

Determining a Responsible Person

1. Overview

1.1. Purpose

The provision of a high-quality, safe and healthy environment is vital for children, staff and other stakeholders. Under the National Quality Framework (NQF), the Service must have a Responsible Person present at all times.

1.2. Scope

All Junior Adventures Group (JAG) People are required to comply with the provisions set out in this policy, their contract of employment and all other relevant policies, procedures and legislation. It is the responsibility of JAG to nominate the Responsible Person and ensure that they meet all criteria.

1.3. Legislative Requirements

Under the *Education and Care Services National Regulations*, JAG is required to have policies and procedures in place to ensure the health, safety and wellbeing of the children in care.

2. Policy Statement

JAG is committed to providing learning, development, health and safety practices that protect children and staff from harm. Under the National Regulation, there are designated roles and responsibilities for Team Members who operate and manage the Service. JAG makes informed decisions about who is fit and proper, with suitable skills, qualifications and experience, to undertake the role of Responsible Person, whether as Service Leader or the Responsible Person in day-to-day charge of a service.

3. Principles

3.1. Duty of Care

We have a duty of care to ensure the safety and wellbeing of children and JAG People service. This includes ensuring the right people with the right skills are in the right positions to make informed decisions and protect children and staff from harm.

3.2. Responsible Person

A Responsible Person is nominated to be in charge of the education and care service to ensure that agreed roles and responsibilities are maintained and fulfilled at all times in accordance with Responsible Person Declaration.

Families are made aware of these roles, and other team members are fully informed of the nature and position of these roles.

3.3. Responsibilities and accountabilities

The Service Leader will be responsible for the Service, at all times, regardless of their attendance at the Service.

The Approved Provider and Service Leader retain legal responsibility under the law, including when a Responsible Person has day-to-day charge of the Service.

A Responsible Person will be in charge of the daily operation of the Service, in accordance with Policies, Procedures and National Laws and Regulations. If a Responsible Person cannot attend the centre, a person with management control can fulfil the role.

The Responsible Person will ensure that all team members follow and comply with all organisational policies, supporting procedures and the national laws and regulations applicable to the jurisdiction.

A Responsible Person will ensure that the prescribed Educator to child ratios and qualification requirements are met and the Service complies with the legislative provisions for specific jurisdictions.

3.4. Policies and Procedures

The process for determining the Responsible Person will be clear to all team members and followed at all times and comply with all relevant legislation.

A Responsible Person will complete a compliance history statement and appropriate training and sign acceptance of their responsibility. To demonstrate fitness and propriety, any individual accepting the role of Service Leader or Responsible Person for a Service managed under the Approved Provider must complete:

- the Declaration of Responsible Person Agreement
- all required training and onboarding documents.

All persons nominated to be Responsible Persons will:

- be 18 years or older
- have adequate knowledge and understanding of the provision of education and care to children
- have demonstrated the ability to effectively supervise and manage a service.

Further consideration will also be given to a person's:

- history of compliance with the National Law and other relevant laws, including any decision under the Law to refuse, suspend, refuse to renew, or cancel a license, approval, registration, certification or other authorisation granted to the person.

Our policies and procedures are developed, reviewed and implemented in consultation with relevant regulations, internal and external stakeholders.

3.5. Communicating with families

Families are made aware of the role of the Responsible Person, and the Service will display the details of the Service Leader and Responsible Person when the Service is operating.

3.6. Communication with the regulatory authority

When there is a change to the nominated person, the regulatory authority must be notified. When there are changes to the nominated person's name or address, employment status or withdrawal of their consent, the regulatory authority must be notified.

3.7. Leading Effective Practices

The Approved Provider holds a responsibility to ensure that any incidents or matters affecting the ability of the Service Leader or Responsible Person to meet the minimum requirements will be addressed and notified as required, including notifying the Regulatory Authority of the suspension or cancellation of a Working with Children Check or teacher registration, or any disciplinary proceedings applicable.

Team Members are led by Service Leaders who regularly assess and build capability in service delivery. This includes internal and external training to build knowledge and responsiveness.

Our Service Leaders utilise performance development and management practices led by HR to support and develop our team members to deliver the best service that is tailored to individuals, culturally relevant, inclusive, safe and educational.

3.8. Interim Responsible Person

JAG will ensure that provisions are in place for the appointment of an interim Responsible Person—who has completed the Declaration of Responsible Person Agreement—in the absence of the Service Leader.

3.9. Child Safety

We safeguard children through our procedures and practices, with particular attention to the quality of team members. Policies and practices reflect the relevant legislation, including the National Principles for Child Safe Organisations.

JAG provides policies and procedures to equip JAG people with the knowledge, skills, and awareness to keep children safe. Service Practice are continuously reviewed and improved to ensure current legislation is in effect throughout the business.

4. Key Terms

Term	Definition
JAG People	Any adult that governs, manages, conducts work for or provides activities to JAG in a paid or unpaid activity spanning all levels of the organisational structure.
Responsible Person	A person appointed by the approved provider nominated to be in charge of the education and care service to ensure that agreed roles and responsibilities are maintained and fulfilled at all times in accordance with the Responsible Person Declaration.
Service Leader	Anyone who oversees the Service in one of the following roles: 1. The Approved Provider; if the approved provider is an individual, in other cases, a person with management or control of the Service 2. The Nominated Supervisor of the Service 3. A Responsible Person who has been placed in day-to-day charge of the Service in the absence of the Nominated Supervisor.

5. References

Education and Care Services National Law and Regulations
Children Education and Care Services National Law Act 2010
Educational and Care Services National Regulations

National Quality Standards for Early Childhood Education and Care and School Care
ACECQA – National Quality Framework
Other Relevant Legislation
Regulation 4 – Definitions
Regulation 35 – Notice of change to nominated supervisor
Regulation 146 – Nominated supervisor
Regulation 150 – Responsible Person
Regulation 157 – Access for parents
Regulation 168 – Education and care service must have policies and procedures
Regulation 170 – Policies and procedures to be followed
Regulation 171 – Policies and procedures to be kept available
Regulation 172 – Notification of change to policies or procedures
Regulation 183 – Storage of records and other documents
Related Policies
Safeguarding Children and Young People
Service Delivery Governance and Management
Related Procedures
07P003 Determining a Responsible Person Procedures
07P009 Staff Training and Development Procedures
Other
Quality Area 2, 4 & 7: Standards 2.2, 4.1, 7.1, 7.2
Guide to National Laws and Regulations
OCG Guide to Child Safe Standards - https://ocg.nsw.gov.au/child-safe-scheme
CCYP Child safe Standards - https://ccyp.vic.gov.au/child-safe-standards/
National Principles for Child Safe Organisations - https://childsafefhumanrights.gov.au/national-principles

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