

Staffing Arrangements

Responsible Person Policy.

Our Vision.

To give every child **the best start in life.**

Our Mission.

To deliver high quality childcare and exciting learning opportunities for every child, giving them a head start as they prepare for school.

Our Values.

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| Care | We take care of the children entrusted to us and our dedicated staff. All are appreciated and diversity is valued. |
| Quality | We maintain the highest standards in care and safety and provide exceptional early years education. |
| Service | We provide exceptional service and are integral to supporting parents bringing up children. |
| Value | We provide outstanding value for our families. |



Responsible Person Policy.

Busy Bees Early Learning Australia are responsible for appointing a responsible person who is aged 18 years or older, has adequate knowledge and understanding of the provision of education and care to children, and can effectively supervise and manage an education and care service.

NATIONAL QUALITY STANDARDS (NQS)	
QUALITY AREA 4 – Staffing Arrangements	
4.1 – Staffing Arrangements	4.1.1 – Organisation of Educators
	4.1.2 – Continuity of Staff
4.2 – Professionalism	4.2.1 – Professional Collaboration
	4.2.2 – Professional Standards
QUALITY AREA 7 – Governance and Leadership	
7.1 – Governance	7.1.3 – Roles and Responsibilities

EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS	
Part 6	Operating an Education and Care Service (Law – 162, 169)
Part 4.3A	Minimum requirements for persons in day-to-day charge and nominated supervisor (Reg – 117A, 117B, 117C, 150, 168, 173, 177)

RELATED POLICIES	
Administration of Medication Policy Child Enrolment and Orientation Policy Child Protection and Safeguarding Policy Child Safe Environment Policy Code of Conduct Policy Confidentiality and Privacy Policy Delivery and Collection of Children Policy Emergency and Evacuation Policy Excursion and Incursion Policy First Aid Policy	Incident, Injury, Trauma, and Illness Policy Infectious Disease and Immunisation Policy Medical Conditions Policy Nutrition and Food Safety Policy Respectful Relationships with Children Policy Sleep and Rest Policy Sun Protection Policy Supervision Policy Work Health and Safety Policy

PURPOSE

Busy Bees Early Learning Australia is committed to meeting our duty of care obligations under the Education and Care Services National Law and National Regulations to ensure a Responsible Person is physically on the premises to ensure the health, safety, wellbeing, learning, and development of all children at the Service is always maintained while the Service is operating.

The Nominated Supervisor always assumes the legal responsibility of the Service, however, can pass on the responsibilities of day to day running of the Service in their absence to a duly appointed person. Employees and Families must be aware of who is the responsible person in charge is at any given time.

SCOPE

Management, Employees, Families, Students, Volunteers

Definitions

Approved Provider, or a person with management control – An individual, company or organisation who holds the Provider Approval granted under the National Law. This approval authorises the Approved Provider to operate an approved education and care service.

Nominated Supervisor - A person with responsibility for the day-to-day management of an approved service. The Nominated Supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care services.

Responsible Person / Person in day-to-day charge - A person who is physically at the service and has the role of Nominated Supervisor or duly appointed person. The Responsible Person has consented to be placed in day-to-day charge of the service but does not take on the responsibilities of the Nominated Supervisor rather, they ensure the consistency and continuity in practices.

POLICY

Busy Bees Early Learning Australia will ensure that a responsible person is present all times that the service is educating and caring for children. The responsible person will have provided written consent, and their name and position will be clearly visible to families and visitors at the main entry of the service.

A Responsible Person is:

- the approved provider or a person with management or control
- a nominated supervisor
- a person in day-to-day charge of the service

The approved provider may nominate a person to be a nominated supervisor if they meet certain requirements. The approved provider or a nominated supervisor may appoint a person to be in day-to-day charge of a service if they meet certain requirements.

An approved service must have at least one nominated supervisor. The nominated supervisor must provide written consent to the nominated supervisor nomination. It is an offence for an approved provider to nominate a person to be a nominated supervisor if they do not meet prescribed minimum requirements.

