

<b>POLICY/PROCEDURE NAME &amp; REVIEW PROCESS</b>	<b>DETERMINING the RESPONSIBLE PERSON POLICY</b> This policy and procedure has been created to provide all stakeholders with clear guidelines and transparency to our practices and procedures. We welcome feedback and input from all stakeholders at any time, and this policy is subject to review based on feedback or due date of annual review.
<b>NATIONAL QUALITY STANDARD</b>	<b>QUALITY AREA 4- STAFFING ARRANGEMENTS</b> 4.1.1 Organisation of educators 4.1.2 Continuity of staff <b>4.2 PROFESSIONALISM MANAGEMENT</b> 4.2.1 Professional collaboration 4.2.2 Professional standards
<b>NATIONAL LAW AND REGULATIONS</b>	35- Notice of addition of new nominated supervisor 117A-Placing a person in day-to-day charge. 117B- Minimum requirements for a person in day-to-day charge 117C- Minimum requirements for a nominated supervisor 150- Responsible person 168-Education and care service must have policies and procedure 170-Policies and procedures to be followed 171-Policies and procedures to be kept available 172- Notification of change to policies or procedures
<b>RELATED POLICIES and RECORDS</b>	<ul style="list-style-type: none"> <li>▪ Responsible person log record</li> <li>▪ Responsible person consent and declaration record</li> <li>▪ Position description – responsible person.</li> <li>▪ Prohibition declaration record</li> </ul>
<b>SCOPE OF POLICY</b>	This policy applies to all children, educators, families, management, students, volunteers, and visitors at our service.
<b>AIM OF POLICY</b>	To ensure that our service has strong guidelines, procedures, and practices in place regarding responsible person selection and understanding of the role, for all children who attend our service in order to support their safety, wellbeing, and protection. Our aim is to provide a clear policy, implement the policy, support practices relating to the policy, train staff regarding the policy and maintain and update the compliance of the policy for all our stakeholders. Through the implementation of our policies and procedures, we aim to meet National Law & National Regulations, National Quality Standards, Child Safe Standards and National Principles. We will promote cultural safety for Aboriginal and Torres Strait Islander children, safety for children with disability, and inclusion for children from culturally and linguistically diverse backgrounds.
<b>SERVICE IMPLEMENTATION</b>	The National Law states that it is an offence to operate education and care service unless a responsible person is present. Approved providers must continue to ensure that a responsible person is always present when the service is educating and caring for children. The approved provider will ensure that the responsible person is one of the following: <ul style="list-style-type: none"> <li>▪ Approved Provider</li> <li>▪ Nominated Supervisor</li> <li>▪ An educator appointed as the person in day-to-day charge of a service (PIDTDC)/ Responsible person (in the absence of the nominated supervisor or approved provider)</li> </ul> <b>Approved provider will ensure that anyone placed in charge of the service will:</b> <ul style="list-style-type: none"> <li>▪ Understand and meet all regulatory requirements.</li> <li>▪ Ensure that no nominated supervisor, staff member, volunteer, is under the influence of alcohol or any drugs including prescription medication in a way that could impair their ability to supervise or provide education and care to children.</li> <li>▪ Sign in and out each day on the <b>responsible person log record</b>.</li> <li>▪ Have their name on display in the foyer.</li> <li>▪ Have a <b>responsible person consent and declaration record</b> signed to acknowledge their role and responsibilities.</li> <li>▪ Ensure there is a responsible person present at all times throughout business hours.</li> <li>▪ Ensure that the responsible person will step up if the nominated supervisor is absent.</li> </ul>

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- Roster accordingly to ensure coverage of responsible person/s throughout each week and on open and close shifts.
- Ensure that any nominated supervisors or any Person in Day-to-Day Charge (Responsible Person) will have completed an approved child protection training course e.g. CHCPRT001 CHCPRT025 – Identify and Respond to Children and Young People at Risk, and /or the relevant state/territory mandatory reporting courses as listed below.

**Child Protection Training Requirements for Nominated Supervisors and Responsible Persons.**

State / Territory	Requirement for Nominated Supervisor / Responsible Person
Victoria	Must know the Child Safe Standards and are expected to have completed a recognised child protection awareness program (e.g., DET Mandatory Reporting and Other Obligations module).

