

Avoca Beach PreSchool

Determining the Responsible person.

Background

Legislation sets out specific requirements for the staffing arrangements for approved centre-based services. These requirements cover the number of staff, their qualifications and experience.

Particularly noteworthy are the requirements for the Responsible Person. A Responsible Person must be on the premises at all times the service is educating and caring for children. The Responsible Person can be (a) the Approved Provider if this is an individual or, if the Approved Provider is an organisation or company, then someone with management and control of the service, (b) the Nominated Supervisor of the service or (c) a person in day-to-day charge of the service.

Policy statement

This Policy outlines the steps the Service takes to ensure it complies with regulatory staffing requirements at all times. In particular, it details how the Service ensures a Responsible Person is on the premises at all times, and how the identity of that person is made known to staff, parents and visitors.

Strategies and practices

- The Service recruits experienced educators with the required formal educational qualifications and who hold a current Working with Children Check. These educators are collaborative, respectful and ethical.
- The Nominated Supervisor has given written consent which, together with other evidence to demonstrate compliance with the Regulatory Authority regarding suitability to occupy the position, is kept on file. This evidence includes:
 - 18 years or older;
 - adequate knowledge and understanding of the provision of education and care to children;
 - an ability to effectively supervise and manage an education and care service; and,
 - completed Compliance History Statement.
- The name of each Nominated Supervisor is displayed in the Service's main entrance.
- Whenever possible, the Approved Provider notifies the Regulatory Authority via the NQA ITS Portal 7 days prior to the Nominated Supervisor commencing at the Service or, if that is not possible, within 14 days after the Nominated Supervisor has commenced in the role. The Regulatory Authority is also notified of any change in their name, contact details or tenure in the position.
- The Nominated Supervisor is also the Responsible Person whenever on the premises.
- If the Nominated Supervisor or Manager works directly with children in any age group or play space for any length of time, it is documented on the Nominated Supervisor/Manager Working Directly with Children Register.
- The Nominated Supervisor develops rosters in accordance with the availability of Responsible Persons, service operation and attendance patterns of the children.

Staffing and Determining the responsible person

- On any occasion that the Nominated Supervisor is not on the premises, a Responsible Person who is physically present is placed in charge of the Service's day-to-day operations only (i.e. the Responsible Person does not assume all of the responsibilities of the Nominated Supervisor). This acceptance of the additional responsibilities by the replacement is a standing arrangement agreed to in writing by the replacement, and details are maintained in the staff file.
- The Approved Provider of the Service has appointed one or more individuals as Responsible Persons to supervise and lead the Service when the Nominated Supervisor is not at the Service. These Responsible Persons have given written consent via the Approval and Consent Form – Responsible Person which, together with other evidence to demonstrate their suitability to occupy the position, is kept on file. This evidence includes:
 - qualifications
 - experience
 - supervisory and leadership capabilities
 - Child Protection training
 - Working With Children Check
 - completed Compliance History Statement; and,
 - referees' comments.
- Whenever leaving the premises, the Nominated Supervisor informs the substitute Responsible Person, and signs the Responsible Person Record Form on departure. On return, the Nominated Supervisor informs the substitute, and again signs the Responsible Person Record Form.
- The details of the Responsible Person at any given time are clearly displayed in the main entrance of the Service in the Responsible Person Register.
- **Educators must be working directly with children in order to be counted in ratio.**
- The Approved Provider ensures that:
 - Nominated Supervisors and any person who assumes the role of Responsible Person have a clear understanding of the role
 - The Responsible Person is appropriately skilled and qualified
 - The Responsible Person is physically present at the Service. A substitute for the Responsible Person will be present where a Waiver is in place.
- The Service has an Educational Leader who oversees the development and implementation of the Service's educational program.
- The Service's Policies and Procedures are clear and delineate its practices.
- Before commencing at the Service, all educators, staff, students and volunteers are given an orientation wherein they are made purposefully aware of the Service's Policies and Procedures, and of their responsibilities under them.
- All educators, staff, students and volunteers sign the Service's Confidentiality Agreement and Child Protection Staff Acknowledgement Form before commencing at the Service. They also complete a Prohibition Declaration Notice for Prospective Staff Members.

