

# NQS7 Governance and Leadership Procedure

## Responsible Persons (Affiliated centres)

### Background

A “Responsible Person” is accountable for the management and supervision of an approved service in accordance with the Education and Care Services National Law and Regulations. At least one responsible person must be physically present at a centre during hours of operation. There are three types of responsible persons:

| 1. Approved Provider/<br>Person with Management or<br>Control (PMC)            | 2. Nominated Supervisor   | 3. Responsible Person in<br>Charge (RPIC)  |
|--|---|--|
| <ul style="list-style-type: none"> <li>Management Committee Members</li> </ul> | <ul style="list-style-type: none"> <li>Centre Director</li> <li>Co-Directors</li> </ul> | <ul style="list-style-type: none"> <li>Teachers</li> <li>Lead Educators</li> <li>Assistant Educators (in some circumstances to meet operational requirements)</li> </ul> |

### Approved Provider/Persons with Management or Control

#### Approved Provider and Persons with Management or Control Role and Responsibilities

- “The association” is the Approved Provider. The association has been approved by the regulatory authority to operate an education and care centre.
- Management committee members are Person with Management or Control (PMCs). As PMCs, they are legally responsible for centre management and have significant influence over centre activities or delivery of the centres.
- A PMC must be (and remain) a fit and proper person and has the same legal responsibility for the safety, health and wellbeing of children as an Approved Provider. For further information, refer to pages 23 to 27 of the Guide to the National Quality Framework.

#### Person with Management or Control Appointment, Application and Approval Process

- Within 14 days of appointment:
  - Newly appointed PMCs must apply for a Provider Digital Access (PRODA) account and obtain an individual Registration Authority (RA) number. Identity documents must be submitted for this application. Follow steps outlined in the Services Australia webpage: How to register for an individual PRODA account.
  - The Approved Provider must notify the regulatory authority of the PMC appointment by completing and submitting a PA08 Notification of change to information about approved provider (online form) via the National Quality Agenda IT System (NQAITS). The PRODA number is required for this notification. A PA02 Declaration of fitness and propriety form (paper/written form) and identity documents must be attached to the PA08 Notification.
- The regulatory authority may ask a PMC applicant for more information or make enquiries to assess whether a person is ‘fit and proper’. This assessment may be related to the person’s compliance history (in relation to former and current education and care law), criminal history or other matters including their management capability, financial and/or medical conditions that may limit their capacity to meet their obligations under National Law.
- In addition to the documentation submitted with the PA02 Declaration of fitness and propriety form, the regulatory authority may obtain information by interview. The Australian Government may also assess a person’s fitness and propriety under the Family Assistance Law. The regulatory authority and/or Australian Government can reassess a person’s fitness and propriety at any time. For further detail, refer to pages 23 to 27 of the Guide to the National Quality Framework.
- To prepare for a knowledge assessment (relating to the role of a PMC of an education and care centre), a PMC is encouraged (not mandatory) to complete the National Law & Child Care Subsidy Approval Course. To download a completion certificate, 80% of the course must be completed. Completion certificates can be submitted with PA02 Declaration of fitness and propriety form as additional support documentation. The course can be previewed via the following links:
  - Module 1: Child care approval in Australia
  - Module 2: Education and Care Services National Law approval
  - Module 3: Child Care Subsidy (CCS) approval
  - Module 4: How to apply
  - Module 5: After you’re approved
- If an existing PMC is no longer engaged by the Approved Provider or is no longer fit and proper for any reason, the Approved Provider must notify the regulatory authority within 7 days by submitting a PA08 Notification of Change of Information about Approved Provider (online form) via the NQAITS.

### Nominated Supervisors

#### Nominated Supervisor Role and Responsibilities

- A Nominated Supervisor is legally responsible for supervising and managing their centre in accordance with the Education and Care Services National Law and Regulations.
- As illustrated in the diagram on page 1 of this procedure, Centre Directors and Co-Directors are Nominated Supervisors. It is a position description responsibility of these positions to meet the Nominated Supervisor criteria (detailed below) and be a Nominated Supervisor at their relevant centre.
- A Nominated Supervisor can be appointed upon employment (new employee) or during employment (existing employee).
- More than one Nominated Supervisor may be appointed at a centre.
- When a Nominated Supervisor is absent for an extended period of time (e.g. long service leave, extended sick leave), the management committee may appoint a temporary Nominated Supervisor for the period of absence.
- If the management committee become aware of a matter or incident which affects a Nominated Supervisor's ability to meet the Nominated Supervisor criteria, consideration will be given if it is appropriate to remove the person from being a Nominated Supervisor.
- Nominated Supervisor responsibilities include (but not limited to):
  - Managing their centre in accordance with centre policies and procedures and the Education and Care Services National Law and Regulations.
  - Managing and supervising staff by providing reasonable direction to implement centre policies and procedures and the Education and Care Services National Law and Regulations.
  - Notifying the regulatory authority when certain incidents and circumstances occur, and when certain complaints are received.
  - Being the primary point of contact for centre families and staff.
  - Developing and displaying (in a location clearly visible from the centre main entrance) a current responsible person roster (Kindergarten Responsible Person Roster OR Childcare/OHSC Responsible Person Roster) that indicates who is acting as the Responsible Person at any given time.
  - Appointing a sufficient number of Responsible Person in Charge for centre size, type, operating hours and staffing arrangements.
  - Promptly notifying the management if they no longer meet the Nominated Supervisor Criteria.

