

## RESPONSIBLE PERSONS POLICY

**Quality Areas:** NQS 7 - Governance and Leadership

**Policy Owner:** Safety and Compliance

### 1.0 Introduction and Purpose:

We place children's rights, safety, and wellbeing as paramount and are committed to ensuring that all leadership roles within our centres are undertaken by fit and proper persons. Strong governance and effective leadership are essential to maintaining safe, compliant, and high-quality education and care environments, and we treat the determination of fitness and propriety as a critical child-safe responsibility.

We have thorough processes in place to ensure that the most appropriately skilled, qualified, and competent individuals are appointed to undertake the roles of Nominated Supervisor and Responsible Person within our centres. These processes include verifying that individuals have a sound understanding of the Education and Care Services National Law and Regulations, our policies and procedures, and their professional obligations in leading a child-safe centre.

We take all fit and proper determinations seriously, maintain active oversight of these roles, and continuously assesses individuals' ongoing fitness and propriety, acting promptly on any concerns that may impact child safety, professional conduct, or compliance.

### 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. Child Safety and Leadership Commitment

To maintain a child-safe environment, it is essential that all leadership and governance roles within our centres are held by fit and proper persons.

The assessment and ongoing monitoring of fitness and propriety is a core child-safe responsibility and a key safeguard to ensure safe, compliant, and high-quality education and care.

#### 3.1.2. Appointment and Oversight of Nominated Supervisors and Responsible Persons

We have robust processes to ensure that the most appropriately skilled, qualified, and competent individuals are appointed to the roles of Nominated Supervisor and Responsible Person. These processes include:

- a. Verification of qualifications, skills, and experience
- b. Assessment of understanding of the Education and Care Services National Law and Regulations
- c. Confirmation of knowledge of our policies and procedures
- d. Evaluation of professional responsibility and child-safe leadership capability

We maintain active oversight of these roles, continuously assessing individuals' ongoing fitness and propriety, and act promptly on any concerns that may impact, child safety and wellbeing, professional conduct and regulatory compliance.

#### 3.2 Responsible Persons – Operational Requirements

At all times when a centre is in operation, there must be a Responsible Person rostered for that period. This is normally the



Nominated Supervisor, typically the Centre Manager. At times when the Nominated Supervisor is not in attendance, another Responsible Person must be present.

Individuals acting in the position of Responsible Person must be formally notified at the time of handover that they are assuming this role on behalf of the Nominated Supervisor. This ensures it is clear who is accountable for the safety, wellbeing, and best interests of children and team members during that period.

All Responsible Persons must sign into the Responsible Person log at the start of their shift and sign out at the conclusion of their responsibilities. Centres must display the *Responsible Person on duty* in the foyer, in a location accessible to families and team members, so that everyone is aware of who to contact for support or guidance.

### 3.2.1 Duties and Decision-Making

Responsible Persons are accountable for:

- a. Ensuring the centre meets the Education and Care Services National Law and Regulations, the National Quality Standard, and our policies and procedures
- b. Providing information to families about the centre's operations, leadership and any other matters affecting their child's care, safety or well-being
- c. Providing guidance and advice to team members regarding practice, policies, and compliance.
- d. Assuming the role of Chief Warden during evacuations or emergency procedures in the absence of the Nominated Supervisor and making all relevant emergency decisions.

### 3.3 Determining the Responsible Person

To be a Responsible Person, the person must:

- a. Be at least 18 years of age
- b. Have adequate knowledge and understanding of the Education and Care National Law and Regulations and the National Quality Standard
- c. Have adequate skills to effectively supervise, lead and manage the centre in the Nominated Supervisors absence
- d. Has undertaken and successfully completed all required all mandatory safety training prescribed by Guardian
- e. Have successfully completed a Suitability to Work Declaration
- f. Complete the assessment module:
  - I. Nominated Supervisors only: Complete the on-line Tribal Habits Nominated Supervisor: Appointment and Verification Module
  - II. For all other Responsible Persons (other than the Nominated Supervisor) must complete the *Responsible Persons Quiz* (located on the Guardian Way) *and the Compliance History Statement*
- g. Must not have any substantiated offences, subject to any individual statutory action recorded against them (see table 1 of *Compliance History Statement*)
- h. Must meet and maintain the prescribed child protection qualification
- i. Must have a valid *Working with Children's Check* (or state equivalent)
  - I. Should hold or be actively working towards an approved Diploma of Child Care qualification or above.

### 3.4 Record Keeping

All persons who manage our centres must be 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 always fit and proper.

### 3.5 Training and Professional Development

All Responsible Persons must have the skills, knowledge, and training to perform their role safely and effectively. Additional training is undertaken for all Responsible Persons to ensure they remain competent and up to date. In addition, training and skills required for the Responsible Persons role would be reviewed as part of annual development discussions.

- a. During the annual review process, the Nominated Supervisor will:
  - I. Discuss the individual's performance in the Responsible Person role; and
  - II. Identify any additional training needs; and
  - III. Ensure required training is included in the employee's professional development plan.

