

STAFFING PROCEDURE

Determining Responsible Persons



Procedure Number: CS-06-2008

Version: v-2022

Approved by EO on: 18-02-2022

NQR - Quality Area 4

The Approved Provider (HPCH) is responsible for:

- ensuring there is a Responsible Person on the premises at all times HPCH is delivering education and care programs for children;
- nominating sufficient Nominated Supervisors to meet legislative requirements for a Responsible Person to be at the service at all times, including during periods of leave or illness;
- ensuring the name and position of the Nominated Supervisor in charge of the service is displayed and easily visible from the main entrance of HPCH (National Law: Section 172);
- ensuring that the service does not operate without a Nominated Supervisor(s), and that each of the Nominated Supervisor(s) has given written consent to be in the role;
- ensuring that information about the Nominated Supervisor, including full name, address, date of birth, evidence of qualifications, approved training, a Working with Children Check (WWCC) or teaching registration, date of expiry of WWCC or teacher registration and other documentary evidence of fitness to be a Nominated Supervisor (refer to *Staffing Policy*) is kept on the staff record (Regulation 146).
- notifying the Regulatory Authority if:
 - there is a change to the name or contact details of the Nominated Supervisor (Section 56, Regulation 35);
 - the Nominated Supervisor is no longer employed or engaged by the service;
 - the Nominated Supervisor has been removed from the role;
 - the Nominated Supervisor withdraws their consent to the nomination;
- if a Nominated Supervisor or Person in day-to-day Charge has their WWCC or teacher registration suspended or cancelled, or if they are subject to any disciplinary proceedings under the law; or
- there is any other matter or incident which affects the ability of the Nominated Supervisor to meet minimum requirements and re-assessing the Nominated Supervisor's suitability for the role.
- ensuring that, when the Nominated Supervisor is absent from the premises, an alternative Responsible Person is on site;





- ensuring the Nominated Supervisor and Person in day-to-day Charge have a sound understanding of the role
- ensuring that the staff record includes the name of the Responsible Person at HPCH – Children’s Service for each time that children are being educated and cared for by the service (Regulation 150);
- ensuring the Nominated Supervisors and Person in day-to-day Charge have successfully completed child protection training (see *Child Safe Environment Policy*); and
- developing rosters in accordance with the availability of Responsible Persons, hours of operations of HPCH and the attendance patterns of children.

Appointment of Nominated Supervisor

HPCH will determine if a person is suitable to be a Nominated Supervisor prior to nomination by ensuring they:

- are at least 18 years of age;
- have adequate knowledge and understanding of the provision of education and care to children;
- have the ability to effectively supervise and manage an education and care service;
- have not been subject to any decision under the National Law, or any other children’s services or education law, to refuse, refuse to renew, suspect, or cancel a licence, approval, registration, certification or other authorisation granted to the person;
- have a history of compliance with the National Law and other relevant laws (Regulations 117C and 117B);
- have a criminal history record check; and
- have completed a Declaration of fitness and propriety in the form available on the ACECQA website PA02 (s10, 12 & 13 of the *Education and Care Services National Law Act 2010*)
- Only those persons suitable to be appointed as Nominated Supervisors and who have consented to the role in writing shall be appointed as Nominated Supervisors.
- HCPH will keep a copy of its assessment of a person as a Nominated Supervisor, with sufficient evidence, on file in order to demonstrate compliance with the relevant laws and regulations.
- HCPH will continually assess whether the Nominated Supervisor is fit for the role of Nominated Supervisor and may revoke a nomination should there be cause to do so.

Appointment of Person in day-to-day Charge

HPCH will determine if a person is suitable to be a Person in day-to-day Charge prior to nomination by ensuring they:

- are at least 18 years of age;
- have adequate knowledge and understanding of the provision of education and care to children;
- have the ability to effectively supervise and manage an education and care service;





have not been subject to any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspect, or cancel a licence, approval, registration, certification or other authorisation granted to the person; and

- have a history of compliance with the National Law and other relevant laws (Regulation 117B).

Only those persons suitable to be appointed as a Person in day-to-day Charge and who have consented to the role in writing shall be appointed as a Person in day-to-day Charge

The Nominated Supervisor is responsible for:

- providing written consent to accept the role of Nominated Supervisor;
- ensuring they have a sound understanding of the role of Responsible Person;
- ensuring that, in their absence from the service premises, a Responsible Person is present;
- ensuring 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;
- supporting HPCH to develop rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children;
- notifying HPCH 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 a fit and proper person to work with children, such as the suspension or cancellation of a WWCC or teacher registration, or if they are subject to disciplinary proceedings;
- following all HPCH policies, such as policies and procedures for supervision and safety of children, entry to and exit from premises, nutrition and food and beverages, administration of medication, sleep and rest, excursions and transportation and staffing ratios and qualifications; and
- ensuring volunteers and students on placement:
 - have appropriate WWCC;
 - conduct appropriate hygiene and are not affected by alcohol or drugs;
 - understand policies on medical treatment; and
 - do not subject children to unreasonable discipline.

Other staff are responsible for:

- meeting the qualifications, experience and other requirements if they wish to be nominated as a Person in day-to day Charge;
- providing written consent to be the Person in day-to-day Charge; and
- ensuring they have a sound understanding of the role of Responsible Person.





Parents/guardians are responsible for:

- reading and understanding this policy; and
- being aware of the Responsible Person at the service on a daily basis.

Volunteers and students, while at the service, are responsible for following the Determining Responsible Person policy and its procedures.

Definitions

Approved Provider: means the legal entity Hampton Park Care Group Inc. – Board of Governance (BoG).

Person in day-to-day Charge: A person who is placed in day-to-day charge of an education and care service by an Approved Provider or a Nominated Supervisor; and who has consented to the placement in writing (Regulation 117A).

Person with Management or Control: Where the Approved Provider of a service is an eligible association, each member of the association's executive committee is a Person with Management or Control and has the responsibility, alone or with others, for managing the delivery of the education and care service (National Law: Definitions (b)).

Responsible Person: Centre-based services must have a Responsible Person present at all times that the service is delivering education and care. The Responsible Person is the Person in day-to-day Charge at the service and can be one of the following:

- a Person with Management or Control of an education and care service operated by the Approved Provider;
- the Nominated Supervisor of the service; or
- a Person placed in day-to-day Charge of the service. (National Law, Section 162)

Nominated Supervisor: A person over 18 years of age who has been nominated by the Approved Provider under Part 3 of the Act and who has *consented* to that nomination in writing in accordance with the National Regulations (Section 5 and 161).

Related policies

- Child Safe Environment Policy
- Mandatory Reporting Policy
- Code of Conduct Policy
- Complaints and Grievances Policy
- Safe Transportation of Children Policy
- Inclusion and Equity Policy
- Interactions with Children Policy
- Occupational Health and Safety Policy
- Privacy and Confidentiality Policy
- Staffing Policies (including Determining Responsible Persons, Managing and Reporting Incidents)
- Supervision of Children Policy
- Incident, injury, trauma and illness policy





Evaluation

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness;
- monitor the implementation, compliance, complaints and incidents in relation to this policy;
- keep the policy up to date with current legislation, research, policy and best practice;

Supporting Document:

ELA -Employee Management & Development resource (EM&D)

Attachments

Refer: <https://www.acecqa.gov.au/resources> for relevant forms:

- [NS01 Nominated supervisor consent form](#)
- [PA02 Declaration of fitness and propriety](#)
- [PA09 Transferring provider declaration \(service approval\)](#)

Authorisation:

Signature of EO

Date of approval by EO

18-02-2022

Hampton Park Care Group

