

POLICY – RESPONSIBLE PERSONS

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1. National Quality Standard

Area	Concept	Descriptor
4.1	Staffing arrangements	Staffing arrangements enhance children's learning and development.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.

2. Purpose

The purposes of this policy are to:

- (a) clearly define the different types of persons who are responsible for management and control of the Centre;
- (b) briefly summarise the different roles and responsibilities of 'Nominated Supervisor' and 'persons in day-to-day charge' of the Centre (PIDTDC); and
- (c) outline a procedure for determining the responsible person for the Centre at any given time (National Regulation 168(2)(i)).

3. Scope

This policy is a compulsory policy (National Regulation 168(2)(i)(ii)). It applies Centre-wide.

4. Responsible Persons

Responsible Persons

- 4.1 The responsible person is an individual who is physically present at and responsible for the operation of the Centre for an agreed period of time.
- 4.2 The responsible person for the Centre may be:
- (a) a person with management or control of the service (at Baringa, this means all Board members and the Executive Officer);
 - (b) a nominated supervisor (at Baringa, this role is usually performed by the Centre Director);
or
 - (c) a person placed in day-to-day charge (**PIDTDC**) (at Baringa, this role is usually performed by Team Leaders and/or Assistant Centre Directors).

Appointments

- 4.3 Only the Board may appoint a Nominated Supervisor. This means that the Board is responsible for assessing a person's suitability for the role of Nominated Supervisor.
- 4.4 Either the Board or the Executive Officer or a Nominated Supervisor Depending may appoint a PIDTDC. The person(s) who make the appointment are responsible for assessing the person's suitability for the role of PIDTDC.

Important Rules

- 4.5 A responsible person must be present at all times that the Centre operates and must remain fit and proper for the Centre to operate under his/her management.
- 4.6 The name and position of the responsible person must be displayed and easily visible from the main entrance of the Centre in a clear.

Rostering

- 4.7 The responsible person at the Centre is determined by a roster system determined by the Nominated Supervisor and notified to staff from time to time.

Consent

- 4.8 All responsible persons must give their fully informed written consent to act as a responsible person. This will be requested prior to the initial appointment, and periodically thereafter.
- 4.9 In the event that consent is withdrawn after initial consent is given, it is the responsibility of the person withdrawing his/her consent to promptly notify the either the Executive Officer or a Nominated Supervisor or in the absence of either the Board in writing of that fact so that alternative arrangement may promptly be made.
- 4.10 From 2019 onwards, all Team Leaders must consent and continue to consent to act as a PIDTDC and responsible person as a condition of their initial and ongoing appointment at that level. If consent is withdrawn, he/she will no longer be eligible to act in the role of Team Leader.

5. Nominated Supervisor

Background

- 5.1 The Board is required to nominate at least one individual to be 'Nominated Supervisor' for the Centre.

- 5.2 Nominated Supervisors have many, very specific responsibilities under the National Law and National Regulations.
- 5.3 At Baringa, the role of Nominated Supervisor is currently performed by the Centre Director.

Minimum Requirements

- 5.4 A Nominated Supervisor must be at least 18 years of age and must have:
- (a) adequate knowledge and understanding of the provision of education and care to children; and
 - (b) the ability to effectively supervise and manage an education and care service;
 - (c) a satisfactory history of compliance with: the National Law (including the National Regulations); any former (repealed) education and care services law; and current and repealed children's services and education laws; and
 - (d) successfully completed the child protection training (if any) required in the ACT (section 162A of the National Regulations).

Pre-Appointment Processes

- 5.5 Checking and maintaining accurate records that relate to the fitness and propriety of all staff assists in safeguarding children against risks to their safety and wellbeing.
- 5.6 Before appointing a person as Nominated Supervisor, the Board must take reasonable steps to ensure that the person meets the minimum criteria (stated above). This includes:
- (a) obtaining a duly signed 'Nominated Supervisor Statutory Declaration' from the person;
 - (b) making all appropriate follow-up enquiries, based on the information contained in the completed 'Nominated Supervisor Statutory Declaration' (for example: obtaining a police check; requesting further information about past disciplinary events; sighting certificates and/or records of attendances at relevant courses etc);
 - (c) having due regard to the information in the 'Nominated Supervisor Statutory Declaration' form and any further information obtained to support or clarify same;
 - (d) actively considering whether the person has adequate knowledge and understanding of the provision of education and care. This includes, for example, obtaining/considering each of the following:
 - a resumé detailing the person's position, duties, duration of employment and their employer's details;
 - written and/or verbal referee reports addressing the person's knowledge and understanding of the provision of education and care to children;
 - transcripts demonstrating completion of an education and care qualification; and
 - implementing recruitment and promotion processes designed to objectively test and/or measure the person's knowledge.
 - (e) actively considering whether the person has the ability to effectively supervise and manage the Centre. This includes, for example, obtaining/considering each of the following:
 - whether the person's knowledge, skills and experience are suitable for the Centre's operational requirements;

- the person's skills in managing relationships with staff and families at the service, including his/her leadership style and written and verbal communication skills;
 - written and/or verbal referee reports addressing the person's supervision and management abilities;
 - transcripts demonstrating completion of a management-related qualification n education and care qualification;
 - implementing recruitment and promotion processes designed to objectively test and/or measure the person's management skills, leadership style and ability to understand, explain and implement the Centre's policies.
- (f) having due regard to any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation pertaining to the proposed appointee.

