

RESPONSIBLE PERSONS POLICY

Quality Areas: NQS 7 - Governance and Leadership

Policy Owner: Compliance

Why this is
important

1.0 Introduction and Purpose:

Guardian is focussed on ensuring all centres are led by qualified and experienced Responsible Persons. The Nominated Supervisor and Responsible Person 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:

- a Nominated Supervisor/s (NS) [at Guardian this is generally the Centre Manager].
- a Responsible Person.

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

2.0 Who does this policy apply to:

Approved Provider, Nominated Supervisor, Team Members, Team Members, Families

3.0 What is our Policy:

3.1 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.
- Complete the Compliance History Statement (located on Guardian Way).
- Have no compliance history in relation to the Law (see table 1 of Compliance History Statement).
- Must have a current State specific recognised child protection qualification.
- Must have a valid Working with Children's Check (or state equivalent).
- Must have a Police Criminal History Check.

3.2 Record Keeping

Guardian has developed a system to ensure that all persons who manage our centres are fit & proper. This includes that they have the appropriate skills & experience to manage the centre, even for short periods such as in an acting role.

Approved Responsible Persons are recorded on an RP register. Supporting documentation is to also be kept in the Team Member's file and will be available and kept up to date at all times. The determination and fitness & propriety of an approved Responsible Person will be reviewed on an annual basis.

3.3 After the Nomination

If Guardian becomes aware of a matter or incident which affects the ability of the Nominated Supervisor (NS) or Responsible Person (RP) 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 RP.
- Reassess if that person is still suitable to be in the position on becoming aware the NS or RP 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.

4.0 Responsibilities

4.1 Approved Provider will:

1. 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.
2. Consider the following types of evidence against this requirement:
 - a. A resume detailing the person's position, duties, duration of employment and their employer's details.
 - b. 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.
 - c. Transcripts demonstrating completion of an education and care qualification.
 - d. Knowledge of, and ability to apply practices that help ensure the education and care needs of children are met.
 - e. 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.
 - f. Skills in managing relationships with Team Members, staff, families and community stakeholders at an early learning centre.
 - g. Must have completed a recognised, ACECQA approved, child protection qualification.
 - h. Must have a current WWCC (or state equivalent).
3. The Portfolio Manager will work through the Compliance History Statement with the nominated NS to determine the ability, knowledge and understanding of their leadership and management skills required to run a Guardian centre. The Portfolio 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.
4. The Portfolio Manager will notify the Regulatory Authority in writing of the person nominated or ceasing their role of NS. This must occur at least 7 days prior, or as soon as practicable but no more than 14 days after commencement. This is done by completing an NS01 form available on ACECQA and is to be emailed to the State Operations Assistant who will submit it through NQAITS portal.
5. The Portfolio Manager 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.
6. The Portfolio Manager will ensure the Guardian's Responsible Persons Register is maintained at all times for their portfolio of centres. This register is updated monthly by the Centre Manager, Portfolio Manager, and state Operations Assistant/s.
7. The Portfolio Manager will create a development plan where a Nominated Supervisor has received less than 80% on their first attempt completing the Responsible Persons Quiz.
8. 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.

4.2 Centre Manager / Nominated Supervisor will:

1. Discuss, and show understanding of the National Law and Regulations, National Quality Standard, and all applicable approved learning frameworks.
2. 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).
3. Ensure the Nominated Supervisor/s and the 2IC [as the 1st RP] are rostered to either open or close the centre each day.
4. Ensure the Responsible Person Log is completed correctly:
 - a. Identifying who the Responsible Person is at any given time of the Centre's operational hours.
5. The Nominated Supervisor must be the Responsible Person and sign the log when on premises.
6. The responsible Person log must be kept up to date and available to all Team Members and staff.
7. The full name, position and current photo of the Nominated Supervisor, and the name and position of all Responsible Persons will be clearly displayed and visible at the centre's main entrance/foyer at all times.
8. The Responsible Person's name and current photo will be on display in foyer to communicate to families, visitors and Team Members who is responsible at any given point in time that the centre is operating.
9. 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.
10. Sign the ACECQA NS01 Nominated Supervisor consent form and this form will be uploaded through the NQAITS portal by compliance. In their absence, appoint the next suitably qualified Responsible Person and Where applicable, notify the families of NS absence including duration and who will be the responsible person in their absence.
11. When appointing a new Responsible Person, the process must be followed and completed in the RAPID platform (under forms; New Responsible Person application).
12. Will remove or add a Responsible Person to their Responsible Persons register.
13. 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).
14. Will create a development plan where a Responsible Person has received less than 80% on their first attempt completing the Responsible Persons Quiz.
15. Appointing a RP:
 - a. To appoint a Responsible Person, the Nominated Supervisor and the Portfolio Manager will consider the person's qualifications, skills, and work experience in determining if the person has adequate knowledge and understanding, and has demonstrated ability to effectively supervise, lead and manage a Guardian centre.
 - b. In addition, the Nominated Supervisor and Portfolio Manager will consider the same evidence as is required to determine the suitability of a Nominated Supervisor
 - c. Review resources and attend training on a regular basis to ensure sound knowledge of the
 - d. National Law and Regulations is maintained.
 - e. 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.
 - f. In the event a team member 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. This includes ALL history of performance when assessing and appointing a Responsible Person who has transferred internally from another Guardian centre.

4.3 Team Members, who are Responsible Persons will:

1. Review resources and attend training on a regular basis to ensure a sound knowledge of the National Law and Regulations is maintained.
2. Complete the Responsible Persons Log and communicate with all Team Members and staff when they are in charge of the centre.
3. Understand, respect and carry out all responsibilities in line with Guardian Policies & Procedures, Education and Care National Regulations, NQS and all other approved frameworks.



- Must inform the Nominated Supervisor if they wish to revoke their responsibilities & nomination as a Responsible Person in writing.

4.4 Team Members will:

- seek advice, guidance, and support from the Responsible Person.
- know who the Responsible Persons is at any given time the centre is operating.

4.5 Family and Community Members will:

- Know who the Responsible Person in charge is at any given time the centre is operating.
- Be able to consult with this person about any questions or feedback.

5.0 Tools and Resources

<p>The most important documents I need are: Compliance History Statement for a Responsible Person Responsible Persons Quiz</p>	<p>Other supporting documents will include: ACECQA Responsible Person Requirements</p>
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6.0 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.

7.0 References

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2010
- Guide to the National Quality Framework 2018

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