

POLICY AIM

Sweetpeas Kindergarten ensures that a Responsible Person is always in attendance while the service is educating and caring for children. The Responsible Person is either the Approved Provider/Nominated Supervisor of the service or an appointed educator who has been placed in day-to-day charge of the service.

RATIONALE

The *Education and Care Services National Regulations 2011* state that there must be a nominated Responsible Person in Charge (RP) at all times. The National Regulations stipulate criteria for determining fit and proper members of staff to be designated a responsible person in day-to-day charge of the service.

There are additional criteria under Family Assistance Law for any designated Responsible Persons who are to be allocated as Child Care Subsidy (CCS) specified personnel.

SCOPE - WHO IS AFFECTED BY THIS POLICY?

- Children
- Educators
- Staff
- Families
- Management

NQS QUALITY AREA

QUALITY AREA 7 - GOVERNANCE AND LEADERSHIP

RELATED POLICIES AND LEGISLATION

SWEETPEAS POLICIES

- Anti-Bias and Inclusion Policy
- CCS Governance and Management Policy
- Child Protection Policy
- Child Safe Environment Policy
- Confidentiality Policy
- Ethical Code of Conduct Policy
- Handling Grievances and Complaints Policy
- Interactions with Children Policy
- Staff Recruitment Policy
- Supervision of Children Policy

NATIONAL REGULATIONS

- Regulations 117A-B
- Regulation 168

RELATED LEGISLATION

- A New Tax System (Family Assistance) (Administration) Act 1999
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children (Education and Care Services) National Law 2010
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Children's Guardian Regulation 2022
- Children's Guardian Act 2019
- Education and Care Services National Regulations 2011

GLOSSARY OF ABBREVIATIONS

- ACCS - Additional Child Care Subsidy
- CCS - Child Care Subsidy
- HubHello ESI - HubHello Electronic Sign In (<https://signin.hubhello.com/#esi>)
- RP - Responsible Person

IMPLEMENTATION AND STRATEGIES

RESPONSIBILITIES FOR THE APPROVED PROVIDER

The Approved Provider must:

- Ensure there is a Responsible Person on the premises at all times the service is educating and caring for children.
- Ensure that the name of the Nominated Supervisor is displayed at the main entrance of the service.
- Notify the Regulatory Authority within 7 days if there is a change of person in the role of Nominated Supervisor through the NQA ITS Portal (ACECQA Notification).
- Ensure that, in the absence of the Nominated Supervisor from the service, a Responsible Person is placed in day-to-day charge of the service.
- Ensuring that the Nominated Supervisor and Responsible Person have an understanding of their role and have given their acceptance of this role in writing (National Regulation 117A).
- Ensure that there are sufficient staff at the service who meet the criteria to be a Responsible Person at the service during periods of leave or illness.
- Ensure that there is sign in and out register (National Regulation 150).
- Ensure to notify if adding another Nominated Supervisor to the service (National Regulation 35, National Law 56).
- Ensure that any designated Responsible Persons who are designated as CCS personnel, understand their responsibilities under Family Assistance Law and,
 - They meet the Fit and Proper requirements under Section 194E of the A New Tax System (Family Assistance) (Administration) Act 1999. (see CCS Governance and Management Policy)

RESPONSIBILITIES OF THE NOMINATED SUPERVISOR/DIRECTOR

The Nominated Supervisor must:

- Provide written consent to accept the role of Nominated Supervisor (National Regulation 117C).
- Ensure that, in their absence from the service premises, another Responsible Person is placed in day-to-day charge of the service.
- Ensure that all staff have a sound understanding of the role of Responsible Person.
- Create a roster in accordance with the availability of Responsible Persons, hours of operation and attendance patterns of children.
- Notify the Approved Provider and the Regulatory Authority within 14 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 if they are subject to disciplinary proceedings.
- Ensure that any designated Responsible Persons who are designated as CCS personnel, understand their responsibilities under Family Assistance Law and,
 - They meet the Fit and Proper requirements under Section 194E of the A New Tax System (Family Assistance) (Administration) Act 1999.

RESPONSIBILITIES OF THE RESPONSIBLE PERSON

The Responsible Person must:

- Provide written consent to accept the role of Responsible Person (National Regulation 117A).
- Ensure to sign in on HubHello ESI as the *Current Responsible Person* in the *Realtime Staffing* tab whenever they are designated RP (National Regulation 150).
- Ensure when finishing a shift as Responsible Person, another RP is designated before they sign out of the service. This should be done via the RP display sign in the entryway as well as in the HubHello ESI.
- Ensure that they have a sound understanding of the role of Responsible Person (National Regulation 117B).
- Understand that a Responsible Person placed in a day-to-day charge of an approved service does not have the same statutory responsibilities under the National Law as the Nominated Supervisor.
- If designated as CCS Personnel, ensure that all enrolments and CCS submissions are made correctly as per Family Assistance Law.

