

STAFFING POLICY

Determining Responsible Persons

Effective Date:	
Date last reviewed:	Endorsed by:
Scheduled Review Date:	Version No:

Mandatory – Quality Area 4

Purpose

This policy will provide guidelines to assist in determining the Responsible Person at Hampton Park Community House (HPCH).

Policy Statement:

1. Values

Hampton Park Community House (HPCH, or “the service”) is committed to:

- meeting its duty of care (refer to *Definitions*) obligations under the law
- ensuring staffing arrangements contribute to the safety, health, well-being, learning and development of all children at the service
- meeting legislative requirements for a Responsible Person (refer to *Background and Definitions*) to be on the service premises at all times.

2. Scope

This policy applies to HPCH as the Approved Provider, Persons with Management or Control, Nominated Supervisor, Persons in day-to-day Charge, staff, students or placement, volunteers and parents/guardians of HPCH.

3. Background and Legislation

Background

Under the *Education and Care Services National Law Act 2010*, it is an offence for HPCH to operate an approved centre-based education and care service unless a Responsible Person is physically in attendance at HPCH at all times it is educating and caring for children.



HPCH will not operate its service unless there is a Nominated Supervisor appointed. The Nominated Supervisor does not have to be in attendance at HPCH at all times, but in their absence, a Responsible Person, such as a Person in day-to-day Charge must be present.

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Child Safe Standards* - new Standards will commence on 1 July 2022
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*
- *National Quality Standard, Quality Area 4: Staffing Arrangements*
- *National Quality Standard, Quality Area 7: Leadership and Service Management*
- *Worker Screening Act 2020 (Vic)*
- *Worker Screening Regulations 2021 (Vic)*

4. Definitions

Approved Provider: means Hampton Park Community House (HPCH).

Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

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 (refer to *Definitions*) 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).



5. Sources and Related Policies

Sources


- Australian Children's Education and Care Quality Authority (ACECQA), Information Sheets: www.acecqa.gov.au
- *Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011*: www.acecqa.gov.au
- *Guide to the National Quality Framework*: www.acecqa.gov.au

Related Policies

- *Child Safe Environment Policy*
- *Code of Conduct Policy*
- *Participation of Volunteers and Students Policy*
- *Privacy and Confidentiality Policy*
- *Supervision of Children Policy*

Authorisation:

Signature of Chair of BOG :



Date of Approval by BOG:

Hampton Park Care Group Inc.