

## 10.22 Determining the Responsible Person Policy

The Approved Provider must ensure that the education and care service have a responsible person in day-to-day charge of the service. This policy outlines the process for determining the responsible person.



### Relevant Laws and other Provisions

The laws and other provisions affecting this policy include:

- Education and Care Services National Law Act 2010 and Regulations 2011
- Family and Child Commission Act 2014
- Working with Children (Risk Management and Screening) Act 2000 and Regulations 2011
- *National Quality Standard, Quality Area 7 – Governance and leadership*
- Policies: 8.1 – Role and Expectations of Educators, 8.3 – Recruitment and Employment of Educators, 10.1 – Quality Compliance, 10.6 – Service Nominated Supervisor Policy, 10.5 – Approval Requirements under Legislation, 10.9 – Information Handling (Privacy and Confidentiality).



### Procedures

A responsible person must be always present when the service is educating and caring for children. If the Approved Provider or Nominated Supervisor is absent, an appointed Responsible Person will be placed in day-to-day charge of the service.

The Nominated Supervisor of the service must meet the requirements/conditions of the *Education and Care Services National Law Act 2010 and Regulations 2011*.

In the absence of the Nominated Supervisor, the Approved Provider or Nominated Supervisor will designate an educator, with their written consent, to be placed in the day-to-day charge of the service. This person must meet the requirements/conditions of the *Education and Care Services National Law 2010 and Regulations 2011* about ensuring suitability and that they are not prohibited under the *National Law*.

In determining the responsible person, the Approved Provider or Nominated Supervisor must determine if that person is suitable. The Approved Provider or Nominated Supervisor reserves the right to review the performance of the responsible person outside the yearly staff appraisal. This means considering the capacity of this person to ensure children's safety and wellbeing, having regard to their qualifications, skills, knowledge, work experience and age. The role of responsible person may be removed from the employee if the following expectations are not being met. This includes the person's:

- Understanding of the *Education and Care Services National Law Act 2010 and Regulations 2011* and compliance.
- Understanding of other relevant laws and provisions such as Child Protection, Confidentiality, Grievance Management, Work Health, Food Handling, etc.
- Capacity to implement emergency and evacuation procedures.
- Ability to attend to parent inquiries (either directly or by referral);
- Capacity to supervise, manage and lead other educators.
- Ability to respond to incidents involving children's health and safety.
- Ability to respond to incidents involving the health and safety of educators, volunteers and family members present at the service.

- Knowledge (extensive) of service policies and procedures including opening/closing procedures.
- Capacity to ensure the safety and wellbeing of all children being educated and cared for while they are the responsible person.
- Ability to effectively make written records of incidents.
- Ability to effectively communicate with children, families, staff, school, and relevant authorities.
- Ability to reflect and evaluate their performance as the responsible person; and
- Ability to understand and articulate practice.

The Approved Provider (or Nominated Supervisor on their behalf) will maintain a record with sufficient evidence of the educator's assessed capability and keep it on file to demonstrate compliance to the Regulatory Authority e.g., Determining the Responsible Person Checklist, Delegation and Consent form. This will help to show that reasonable steps have been taken to comply with obligations under the *National Law*.

The Approved Provider (or Nominated Supervisor on their behalf) will maintain a staff record including the name of the responsible person at the service for each time that children are being educated and cared for by the service.

In accordance with regulatory requirements, a sign stating the name and position of the responsible person in charge must be always displayed as children are being educated and cared for.

DATE DEVELOPED	DATE RATIFIED	DATE REVIEWED	DATE RATIFIED
August 2018	24 August 2018	26.07.21	Nov 2021
		11.05.2022	May 2022
		October 2024	November 2024