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. In such circumstances we will:

- a. Consider if it is appropriate to suspend the person from their position as NS or RP whilst the assessment is occurring
- b. Reassess if current action against them still means they are suitable to be in the position of NS or RP
- c. We will notify the Regulatory Authority if a Nominated Supervisor engaged by the centre has their Working with Children Check or teacher registration suspended or cancelled or is subject to disciplinary proceedings under an education law of a participating jurisdiction.

## 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 the centre. The following relevant evidence is considered upon employment and or when considering an internal promotion:
  - 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 that address the candidate's knowledge and understanding of the Education and Care National Law, National Quality Standard, and relevant Learning Frameworks. At least one of which comes from their recent line manager
  - c. Transcripts: Documents showing the completion of relevant qualifications
  - d. Evidence of knowledge and ability to lead a team, provide supervisory advice and mentorship and implement practices
  - e. Regulatory Compliance: Demonstrated understanding of 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 the prescribed state-based child protection qualification as per our *National Child Protection Training Requirements*
  - h. Working With Children Check (WWCC): A current WWCC (or equivalent in their state).
2. Ensure that the Portfolio Manager conducts an induction process that includes all mandatory safety training for any team member appointed as a Nominated Supervisor and returning from any extended leave. The decision to re-induct a Nominated Supervisor/Responsible Person will include any absence of at least three to six months based on the number of changes in the network that impact on their role.

### NS Notification Process:

1. The Portfolio Manager must notify the Regulatory Authority in writing of the appointment or resignation of a NS (Centre Manager) 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
2. Where a Centre Manager (NS) is absent for 6 weeks or more, it is the responsibility of the Portfolio Manager to ensure a suitable person is appointed to the Nominated Supervisor position in the interim and all paperwork is complete within the above timeframes. Consideration must be given to the compliance history of the centre and the current context, when determining the appropriate timeframe another NS should be appointed (e.g. if an active investigation is underway or a centre is currently on high monitoring status a replacement NS may be appointed immediately)

### Induction and Records:

1. 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
2. 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 areas addressed are met
3. 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
4. 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.
5. 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. Provide written consent for the Nominated Supervisor nomination (NS01 form) and read, understand, and complete successfully the on-line training module (*Nominated Supervisor: Appointment and Verification Topic*). Store 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 Centre Leadership Team] are rostered to either open or close the centre each day
4. Ensure the Responsible Person Log is available, accessible and is completed correctly:
  - a. Identifying who the Responsible Person is at any time during the Centre's operational hours
  - b. Be the Responsible Person and sign the log when on premises
  - c. Ensure the Responsible Person Log is kept up to date and available to all Team Members.
5. Ensure the full name, position and current photo of the Nominated Supervisor is displayed and visible at the centre's main entrance/foyer
6. Display the Responsible Person's name and current photo in the foyer to clearly inform families, visitors, and team members who is responsible at any given time the centre is operating
7. Ensure the online '*Nominated Supervisor: Appointment and Verification*' training is completed whenever a team member is appointed as a Nominated Supervisor or returns from extended leave of six months or more.
8. Complete and forward the *ACECQA NS01 Nominated Supervisor Consent Form* to the Compliance Team for uploading when a new NS is appointed.
9. Ensure families are notified of the NS absence where there is a resignation or leave for longer than three business days. This includes informing families of the duration of the NS absence and who will be the Responsible Person in their absence
10. 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*
11. Ensure that the *Team Member Summary Record* is kept up to date and reflects a record of all Responsible Persons
12. Create a development plan where a Responsible Person identifies through the appointment process that they require additional skills or knowledge
13. Ensure that on an annual basis 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
14. Ensure that an induction is provided for all Responsible Persons so that they understand their role and responsibilities

#### Appointing a Responsible Person:

1. To appoint a Responsible Person, the Nominated Supervisor will assess the candidates:
  - a. Qualifications; and
  - b. Skills; and
  - c. 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

#### Ongoing Requirements:

1. Regularly review relevant resources and attend training to maintain a strong understanding of the National Law and Regulations
2. Remain informed about child protection policy and practices by fully understanding our Child Protection policy and completing all required state-based and internal child protection training, or early if major changes are introduced

Additional Considerations:

1. 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
2. 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:**

1. Complete and sign the Responsible Persons *Compliance History Statement* and undertake the *Responsible Persons Quiz*
2. Regularly review resources and attend training to maintain a solid understanding of the National Law and Regulations
3. Update the *Responsible Persons Log* and notify all team members when they are designated to oversee the centre
4. 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
5. Notify the Nominated Supervisor in writing if they would like to suspend or terminate their Responsible Person role

**4.4 Team Members will:**

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

**4.5 Family and Community Members will:**

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

**5.0 Tools and Resources**

<p><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</i> Topic          National Child Protection Training Requirements</p>	<p><b>Other supporting documents will include:</b>  <a href="#">ACECQA Responsible Person Requirements</a>          Team Member Summary Record          Suitability to Work Policy and Processes          Child Safe Standards (Organisation) Policy</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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