5.7 All referees should be directly asked if they are aware of any compliance action under the National Law or any other law in relation to the candidate.

5.8 If a prospective Nominated Supervisor is not an existing employee of the Centre, referee checks should be very thorough and well documented.

Continual Monitoring

5.9 A Nominated Supervisor must notify the Board in writing of any change to in circumstances which may affect his/her suitability to be a Nominated Supervisor as soon as is reasonably practicable but in any event not later than seven (7) days after the change occurs.

5.10 The Board must implement adequate processes to ensure that it promptly becomes aware of and promptly responds appropriately to any matters or incidents which may affect the suitability of a person to be a Nominated Supervisor. This includes, for example:

- (a) asking for updated Nominated Supervisor Statutory Declaration forms to be completed on a regular basis; and
- (b) in an appropriate case, removing the person from the Nominated Supervisor position.

Core Responsibilities

5.11 Nominated Supervisors have many, very specific responsibilities under the National Law and National Regulations.

5.12 Examples of some of the roles and responsibilities of Nominated Supervisor include:

- Ensuring that programs for all children are based on an approved learning framework and delivered in accordance with that framework.
- Supporting the health, protection, safety and wellbeing of all children, including by taking reasonable care to protect children from foreseeable risk of harm, injury and infection.
- Supervising every person who enters and leaves the service premises in areas used by children.
- Ensuring that all persons appointed to be PIDTDC of the Centre give informed consent to their appointment as PIDTDC and to act as a responsible person according to roster arrangements.
- Leading and mentoring persons in day-to-day charge of the Centre (PIDTDC) and implementing an appropriate training and/or professional development program for

PIDTDC so as to ensure that all PIDTDC are capable and competent to act as responsible persons.

- Determining the Centre's responsible person roster in a manner that ensures that there is always at least one responsible person in the Centre during all hours of operation; appropriately notifying the responsible person roster; promptly adjusting the roster in the event of an absence or illness (whether approved or otherwise).
- Ensuring that each day the name and position of the responsible person is displayed and easily visible from the main entrance of the Centre, in a manner that clearly indicates that he/she is the responsible person at the Centre that day.
- Notifying the Board and the Regulatory Authority of any change to name or contact details and of any circumstances which may affect his/her suitability to be a Nominated Supervisor as soon as is reasonably practicable but in any event not later than seven (7) days after the change occurs.

Record Keeping

- 5.13 In addition to all record-keeping requirements outlined in the National Law and National Regulations, the Board must ensure that all information used to assess a person's suitability to be a Nominated Supervisor is retained on his/her personnel file. This includes: all of the information referred to at paragraph 5.6; the person's initial and subsequent Nominated Supervisor Statutory Declarations; and all records of referee reports.

6. Persons in day-to-day charge (PIDTDC)

General

- 6.1 The Board and/or Nominated Supervisor may appoint persons in day-to-day charge (PIDTDC) as required from time to time.
- 6.2 Unlike Nominated Supervisors, PIDTDC do not have specific additional responsibilities under the National Law and National Regulations.
- 6.3 The number of PIDTDC will vary from time to time according to operational demand.
- 6.4 At Baringa, the role of PIDTDC is usually performed by Team Leaders.

Minimum Requirements

- 6.5 All PIDTDC must be at least 18 years of age and must have:
- (a) adequate knowledge and understanding of the provision of education and care to children; and
 - (b) the ability to effectively supervise and manage an education and care service;
 - (c) a satisfactory history of compliance with: the National Law (including the National Regulations); any former (repealed) education and care services law; and current and repealed children's services and education laws; and
 - (d) successfully completed the child protection training (if any) required in the ACT (section 162A of the National Regulations).

