

Background

A “Responsible Person” is accountable for the management and supervision of an approved service in accordance with the Education and Care Services National Law and Regulations. At least one responsible person must be physically present at a centre during hours of operation. There are three types of responsible persons:

1. Approved Provider Person with Management or Control (PMC)	2. Nominated Supervisor	3. Responsible Person in Charge (RPIC)
At C&K		
<ul style="list-style-type: none"> C&K Board Member (branch centres) C&K Executive Management Group members (branch centres) Committee Members (affiliated centres) 	<ul style="list-style-type: none"> Centre Director Co-Directors Lead Educators of Extended Kindergarten Programs (branch centres) Early Childhood Education Managers/Consultants (branch centres - temporarily/when needed during the recruitment of a Centre Director) 	<ul style="list-style-type: none"> Assistant Directors Teachers Lead Educators/Group Leaders Assistant Educators (some circumstances due to operational requirements)

Approved Providers/Persons with Management or Control

Approved Provider (Persons with Management or Control) Responsibilities

- An Approved Provider is a legal entity approved to operate an education and care centre and legally responsible for managing a centre e.g. C&K or an affiliated centre kindergarten association.
- As illustrated in the above table, Persons with Management or Control (PMCs) are persons (roles) identified by the Approved Provider who are responsible for managing the delivery of the provider’s centre(s) or who have significant influence over the activities or delivery of the provider’s centre(s).
- A PMC must be (and remain) a fit and proper person (refer to pages 23 to 27 of the Guide to the National Quality Framework) and has the same legal responsibility for the safety, health and wellbeing of children as an Approved Provider.

Person with Management or Control Application and Approval Process

- Within 14 days of appointment:
 - Newly appointed PMCs must apply for a Provider Digital Access (PRODA) account and obtain an individual Registration Authority (RA) number. Identity documents must be submitted for this application. Follow steps outlined in the Services Australia webpage: How to register for an individual PRODA account.
 - The Approved Provider must notify the regulatory authority of the PMC appointment by completing and submitting a PA08 Notification of change to information about approved provider (online form) via the National Quality Agenda IT System (NQAITS). The PRODA number is required for this notification. A PA02 Declaration of fitness and propriety form (paper/written form) and identity documents must be attached to the PA08 Notification.
- The regulatory authority may ask a PMC applicant for more information or make enquiries to assess whether a person is ‘fit and proper’. This assessment may be related to the person’s compliance history (in relation to former and current education and care law), criminal history or other matters including their management capability, financial and/or medical conditions that may limit their capacity to meet their obligations under National Law.
- In addition to the documentation submitted with the PA02 Declaration of fitness and propriety form, relevant information may be obtained by interview, written assessment or both. The Australian Government may also assess a person’s fitness and propriety under the Family Assistance Law. The regulatory authority and/or Australian Government can reassess a person’s fitness and propriety at any time. For further detail, refer to pages 23 to 27 of the Guide to the National Quality Framework.
- To prepare for a knowledge assessment (relating to the role of a PMC of an education and care centre), a PMC is encouraged to complete the National Law & Child Care Subsidy Approval Course. To download a completion certificate, 80% of the course must be completed. Completion certificates can be submitted with PA02 Declaration of fitness and propriety form as additional support documentation. The course can be previewed via the following links:
 - Module 1: Child care approval in Australia
 - Module 2: Education and Care Services National Law approval
 - Module 3: Child Care Subsidy (CCS) approval
 - Module 4: How to apply
 - Module 5: After you’re approved
- If an existing PMC is no longer engaged by the Approved Provider or is no longer fit and proper for any reason, the Approved Provider must notify the regulatory authority within 7 days by submitting a PA08 Notification of Change of Information about Approved Provider (online form) via the NQAITS.

Nominated Supervisors

Nominated Supervisor Role and Responsibilities

- A Nominated Supervisor is nominated by the Approved Provider and is legally responsible for supervising and managing a centre in accordance with the *Education and Care Services National Law and Regulations*.
- It is a C&K position responsibility of centre Directors/Co-Directors to meet the Nominated Supervisor criteria (detailed below) and be the Nominated Supervisor at their relevant centre.
- Nominated Supervisor responsibilities include (but not limited to):
 - Managing their centre in accordance with C&K policies and procedures and the *Education and Care Services National Law and Regulations*.
 - Managing and supervising staff by providing reasonable direction to implement C&K policies and procedures and the *Education and Care Services National Law and Regulations*.
 - Notifying the regulatory authority when certain incidents and circumstances occur, and when certain complaints are received as outlined in the *C&K Child, Centre Incident Reporting Procedure*.
 - Being the primary point of contact for centre families and staff.
 - Developing and displaying a current *Responsible Person Roster* [Childcare, OHSC/ Kindergarten](#) in a location clearly visible from the centre main entrance.
 - Appointing appropriate persons to act as a Responsible Person in Charge when required.
 - Promptly notifying C&K (via nqf@candk.asn.au)/Committee if they no longer meet the Nominated Supervisor Criteria.