**Choosing a Nominated Supervisor:**

An approved service must have at least one nominated supervisor. There can be more than one appointed and this is up to the approved provider.

Minimum requirements for a nominated supervisor:

- Must be at least 18 years of age.
- Must have adequate knowledge and understanding of the provision of education and care to children.
- Must have the ability to effectively supervise and manage an education and care service.
- They hold a current working with children check applicable to the state and it is validated if applicable.

In determining whether to nominate a person as the nominated supervisor, the approved provider must consider the following and feel confident of the person they are appointing.

the history of the person’s compliance with:

- The National Law
- A former education and care services law
- A children’s services law
- An education law.
- Any decision under the National Law, or any other children’s services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification, or other authorisation granted to the person.
- Each nominated supervisor and person in day-to-day charge must have completed an ACECQA recognised child protection qualification and be fully aware of the reporting process for their state or territory.
- They have a commitment and strong knowledge of the National Child Safe Standards.
- They must have knowledge of the Education and Care National Law and Regulations and National Quality Standard, the approved learning framework (EYLF), Family Assistance Law and be proficient in the application and administration of Child Care Subsidy. (CCS)
- The nominated supervisor will sign a **prohibition declaration record** and approved provider will keep a record of this.
- The Approved Provider will check publicly available registers e.g., ASIC banned/disqualified persons, bankruptcy registers to ensure the nominee is a fit and proper person.
- The approved provider must inform the regulatory authority of the appointment of a nominated supervisor through the NQAITS portal 7 days before commencement in the role however if that is not possible as soon as practical.
- The nominated supervisor name and identity will be visible in the reception area of the service.

**Choosing a person in day-to-day charge of the service PIDTDC / responsible person**

- If the approved provider is not present in the service the responsibility is with the nominated supervisor, however if neither is available, the approved provider or nominated supervisor can appoint a Person in Day-to-Day Charge of the service PIDTDC- (responsible person)
- A PIDTDC of the service is the point of contact for parents and staff and must meet minimum requirements to be appointed to the role.

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- The person must give written consent to be a PIDTDC on the **responsible person consent and declaration record**.
- If a person was previously a certified supervisor, and they provided their written consent to be in day-to-day charge of a service, they can be taken to have provided written consent to be a PIDTDC.
- In this instance, the person does not need to provide written consent to be a PIDTDC, unless the person stopped being a certified supervisor in day-to-day charge of the service before supervisor certificates were removed from the National Law and Regulations on 1 October 2017.
- A PIDTDC is a responsible person under section 162 of the Law. A service does not need to have a PIDTDC if a nominated supervisor or approved provider is present in the service.
- Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the national law. For example, where an educator becomes a PIDTDC, the responsibilities relevant to educators under the national law continue to apply. A person's legal responsibilities do not increase because they consent to be a PIDTDC.
- A PIDTDC must be responsible for signing in and out of the role and when arriving and leaving the service ensuring that there is a person to take over from their responsibility – another PIDTDC or the approved provider or nominated supervisor.
- The name, position, and current photo of all the Persons in day-to-day charge will be clearly displayed and visible at the service's main entrance/foyer at all times.
- If a person no longer wishes to continue in the role, then they must inform the approved provider/ nominated supervisor in writing their decision to relinquish the position.

**Minimum requirements for person in day-to-day charge PIDTDC/ Responsible person**

- A person must be at least 18 years of age to be placed in day-to-day charge of a service.
- They must have adequate knowledge and understanding of the provision of education and care to children.
- Have the ability to effectively supervise and manage an education and care service.

**The approved provider or the nominated supervisor must have regard to the fact that the person**

Has a satisfactory history of compliance with—

- The National Law
- A former education and care services law
- A children's services law
- An education law
- Any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification, or other authorisation granted to the person.

Each member of the team plays an important role in the implementation of each policies guidelines, and they are outlined as below but not limited to the following:

**The Approved Provider**

- Will ensure they appoint a fit and responsible person in the role of nominated supervisor.
- Will ensure that the nominated supervisor appointed meets all the criteria for this role and is confident in appointing responsible person/s.
- Does not have to appoint a nominated supervisor if the approved provider is going to perform this role.
- Will ensure if they appoint a responsible person that they have completed **a responsible person consent and declaration record**.
- Will ensure they formally appoint, in writing, a suitably qualified and experienced educator, or another appropriate individual to the role of Educational Leader. This person is responsible for leading the development, implementation, and continuous improvement of the service's educational program.
- Will ensure that the educational leader appointed to the role will sign an **educational leader consent and declaration record**.
- Will ensure that obligations under the Education and Care Services National Law and National Regulations are met.

