusion of knowledge of Family Assistance Law, CCS, Child Safe Standards * include information about staff records * sources updated and checked for currency | | OCTOBER 2021 | |
| OCTOBER 2019 | * Additional information added * information for withdrawal of consent added * Related policies added | | OCTOBER 2020 | |
| OCTOBER 2018 | * References corrected, added &/or updated. * Incorrect references deleted & replaced. * Sources/references alphabetised. | | OCTOBER 2019 | |
| NOVEMBER 2017 | * Updated the references to comply with the revised National Quality Standard | | AUGUST 2018 | |