Nominated Supervisor Criteria

A Nominated Supervisor must meet the following prescribed minimum requirements (Criteria).

To be a Nominated Supervisor a person **must**:

- Be at least 18 years of age.
- Have adequate knowledge and understanding of the provision of education and care to children.
- Have the ability to effectively supervise and manage an education and care centre.
- Have satisfactory compliance history with *Education and Care Services National Law*, any former education and care services law, any children's services and education law.

A person **cannot** be a Nominated Supervisor if they have:

- Held a supervisor certificate that was subject to any conditions or suspended or cancelled by the regulatory authority.
- Been subject to a prohibition notice under the *Education and Care Services National Law*.
- Held or applied for a licence, approval, registration, certification or other authorisation under the National Law which the regulatory authority refused, refused to renew or suspended.

Prior to Appointing a Nominated Supervisor

- Prior to appointment, the Approved Provider (or their approved delegate of the Approved Provider i.e. Branch centres – Early Childhood Education Manager/Consultant; Affiliated centres – Management Committee) must complete an assessment against the Nominated Supervisor criteria to determine candidate suitability.
- Evidence of assessment must be kept and may be requested by the regulatory authority.
- Appendix 1 of this procedure outlines assessment activity (and evidence) examples.

Appointing a Nominated Supervisor

- A Nominated Supervisor can be appointed upon employment (new employee) or during employment (existing employee).
- More than one Nominated Supervisor may be appointed at a centre e.g. Co-Directors. Co-Directors at Branch centres must be Nominated Supervisors.
- When required, at C&K branch centres, an Early Childhood Education Manager/Consultant (ECEM/C) may be appointed temporarily as a Nominated Supervisor until a centre Director is appointed.
- When a Nominated Supervisor is absent for an extended period of time (e.g. long service leave; extended sick leave), the ECEM/C/Management Committee may choose to appoint an additional Nominated Supervisor temporarily for the period of absence.
- If an Approved Provider/PMC become aware of a matter or incident which affects a Nominated Supervisor's ability to meet the Nominated Supervisor criteria, consideration must be given if it is appropriate to remove the person from being the Nominated Supervisor.

Branch Centre Nominated Supervisor Appointment Process

1. Prior to offering the role, ECEM/C (and/or Regional Manager) completes an assessment against the Nominated Supervisor criteria to determine candidate suitability.

Candidate meets Nominated Supervisor criteria – Go to step 2

Candidate does not meet Nominated Supervisor criteria - STOP

2. (New employee) During the centre Director onboarding process, the C&K Talent Acquisition team provides the Nominated Supervisor appointee a *NS01 Nominated Supervisor Consent Form* and instructs them to complete and return the completed form to their ECEM/C prior to or on their first day of employment.

(Existing employee) ECEM/C provides the Nominated Supervisor appointee the *Nominated Supervisor Consent Form* and instructs the Nominated Supervisor appointee to complete and return prior to or on their first day of being the Centre Director.

ECEM/C provides centre a copy of the completed *NS01 Nominated Supervisor Consent Form* for staff personnel file.
3. Within 7 days of appointment, the ECEM/C completes the C&K online *Change to Nominated Supervisor* form and attaches a scanned copy of the completed *Nominated Supervisor Consent Form*.
4. Within 14 days of appointment, the Quality and Regulation (Q&R) team notifies the regulatory authority by completing the *NS01 Notification of Change to Nominated Supervisor* form via the NQAITS and attaches a scanned copy of the completed *NS01 Nominated Supervisor Consent Form*. Q&R team emails a notification receipt to the centre and ECEM/C.
5. Within 4 weeks of appointment, the Nominated Supervisor completes the following ACECQA eLearning Modules (included in the *Branch Centre Director Induction Checklist*):
 - [NQF Induction 2 – Overview of the NQF](#) (can be accessed/completed via Learning@C&K)
 - [NQF Induction 3 – Law and Regulations](#) (can be accessed/completed via Learning@C&K)
 - [NQF Induction 4 – National Quality Standard](#)

Affiliate Centre Nominated Supervisor Appointment Process

1. Prior to offering the role, management committee completes an assessment against the Nominated Supervisor criteria to determine candidate suitability.