RESPONSIBILITIES OF THE FAMILY/GUARDIAN

The Family/Guardians of an education and care service must:

- Read and understanding this policy.
- Being aware of who is the Responsible Person at the service on a daily basis.
- Understand that a Responsible Person in day-to-day charge is not the same role as Nominated Supervisor, nor do they have the same responsibility.
- Understand that not all Responsible Persons have access to CCS information or are able to make CCS submissions or enquiries.

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 of the service (National Regulation 117A).

- The Approved Provider or the Nominated Supervisor identifies that an educator meets the criteria to be given a Responsible person role, and
- they give their written consent to be placed in day-to-day charge of the service.

CRITERIA TO BE DETERMINED A RESPONSIBLE PERSON

Educators at the service who have been deemed suitable by the Approved Provider or Nominated Supervisor and wish to be considered for the role of Responsible Person in the absence of the Nominated Supervisor will be considered based on the following criteria set out in the National Regulations (National Regulation 117B). Responsible Persons who are to be allocated as Child Care Subsidy (CCS) specified personnel additional criteria under Family Assistance Law.

- Their practical knowledge of the day-to-day responsibilities of being an educator at the service, including how to work through unexpected problems.
- Must be over 18 years of age.
- Have demonstrated understanding of:
 - Children (Education and Care Services National Law) Act 2010, and the Education and Care Services National Regulations 2011.
 - Equal Opportunity Employment Conditions.
 - Health and Safety, including Child Protection responsibilities.
 - Privacy and Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures.
 - The education and care service's policies and procedures.
- In the case of CCS personnel, have a demonstrated understanding of:
 - Family Assistance Law, in relation to the provision of the CCS and the Additional Child Care Subsidy (ACCS) under the A New Tax System (Family Assistance) (Administration) Act 1999.
- Consideration will be also given regarding whether the individual has been subject to compliance action to or disciplinary proceedings under Education and Care Services Law, Family Assistance Law, or a previous relevant Law, in any state or territory.

DETERMINING THE RESPONSIBLE PERSON

- Whenever possible, the Nominated Supervisor will be the Responsible Person. If the Nominated Supervisor will be absent, they will ask a suitable staff member/s to be the Responsible Person.
- To reduce confusion, a list of Responsible Persons at the service is displayed by the RP display sign and listed in order of preference by the Nominated Supervisor. When the Nominated Supervisor is not in attendance the RP should be the highest person on the list who is in attendance and able to fulfill the requirements of the role.
- The Responsible Person will sign in as on duty via the HubHello ESI (National Regulation 177(G)).
- Only one staff member can be appointed to the position of Responsible Person at any one time.

REFERENCES

- A New Tax System (Family Assistance) (Administration) Act 1999
- Australian Children’s Education and Care Quality Authority (ACECQA): www.acecqa.gov.au
- Children (Education and Care Services) National Law 2010
- Education and Care Services National Regulations 2011
- Responsible Person Requirements - <https://www.acecqa.gov.au/sites/default/files/acecqa/files/NQF/ResponsiblePersonRequirements.pdf>
- Sweetpeas Philosophy

REVIEW AND AMENDMENT HISTORY

This policy will be updated to ensure compliance with all relevant legal requirements. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the *Education and Care Services National Regulation*, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Version	Amendment(s)	Review Date	Updated By
1.	<ul style="list-style-type: none"> • Policy implemented after changes to National Law 	September 2017	Janine Evans (Director) Cassandra Way (Admin/Educator)
1.1.	<ul style="list-style-type: none"> • Fixed some wording, no changes required. 	September 2018	Janine Evans (Director) Cassandra Way (Admin/Educator)
1.2.	<ul style="list-style-type: none"> • No changes required 	September 2019	Janine Evans (Director)
2.	<ul style="list-style-type: none"> • Regulations updated • No other changes required 	June 2020	Janine Evans (Director)
2.1.	<ul style="list-style-type: none"> • No changes required 	July 2021	Janine Evans (Director)
3.	<ul style="list-style-type: none"> • Added Family Assistance Law • Responsible person responsibilities as per CCS submissions • Criteria for a fit and proper person • CCS Personnel 	July 2022	Janine Evans (Managing Director) Cassandra Way (Assistant Manager)
3.1.	<ul style="list-style-type: none"> • Cosmetic changes for new template and colours only 	August 2022	Cassandra Way (Assistant Manager)
3.2.	<ul style="list-style-type: none"> • Added <i>Glossary of Abbreviations</i> section to ensure policy is clearly understood. • Amended wording of RP responsibilities to include HubHello ESI • Checked and repaired hotlinks • Fixed version numbering (August 22 update was listed as version 4.1 which is incorrect!) 	March 2024	Cassandra Way (Assistant Manager)
3.3.	<ul style="list-style-type: none"> • Added clarification on RP preference list • Checked and updated references 	March 2025	Cassandra Way (Assistant Manager)