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/ Person with Management or Control (PMC)	2. Nominated Supervisor	3. Responsible Person in Charge (RPIC)
• Management Committee Members	• Centre Director • Co-Directors	• Teachers • Lead Educators • Assistant Educators (in some circumstances to meet operational requirements)

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 Persons 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. A PMC has the same legal responsibility for the safety, health and wellbeing of children as an Approved Provider. For further information, refer to pages 25 to 30 of the Guide to the National Quality Framework.

Person with Management or Control Appointment, Application and Approval Process

- All Persons with Management and Control (PMCs) must hold or be willing to complete National Child Safety training:
  - Foundation National Child Safety Training (courses 1 & 2) must be completed within 14 days of commencing their employment/engagement.
  - Advanced National Child Safety Training (course 5). If appointed as a PMC prior to 30 September, Advanced Training course must be completed by 31 March 2027. If appointed as a PMC from 30 September 2026, Advanced Training course must be completed within 3 months of appointment.
  - Refresher training to be completed every 2 years
- Within 14 days of appointment:
  1. 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.
  2. 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 25 to 30 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: Childcare 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.

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Responsible Persons (Affiliated centres)

Nominated Supervisors

Nominated Supervisor Role

- A Nominated Supervisor is legally responsible for supervising and managing their centre in accordance with the *Education and Care Services National Law and Regulations*.
- It is a position description responsibility of a Centre Director and Co-Director to meet the Nominated Supervisor Criteria (detailed below) and be a Nominated Supervisor at their 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.
- If the Approved Provider 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

Nominated Supervisor will: (but not limited to):

- Manage the centre in accordance with C&K policies and procedures and the *Education and Care Services National Law and Regulations.*
- Ensure that the safety, rights, and best interests of children are the paramount consideration in all aspects of centre operations and program delivery.
- Lead, manage and supervise staff, providing clear and reasonable direction to implement centre policies, procedures, and legislative requirements.
- Notify the Regulatory Authority of prescribed incidents, complaints, and circumstances within required timeframes, in accordance with the *C&K Child/Centre Incident Reporting Procedure*.
- Act as the primary point of contact for families and staff in relation to centre operations and compliance matters.
- Develop, maintain, and display a current Responsible Person Roster in a location clearly visible from the main entrance, identifying the Responsible Person at any given time.
- Appoint an adequate number of Responsible Persons in Charge, having regard to the centre's size, type, operating hours, and staffing arrangements.
- Promptly notify the Management Committee if they no longer meet the Nominated Supervisor Criteria.

Nominated Supervisor 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.
- ✓ Have the ability to effectively supervise and manage an education and care centre.
- ✓ Have satisfactory compliance history with *Education and Care Services National Law*, any former education and care services law, any children's services and education law and regulations
- ✓ Hold Foundation National Child Safety Training certification (courses 1 & 2)
- ✓ Hold Advanced National Child Safety Training certification (courses 3, 4 & 5). If appointed as a Nominated Supervisor prior to 30 September, Advanced Training courses must be completed by 31 March 2027. If appointed as a Nominated Supervisor from 30 September 2026, Advanced Training courses must be completed within 3 months of appointment.

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. Before offering the role, the **Management Committee (or their approved delegate)** will complete an assessment against the Nominated Supervisor Criteria (as listed above) to determine the candidate's suitability. Refer to Appendix 1 for 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. Within 7 days of appointment, the **Nominated Supervisor/Centre Director** will**:**
   - Update centre *Staff Schedule* and *Centre Profile* poster display.
   - File evidence of completed Foundation National Child Safety Training and copy of completed *NS01 Nominated Supervisor Consent Form* in centre personnel file.
   - 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 course name)*
     - Overview of the National Quality Framework - Affiliate
     - Law and Regulations – Affiliate

4. 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* form via NQAITS, attaching the completed *NS01 Nominated Supervisor Consent Form*.

5. Within 3 months of appointment, the **appointed Nominated Supervisor** will:
   - File a copy of their Advanced National Child Safety Training Certificate in their centre personnel file.

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* form via NQAITS:

- Is no longer employed or engaged at centre or acting in the Nominated Supervisor role.
- Has changed their name or contact details e.g. last name, mobile number or email address.
- 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 (person in day-to-day charge)

Responsible Person in Charge Role

- 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 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 a RPIC.
- Multiple RPICs should be appointed at 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*.
- A RPIC can be appointed upon employment (new employee) or during employment (existing employee).
- A RPIC must immediately inform their Centre Director and Management Committee when the following occurs:
  - Withdrawal of their consent to be a 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.

