

Who is a “Responsible Person”?

- A Responsible Person can be:
 - An **Approved Provider** or a person with centre management or control (e.g., an Executive Committee Member)
 - A **Nominated Supervisor** (usually the centre Director)
 - Responsible Person in charge** (teacher/educator placed in charge when the Nominated Supervisor is not present at a centre)
- A Responsible Person must:
 - be 18 years or older
 - have adequate knowledge and understanding of the provision of education and care to children, AND
 - have an ability to effectively supervise and manage an education and care centre.
- Approved Providers must ensure that a Responsible Person is present at the centre at all times that the centre is educating and caring for children.
- A Responsible Person is legally responsible for children’s health, safety and wellbeing and centre compliance to *Education and Care Services National Regulations and Law (2011)*.
- An Approved Provider must take reasonable steps to ensure a Responsible Person is not a prohibited person under National Law. When undertaking reference checks, it is a requirement that referees are asked if they are aware of any compliance action under National Law or any other Law in relation to the candidate. A record of referee responses must be kept on file.

1. Approved Provider

- Branch centres** – the C&K Board is the Approved Provider
- Affiliate centres** – the Executive Committee Members
 - Immediately upon appointment, Executive Committee Members are required to complete and submit the following ACECQA forms via the National Quality Agenda IT System:
 - PA08 Notification of change to information about approved provider
 - PA02 Declaration of fitness and propriety

2. Nominated Supervisor

- Typically, the Nominated Supervisor is the centre Director(s). This expectation is outlined in the position description, during recruitment and upon appointment.
- More than one Nominated Supervisor can be appointed at a centre e.g., co-directors.
- A Nominated Supervisor does not need to be ‘onsite’ during centre operations.
- When a Nominated Supervisor is absent for an extended period (e.g., leave), the Early Childhood Education Manager/Committee are required to determine if another Nominated Supervisor should be appointed.
- If a Nominated Supervisor is no longer considered fit or proper, the Approved Provider must consider if it is appropriate to remove this person from the Nominated Supervisor role. The Regulatory Authority can restrict, either entirely or subject to conditions.
- Before an educator can act as a Nominated Supervisor a NS01 Nominated Supervisor Consent Form (ACECQA) must be completed and submitted to the regulatory authority:

Branch Nominated Supervisors	<ul style="list-style-type: none"> Email completed <u>NS01 Nominated Supervisor Consent Form</u> to the C&K Recruitment Team/Early Childhood Education Manager. The Early Childhood Education Manager will complete the <u>Change to Nominated Supervisor</u> (C&K) online form, automatically forwarding to the Quality and Regulation Team. The Quality and Regulation Team will complete the <u>NS02 Notification of Change to Nominated Supervisor</u> form via the NQAITS attaching the completed <u>NS01 Nominated Supervisor Consent Form (ACECQA)</u>.
Affiliate Nominated Supervisors	<ul style="list-style-type: none"> Complete and forward a <u>NS01 Nominated Supervisor Consent Form</u> to Committee/nominated delegate. Committee/nominated delegate completes the <u>NS02 Notification of Change to Nominated Supervisor</u> form via NQAITS attaching the completed <u>NS01 Nominated Supervisor Consent Form (ACECQA)</u>.

- The regulatory authority must be notified 7 days prior to the Nominated Supervisor starting or 14 days after the Nominated Supervisor has commenced in the role.

- An Approved Provider must also notify the regulatory authority via the NQAITS if the Nominated Supervisor:
 - changes their name or contact details,
 - is no longer employed or engaged by the centre,
 - has been removed from the role or
 - withdraws their consent to the nomination.

3. Responsible Person in Charge

- A Responsible Person in Charge is appointed/rostered when the Nominated Supervisor is not physically present during centre operations.
- A Responsible Person in Charge must meet the criterion below. Under some circumstances, an Early Childhood Education Manager/Committee can appoint a teacher/educator to be a Responsible Person in Charge if they do not meet criterion 4.

Responsible Person in Charge Criteria

1. Be 18 years or older.
2. Have adequate knowledge and understanding of the provision of education and care to children.
3. Be fit and proper and able to effectively supervise and manage a centre AND
4. Have the following:
 - a. A minimum of 3 years' experience working as an educator in an education and care centre AND
 - b. hold an approved Certificate 111 and working towards an approved Diploma level education and care qualification OR hold an approved Diploma level education and care qualification or be working towards or hold an approved early childhood teaching qualification.

- Written consent (via [Responsible Person in Charge Consent Form](#)) must be sought upon appointment and required before an educator can act in the role. This form must be kept on the staff file.
- More than one Responsible Person in Charge can be appointed at a centre. E.g., due to the hours of operations at child care centres, several Responsible Persons in Charge may be appointed and rostered at different time periods throughout a day.
- The Approved Provider may remove a person from the role if they no longer meet the Responsible Person in Charge Criteria.

When a Nominated Supervisor is not physically present at the centre

- When the Nominated Supervisor is not physically present at the centre, the Director will appoint/roster a Responsible Person in Charge.
- In the event a Responsible Person is not available immediately contact your Early Childhood Education Manager/Committee to determine an appropriate plan of action.
- If a Responsible Person cannot be found, a centre may need to close. Only a Regional Manager or Senior C&K Manager/Committee can authorise a centre closure.

Display and records

- All Responsible Person records must be kept at the centre on staff files. Records of branch casual teachers/educators who are Responsible Persons in Charge are kept at C&K Central/HR and are available upon request.
- The times a Responsible Person is placed in charge of a centre must be recorded (Reg.150):
 - **Childcare & Extended Hours Kindergartens:** [Responsible Person in Charge \(RPIC\) Register](#)
 - **Kindergarten:** [Kindergarten Staff Time Sheet](#)
- The following documents must be displayed/positioned so that they are clearly visible to anyone from the main entrance of a centre (National Law Section 172, Reg .173):
 - [Responsible Persons Display](#) (indicating who is currently in charge)
 - [Centre Profile](#) (Nominated Supervisor(s)'s name and photograph)

Key resources and references

- [ACECQA Information Sheet - Responsible person requirements for approved providers](#)