**Happy Little Butterfly**

**Early Learning Centre**

**Determining Responsible Person Policy**

**Aim**

The aim of **Happy Little Butterfly Early Learning Centre** is to determine the responsible person that is required to be physically present on the premises at all times that an Approved Service operates.

**Legislative Requirements**

Education and Care Services National Regulation 2017

Education and Care Services National Law Act 2010

National Quality Standards 2018

**Who is affected by this policy?**

Child

Educators

Staff

Families

Management

**Implementation**

It is the Service’s responsibility to ensure that a Responsible Person is physically present on the premises at all times, the Service operates.

A Responsible Person can be:

1. The Approved Provider (or person in management or control) or
2. The Nominated Supervisor or
3. A Certified Supervisor who has consented to be placed in day to day charge of the Service. The Certified Supervisor does not have the same responsibilities as a Nominated Supervisor. A Certified Supervisor must consent to this nomination in writing.

All of the above must have an Approved Child Protection Statement of Attainment (see [Department of Education website](http://www.dec.nsw.gov.au/documents/15060385/15385042/child-protection-qualifications.pdf)).

The Approved Provider will ensure:

* Nominated and Certified Supervisors have a clear understanding of the role of the Responsible Person.
* The Responsible Person is appropriately skilled and qualified.
* A Responsible Person is physically present at the Service (given that the responsible person may change throughout the day (eg at a changeover of shifts), this requirement is noted on the staff sign in sheets as well as the supervisor poster in the parent area.

**Requirements for Responsible Persons**

**A nominated supervisor must:**

* Be 18 years or older
* Have adequate knowledge and understanding of the provision of education and care to children
* Have an ability to effectively supervise and manage an education and care service.

**You must have regard to:**

* The person’s history of compliance with the National Law and other relevant laws
* Any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person under the National Law and other relevant laws
* Approved providers can ask the nominated person to complete and sign a Compliance History Statement template and then keep it on file. The template is not mandatory but can help make informed decisions about a person’s suitability to be the nominated supervisor or to be placed in day-to-day charge of the service. Visit the ACECQA website to download this template: [www.acecqa.gov.au/sample-forms-and-templatesnow-available](http://www.acecqa.gov.au/sample-forms-and-templatesnow-available)
* As an approved provider, you must not nominate a person as a nominated supervisor if you knew or could reasonably have known that person was prohibited from being nominated.
* Currently you must not engage a person or volunteer if you know, or could reasonably have known, that person was prohibited under the National Law.

**Reasonable steps you might take to ensure you do not nominate or engage a prohibited person include:**

* Ask the candidate to complete and sign a declaration stating they are not prohibited. Keep these forms on file. Visit the ACECQA website to download the Prohibition Notice Declaration template: [www.acecqa.gov.au/sample-forms-and-templatesnow-available](http://www.acecqa.gov.au/sample-forms-and-templatesnow-available)
* Review the candidate’s references, including previous employers
* When undertaking reference checks, ask each referee if they are aware of any compliance action under the National Law or any other law in relation to the candidate. Record referee responses and keep this information on file.
* If after taking reasonable steps you are still concerned about the candidate’s compliance history, you may contact your regulatory authority and enquire if the person is subject to a prohibition notice in any state or territory

**A certified supervisor must:**

* Be 18 years or older
* Have adequate knowledge and understanding of the provision of education and care to children
* Have an ability to effectively supervise and manage an education and care service.

The approved provider or the nominated supervisor must have regard to:

* the person’s history of compliance with the National Law and other relevant laws
* Any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person under the National Law and other relevant laws.

The Approved Provider/Nominated Supervisor must ensure that records are kept of the Responsible Person at any given time, and that a record of who is the Responsible Person on duty, is on display in a prominent position in the foyer of the Service.

**The Approved Provider/Nominated Supervisor will ensure that this policy is maintained and implemented at all times.**

**Sources**

**Education and Care Services National Law Act 2010**

**Education and Care Services National Regulation 2017**

**Guide to the National Quality Standard 2018**

**Department of Education** [**www.dec.nsw.gov.au**](http://www.dec.nsw.gov.au)

**Guide to the National Law and National Regulations 2017**

**Review**

The policy will be reviewed annually. Review will be conducted by management, employees, parents and any interested parties.

**Reviewed: January 2020 Date for next review: January 2021**