Minimum requirements to be a nominated supervisor

To be a nominated supervisor the person must:

- be at least 18 years of age
- have adequate knowledge and understanding of the provision of education and care to children
- have the ability to effectively supervise and manage an education and care service.

In determining whether to nominate a person as the nominated supervisor, the approved provider must consider:

- the history of the person's compliance with:
 - the National Law
 - a former education and care services law
 - a children's services law
 - an education law
- any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person.

Minimum requirements for person in day-to-day charge

A person must be at least 18 years of age to be placed in day-to-day charge of a service.

Before placing a person in day-to-day charge, the approved provider or a nominated supervisor must take reasonable steps to ensure that the person:

- has adequate knowledge and understanding of the provision of education and care to children
- has the ability to effectively supervise and manage an education and care service

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

- whether the person has a satisfactory history of compliance with—
 - the National Law
 - a former education and care services law
 - a children's services law
 - an education law
- any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person.

Each nominated supervisor and person in day-to-day charge must also:

- hold an approved Diploma level education and care qualification or equivalent (Note: this is a minimum Busy Bees requirement. In isolated cases where this is not able to be met, contact the People and Culture team to seek approval of an alternative option)
- have completed written consent form and Compliance History Statement
- have completed child protection training required in their state or territory
- hold a current working with children check (state/territory equivalent)
- hold current first aid, CPR, anaphylaxis and asthma certificates
- have completed Busy Bees Responsible Person training

Appointing a Nominated Supervisor and Person in Day-to-Day Charge

At Busy Bees the Service Manager of the service will be appointed as the nominated supervisor. They will provide consent in writing that will be submitted to the regulatory authority. The regulatory authority will also be notified of nominated supervisor changes in line with required notification timeframes.

The responsible person in charge of a Busy Bees Service is the consenting Service Manager, when they are physically present. If the Service Manager is not physically present at the Service for any given period, the consenting second in charge (2IC), is the Responsible Person for that time.

If the Service Manager and the 2IC are both not physically present at the Service for any time, another consenting responsible person must be appointed in day-to-day charge of the Service for this period. It is recommended that this is the consenting opening and closing educators.

A record of the responsible person will be documented each day using the Responsible Person in Day-to-Day Charge Register.

Given that the responsible person may change throughout the day (e.g., changeover of shifts), the requirement to display the name and position of the Responsible Person in charge at any given time will be met by maintaining the Responsible Person Notice in the main entrance of the foyer.

Both the outgoing and incoming responsible person will ensure the display correctly reflects the name and position of who is signed on and holds the position at any given time.

When appointing a responsible person, the person will be asked to discuss their practical knowledge of the day-to-day responsibilities of being a responsible person, including how they would work through unexpected problems, along with demonstrating knowledge of:

- The Education and Care Services National Law
- The Education and Care Services National Regulations
- Equal Opportunity Employment Conditions and the Code of Ethics
- Providing Child Safe Environments, Health and Safety, including Child Protection responsibilities
- Privacy and Confidentiality
- Busy Bees Policies and Procedures

The Approved Provider/Management will ensure:

