

RESPONSIBLE PERSON – DETERMINING AND APPOINTING

Guardian is focussed on ensuring all centres are led by qualified and experienced Responsible Persons. The Nominated Supervisors and Persons in Day-to-Day Charge play a vital leadership role in ensuring effective decisions are made to meet all legal requirements of the Education and Care Services National Law and Regulations.

A Responsible Person is:

- Guardian (as the Approved Provider) or a person with management or control
- a Nominated Supervisor/s [NS] (at Guardian this is generally the Centre Manager)
- a Person in Day-To-Day Charge of the centre [PIDTDC].

Guardian (as the Approved Provider) has delegated responsibility to the State General Manager and Operations Managers to ensure the appointment and acceptance of all Responsible Persons meets Guardians strict determination requirements.

DETERMINING THE RESPONSIBLE PERSON

To be a Responsible Person, the person must:

- be at least 18 years of age
- have adequate knowledge and understanding of the Education and Care National Law and Regulations, National Quality Standard, all approved learning frameworks and the assessment and rating process
- have the ability to effectively supervise, lead and manage a Guardian centre
- have no compliance history in relation to the Law; (see table 1 of Compliance History Statement)
- must have completed a recognised child protection qualification
- must have a valid Working with Children's Check (or state equivalent)
- must have a Police Criminal History Check

RECORD KEEPING:

To ensure that we are meeting our obligations as the Approved Provider, and to ensure that the appropriate people are in roles of responsibility and leadership in our centres, a process has been created for all Nominated Supervisors/Responsible Persons and this must be adhered to in order to determine the individuals' understanding, knowledge and skills to effectively manage and supervise a Guardian centre and then sign off on these key roles.

Guardian maintains a national web based Responsible Persons Register which identifies and holds all documents supporting the appointment of all Responsible Persons in all Guardian Centres.

AFTER THE NOMINATION:

If Guardian becomes aware of a matter or incident which affects the ability of the Nominated Supervisor [NS] or Person in Day-To-Day Charge [PIDTDC] to meet the minimum requirements for that position (including achieving a minimum of 80% in the Responsible Persons Quiz), we will:

- consider if it is appropriate to remove the person from their position as NS or PIDTDC.
- reassess if that person is still suitable to be in the position on becoming aware the NS or PIDTDC has had compliance action against them
- notify the Regulatory Authority of the suspension or cancellation of a Working with Children Check or teacher registration, or disciplinary proceedings under an education law of a participating jurisdiction in respect of a Nominated Supervisor engaged by the centre.

[LINKS TO THE NATIONAL LAW AND REGULATIONS](#)

- Section 161 Offence to operate an education and care service without a Nominated Supervisor
- Section 161A Offence for a Nominated Supervisor not to meet prescribed minimum requirements
- Section 162 Offence to operate an education and care service unless a Responsible Person is present
- Section 169 Offence relating to staffing arrangements
- Regulation 117A Placing a person in day-to-day charge
- Regulation 117B Minimum requirement for a person in day-to-day charge
- Regulation 117C Minimum requirement for a Nominated Supervisor

[LINKS TO THE NATIONAL QUALITY STANDARD](#)

Standard/ Elements	Concept	Descriptor
4.1	Staffing Arrangements	Staffing arrangements enhance children’s learning and development
4.1.1	Organisation of Educators	The organisation of educators across Guardian centre’s supports children’s learning and development
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting roles
6.1.3	Families are supported	Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing.
7.1	Governance	Governance supports the operation of a quality Guardian Centre
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the centre

RESPONSIBLE PERSON PROCEDURE

Who?	How?
GUARDIAN EARLY LEARNING GROUP (APPROVED PROVIDER) WILL:	<ul style="list-style-type: none"> • Consider the person’s qualifications, skills, and work experience in determining if the person nominated to become a Nominated Supervisor has adequate knowledge and understanding, and demonstrated ability to effectively supervise, lead and manage a Guardian centre. Consider the following types of evidence against this requirement: <ul style="list-style-type: none"> ○ A supervisor certificate previously issued to the person under the National Law, including any conditions which were imposed on the supervisor certificate ○ A resume detailing the person’s position, duties, duration of employment and their employer’s details ○ 2 references from an employer that addresses the person’s knowledge and understanding of the Education and Care National Law and Regulations, National Quality Standard, and all applicable approved Learning Frameworks ○ Transcripts demonstrating completion of an education and care qualification ○ Knowledge of, and ability to apply practices that help ensure the education and care needs of children are met ○ Knowledge of, and ability to apply practices that help ensure a centre complies with the National Law and Regulations, National Quality Standard, and all applicable approved Learning Frameworks ○ Skills in managing relationships with educators, staff, and families at an early learning centre ○ Must have completed a recognised, ACECQA approved, child protection qualification ○ Must have a current WWCC (or state equivalent) • The <u>Operations Manager</u> will work through the Compliance History Statement with the nominated NS to determine their ability, knowledge and understanding of their leadership and management skills required to run a Guardian centre. The Operations Manager, based on the nominee’s responses will determine the success of the nomination, seek the General Managers/Guardians approval, witness and sign the Compliance History Statement. • The <u>Operations Manager</u> will notify the Regulatory Authority in writing of the person nominated or ceasing their role of NS. This must occur 7 days prior, or within 14 days after the individual starts work as a NS. • The <u>Operations Manager</u> will ensure a newly appointed Centre Manager, who is required to be the NS immediately will undertake a robust induction process to ensure this person has the required knowledge, skills, and abilities to lead, support and apply • The <u>Operations Manager</u> will ensure Guardian’s Responsible Persons Register is maintained at all times for their portfolio of centres. This register is updated monthly by the Centre Manager, Operations Manager, and state Operations Assistant. • The <u>Operations Manager</u> will create a development plan where a Nominated Supervisor has received less than 80% on their first attempt completing the Responsible Persons Quiz. • Guardian will provide ongoing training and resources to all Responsible Persons on a regular basis to ensure they have adequate knowledge of the National Law and Regulations including the organisation of recognised child protection courses every 3 years or earlier where significant changes have occurred.
NOMINATED SUPERVISORS WILL: In the absence of NS, the person in day to day charge WILL:	<ul style="list-style-type: none"> • Discuss, and show understanding of the National Law and Regulations, National Quality Standard, and all applicable approved learning frameworks • The Nominated Supervisor/s must provide written consent to the Nominated Supervisor nomination and this person must read, understand, and sign the Compliance History Statement (CHS). • Ensure the Nominated Supervisor/s and the 2IC [as the 1st PIDTDC] are rostered to either open or close the centre each day. • Ensure the <u>Responsible Person Log</u> is completed correctly: <ul style="list-style-type: none"> ○ identifying who the Responsible Person is at any given time of the centre’s operational hours