Staffing and Determining the responsible person

- The Service is cognizant of the requirements – including transitional and saving provisions – for staffing in the Education and Care Services National Regulations 2011 and meets or exceeds these at all times it provides education and care to children. These provisions include:
 - Educator-to-child ratios
 - Educator formal qualifications
 - First Aid, anaphylaxis and Emergency Asthma Management
 - Rest periods
 - Educators' rest pauses and short absences
 - The Early Childhood Teacher
 - The Early Childhood Teacher's rest pauses and short absences (including those during rest periods).
- The Service is aware of the need for heightened supervision above and beyond the educator-to-child ratios during certain activities (e.g. water play, babies sleeping, nappy change and toileting, mealtimes, unknown persons in the Service), and this is accepted by Service educators as standard practice. Refer to the Service's *Supervision Policy*.
- Educators under 18 years and students and volunteers are never alone with children. Refer to the Service's *Students, Volunteers and Visitors Policy*.
- The Service maintains a relief educators list and, wherever possible, engages educators on this list to replace absentees.
- The Service conducts regular team meetings where educators become familiar with each other's strengths and weaknesses and learn how to work best as a team to achieve quality education and care outcomes for children. Refer to the Service's *Educator Professionalism and Ethics Policy*.
- The Nominated Supervisor ensures all educators are familiar with current child protection law and its application to their work at the Service, and acutely aware of their responsibilities under this legislation. Refer to the Service's *Child Protection and Risk Management Policy*.
- The Nominated Supervisor maintains a Staff Summary Sheet (e.g. educational and other qualifications, and currency) and a Working With Children Register Sheet, and bases all rosters on this Sheet to ensure the Service's staffing arrangements comply with regulation at all times, including up-to-date current teacher registrations.
- All educators use the timesheet to record their arrival and departure times, and their lunch breaks. They use the Rest Pause Sheet displayed in the indoor play space to record their rest pauses.
- The Service expects its educators to be diligent and attentive to the children and the children's well-being at all times. As team members, they are also expected to be supportive of their colleagues and of students and volunteers.
- **Childcare Educator to Child Ratios for NSW**
 - Children birth to 24 months of age – 1 educator to 4 children
 - Children over 24 months and less than 36 months of age – 1 educator to 5 children
 - Children aged 36 months of age or over (not including children over preschool age) – 1 educator to 10 children.
 - Children over preschool age – 1 educator to 15 children
- Children in a service of mixed ages must comply with sub regulation 1 at all times.

Staffing and Determining the responsible person

- At least 50% percent of educators for ratio purposes must already have or be actively working towards an approved diploma level education and care qualification.
- All other educators in the service must have or actively working towards a certificate III qualification.

Additional safe practices for babies

- To prioritise continuity and consistency when rostering educators working with babies.

Responsibilities of parents

- To be aware of who is the Responsible Person at that time they are in the Service.

Procedures and forms

- Approval and Consent Form – Responsible Person
- Blue Card Register Sheet
- Child Protection Staff Acknowledgement Form
- Compliance History Statement
- Confidentiality Agreement
- Nominated Supervisor/Manager Working Directly with Children Register
- Prohibition Declaration Notice for Prospective Staff Members
- Responsible Person Record Form
- Staff Summary Sheet
- Working With Children Register Sheet

Links to other policies

- Child Protection and Risk Management Policy
- Educator Professionalism and Ethics Policy
- Students, Volunteers and Visitors Policy
- Supervision Policy

Links Education and Care Services National Regulations 2011, National Quality Standard 2011

