

## 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, Regional 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, the approved learning frameworks and the assessment and rating process.
- Have the ability to effectively supervise, lead and manage a Guardian centre.
- Complete (Nominated Supervisors only) the on-line Tribal Habits Nominated Supervisor: Appointment and Verification Topic
- For all other Responsible Persons (other than the Nominated Supervisor) must complete the Compliance History Statement (located on Guardian Way) and Responsible Persons Quiz
- Must not have any substantiated offences, subject to any individual statutory action recorded against them (see table 1 of Compliance History Statement).
- Must meet and maintain state specific recognised child protection qualification.
- Must have a valid Working with Children's Check (or state equivalent).
- Should hold or be actively working towards an approved Diploma of Child Care qualification or above.

#### 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.

A list of Responsible Persons is available on the Team Member Summary Record. Supporting documentation must be kept in the Team Member Records Folder that is made available to the Regulatory Authority.

An annual review will be taken of all Responsible Persons to ensure they are fit and proper; that they continue to hold the skills, experience and decision-making abilities to manage the centre in the absence of the Nominated Supervisor. And, in the case of the Responsible Person being a Nominated Supervisor that they are fit and proper at all times.

### 3.3 After the Nomination

A Responsible Person and / or Nominated Supervisor may be asked to re-sit the Responsible Person process where it is identified that there are issues highlighted that draw into question the RPs skills or knowledge.

- Consider if it is appropriate to suspend the person from their position as NS or RP whilst the assessment is occurring.
- Reassess if current compliance action against them still means they are suitable to be in the position of NS or RP.
- 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. Determine if a candidate for the Nominated Supervisor (NS) role has the necessary knowledge, understanding, and ability to effectively lead and manage a Guardian centre. The following relevant evidence is considered:
  - a. Resume: A detailed resume that includes the person's previous positions, responsibilities, duration of employment, and the employer's contact details.
  - b. References: Two references from previous employers that address the candidate's knowledge and understanding of the Education and Care National Law, National Quality Standard, and relevant Learning Frameworks.
  - c. Transcripts: Documents showing the completion of relevant qualifications in education and care.
  - d. Educational Practices: Evidence of knowledge and ability to implement practices that ensure the education and care needs of children are met.
  - e. Regulatory Compliance: Demonstrated understanding of how to ensure a centre complies with the National Law, Regulations, National Quality Standard, and all applicable Learning Frameworks.
  - f. Relationship Management Skills: Experience managing relationships with team members, families, and community stakeholders in an early learning environment.
  - g. Child Protection Qualification: Completion of an ACECQA-approved child protection qualification.
  - h. Working With Children Check (WWCC): A current WWCC (or equivalent in their state).

### Review Process:

2. The Portfolio Manager must notify the Regulatory Authority in writing of the appointment or resignation of an NS 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 from ACECQA and emailing it to the Compliance Team ([compliance@guardian.edu.au](mailto:compliance@guardian.edu.au)) who will submit it through the NQAITS portal.

### Induction and Records:

3. The Portfolio Manager will ensure that any newly appointed Centre Manager, who is required to serve as NS immediately, undergoes a thorough induction to ensure they have the knowledge, skills, and abilities to lead effectively.
4. Where a Nominated Supervisor identifies through the on-line module that they require knowledge or development in a particular area/s, the Portfolio Manager will oversee a development plan. The Portfolio Manager will ensure that whilst this plan is in place support is provided to ensure any of the development area/s being addressed are met.

5. Guardian will provide ongoing training and resources to all Responsible Persons to ensure they have adequate knowledge of the National Law and Regulations including meeting child protection practices.
6. Where a Nominated Supervisor fails to pass the Nominated Supervisor quiz after a development plan has been put in place a review of whether the person is fit for the role will be undertaken.
7. The reassessment process of Responsible Persons will occur annually.

#### 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 (NS01 form) and this person must read, understand, and complete successfully the on-line training module (*Nominated Supervisor: Appointment and Verification Topic*). The Appointment and Verification email received after completing this topic must be stored in the Nominated Supervisors Team Member Record Folder.
3. Ensure the Nominated Supervisor/s and the Assistant Centre Manager or Educational Leader [as the first 3 Responsible Persons] 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 time during 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.
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 the foyer to communicate to families, visitors and Team Members who is responsible at any given point in time that the centre is operating.
9. The online Nominated Supervisor: Appointment and Verification Topic will be undertaken when a team member is appointed as a Nominated Supervisor having returned from any extended leave of 6 months or more.
10. Sign the ACECQA NS01 Nominated Supervisor consent form that will be uploaded through the NQAITs portal by our Compliance Team. In their absence, the next suitably qualified Responsible Person will be appointed (normally the Assistant Centre Manager).
11. Where a Nominated Supervisor resigns or is on leave longer than three business days, families will be notified of the NS absence including duration and who will be the responsible person in their absence.
12. When appointing a new Responsible Person (other than a Nominated Supervisor), the Compliance History Statement is completed and stored in their Team Member Record Folder.
13. Will ensure that the Team Member Summary Record is kept up to date and reflects a record of all Responsible Persons.
14. Will create a development plan where a Responsible Person identifies through the appointment process that they require additional skills or knowledge.
15. Will ensure that on an annual basis that they review the appointment of Responsible Persons and discuss with them their role as a Responsible Person and whether their Responsible Person appointment will continue.
16. Ensure that an induction is provided for all Responsible Persons so that they understand their role and responsibilities.

#### Appointing a RP:

1. To appoint a Responsible Person, the Nominated Supervisor, will assess the candidate's qualifications, skills, and work experience to ensure they have the knowledge, understanding, and proven ability to effectively supervise, lead, and manage a Guardian centre. The Nominated Supervisor may seek the views of their Portfolio Manager to support their decision making.
2. Additionally, the Nominated Supervisor will evaluate the same evidence used to assess the suitability of a Nominated Supervisor.

#### Ongoing Requirements:

1. Regularly review relevant resources and attend training to maintain a strong understanding of the National Law and Regulations.

- Stay up to date on child protection policies by thoroughly understanding Guardian's Child Protection policy and procedures and attending an accredited child protection course every three years, or sooner if significant changes occur.

#### Additional Considerations:

- If a team member has been previously removed from the Responsible Person (RP) role, include a professional development plan as part of their Compliance History Statement. This plan must demonstrate the individual's current suitability for the role and be stored in their Team Member record folder.
- For team members transferring from another Guardian centre, ensure that their full performance history is considered when assessing and appointing them as a Responsible Person.

#### 4.3 Team Members, who are Responsible Persons will:

- Regularly review resources and attend training to maintain a solid understanding of the National Law and Regulations.
- Update the Responsible Persons Log and notify all team members when they are designated to oversee the centre.
- Adhere to all responsibilities in accordance with Guardian Policies & Procedures, the Education and Care National Regulations, the National Quality Standard (NQS), and other approved frameworks.
- If as a Responsible Person, you would like to suspend or terminate your role notification to the Nominated Supervisor will be made in writing

#### 4.4 Team Members will:

- Seek advice, guidance, and support from the Responsible Person on duty.

#### 4.5 Family and Community Members will:

- Seek out the Nominated Supervisor or Responsible Person when raising a complaint or concern.

### 5.0 Tools and Resources

<b>The most important documents I need are:</b> Compliance History Statement for a Responsible Person Responsible Persons Quiz Access to our Learning Management System (Tribal Habits) <i>Nominated Supervisor: Appointment and Verification Topic</i>	<b>Other supporting documents will include:</b> <a href="#">ACECQA Responsible Person Requirements</a>
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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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