Candidate meets Nominated Supervisor criteria – Go to step 2

Candidate does not meet Nominated Supervisor criteria - STOP

2. (New employee) During the centre Director onboarding process, the committee provides the Nominated Supervisor appointee a *NS01 Nominated Supervisor Consent Form* and instructs the Nominated Supervisor appointee to complete and return the completed form to them prior to or on their first day of employment.

(Existing employee) Committee provides the Nominated Supervisor appointee the *NS01 Nominated Supervisor Consent Form* and instructs them to complete and return the form prior to or on their first day of employment.

Committee provides centre a copy of the completed *NS01 Nominated Supervisor Consent Form* for staff personnel file.
3. Within 14 days of appointment, the committee team notifies the regulatory authority by completing the online *NS01 Notification of Change to Nominated Supervisor* form via the NQAITS and attaches a scanned copy of the completed *NS01 Nominated Supervisor Consent Form*.
6. Within 4 weeks of appointment, the Nominated Supervisor completes ACECQA eLearning Modules:
 - [NQF Induction 2 – Overview of the NQF](#) (can be accessed/completed via existing Learning@C&K account)
 - [NQF Induction 3 – Law and Regulations](#) (can be accessed/completed via existing Learning@C&K account)
 - [NQF Induction 4 – National Quality Standard](#)

Nominated Supervisor Changes

An Approved Provider (or their approved delegate) is required to notify the regulatory authority when a Nominated Supervisor:

- Is no longer employed or engaged at a centre.
- Has changed their name or contact details e.g. mobile number or email address.
- Is removed from the role of Nominated Supervisor.
- Withdraws their consent to be the Nominated Supervisor.
- Blue Card or Teacher Registration has been cancelled.
- Is subject to any disciplinary proceedings under education law of a participating jurisdiction.

Branch Centre Nominated Supervisor Change Notification Process

1. Within 5 days of change, ECEM/C completes the C&K online *Change to Nominated Supervisor* form.
2. With 7 days of change the Q&R team completes the *NS02 Notification of Change to Nominated Supervisor* via the NQAITS. Q&R team provides a receipt of this notification to the centre and ECEM/C.

Affiliate Centre Nominated Supervisor Change Notification Process

1. Within 7 days of change, the Committee (or their approved delegate) completes *NS02 Notification of Change to Nominated Supervisor* via the NQAITS.

Responsible Persons in Charge

Responsible Person in Charge (person in day-to day charge) Responsibilities

- A Responsible Person in Charge (RPIC) is rostered/placed in temporary day-to-day charge when the Nominated Supervisor is not physically present at a centre during the hours of operation.
- It is C&K position responsibility of teachers and lead educators (who meet the RPIC criteria) to provide their consent and act as a RPIC at their relevant centre when required. In some circumstances, due to operational requirements, educators/assistants (who meet the RPIC criteria) may be appointed as RPICs.
- Multiple RPICs can be appointed as RPICs at a centre.
- Acting as RPIC does not place any additional legal responsibilities on a person under the *Education and Care Services National Law*.
- When acting as a RPIC, responsibilities include:
 - Managing the centre in accordance with C&K policies and procedures and the *Education and Care Services National Law and Regulations*.
 - Supervising colleagues; and when needed providing reasonable guidance and direction to implement C&K policies and procedures and the *Education and Care Services National Law and Regulations*.
 - Notifying the regulatory authority when certain incidents and circumstances occur, and when certain complaints are received as outlined in the *Incident Reporting Procedure*.
 - Being the point of contact for centre families and staff.
 - Promptly notifying C&K (via nqf@candk.asn.au)/Committee if they no longer meet the RPIC Criteria.

Responsible Person In Charge Criteria

A RPIC must meet the following prescribed minimum requirements (Criteria).

To be a RPIC a person **must**:

- Be at least 18 years of age.
- Have adequate knowledge and understanding of the provision of education and care to children.
- Have the ability to effectively supervise and manage an education and care centre.
- Have satisfactory compliance history with *Education and Care Services National Law*, any former education and care services law, any children's services and any education law.

A person **cannot** be a RPIC if they have:

- Held a supervisor certificate that was subject to any conditions or suspended or cancelled by the regulatory authority.
- Been subject to a prohibition notice under the *Education and Care Services National Law*.
- Held or applied for a licence, approval, registration, certification or other authorisation under the National Law which the regulatory authority refused, refused to renew or suspended.