Regulation	117A	Placing a person in day-to-day charge
Regulation	117B	Minimum requirements for a person in da-to-day charge
Regulation	117C	Minimum requirements for a nominated supervisor
Regulation	122	Educators must be working directly with children to be included in ratios
Regulation	123	Educator to child ratios—centre-based services
Regulation	126	Centre-based services—general educator qualifications
Regulation	130	Requirement for early childhood teacher—centre-based services—fewer than 25 approved places
Regulation	131	Requirement for early childhood teacher—centre-based services—25 or more approved places but fewer than 25 children
Regulation	132	Requirement for early childhood teacher— centre-based services—25 to 59 children
Regulation	133	Requirement for early childhood teacher—centre-based services—60 to 80 children
Regulation	134	Requirement for early childhood teacher—centre-based services—more than 80 children
Regulation	135	Early childhood teacher illness or absence
Regulation	136	First aid qualifications

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Regulation	168	Educators and care services must have policies and procedures
Regulation	173	Prescribed information must be displayed

General transitions and saving provisions		
	241	Persons taken to hold an approved early childhood teaching qualification
	243	Persons taken to hold an approved diploma level education and care qualification
	244	Persons taken to hold an approved certificate III level education and care qualification
	298	Educator to child ratio—children over preschool age Applies to Reg 123
	299	General qualification requirements for educators—children over preschool age Applies to Reg 126
	311	Additional staff members or volunteers Applies to Reg 310
	312	Qualifications for educators Applies to Reg 310

NQS	QA2.2.1	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard
NQS	QA2.2.3	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect
NQS	QA4.1.2	Every effort is made for children to experience continuity of educators at the service
NQS	QA4.2.1	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills
NQS	QA4.2.2	Professional standards guide practice, interactions and relationships
NQS	QA7.1.2	Management systems are in place to manage risk and enable the effective management and operation of a quality service
NQS	QA7.2.1	There is an effective self-assessment and quality improvement process in place
NQS	QA7.2.2	The educational leader is supported and leads the development and implementation of the educational program and assessment and planning cycle

Sources

- Education and Care Services National Regulations 2011
- Guide to the National Quality Framework 2018 (September 2020 Update): Section 4 – Operational Requirements <https://www.acecqa.gov.au/sites/default/files/2020-09/Guide-to-the-NQF-September-2020.pdf>

Further reading and useful websites (Consistent with the approach of the National Quality Framework, the following references have prioritised efficacy and appropriateness to inform best practice, and legislative compliance over state or territory preferences.)

- ACECQA. (2017). *Responsible Person Requirements for Approved Providers*. <https://www.acecqa.gov.au/sites/default/files/2018-09/ResponsiblePersonRequirements.pdf>
- ACECQA. (2017). *Reporting requirements about children*. <http://www.acecqa.gov.au/reporting-requirements-about-children>
- Australian Children's Education and Care Quality Authority – <http://www.acecqa.gov.au/>
- Community Learning Australia. (2017). *Simple Guide to Being a Nominated Supervisor of a NSW Long Day Care or Preschool*. <https://www.cela.org.au/publications/member-resources/simple-guides/being-nominated-supervisor>
- Department of Education (NSW) – <https://education.nsw.gov.au/early-childhood-education>
- The Child Safe standards- Office of the Children's Guardian

Policy Review

Staffing and Determining the responsible person

The Service encourages staff and parents to be actively involved in the annual review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as they occur and any issues identified as part the Service's commitment to quality improvement. The Service consults with relevant recognised authorities as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

Version Control

Version	Date Reviewed	Approved By	Comments/Amendments	Next Review Date
1	8 January 2018	Dr Brenda Abbey (Author)	Updated to changed NQF requirements 1 February 2018. Service to modify policies to its specific needs.	
2	6 September 2019	Dr Brenda Abbey (Author)	Updated references.	
3	29 November 2020	Dr Brenda Abbey (Author)	Updated references.	
4	30 December 2020	Dr Brenda Abbey (Author)	Updated references.	
5	May 2022	ACA NSW	Updated references Added ratio information for NSW	
6	6 th September 2022	Rose Smith/Jessica Adlard	Discussed at Staff meeting 6 th September.	May 2023
7	May 5 th 2023	Rose Smith		May 2024