

## DETERMINING THE RESPONSIBLE PERSON PRESENT and EDUCATIONAL LEADER POLICY

**Associated Policies:** Staff Recruitment

**Legislation:** Education and Care Services National Law Act 2010  
Education and Care Services National Regulations

**National Law** Section 162: Offence to operate education and care service without nominated supervisor

**Regulations** 168 (2) (i): Education and care service must have policies and procedures,

**Regulation** 173: Prescribed information to be displayed

**National Quality Standards:** 4.1.1 Educator-to-child ratios and qualification requirements are maintained at all times.

**Original:** October 2012

**Ratified:**

**Review:** March 2014

**Revised:**

**Next Review Due:** March 2017

**Location/Ownership:** POLICY MANUAL - "Staff"

### **POLICY STATEMENT:**

The Education and Care Services National Law determines that a responsible person must be in day-to-day charge and contactable at all times that an Approved service operates.

### **CONSIDERATIONS:**

Philosophy - all operational requirements are adhered to and are clearly conveyed and displayed as required by the Education and Care Services National Regulations and Law.

Children's needs - are cared and educated by approved educators

Parent's needs - the centre to ensure children are provided with a centre that ensures children's health safety and wellbeing

Staff needs - to work in an environment that ensures that processes are developed so to adhere to the Regulations and Law

Management needs - all rules and regulations are adhered to.

### **PROCEDURE:**

A service must always have a responsible person available when an education and care service is operating.

A responsible person can be:

1. The APPROVED PROVIDER - if this is an individual or if it is an organisation or company then someone with management and control of the service.
2. The NOMINATED SUPERVISOR - this is a person with a Supervisor's Certificate designated by the service as the Nominated Supervisor.
3. A CERTIFIED SUPERVISOR who has been placed in day-to-day charge of the service.
4. AN EDUCATIONAL LEADER is an educator; co-ordinator or other individual who is suitably qualified and experienced must be appointed to lead the development and implementation of the educational program (or curriculum) in the service.

#### **The Approved Provider will:**

1. Ensure Nominated Supervisors and Certified Supervisors have a clear understanding of the role of the Responsible person;
2. Ensure the responsible person is appropriately skilled and qualified;

3. Ensure a responsible person is contactable at all times. A substitute for the responsible person will be in present where a Waiver is in place.

**The Nominated Supervisor or delegated authority will:**

1. Arrange for the keeping of a "responsible person record". This record will document the current responsible person.
2. The name of the responsible person will be displayed in the main entrance at the service.
3. Develop rosters in accordance with the availability of responsible persons.

**The Educational Leader:**

This person may have suitable qualifications and experience, as well as a thorough understanding of the Early Years Learning Framework and/or the Framework for School Age Care (or other approved learning framework) to be able to guide other educators in their planning and reflection, and mentor colleagues in their implementation practices.

The educational leader might be a Nominated Supervisor (who has suitable experience and qualifications), an early childhood teacher, a manager or a diploma qualified educator within the service. The regulations do not specify a minimum qualification or the number of hours the educational leader should work, or whether this person must work directly with children. The Approved Provider should select the person most suited for this role in the service after considering the suitability of qualifications and experience of educators in the service. The National Regulations require the Approved Provider to appoint the educational leader in writing, and note this designation in the staff record of the service.

**Reference:**

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

National Quality Standards