



# Responsible Person Procedure

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## Policy

The Responsible Person Procedure falls under the Staff and Human Resources Policy. Hawthorn Early Years committed to providing excellent education and care to children attending the Service through recruiting, developing and supporting employees who are experienced, trained and motivated. The Service ensures that staff: child ratios are maintained at all times and clear systems are in place to determine responsibility.

## Application of Procedure

This procedure applies to the Approved Provider, the Board of Hawthorn Early Years all subcommittees of the Board of Management, employees, students, volunteers, families, children and others attending the programs and activities of Hawthorn Early Years.

## Definitions

**Approved Provider:** An individual or organisation that has completed an application form and been approved by the Regulatory Authority as fit and proper to operate one or more education and care services.

**Nominated Supervisor:** The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations; this is an ongoing obligation. All services must have one 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.

**Regulatory Authority:** The regulatory authority in each state and territory regulates and assesses children's education and care services. In Victoria, the regulatory authority is the Department of Education and Training (DET).

**Responsible Person:** A person who is physically at the Service and has the role of Nominated Supervisor or duly appointed person. The Responsible Person has consented to be placed in day to day charge of the Service but does not take on the responsibilities of the Nominated Supervisor rather they ensure the consistency and continuity in practices.

## Hawthorn Early Years is committed to:

Meeting our duty of care obligations under the National Law & Regulations to make certain a Responsible Person is on the premises at all times to ensure the health, safety, wellbeing, learning and development of all children at the Service is maintained at all times.



## **Hawthorn Early Years will:**

### **Maintain a Responsible Person at all times**

Ensure that the Service does not operate without a Nominated Supervisor, and that this person has given written consent.

Determine a person's suitability to be an appointed Nominated Supervisor or Responsible Person by ensuring that:

- the person is 18 years or older
- they have adequate knowledge and understanding of the provision of education and care to children
- they have the ability to effectively supervise and manage an education and care service
- the person has suitable qualifications, skills and experience
- they have successfully completed: The Protecting Children – Mandatory Reporting and Other Obligations for the Early Childhood Sector (eLearning Module)
- they have a current employee Working with Children Check
- they have completed a Compliance History Statement, and
- they give written consent.

Ensure there are a sufficient number of educators who have given written consent to accept the role of Responsible Person and display a list of Responsible Persons in the foyer.

Allocate one consistent permanent Responsible Person for the opening shift and closing shift each year to ensure when the Nominated Supervisor or Leadership team Responsible Person are not on site. These people will be indicated on the roster so everyone is aware of who these are.

Ensure that there is a Responsible Person physically in attendance at all times the Service is educating and caring for children.

Display the name of the Responsible Person in charge of the Service so that it is visible from the main entrance of the Service.

Determine the most suitable person to leave in day-to-day charge with the first preference being the Nominated Supervisor or Service Manager. In all cases the current Responsible Person will then determine the most suitable person to leave in charge using the below criteria as guide:

1<sup>st</sup> Preference: Nominated Supervisor or Service Manager

2<sup>nd</sup> Preference: Educational Leader

3<sup>rd</sup> Preference: Front Office Team Member

4<sup>th</sup> Preference: Permanent allocated Responsible Person

5<sup>th</sup> Preference: Other appointed Responsible Person



## **Records**

Ensure details of Nominated Supervisors and Responsible Persons are recorded on the employee's record including;

- evidence of approved qualifications
- Working with Children Check details or VIT Registration
- Child protection certificate of training
- Compliance History Statement
- Nominated Supervisor/Responsible Person Consent Form

Use the Responsible Person's log to sign in when each person takes on control of the service indicating the time they commenced and the time they completed their time in this role.

## **Notify Changes**

Notify the regulatory authority when a Nominated Supervisor is appointed through the NQA IT System by submitting a Notification of change to Nominated Supervisor form.

The regulatory authority must be notified 7 days prior to the Nominated Supervisor starting or if this is not possible, within 14 days after the nominated supervisor has commenced in the role.

Notify the Regulatory Authority via a separate notification if the Nominated Supervisor:

- changes their name or contact details
- is no longer employed or engaged at the Service
- has been removed from the role, or
- Withdraws their consent to the nomination.

## **The Nominated Supervisor will:**

Provide written consent to accept the role of Nominated Supervisor.

Assess and approve all Responsible Person nominations including considering the person's history of compliance with the National Law and other relevant laws.

Ensure that, in their absence from the Service premises, another person is placed in day-to-day charge of the Service.

Ensure each Responsible Person has a sound understanding of the role of a Responsible Person.

Notify 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 card or teacher registration, or if they are subject to disciplinary proceedings.



## **Responsible Persons will:**

### **Understand Responsibilities**

Provide written consent to accept the role of Responsible Person and ensure they have a sound understanding of this role.

Check that the name of the Responsible Person in charge of the Service is displayed and easily visible from the main entrance of the Service.

Ensure there is an adequate 'hand over' for the role to another duly appointed person at the service occurs passing on relevant information impacting on the overall operations of the service. It is vital that the Responsible Person is documented when taking over this position using the Responsible Person log.

Inform the Approved Provider and/or Nominated Supervisor in the event of absence from the Service due to leave or illness so they can be replaced by another Responsible Person.

Understand 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.

### **Notify Changes**

Notify the Approved Provider 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 card or teacher registration, or if they are subject to disciplinary proceedings.

## **Educators are responsible for:**

Meeting the qualifications, experience and management requirements if they wish to be nominated as a Responsible Person.

Ensure they have a sound understanding of the role of Responsible Person.

## **Parents/guardians will:**

Read and understand this procedure.

Be aware of the Responsible Person at the Service on a daily basis and direct any concerns to this person.

## **See also:**

1. Staff and Human Recourses Policy