Pre-Appointment Processes

- 6.6 Checking and maintaining accurate records that relate to the fitness and propriety of all staff assists in safeguarding children against risks to their safety and wellbeing
- 6.7 Before placing a person in day-to-day charge, a nominated supervisor must take reasonable steps to ensure that the person meets the minimum criteria (stated above). This includes:

- (a) obtaining a duly signed 'PIDTDC Declaration' from the person and informed consent to act as PIDTDC and the responsible person according to roster arrangements;
- (b) making all appropriate follow-up enquiries, based on the information contained in the completed 'Responsible Person Statutory Declaration' (for example: obtaining a police check; requesting further information about past disciplinary events; sighting certificates and/or records of attendances at relevant courses etc);
- (c) having due regard to the information in the 'Responsible Person Statutory Declaration' form and any further information obtained to support or clarify same;
- (d) actively considering whether the person has adequate knowledge and understanding of the provision of education and care. This includes, for example, obtaining/considering each of the following:
 - a resumé detailing the person's position, duties, duration of employment and their employer's details;
 - written and/or verbal referee reports addressing the person's knowledge and understanding of the provision of education and care to children;
 - transcripts demonstrating completion of an education and care qualification; and
 - implementing recruitment and promotion processes designed to objectively test and/or measure the person's knowledge.
- (e) actively considering whether the person has the ability to effectively supervise and manage the Centre. This includes, for example, obtaining/considering each of the following:
 - whether the person's knowledge, skills and experience are suitable for the Centre's operational requirements;
 - the person's skills in managing relationships with staff and families at the service, including his/her leadership style and written and verbal communication skills;
 - written and/or verbal referee reports addressing the person's supervision and management abilities;
 - transcripts demonstrating completion of a management-related qualification in education and care qualification;
 - implementing recruitment and promotion processes designed to objectively test and/or measure the person's management skills, leadership style and ability to understand, explain and implement the Centre's policies; and
- (f) having due regard to any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation pertaining to the proposed appointee.

6.8 All referees should be directly asked if they are aware of any compliance action under the National Law or any other law in relation to the candidate.

6.9 If a prospective PIDTDC is not an existing employee of the Centre, referee checks should be very thorough and well documented.

Continual Monitoring

6.10 A PIDTDC must notify a Nominated Supervisor in writing of any change to in circumstances which may affect his/her suitability to be a PIDTDC as soon as is reasonably practicable but in any event not later than seven (7) days after the change occurs.

- 6.11 Nominated supervisors must implement adequate processes to ensure that the Centre promptly becomes aware of and promptly responds appropriately to any matters or incidents which may affect the suitability of a person to be a PIDTDC. This includes, for example:
- (a) asking for updated PIDTDC Statutory Declaration forms to be completed on a regular basis;
 - (b) in an appropriate case, removing the person from the PIDTDC position.

Core Responsibilities

6.12 Usually, PIDTDC are current Centre employees with defined roles and responsibilities according to their position.

6.13 On days when a PIDTDC is rostered to act as the responsible person at the centre, he/she has the following additional responsibilities:

- Checking that his/her name and position is displayed and easily visible from the main entrance of the Centre in a manner that clearly indicates that he/she is the responsible person at the Centre that day.
- If he/she will be unexpectedly absent from the Centre, promptly informing either the Executive Officer or a Nominated Supervisor or in the absence of either the Board, so that another responsible person can be asked to replace him/her.

6.14 In addition, PIDTDC must:

- Be ready, willing and able to genuinely and constructively participate in:
 - (i) any program of professional development and training from time to time approved and notified by a Nominated Supervisor and/or Educational Leader; and
 - (ii) all programming meetings, workshops, training day etc from time to time approved and notified by the Centre Director and/or Educational Leader;
- both during and outside ordinary rostered hours (with reasonable prior notice) so as to ensure that he/she is capable and competent to act as a person in day-to-day charge of the Centre (PIDTDC) and responsible person.
- Seek guidance from more senior managers from time to time (for example, the Educational Leader and/or Nominated Supervisor and/or Executive Officer) to make sure that he/she understands and correctly follows and communicate the Centre's policies and procedures.
 - Ensure to the best of his/her ability that the Centre's policies, the National Law and National Regulations are followed.
 - Clearly and regularly communicate the Centre's policies and procedures to staff and families.
 - Maintain open, productive lines of communication with staff and families regarding operational matters.

Record Keeping

6.15 In addition to all record-keeping requirements outlined in the National Law and National Regulations, Nominated Supervisors must ensure that all information used to assess a person's suitability to be a PIDTDC is retained on his/her personnel file. This includes: all of the information referred to at paragraph 6.6; the person's initial and subsequent PIDTDC Statutory Declarations; and all records of referee reports.

7. Responsibilities

Compliance, monitoring and review

- 7.1 The Assessment & Rating Committee is primarily responsible for compliance, monitoring and review of this policy.

Reporting

- 7.2 The Centre Director is responsible for reporting to the Assessment & Rating Committee in relation to all issues relating to compliance, monitoring and review of this policy.

Records management

- 7.3 Staff must maintain all records relevant to administering this policy in a recognised Baringa recordkeeping system.

8. Related Legislation and Documents

National Law

National Regulations

PIDTDC Statutory Declaration

Nominated Supervisor Statutory Declaration

9. Feedback

Families and staff may provide feedback about this document by emailing admin@baringachildcare.com

10. Approval and Review Details

Approval and Review	Details
Approval Authority	Executive Officer
Administrator	Centre Director
Next Review Date	30 June 2021

Approval and Amendment History	Details
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