Prior to appointment of a Responsible Person in Charge

- Prior to appointment, the Nominated Supervisor (/Centre Director) on behalf of the Approved Provider completes an assessment of the employee against the RPIC criteria to determine their suitability.
- Evidence of this assessment must be kept and may be requested by the regulatory authority.
- Appendix 1 of this procedure outlines assessment activity (and evidence) examples.

Appointing a Responsible Person in Charge

A RPIC can be appointed upon employment (new employee) or during employment (existing employee). A RPIC can be permanent or casual i.e. a casual employee who may accept shifts at a centre on multiple occasions. It is C&K position responsibility of teachers and lead educators (who meet the RPIC criteria) to provide their consent and act as a RPIC at their relevant centre when required. In some circumstances, due to operational requirements, educators/assistants (who meet the RPIC criteria) may be appointed as RPICs.

Branch Centre RPIC Appointment Process

1. Upon employment (new employee):
 - a. Prior to offering the RPIC role and within 5 days of commencing employment, the Nominated Supervisor (as an approved delegate of the Approved Provider – C&K) completes an assessment against the RPIC criteria to determine the candidate's suitability.
 - b. When unsure of a candidate's suitability, the Nominated Supervisor will consult with and seek the direction of their ECEM/C.
1. During employment (existing employee):
 - a. Prior to offering the RPIC role, the Nominated Supervisor (as an approved delegate of the Approved Provider – C&K) completes an assessment against the RPIC criteria to determine the candidate's suitability.

**Candidate meets
RPIC criteria – Go to step 2**

**Candidate does not meet
RPIC criteria - STOP**

2. Nominated Supervisor meets with RPIC appointee and outlines RPIC criteria and responsibilities. RPIC candidate completes Responsible Persons in Charge Consent (Branch) Form *Responsible Person in Charge Consent Form*.
3. Nominated Supervisor completes online *Responsible Person in Charge Appointment Form* and attaches a scanned copy of the completed *Responsible Person in Charge Consent Form*.
4. Nominated Supervisor files completed *Responsible Person in Charge Consent Form* in staff personnel file at the centre and updates *Centre Staff Schedule*.
5. Upon receipt of a completed online Responsible Person in Charge Appointment Form a workflow notification is sent to:
 - o Payroll team – who allocates code to appointed RPIC in Easy Employer i.e. RP[BU number]
 - o Learning Experience team – who allocates the appointed RPIC the 'Responsible Person ACECQA eLearning modules'
6. Appointed RPIC completes 'Responsible Person ACECQA eLearning modules' (i.e. Overview of the NQF AND Overview of the Law and Regulations) via Learning@C&K within 4 weeks of appointment/via due date.
7. Nominated Supervisor refers to RPIC codes in Easy Employer when developing and implementing rosters to ensure a Responsible Person (i.e. Nominated Supervisor or RPIC) is always physically present during centre operating hours.

Affiliate Centre RPIC Appointment Process

A RPIC can be appointed upon employment (new employee) or during employment (existing employee). A RPIC can be permanent or casual i.e. a casual employee who may accept shifts at a centre on multiple occasions.

1. Upon employment (new employee):
 - a. Prior to offering the RPIC role, the Nominated Supervisor (as an approved delegate of the Approved Provider – Management Committee) completes assessment against the RPIC criteria to determine the candidate's suitability.
 - b. When unsure of a candidate's suitability, the Nominated Supervisor will consult with and seek the direction of their Management Committee.
1. During employment (existing employee):
 - a. Prior to offering the RPIC role, Nominated Supervisor (as an approved delegate of the Approved Provider – Management Committee) completes assessment against the RPIC criteria to determine the candidate's suitability.

**Candidate meets
RPIC criteria – Go to step 2**

**Candidate does not meet
RPIC criteria - STOP**

2. Nominated Supervisor completes Part A of the Responsible Person in Charge Appointment and Consent Form.
3. Nominated Supervisor meets with RPIC appointee and outlines RPIC criteria and responsibilities. RPIC candidate completed Part B of the *Responsible Person in Charge Appointment and Consent Form*
4. Nominated Supervisor stores completed (Part A and B) *Responsible Person in Charge Appointment and Consent Form* in staff personnel file at centre and updates *Centre Staff Schedule*.

5. Within 4 weeks of appointment, the RPIC completes ACECQA eLearning Modules (can be accessed/completed via ACECQA website or existing Learning@C&K account):
 - [NQF Induction 2 – Overview of the NQF](#)
 - [NQF Induction 3 – Law and Regulations](#)

RPIC Changes

An RPIC must immediately inform their Centre Director (Nominated Supervisor) and Approved Provider by email (Branch RPIC – nqf@candk.asn.au/Affiliate RPIC – Management Committee) when the following occurs:

- Withdrawal of their consent to be an RPIC (not possible when employed as a permanent teacher, lead educator/room leader).
- Blue Card or Teacher Registration has been cancelled.
- Is subject to any disciplinary proceedings under education law of a participating jurisdiction.

