

Early Learning

Determining Responsible Person Policy

Policy Statement

Uniting Early Learning is committed to:

- meeting its duty of care (refer to *Glossary*) obligations under the law;
- ensuring staffing arrangements contribute to the health, safety, well-being, learning and development of all children at the service;
- meeting legislative requirements for a Responsible Person to be on the service premises at all times.

Executive Summary

An Approved Provider/Licensee must not operate a service unless there is a Nominated Supervisor/Primary Nominee appointed for that service to take on the role of Responsible Person. The *Uniting Early Learning Responsible Person* must be over the age of 18 years, be fit and proper, have suitable skills and a current *Working with Children* check. *The Responsible Person* does not have to be in attendance at the service at all times, but in their absence, a Responsible person with day-to-day charge of the service must be placed in charge, ensuring there is always someone on the service premises who has been assessed as fit and proper (refer to *Glossary*). Written consent must be provided to accept the role of a Responsible Person or Responsible person with day-to-day charge.

Staffing arrangements/rosters on a day-to-day basis must be developed in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children. The name and position of the Responsible Person in charge of the service must be displayed and be easily visible from the main entrance of the service.

Current Environmental Context

It is an offence to operate an approved centre-based education and care service/ licensed service unless a Responsible Person is present.

Legislation requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children. The Responsible Person is the person in day to day charge at the service and can be either:

- the Approved Provider/Licensee (or the person in management or control of the service),
- the Nominated Supervisor/Primary Nominee of the service, or
- a Responsible person /Nominee who has been placed in day-to-day charge of the service.

The staff record/file must include the name of the Responsible Person each time children are being educated and cared for by the service.

A current *Working with Children* check must be held by the Responsible Person, and this is in addition to any Victorian Institute Teaching (VIT) registration requirements.

For more information regarding these terms, refer to *Glossary*.

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Please refer to the Uniting Intranet/Document Management System for the latest version.

Attachment: 24a: Responsibilities relating to the Determining Responsible Person Policy

Attachment 24b: Responsibilities of a Uniting Early Learning Responsible Person

Attachment 24c: Uniting Early Learning Procedure for Nominating a Responsible Person

Forms can be found on the Intranet share point site – [Click here](#)

Form No: 24.1: Assessment of Nominated Responsible Person

Form No: 24.2: Declaration of Responsible Person and Approval of AP form

Form No: 24.4: Consent-NSo1-Nominated Supervisor consent form

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Reference/Sources

This policy should be read in conjunction with:

Keeping Children Safe Policy of the Uniting Church in Australia Synod of Victoria and Tasmania, Approved May 2017:

- *Code of Conduct* Policy-L1
- *Participation of Volunteers and Students* Policy
- *Privacy and Confidentiality* Policy-L2
- *Staffing* Policy
- *Supervision of Children* Policy
- Australian Children's Education and Care Quality Authority (ACECQA), supporting materials:
<https://www.acecqa.gov.au/resources/supporting-materials>
- *Children's Services Act 1996 (Vic)*: Section: 11, 30
- *Children's Services Regulations 2009 (Vic)*
- *Education and Care Services National Law Act 2010*: Sections 5, 44, 56, 106–109, 114, 115, 118, 161, 162, 172, 291(5)
- *Education and Care Services National Regulations 2011*: Regulations 35, 46–49, 146, 150, 168(2)(i)(ii), 173, 176(2)(c)
- *National Quality Standard*, Quality Area 4: Staffing Arrangements
- *National Quality Standard*, Quality Area 7: Leadership and Service Management
- *Tasmanian Licensing Standards for Centre Based Child Care Class 4 2014*
- *The Child Care Act 2001 (Tas)*

Authorisation

This policy was adopted by Uniting Early Learning on: 17 December 2018

Review

This policy is to be reviewed by 17 December 2020

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