- A nominated supervisor is appointed to the Service
- The nominated supervisor has provided written consent using the ACECQA notification form and completed Compliance History Statement, both are kept in online profile records
- The regulatory authority is notified 7 days prior to a nominated supervisor starting at the Service or no more than 14 days after the person has commenced the role through NQA IT System
- The regulatory authority is notified within 7 days if the nominated supervisor is no longer employed by the Service, has been removed from the role or withdraws their nomination
- The regulatory authority is notified of changes to nominate supervisor's name or contact details
- A responsible person will be removed from the position should management become aware of a matter or incident which affects the ability of the person to meet the minimum requirements of the position
- A responsible person who meets the minimum requirements for qualifications, training, experience and management capabilities is appointed to be placed in day-to-day charge
- The responsible person has completed approved child protection training and is aware of mandatory reporting obligations and relevant reportable conduct schemes
- The responsible person has knowledge of the national child safe standards and principles
- The responsible person has adequate knowledge and understanding of the provision of education and care to children, the Education and Care National Law and Regulations and National Quality Standard, the approved learning framework (EYLF), Family Assistance Law and administration of CCS
- The responsible person is a fit and proper person (as per regulatory authority conditions)
- The responsible person provides references including current and previous employers. Records will be checked and kept on file
- A responsible person who has consented to the role is physically on the premise while children are being educated and cared for
- The name and position of the responsible person on duty is displayed on the Responsible Person Notice and it is easily visible for families and visitors in the main entrance of the Service
- The responsible person interchanges with the nominated supervisor in their absence
- The responsible person signs their name and present time on the Responsible Person Register to begin the role and sign off when they have finished their responsible person duty
- To advise employees of who have been appointed as a responsible person.
- Responsible persons are recorded on the employee schedules
- Keep a staff record for each responsible person recording:
 - The full name, address and date of birth
 - Evidence of relevant qualifications
 - If applicable, evidence that the person is actively working towards a qualification
 - Evidence of any approved training (including first aid training and child protection training)
 - Verification of a Working with Children Check – identifying number and expiry date
 - Written consent for the position of Responsible Person/Nominated Supervisor

A Nominated Supervisor/Appointed Responsible Person will:

- Provide their written consent to accept the role and completed Compliance History Statement
- Abide by and uphold the requirements, expectations and conditions required of the responsible person
- Ensure they have and maintain a sound understanding of the role of responsible person
- Sign their name and time of responsibility on the Responsible Person Register
- Ensure that their name and position is reflected on the Responsible Person Notice display
- Inform Busy Bees management in a timely manner in the event of absence from the Service due to leave or illness so they can be replaced by another responsible person
- Notify management in writing, if they wish to withdraw their consent to be a responsible person
- In the case of Nominated Supervisor, notify 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.
- In the case of Responsible Person, notify Busy Bees Management of any changes to their personal situation, including a change in contact details, 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.

The Nominated Supervisor, as the person with responsibility for the day-to-day management of the Service, has a range of responsibilities and must ensure all Busy Bees policies and procedures are accurately implemented and followed.

Employees being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the National Law. For example, where an educator becomes a person in day-to-day charge, the responsibilities relevant to educators under the National Law continue to apply. A person's legal responsibilities do not increase because they consent to being a person in day-to-day charge.

Record Keeping

Information used to assess a person's suitability to be a nominated supervisor or placed in day-to-day charge should be kept as evidence on file. This may include records of reference checks, declarations, copies of qualifications or course completion certificates.

If the prospective nominated supervisor or person placed in day-to-day charge is a new employee to the service, the provider should conduct thorough checks of the person's references, including their current and previous employers. Each referee should be asked if they are aware of any compliance action under the National Law or any other law in relation to the candidate. Referee responses should be recorded and kept on file.

This evidence will help demonstrate the approved provider has taken reasonable steps to comply with requirements under the National Law. This evidence does not need to be submitted to the regulatory authority.

SOURCES

[ACECQA](#)

[National Quality Standard](#)

[Education and Care services National Regulations](#)

[Education and Care Service National Law Act 2010](#)

[Early Childhood Australia](#)

[ACECQA Nominated Supervisor Information Sheet](#)

[ACECQA Responsible Person Information Sheet](#)

Responsible Person Policy.



VERSION CONTROL

This policy will be reviewed every 2 years and/or in line with legislation and organisation requirements.

Version	Date	Owner	Responsibility	Change Description
1	01/10/2023	Chief People Officer	Policy Development Officer	Replace all previous version
2	13/01/2025	Chief People Officer	Policy Development Officer	Revised min requirement to include Diploma Qualified

This document is uncontrolled when printed and may be varied, replaced, or terminated without notice.