#### Nominated Supervisor Criteria

A Nominated Supervisor must meet the following prescribed minimum requirements (Criteria).

To be a Nominated Supervisor a person **must** be at least 18 years of age and have:

- Adequate knowledge and understanding of the provision of education and care to children.
- The ability to effectively supervise and manage an education and care centre.
- Satisfactory compliance history with Education and Care Services National Law, any former education and care services law, any children's services and education law.
- Hold or willing to study/complete an approved child protection unit of competency (i.e. Section 162A Government Protocol – Child Protection Training).

A person **cannot** be a Nominated Supervisor if they have:

- Held a supervisor certificate that was subject to any conditions or suspended or cancelled by the regulatory authority.
- Been subject to a prohibition notice under the Education and Care Services National Law.
- Held or applied for a licence, approval, registration, certification or other authorisation under the National Law which the regulatory authority refused, refused to renew or suspended.

#### Nominated Supervisor Appointment Process

1. Prior to offering the role, the **Management Committee (or their approved delegate) will:**
  - Complete an assessment against the above Nominated Supervisor criteria to determine candidate suitability. Evidence of assessment must be kept and may be requested by the regulatory authority. Appendix 1 of this procedure outlines examples of assessment activities and evidence.

**Candidate meets  
Nominated Supervisor criteria – Go to step 2**

**Candidate does not meet  
Nominated Supervisor criteria - STOP**

2. During the onboarding process, the **Management Committee (or their approved delegate) will:**
  - Instruct the appointed Nominated Supervisor to complete and return the NS01 Nominated Supervisor Consent Form prior to or on their first day of employment/acting as the Nominated Supervisor.

### 3. Nominated Supervisor will:

- Within 7 days of appointment:
  - (When Nominated Supervisor does not hold an approved child protection unit of competency upon appointment) Enrol in 'CHCPRT025—Identify and report children and young people at risk' unit with a Registered Training Organisation (RTO). Must complete unit within 3 months of appointment.
  - File completed *NS01 Nominated Supervisor Consent Form* and evidence of an approved child protection unit of competency.
  - Update centre *Staff Schedule* and *Centre Profile* display,
- Within 4 weeks of appointment:
  - Complete the ACECQA eLearning Modules:  
ACECQA Website:
    - [NQF Induction 2 - Overview of NQF](#)
    - [NQF Induction 3 - Law and Regulation](#)
    - [NQF Induction 4 – National Quality Standard](#)
  - Learning@C&K (search Content Library for listed name):
    - Overview of the National Quality Framework - Affiliate
    - Law and Regulations – Affiliate

### 4. At least 7 days prior to commencement (or if 7 days is not possible, as soon as practicable but no more than 14 days after commencement of the Nominated Supervisor), the **Management Committee (or their approved delegate)** will:

- Complete NS02-Notification of change to nominated supervisor via NQAITS and attaching the completed *NS01 Nominated Supervisor Consent Form*.

### Nominated Supervisor Changes

Within 7 days of the following circumstances occurring, management committee (or approved delegate) completes a *NS02 Notification of Change to Nominated Supervisor* via [NQAITS](#):

- Is no longer employed or engaged at a centre.
- Has changed their name or contact details e.g. mobile number or email address.
- Is removed from the role of Nominated Supervisor.
- Withdraws their consent to be the Nominated Supervisor.
- Blue Card or Teacher Registration has been cancelled.
- Is subject to any disciplinary proceedings under education law of a participating jurisdiction.