	<ul style="list-style-type: none"> ○ the Nominated Supervisor must be the Responsible Person and sign the log when on premises ○ the responsible Person log must be kept up to date and available to all educators and staff <ul style="list-style-type: none"> ● The name and current photo of the Nominated Supervisor, and the name and position of all Persons in day-to-day charge will be clearly displayed and visible at the centres main entrance/foyer at all times ● The Person in Day to Day Charge’s name and current photo will be on display in foyer to communicate to families, visitors and educators who is responsible at any given point in time that the centre is operating ● Complete the Compliance History Statement upon their return from any extended leave of 6 months or more, any change to the National Quality Framework, and education and care related legislation or changes to service approval. ● Sign the ACECQA NS02 Nominated Supervisor consent form and this form will be sent to the Regulatory Authority by the Operations Manager via the NQAITS portal. ● In their absence, appoint the next suitably qualified PIDTDC ● Will remove or add a Responsible Person to the Guardian Responsible Persons register by informing their Operations Manager and state Operations Assistant in writing as soon as possible ● Will partake in a Responsible Persons Quiz to determine their understanding of the Education and Care Services National Law and Regulations and obtain a result of 80% or above (after a maximum of 3 attempts) ● Will create a development plan where a Responsible Person has received less than 80% on their first attempt completing the Responsible Persons Quiz. <p>Appointing a PIDTDC:</p> <ul style="list-style-type: none"> ● To appoint a Person in Day to Day Charge, the Nominated Supervisor and the Operations Manager will consider the person’s qualifications, skills, and work experience in determining if the person has adequate knowledge and understanding, and demonstrated ability to effectively supervise, lead and manage a Guardian centre. ● In addition, the Nominated Supervisor and Operations Manager will consider the same evidence as is required to determine the suitability of a Nominated Supervisor. ● Review resources and attend training on a regular basis to ensure sound knowledge of the National Law and Regulations is maintained ● Ensure their understanding of child protection remains current by having a thorough understanding of Guardian’s Child Protection policy and procedures and attend a recognised child protection course every 3 years, or earlier where significant changes have occurred. ● In the event an educator has been removed from the RP role previously you must attach to the Compliance History Statement evidence of a professional learning plan that demonstrates their suitability.
EDUCATORS AND STAFF WILL:	<p>Educators who are Persons in Day to Day Charge will:</p> <ul style="list-style-type: none"> ● need to demonstrate the requirements as outlined above ● not formally appoint another PIDTDC ● review resources and attend training on a regular basis to ensure sound knowledge of the National Law and Regulations is maintained ● complete the Responsible Persons Log and communicate to all educators and staff when they are in charge of the centre <p>Educators will:</p> <ul style="list-style-type: none"> ● seek advice, guidance, and support from the Person in Day to Day Charge ● know who the Responsible Persons is at any given time the centre is operating
FAMILY AND COMMUNITY WILL:	<ul style="list-style-type: none"> ● Know who the Person in Day to Day Charge is at any given time the centre is operating ● Be able to consult with this person about any questions or feedback

INDICATORS OF UNDERSTANDING:

Indicators of Understanding	Achieved	
1. Explain who holds the position of the Responsible Person and in what order of seniority/responsibility at your centre	Yes	No
2. Explain the role of the Responsible Person in your centre	Yes	No
3. Explain how your centre communicates changes to the Responsible Person with educators and families throughout the day	Yes	No
4. Indicate who the Responsible Persons are who open and close your centre	Yes	No
5. Can the educator show where the: <ul style="list-style-type: none"> • current list of Responsible Persons is on display for educators and families? • Communication and Reporting Flowchart for serious incidents and complaints is displayed? • Serious Incidents and Complaints reporting timeframes is displayed? 	Yes	No

Additional Comments – Educator

Additional Comments – Mentor