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- Will ensure they take reasonable steps to ensure that the nominated supervisor, educators, staff, and volunteers follow the policy and procedures.
- Will ensure they provide the nominated supervisor, educators, staff and volunteers the documentation to perform their role, follow policy, procedure, and document according to regulatory and service requirements.
- Will ensure that adequate induction process is provided to all staff to ensure they have time to read and understand policies and procedures and seek further information if unsure.
- Will ensure that the nominated supervisor and staff are equipped with ongoing professional development and training they require to comply with this policy
- Will encourage feedback from stakeholders regarding the policy’s effectiveness, particularly in relation to identifying and responding to child safety concerns.
- Will ensure the policy is kept up to date with current legislation, research, and best practice.

**The Nominated Supervisor**

- Will provide all qualifications and supporting documents to the approved provider when applying for the role.
- Must not, while responsible for the service and or caring for children consume alcohol or be affected by alcohol or drugs, including prescription medication in any way that reduces their capacity to safely supervise or provide education and care.
- Will complete a **prohibition declaration record** prior to employment.
- Will ensure that any responsible person who has been appointed in the role meets all criteria and is monitored professionally to ensure they are an ongoing suitable person.
- Will ensure if they appoint a responsible person that they have completed a **responsible person consent and declaration record**.
- Will ensure that if any of their circumstances change e.g.name change due to marriage etc they will inform approved provider in order to update records.
- Will adhere to and implement the obligations under the Education and Care Services National Law and National Regulations.
- Will ensure they take reasonable steps to ensure that the educators, staff, and volunteers follow the policy and procedures.
- Will ensure they provide the educators, staff and volunteers the documentation to perform their role, follow policy and procedure and ensure they are checking the documentation according to regulatory and service requirements.
- Will ensure that a rigorous recruitment process is completed, and a thorough induction process is provided to all staff to ensure they have time to read and understand policies and procedures and seek further information if unsure.
- Will ensure that the staff are supported with ongoing professional development and training they require to comply with this policy.
- Will encourage feedback from stakeholders and staff regarding the policy’s effectiveness, particularly in relation to identifying and responding to child safety concerns.
- Will ensure the policy is kept up to date with current legislation, research, and best practice
- Will conduct regular staff meetings to address policy compliance with legislation, policy implementation, changes to policy and or collect feedback for annual review of policy.

**Educators**

- Will, if appointed to a responsible person role, complete **the responsible person consent and declaration record**, and provide all supporting documentation and information to approved provider or nominated supervisor that is required.
- Will adhere to and implement the obligations under the Education and Care Services National Law and National Regulations.
- Will ensure they take reasonable steps to follow the service policy and procedures and seek advice or further support if unsure.
- Will ensure they complete and document any related records regarding the implementation of this policy and practice requirements of the service.
- Will attend any ongoing professional development, staff meetings and training they require to comply with this policy and practice requirements of the service.
- Will provide feedback to the nominated supervisor or approved provider regarding the policy’s effectiveness, particularly in relation to identifying and responding to child safety concerns.