## Responsible Persons in Charge

### Responsible Person in Charge (person in day-to-day charge) Role and Responsibilities

- A Responsible Person in Charge (RPIC) is rostered/placed in temporary day-to-day charge when the Nominated Supervisor is not physically present at a centre during the hours of operation.
- As illustrated in the diagram on page 1 of this procedure, all permanent teachers and lead educators are RPICs. It is a position description responsibility of these positions to meet the RPIC criteria (page 4 of this procedure) and be a RPIC at their relevant centre.
- In some circumstances, due to operational requirements, assistant educators (who meet the RPIC criteria) may be appointed as RPICs.
- Multiple teachers/educators can be appointed as RPICs at a centre.
- A RPIC may be permanently (full-time or part-time) or casually employed.
- Acting as RPIC does not place any additional legal responsibilities on a person under the *Education and Care Services National Law*.
- An RPIC must immediately inform their Centre Director when the following occurs:
  - Withdrawal of their consent to be an RPIC (not possible when employed as a permanent teacher or lead educator).
  - Blue Card or Teacher Registration has been cancelled.
  - Is subject to any disciplinary proceedings under education law of a participating jurisdiction.
- When acting as a RPIC, responsibilities include:
  - Managing the centre in accordance with centre policies and procedures and the *Education and Care Services National Law and Regulations*.
  - Supervising colleagues; and when needed providing reasonable guidance and direction to implement C&K policies and procedures and the *Education and Care Services National Law and Regulations*.
  - Notifying the regulatory authority when certain incidents and circumstances occur, and when certain complaints are received.
  - Being the point of contact for centre families and staff.
  - Promptly notifying the Nominated Supervisor/Centre Director if they no longer meet the RPIC Criteria.

### Responsible Person In Charge Criteria

A RPIC must meet the following criteria:

To be a RPIC a person **must** be at least 18 years of age and have:

- Adequate knowledge and understanding of the provision of education and care to children.
- The ability to effectively supervise and manage an education and care centre.
- Satisfactory compliance history with *Education and Care Services National Law*, any former education and care services law, any children's services and any education law.
- Hold an approved child protection unit of competency (i.e. [Section 162A Government Protocol – Child Protection Training](#)).

A person **cannot** be a RPIC if they have:

- Held a supervisor certificate that was subject to any conditions or suspended or cancelled by the regulatory authority.
- Been subject to a prohibition notice under the *Education and Care Services National Law*.
- Held or applied for a licence, approval, registration, certification or other authorisation under the National Law which the regulatory authority refused, refused to renew or suspended.

### Responsible Person in Charge Appointment Process

1. Prior to offering the RPIC role (or within 5 days of commencing employment if new employee), the **Nominated Supervisor (Centre Director) on behalf of the Approved Provider will:**
  - Complete an assessment against the RPIC criteria (page 4 of this procedure) to determine the candidate's suitability. Evidence of this assessment must be kept and may be requested by the regulatory authority. [Appendix 1](#) of this procedure outlines examples of assessment activities and evidence.

**STOP: When an RPIC candidate does not hold an approved child protection unit:**

A teacher/educator cannot be appointed as a RPIC until they complete/hold an [approved child protection unit of competency](#). A RPIC candidate must **complete** an approved child protection unit of competency **before** providing their consent to be and act as a RPIC.

In case of a short-term absence of a Nominated Supervisor, management committee may appoint a RPIC and will complete steps 2 and 3 listed below.

In case of a long-term absence of a Nominated Supervisor, management committee may appoint a RPIC and will complete steps 2, 3, 4 and 9 listed below.

When unsure of a candidate's suitability, Nominated Supervisor will seek the direction of their management committee.

**Candidate meets  
RPIC criteria – Go to step 2**

**Candidate does not meet  
RPIC criteria - STOP**

2. Prior to appointing the RPIC, the **Nominated Supervisor will:**
  - Complete Part 1 of the [Responsible Person in Charge Appointment and Consent Form](#).
  - Meet with the RPIC candidate. Outline RPIC criteria and responsibilities (use information detailed on the consent form as a meeting guide). Ask RPIC candidate to complete Part 2 of the [Responsible Person in Charge Appointment and Consent Form](#).
  - Provide RPIC a copy of their completed [Responsible Person in Charge Appointment and Consent Form](#) for their records.
3. Immediately upon appointing the RPIC, the **Nominated Supervisor will:**
  - File completed [Responsible Person in Charge Appointment and Consent Form](#) and evidence of an approved child protection unit of competency in centre personnel file .
  - Update [Staff Schedule](#).
4. Within 4 weeks of appointment, **Appointed RPIC will:**
  - Complete ACECQA eLearning Modules:  
**ACECQA Website**
    - [NQF Induction 2 - Overview of NQF](#)
    - [NQF Induction 3 - Law and Regulation](#)
  - **Learning@C&K** (search Content Library for listed name)
    - Overview of the National Quality Framework - Affiliate
    - Law and Regulations - Affiliate



### Responsible Person Roster, Displays and Records

#### Responsible Person unable to be rostered/physically present during centre hours of operation

##### Centre Directors/Nominated Supervisor will:

- Promptly notify and seek direction of their management committee to determine appropriate actions. Contact [Department of Education Office](#) (Regulatory Authority) for guidance.

