



POLICY AND PROCEDURE

Document Name:	Determining the Responsible Person
Review Dates:	November 2021; September 2023
Review Cycle:	5 years
Approved By :	Director
Approval Date:	18/09/2023

DETERMINING THE RESPONSIBLE PERSON

1. POLICY STATEMENT AND/OR PURPOSE

Catholic Early Learning and Care is responsible for ensuring the safety and wellbeing of children at the service and will consider a person's qualifications, experience and age before deciding whether they are suitable to be placed in day-to-day charge. A person is covered, and 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 hold a service supervisor certificate and they give their written consent to be placed in day-to-day charge of the service (required under regulation 54).

Catholic Early Learning and Care will ensure a Responsible Person is always physically present at the service 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.

2. APPLICATION

This procedure applies to all Catholic Early Learning and Care Services in the Diocese of Cairns.

3. PROCEDURE

Definition:

Responsible Person: The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or Responsible Person who has been placed in day-to-day charge of the service in accordance with the National Regulations.

The Approved Provider is responsible for:

- Nominating a Nominated Supervisor at the service
- Ensuring there is always a Responsible Person on the premises the service is delivering education and care programs for children.
- Ensuring the Responsible Person has given written consent to be in the role.
- Ensuring that a person nominated as a Responsible Person has appropriate skill level, experience, and approval to work with children, as required under the National Law and National Regulations
- Ensuring that the name of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service (National Law: Section 172)
- Ensuring that information about the Responsible Person, including name, address, date of birth, evidence of qualifications and approved training, and a Working with Children Check is kept on the staff record (Regulation 146)

- Ensuring that, in the absence from the service premises of a Nominated Supervisor, a Responsible Person is placed in day-to-day charge of the service
- Ensuring that the nominated responsible persons' have a sound understanding of the role of Responsible Person
- Notifying the Regulatory Authority if a Nominated Supervisor or Responsible Person has their Working with Children Check card or teacher registration suspended or cancelled, or if they are subject to any disciplinary proceedings under the law.

The Responsible Person is responsible for:

- Providing written consent to accept the role of Responsible Person
- Checking that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service
- Informing 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
- 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
- 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 card or teacher registration, or if they are subject to disciplinary proceedings.

Criteria to be determined a Responsible Person:

Educators at the service who have been deemed suitable by the Approved Provider or Nominated Supervisor as a Responsible Person and wish to be considered for the role of Responsible Person in the absence of the Nominated Supervisor will be considered based on:

- Their practical knowledge of the day-to-day responsibilities of being an educator at the service, including how to work through unexpected problems.
- Has an ability to effectively supervise and manage the service
- Must be over 18 years of age.
- A demonstrated understanding of:
 - Education and Care Services National Law Act 2010, and the Education and Care Service Services National Regulations 2011
 - Equal Opportunity Employment Conditions
 - Health and Safety, including Child Protection responsibilities.
 - Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures
 - Our education and care service'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.

An Educator will only be deemed suitable to be a Responsible Person if they have also:

- Successfully completed 2 hour QCAN "Nominated Supervisor and Responsible Person in Charge" training
- Demonstrated a clear and documented understanding of the role in an interview with an Operations Manager. Scenarios relevant to the role of Responsible Person will be presented and kept on their personnel file.

This discernment will be made by the Director of Catholic Early Learning and Care.

4. BREACHES OF THIS POLICY

Appropriate disciplinary action will be taken against a person who is found to have breached the requirements contained within this document. Action taken will depend on the nature and circumstance of each breach and could include: an official warning and note on the individual's personnel file; a formal written and/or verbal apology; counselling; demotion; transfer; or suspension or dismissal for very serious matters.

5. ENQUIRIES

Catholic Early Learning and Care Executive Director - admin@cclc.catholic.org.au

6. SEE ALSO

- Responsible Person Agreement in ELMO
- Education and Care Services National Regulations 2011
- Education and Care Services National Law Act 2010
- The National Quality Standards for Education and Care Services 2018

7. APPROVAL



Alison Forster
Director
Catholic Early Learning and Care

Date: 18/09/2023