



PENNANT HILLS WAR MEMORIAL CHILDREN'S CENTRE

3-7 Shields Lane, Pennant Hills NSW 2120. Telephone : 9484 1133
Postal Address : PO Box 537, Pennant Hills NSW 1715
Email: phwmcc@inet.com.au
ABN 85 129 536 459

PENNANT HILLS WAR MEMORIAL CHILDREN'S CENTRE (PHWMCC) DETERMINING RESPONSIBLE PERSON POLICY

Introduction

The Approved Provider of PHWMCC operates the service with an appointed Nominated Supervisor. The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, a Responsible Person is to be placed in charge.

At PHWMCC the Responsible Person is either the Nominated Supervisor of the service, or an educator who has been placed in day-to-day charge of the service.

Aim

PHWMCC will ensure a Responsible Person is physically present at the service at all times children are being educated and cared for.

Details of the Responsible Person on duty will be communicated and displayed for all users of the service.

Procedure

Appointing a Responsible Person

The Approved Provider is responsible for ensuring the safety and wellbeing of children at the service 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 service, when:

- the Approved Provider or the Nominated Supervisor identifies that they meet the criteria to be a Responsible Person and
- they give their written consent to be placed in day to day charge of the service (required under regulation 54).

Criteria to be determined a Responsible Person

Educators at the PHWMCC who have been deemed suitable by the Approved Provider or Nominated Supervisor as a Responsible Person must:

- Be over 18 years of age
- Have adequate knowledge and understanding of the provision of education and care to children
- Have an ability to effectively supervise and manage an education and care service
- Have successfully completed Child Protection training
- Have a current Working With Children Check
- Have a demonstrated understanding of:
 - *Education and Care Services National Law Act 2010* (National Law) and the *Education and Care Services National Regulations 2011* (National Regulation);
 - Equal Opportunity Employment Conditions ;
 - Health and Safety, including Child Protection responsibilities;

- Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures; and
- PHWMCC's 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. PHWMCC will ensure that all Responsible Persons submit a Compliance History Statement.

Roles and Responsibilities

Approved Provider

- Ensuring there is a Responsible Person on the premises at all times PHWMCC is delivering education and care programs for children.
- Ensuring that the name and position of the Responsible Person is displayed and easily visible from the main entrance (National Law: Section 172).
- Ensuring that the name of the Nominated Supervisor is displayed prominently.
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (National Law Section 56, National Regulation - 35). Ensuring that, in the absence from PHWMCC of a Nominated Supervisor, the Responsible Person is placed in day-to-day charge.
- Ensuring that the Nominated Supervisor and educators have a sound understanding of the role of Responsible Person.

Nominated Supervisor

- Providing written consent to accept the role of Nominated Supervisor.
- Ensuring that, in their absence from PHWMCC, another Responsible Person is placed in day-to-day charge.
- Ensuring they have a sound understanding of the role of Responsible Person.
- Ensuring that the name and position of the Responsible Person in charge of PHWMCC is displayed and easily visible from the main entrance.
- Developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.
- Notifying 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 or teacher registration, or if they are subject to disciplinary proceedings.

Responsible Person

- Providing written consent to accept the role of Responsible Person.
- Checking that the name and position of the Responsible Person in charge of PHWMCC is displayed and easily visible from the main entrance.
- Ensuring they have a sound understanding of the role of Responsible Person.
- Understanding that a Responsible Person placed in day-to-day charge of an approved service does not have the same responsibilities under the National Law as the Nominated Supervisor

Families

- Reading and understanding this policy.
- Being aware of the Responsible Person at PHWMCC on a daily basis

Monitoring, 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 2 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 preschool; the fees charged or the way in which fees are collected.

Definitions

Regulatory Authority

Early Childhood Education and Care Directorate

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 preschools.

This is the Pennant Hills War Memorial Children's Centre Management Committee.

Nominated Supervisor

A person who has been nominated by the Approved Provider of the preschool under Part 3 of the Education and Care Preschools National Law Act to be the Nominated Supervisor of that preschool, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the preschool in accordance with the National Regulations.

This is the Director of Pennant Hills War Memorial Children's Centre.

Responsible Person

At Pennant Hills War Memorial Children's Centre this is the Nominated Supervisor or an educator who has been placed in day-to-day charge of the preschool in accordance with the National Regulations.

Early Childhood Educators

Teachers and Child Care Workers

Related Legislation

Education and Care Preschools National Law Act 2010: Section 5,44,56,106-109,114,115,118,161, 162,172,291(5)
Education and Care Preschools National Regulations 2011: Regulations 35, 46-49, 146, 168(2)(i)(ii), 173, 176(2)(c)

Related Guidelines, Standards, 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

Community Early Learning Australia – Determining Responsible Person Sample Policy
ACECQA NQF information Sheet – Responsible Persons Requirements for Approved Providers

Relevant Documents

ACECQA Compliance History Statement
<https://www.acecqa.gov.au/search?s=compliance+history+statement>

Policy Reviewed: July 2018

Next Review Date: July 2020