#### Records and Displays

##### Centre Director/Nominated Supervisor or Responsible Person in Charge will:

- Develop, document and implement a roster (*Kindergarten Responsible Person Roster OR Childcare/OHSC Responsible Person Roster*) that indicates who is the Responsible Person (Nominated Supervisor or RPIC) at any given time during the hours of operations using.
- Prior to implementation, inform all teachers/educators of current responsible person roster. All teachers/educators must be aware of who the Responsible Person at any given time.
- Display current responsible person roster in a location clearly visible from the main entrance of centre premises. Centre Directors may choose to display a second copy of the responsible person roster in a location known and readily accessible to all team members such as a staff common area.
- Once developed and displayed, amend any change to the roster immediately (and initial).
- File the following completed documents in relevant centre and employee personnel files for 3 years from the last day of employment of any teacher/educator recorded in document.
  - Evidence of an approved child protection unit of competency i.e. academic transcript (unit completed as part of a qualification) or statement of attainment (unit completed as a standalone qualification)
  - *ACECQA NS01 Nominated Supervisor Consent Form*
  - *Responsible Person in Charge Appointment and Consent Form*
  - *Responsible Person Roster*

#### Key resources and references

- [ACECQA Information Sheet - Responsible person requirements for approved providers](#)

### Appendix 1 – Nominated Supervisor and Responsible Person Assessment Activity

| Information assessed  | Evidence examples   |
|---|---|
| Length and type of education and care sector experience   | <ul style="list-style-type: none"> <li>○ Resumé</li> <li>○ Cover letter and application</li> <li>○ Current employment record</li> <li>○ Participation in centre or early childhood sector projects or research</li> <li>○ Employer acknowledgement/award</li> </ul> |
| Qualifications and/or professional licenses and membership education and care to children, management or leadership.<br>Noting there is no minimum qualification level for a Responsible Person.  | <ul style="list-style-type: none"> <li>○ Qualification certification(s)</li> <li>○ Teacher registration</li> <li>○ Professional memberships</li> <li>○ First aid certificates</li> </ul>  |
| Current study relating to the provision of education and care to children, management or leadership.  | <ul style="list-style-type: none"> <li>○ Transcripts and/or records demonstrating appointee is enrolled and actively studying towards a qualification(s).</li> <li>○ Study Plan</li> </ul>  |
| Professional development activities relating to the provision of education and care to children, management and leadership.   | <ul style="list-style-type: none"> <li>○ Resume detailing completed professional development</li> <li>○ Professional development certificate(s)</li> </ul>  |
| Demonstrated work experience (existing appointee)   | <ul style="list-style-type: none"> <li>○ Professional Performance Records</li> <li>○ Current employment record</li> <li>○ Observations of work</li> <li>○ Feedback from colleagues and families</li> </ul>  |
| Interview records (new employee only)<br>Questions/scenarios prompting candidate to indicate their knowledge of the provision of education and care, and their ability and/or knowledge of centre management and supervising staff.   | <ul style="list-style-type: none"> <li>○ Interview records</li> </ul>   |
| Pre-employment reference checks (new employee only)<br>A minimum of 2 professional reference checks. Questions seeking the referee's opinion of the candidate's experience with and knowledge of the provision of education and care, and their ability and/or knowledge of centre management and supervising staff.  | <ul style="list-style-type: none"> <li>○ Referee records</li> <li>○ Written references</li> </ul>   |
| Pre-employment checks<br>National Police Check (mandatory for branch employees) and NQAITS Prohibited Person Register check.  | <ul style="list-style-type: none"> <li>○ Evidence/results of pre-employment checks</li> </ul>   |
| Working with Children Check (valid Blue Card)   | <ul style="list-style-type: none"> <li>○ Copy of valid Blue Card Record</li> </ul>  |
| Appointee declaration they have not been subject to any compliance action or disciplinary proceedings relating to any Education and/or Care Services Australian Education Law or Regulation OR held or applied for a licence, approval, registration, certification or other authorisation (any Education and/or Care Services Australian Education Law or Regulation) which was refused, cancelled or suspended. | <ul style="list-style-type: none"> <li>○ Completed via Responsible Person in Charge Consent Form</li> </ul>   |
| Hold an approved child protection unit of competency i.e. <u>section 162A Government Protocol – Child Protection Training</u>   | <ul style="list-style-type: none"> <li>○ Academic transcript (unit completed as part of a qualification)</li> <li>○ Statement of attainment (unit completed as a standalone qualification)</li> </ul>   |

# NQS7 Governance and Leadership Procedure

## Responsible Persons (Affiliated centres)

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>○ Progress/enrolment statement (educator currently studying qual has completed unit).</li></ul> |
|--|---|