Responsible Person in Charge Responsibilities

RPIC will (not limited to):

- Manage centre in accordance with centre policies and procedures and the *Education and Care Services National Law and Regulations,*
- Ensure that the safety, rights, and best interests of children are the paramount consideration in all aspects of centre operations and program delivery.
- Supervise staff, providing reasonable direction to implement policies, procedures, and legislative requirements.
- Notify the Regulatory Authority of prescribed incidents, complaints, and circumstances within required timeframes, in accordance with the *Child/Centre Incident Reporting Procedure*.
- Act as the primary point of contact for families and staff in relation to centre operations and compliance matters.
- Promptly notify Centre Director and Management Committee if they no longer meet the RPIC criteria.

NQS7 Governance and Leadership Procedure

Responsible Persons (Affiliated centres)

Responsible Person in Charge 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.
- ✓ Have the ability to effectively supervise and manage an education and care centre.
- ✓ Have 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 Foundation National Child Safety Training certification (courses 1 & 2).
- ✓ Hold Advanced National Child Safety Training certification (courses 3, 4 & 5). If appointed as a RPIC prior to 30 September, Advanced Training courses must be completed by 31 March 2027. If appointed as a RPIC from 30 September 2026, Advanced Training courses must be completed within 3 months of RPIC appointment.

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

NOTE: Child Safety Training for RPICs: A person cannot be appointed as a RPIC unless they hold and provide certification of Foundation and Advanced National Child Safety Training.

1. Prior to offering the RPIC role, the **Nominated Supervisor/Centre Director** will complete an assessment of the employee against the RPIC Criteria (as listed in this procedure) to determine their suitability. Appendix 1 of this procedure outlines examples of assessment activities and evidence. When unsure of a candidate's suitability, seek advice and direction from 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/Centre Director** 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) and discuss National Child Safety Training due dates (if applicable).
     - 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 Consent Form* and National Child Safety Training certification evidence in centre personnel file.
   - Update *Staff Schedule*.

4. Within 4 weeks of appointment, the 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

6. Within 3 months of appointment, the **RPIC** will:
   - File a copy of their Advanced National Child Safety Training Certificate in their centre personnel file.

Responsible Person Roster, Displays and Records

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

Centre Director/Nominated Supervisor will:

- Promptly notify and seek direction of management committee to determine appropriate actions. Contact Department of Education Office (Early Childhood Regulatory Authority) for guidance if required.

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.
- 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:
  - Completed *Responsible Person in Charge Consent Form*
  - Evidence of National Child Safety Training certification
  - *ACECQA NS01 Nominated Supervisor Consent Form*
  - *Responsible Person in Charge Appointment and Consent Form*
  - *Responsible Person Roster.*

Key resources and references

- ACECQA - *Child Safety and Child Protection Training*
- ACECQA - *Responsible person requirements for approved providers*
- Department of Education - *Mandatory National Child Safety Training*

Appendix 1 – Nominated Supervisor and Responsible Person Assessment Activity

Information assessed	Evidence examples
Length and type of education and care sector experience	○ Resumé ○ Cover letter and application ○ Current employment record ○ Participation in centre or early childhood sector projects or research ○ Employer acknowledgement/award
Qualifications and/or professional licenses and membership education and care to children, management or leadership. Noting there is no minimum qualification level for a Responsible Person.	○ Qualification certification(s) ○ Teacher registration ○ Professional memberships ○ First aid certificates
Current study relating to the provision of education and care to children, management or leadership.	○ Transcripts and/or records demonstrating appointee is enrolled and actively studying towards a qualification(s). ○ Study Plan
Professional development activities relating to the provision of education and care to children, management and leadership.	○ Resume detailing completed professional development ○ Professional development certificate(s)
Demonstrated work experience (existing appointee)	○ Professional Performance Records ○ Current employment record ○ Observations of work ○ Feedback from colleagues and families
Interview records (new employee only) 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.	○ Interview records
Pre-employment reference checks (new employee only) 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.	○ Referee records ○ Written references
Pre-employment checks National Police Check (mandatory for branch employees) and NQAITS Prohibited Person Register check.	○ Evidence/results of pre-employment checks
Working with Children Check (valid Blue Card)	○ Copy of valid Blue Card Record
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.	○ Completed via Responsible Person in Charge Consent Form
National Child Safety Training	○ National Child Safety Training (Geecko) Certificates