

Outside School Hours Care

Determining Responsibility Policy

Purpose

An Approved Provider operates the service with an appointed Nominated Supervisor. The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, a person deemed responsible by the Approved Provider is to be placed in charge as the Responsible Person.

Waubra Primary School Outside School Hours Care will ensure a Responsible Person is physically present at the service at all times children are being educated and cared for. Details of the Responsible Person on duty will be communicated and displayed for all users of the service.

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 either the Approved Provider (or the person in management or control of the service), the Nominated Supervisor of the service, or an educator who has been placed in day-to-day charge of the service.

Definitions

Approved Provider - An individual or organisation that has completed an application form and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.

Nominated Supervisor - A person who has been nominated by the Approved Provider of the service under Part 3 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.

Responsible Person - The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or educator who has been placed in day-to-day charge of the service in accordance with the National Regulations.

How will it be done?

Appointing a Responsible Person

The Approved Provider is responsible for ensuring the safety and wellbeing of children at the service and will consider a person's qualifications, experience and age when deciding whether they are suitable to be placed in day to day charge.

A person is covered, and may be placed in day to day charge of the service, when:

- the Approved Provider or the nominated supervisor identifies that they meet the criteria to hold a service supervisor certificate and
- they give their written consent to be placed in day to day charge of the service (required under regulation 54).

Criteria to be Determined a Responsible Person

Educators at the service who are considered appropriate for the role of Responsible Person.

- Their practical knowledge of the day-to-day responsibilities of being an educator at the service, including how to work through unexpected problems.
- Must be over 18 years of age.
- A demonstrated understanding of:
 - Education and Care Services National Law Act 2010, and the Education and Care Service Services National Regulations 2011

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- Equal Opportunity Employment Conditions
 - Health and Safety, including Child Protection responsibilities
 - Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures; and
 - Our education and care service’s policies and procedures.
- Consideration will also be given regarding whether the individual has been subject to compliance action or disciplinary proceedings under a children’s services law, education law, or a previous education and care services law, in any state or territory. Candidates will be asked to submit a Compliance History Statement.

Roles and Responsibilities

Approved Provider

- Ensuring there is a Responsible Person (refer to Background and Definitions) on the premises at all times the service is delivering education and care programs for children.
- Ensuring that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service (National Law: Section 172).
- Ensuring that the name of the Nominated Supervisor is displayed prominently at the service.
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (Section 56, Regulation 35).
- Ensuring that, in the absence from the service premises of a Nominated Supervisor, the Responsible Person is placed in day-to-day charge of the service.
- Ensuring that the Nominated Supervisor and educators have a sound understanding of the role of Responsible Person.

Nominated Supervisor

- Providing written consent to accept the role of Nominated Supervisor.
- Ensuring that, in their absence from the service premises, another Responsible Person is placed in day-to-day charge of the service.
- Ensuring they have a sound understanding of the role of Responsible Person.
- Ensuring that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service.
- Developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.
- Notifying the Approved Provider and the Regulatory Authority within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status as fit and proper, such as the suspension or cancellation of a Working with Children Check card or teacher registration, or if they are subject to disciplinary proceedings.

Responsible Person

- Providing written consent to accept the role of Responsible Person.
- Checking that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service.
- Ensuring they have a sound understanding of the role of Responsible Person.
- Understanding that a Responsible Person placed in day-to-day charge of an approved service does not have the same responsibilities under the National Law as the Nominated Supervisor.

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Families

- Reading and understanding this policy.
- Being aware of the Responsible Person at the service on a daily basis.

References

- Australian Children’s Education and Care Quality Authority (ACECQA) – www.acecqa.gov.au Information Sheets
- ACECQA Guide to the National Law and National Regulations
- ACECQA Compliance History Statement – files.acecqa.gov.au/files/Policies/Compliance%20history%20statement.docx
- Education and Care Services National Regulations 2011
- National Quality Standard, Quality Area 4: Staffing Arrangements Standard 4.1
- National Quality Standard, Quality Area 7: Governance and Leadership – Standard 7.1

Review Cycle

This policy was last updated in December 2023 and is scheduled for review in December 2025