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	<ul style="list-style-type: none"> <li>Will provide feedback regarding policy review when required.</li> </ul>
<b>REGULATION IMPLEMENTATION</b>	The following procedures outline and support all stakeholders to understand and implement the regulatory guidelines of this policy.
<b>In regard to regulation 35- notice of addition of new nominated supervisor</b>	<p><b>Approved provider will</b></p> <ul style="list-style-type: none"> <li>Ensure that the regulatory authority be notified of the addition of a new nominated supervisor by completing notice under a NS02 application on the NQAITS portal which shall include the following. <ul style="list-style-type: none"> <li>The name of the education and care service.</li> <li>The service approval number.</li> <li>The name and contact details of the contact person for the purposes of the application.</li> <li>The full name and contact details of the new nominated supervisor.</li> <li>The date on which the new nominated supervisor commences or commenced work as a nominated supervisor.</li> </ul> </li> </ul>
<b>In regard to regulation 117 A – Placing a person in day-to-day charge. 117B- Minimum requirements for a person in day-to-day charge 117C- Minimum requirements for a nominated supervisor</b>	<p><b>Approved provider / nominated supervisor will</b></p> <ul style="list-style-type: none"> <li>Place a person in day-to-day charge of a service providing the person has given written consent on the <b>responsible person consent and declaration record</b>.</li> <li>Ensure that each person has adequate knowledge and understanding of the provision of education and care to children and can effectively supervise and manage a service.</li> <li>When appointing a <b>responsible person</b> approved provider/ nominated supervisor will ensure that a person must be at least 18 years of age to be placed in day-to-day charge of a service.</li> <li>Ensure they have adequate knowledge and understanding of the provision of education and care to children and can effectively supervise and manage an education and care service.</li> <li>When appointing a <b>nominated supervisor</b>, the approved provider must ensure they are at least 18 years of age.</li> <li>Ensure they have adequate knowledge and understanding of the provision of education and care to children and can effectively supervise and manage an education and care service.</li> <li>Ensure that information used to assess a person’s suitability to be a nominated supervisor will be kept on file at the service.</li> <li>Ensure nominated supervisor records include copies of their qualifications, and any professional development completed.</li> <li>Ensure any new nominated supervisor employed by the service will be subject to thorough reference checks at least two and one must include a recent employee.</li> <li>Ensure previous employees must be asked if they have any knowledge of any compliance action against the prospective employee.</li> <li>Referee checks must be written and kept as evidence along with all the documentation for the prospective nominated supervisor and presented if required to the regulatory authority.</li> <li>In the event that there is a compliance action against the prospective employee the employee will not proceed with hiring the candidate.</li> </ul>
<b>In regard to regulation 150 – responsible person</b>	<p><b>Approved provider/ nominated supervisor will</b></p> <ul style="list-style-type: none"> <li>Ensure that there is a <b>responsible person log record</b> kept at the service that includes the name of the responsible person and that it is completed each day that children are being educated and cared for by the service.</li> <li>Ensure the nominated supervisor checks the completion of this documentation preferably daily or weekly and file at completion.</li> <li>Ensure the roster will reflect who the responsible person/s is at the service and will be adjusted to ensure compliance at all times.</li> </ul>
<b>In regard to regulation 168- Education and care service must have policies and procedures.</b>	<p><b>Approved Provider will</b></p> <ul style="list-style-type: none"> <li>Ensure that obligations under the Education and Care Services National Law and National Regulations are met.</li> <li>Ensure they take reasonable steps to ensure that the policy and procedures are current, reviewed regularly and communicated to educators, staff, and stakeholders.</li> <li>Take reasonable steps to inform and support educators and staff regarding their responsibilities in implementing the policy and procedures at all times.</li> <li>Take reasonable steps to ensure that nominated supervisor, educators, staff, and volunteers follow the policy and procedures.</li> </ul>