Responsible Person unable to be rostered/physically present during hours of operation

- In the event that there is no available Responsible Person (PMC, Nominated Supervisor or RPIC) to be rostered/physically present at a centre during the hours of operation, the Centre Director will promptly notify and consult with their ECEM/C (Branch centres) or Management Committee (Affiliated centres) to determine appropriate actions. Contact [Department of Education Office](#) (Regulatory Authority) for guidance.
- (Branch centres only) As outlined in the [Temporary Centre Closure Procedure](#), only the Chief Executive Officer (CEO), Chief Operating Officer (COO) or Chief Financial Officer (CFO) can authorise a temporary centre closure.

Responsible Person in Charge Records and Displays

The Centre Director/Nominated Supervisor (or their delegate) will:

- Using the following forms, develop, document and implement a responsible person roster that indicates who is the Responsible Person (Nominated Supervisor and RPIC) at any given time during the hours of operations:
 - [Kindergarten Responsible Person Roster](#)
 - [Childcare/OHSC Responsible Person Roster](#)
- Prior to implementation, inform all centre staff of the current responsible person roster. Centre staff must be aware of who the Responsible Person at any given time.
- Display a current responsible person roster in a location clearly visible from the main entrance of centre premises. Centre Directors may choose to display a second copy of the roster in a staff common/administrative area near Easy Employer Checkin or in team communication book (location known and readily accessible to all team members).
- Once developed and displayed, any change to the roster must be immediately amended (and initialled) by the Centre Director (or their approved delegate).
- File the following completed documents in relevant centre and staff personnel files for 3 years from the last day of employment of any teacher/educator recorded in document.

Completed Documents	Branch Centre	Affiliated Centre
<i>ACECQA NS01 Nominated Supervisor Consent Forms</i>	✓	✓
<i>Responsible Person in Charge Consent Forms</i>	✓	
<i>Responsible Person in Charge Appointment and Consent Forms</i>		✓
<i>Responsible Person Rosters</i>	✓	✓

Key resources and references

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

Appendix 1 – Nominated Supervisor and Responsible Person Assessment Activity

Information assessed	Evidence examples
Length and type of education and care sector experience	<ul style="list-style-type: none"> ○ Resumé ○ Cover letter and application ○ Current employment record ○ Participation in centre or early childhood sector projects or research ○ Employer acknowledgement/award
Qualifications and/or professional licenses and membership education and care to children, management or leadership. Noting there is no minimum qualification level for a Responsible Person.	<ul style="list-style-type: none"> ○ Qualification certification(s) ○ Teacher registration ○ Professional memberships ○ First aid certificates
Current study relating to the provision of education and care to children, management or leadership.	<ul style="list-style-type: none"> ○ Transcripts and/or records demonstrating appointee is enrolled and actively studying towards a qualification(s). ○ Study Plan
Professional development activities relating to the provision of education and care to children, management and leadership.	<ul style="list-style-type: none"> ○ Resume detailing completed professional development ○ Professional development certificate(s)
Demonstrated work experience (existing appointee)	<ul style="list-style-type: none"> ○ Professional Performance Records ○ Current employment record ○ Observations of work ○ Feedback from colleagues and families
Interview records (new employee only) Questions/scenarios prompting candidate to indicate their knowledge of the provision of education and care, and their ability and/or knowledge of centre management and supervising staff.	<ul style="list-style-type: none"> ○ Interview records
Pre-employment reference checks (new employee only) A minimum of 2 professional reference checks. Questions seeking the referee's opinion of the candidate's experience with and knowledge of the provision of education and care, and their ability and/or knowledge of centre management and supervising staff.	<ul style="list-style-type: none"> ○ Referee records ○ Written references
Pre-employment checks National Police Check (mandatory for branch employees) and NQAITS Prohibited Person Register check.	<ul style="list-style-type: none"> ○ Evidence/results of pre-employment checks
Working with Children Check (valid Blue Card)	<ul style="list-style-type: none"> ○ Copy of valid Blue Card Record
Appointee declaration they have not been subject to any compliance action or disciplinary proceedings relating to any Education and/or Care Services Australian Education Law or Regulation OR held or applied for a licence, approval, registration, certification or other authorisation (any Education and/or Care Services Australian Education Law or Regulation) which was refused, cancelled or suspended.	<ul style="list-style-type: none"> ○ Completed via Responsible Person in Charge Consent Form