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	<ul style="list-style-type: none"> <li>Ensure copies of the policy and procedures are readily accessible to nominated supervisor, educators, staff, stakeholders, and volunteers and are available for inspection.</li> <li>Notify families at least 14 days before changing the policy or procedures if the changes will:             <ul style="list-style-type: none"> <li>Affect the fees charged or the way they are collected or</li> <li>Significantly impact the service’s education and care of children or</li> <li>Significantly impact the family’s ability to utilise the service.</li> </ul> </li> <li>Ensure policies and procedures regarding regulatory requirements are in place at the service.</li> <li>Ensure that a suitable Nominated supervisor is in place and will monitor practices and procedures relating to all policies in the service.</li> <li>Ensure policies and procedures are reviewed at least annually and changes are made if required prior to this review.</li> <li>Ensure all stakeholders are involved in the review.</li> <li>Ensure the service is conducive to a child safe environment and guidelines set out in the policy and procedure are clearly outlined.</li> </ul>
<b>In regard to regulation 170- Policies and procedures to be followed.</b>	<p><b>Approved Provider will</b></p> <ul style="list-style-type: none"> <li>Ensure that all staff and volunteers are made aware of Regulatory policies and procedures by ensuring that this forms a part of the induction process.</li> <li>Ensure probationary reviews will be conducted once new staff are appointed at the 3- month and 6-month mark to ensure that they are following policy and procedure and to review and revise regulatory policies.</li> <li>Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure and further training and revision of procedural practices in relation to policy and procedure.</li> <li>Ensure annual review and revision of policies and procedures will be conducted, and all educators will be given the opportunity for input.</li> </ul>
<b>In regard to Regulation 171- Policies and procedures to be kept available.</b>	<p><b>Approved Provider will</b></p> <ul style="list-style-type: none"> <li>Ensure that policies and procedures are available to all staff and the location and availability will form a part of the induction process.</li> <li>Ensure policies will be available on request for all staff members to have access when required.</li> <li>Ensure policies will be available when required for staff members to download copies and/or print out if required in order to complete assignments or to form part of their research and/ or update their knowledge.</li> <li>Ensure policies will be available for all stakeholders when requested and when updating.</li> </ul>
<b>In regard to Regulation 172- Notification of change to policies or procedures</b>	<p><b>Approved Provider will</b></p> <ul style="list-style-type: none"> <li>Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure, provide further training and allow for input if required in relation to policy and procedure.</li> <li>Ensure stakeholders will be invited to provide feedback for policies and procedures at any time, not just on annual review but will also be invited to add feedback at review time or after an event that may require change to policy or procedure.</li> <li>Ensure policies and procedures will be emailed or put on display in the foyer for stakeholders to have the ability to provide feedback.</li> <li>Ensure feedback will be considered from stakeholders and educators and may result in a change in policy.</li> <li>Ensure policy and procedure may be changed at any time if there has been an incident in the service that has required a change to be implemented for the safety and health of children and or educators.</li> <li>Ensure in the event of a change to a policy after feedback or a situation that occurs, we will provide 14 days’ notice to all stakeholders before the change takes effect.</li> </ul>
<b>CONTINUOUS IMPROVEMENT</b>	<p>We are dedicated to the ongoing improvement of our practices and procedures through the following actions:</p> <ul style="list-style-type: none"> <li>Conducting regular reviews and updates of this policy with all stakeholders.</li> <li>Actively seeking feedback from children, families, and staff members.</li> <li>Providing targeted skill development and training for staff when areas for improvement are identified or when gaps in policy and procedure implementation are observed.</li> </ul>

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<b>IN THE EVENT of a BREACH of POLICY and/or PROCEDURE</b>	<ul style="list-style-type: none"> <li>All employees are required to comply with this policy and all associated procedures.</li> <li>Any alleged breach of a policy or procedure will be documented and further investigated by management.</li> <li>If an employee is deemed to be breaching policy and or procedure, disciplinary action will be taken, if the breach is deemed to be serious this could result in immediate termination.</li> <li>Breaches involving child safety or harm to a child will result in immediate suspension whilst management undergo an investigation. This could also result in immediate termination.</li> <li>All breaches and investigations will be documented and may be reported to the Regulatory Authority and/ or law enforcement.</li> </ul>
<b>KEY TERMS</b>	<ul style="list-style-type: none"> <li><b>ACECQA</b> – Australian Children’s Education and Care Quality Authority. The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources, and services to support the sector to improve outcomes for children.</li> <li><b>Stakeholder</b> - a person or group of people who have an interest in a business, a person such as an employee or customer. They have a sense of responsibility toward it and an interest in its success.</li> <li><b>PIDTDC</b>- person in day-to-day charge of the service. In the absence of an approved provider and or nominated supervisor a staff member may, if they meet all regulatory requirements, be placed in charge of the service. This may also be referred to as a responsible person.</li> </ul>
<b>WE GRATEFULLY ACKNOWLEDGE THE FOLLOWING SOURCES</b>	<ul style="list-style-type: none"> <li>Australian Children’s Education &amp; Care Quality Authority. ACECQA</li> <li>Code of Ethics</li> <li>Education and Care Services National Regulations.</li> <li>Education and Care Services National Law Act 2010</li> <li>Guide to the Education and Care Services National Law and the Education and Care Services National Regulations.</li> <li>Guide to the National Quality Framework.</li> <li>National Quality Standard.</li> <li>United Nations Convention on the Rights of the Child</li> </ul>

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