NQS7 Governance and Leadership Procedure

Responsible Persons (Branch 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. At C&K there are three types of responsible persons:

1. Approved Provider/Person with Management or Control	2. Nominated Supervisor	3. Responsible Person in Charge
• C&K Board Member • C&K Executive Management Group members	• Centre Director • Co-Directors • Extended Kindergarten Lead Educators • Early Childhood Education Managers (temporarily or when recruiting a Centre Director)	• Assistant Directors • Teachers • Lead Educators • Assistant Educators (in some circumstances to meet operational requirements)

Approved Providers/Persons with Management or Control

Approved Provider and Persons with Management or Control Responsibilities

- C&K is an Approved Provider and is approved by the regulatory authority to operate education and care centres.
- As illustrated in the above table, members of the C&K Board and Executive Management Group are Persons with Management or Control (PMCs). As PMCs, they are legally responsible for C&K branch centre management and have significant influence over the activities or delivery of C&K branch 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 Application and Approval Process

- PMCs must hold or be willing to complete National Child Safety Training:
  - Foundation Training courses 1 and 2 must be completed within 14 days of commencing their role.
  - Advanced Training course 5 must be completed within 3 months of commencing their role.
  - Refresher training must be completed every 2 years.
- 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*. The online form will be lodged by the Quality, Regulation and Safeguarding team 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.
  - Submit evidence of completion for the Foundation National Child Safety training via the online form.
- 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, written assessment or both. 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.
- To prepare for a knowledge assessment (relating to the role of a PMC of an education and care centre), a PMC is encouraged 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 are approved
- If an existing PMC is no longer engaged by the Approved Provider or is no longer fit and proper for any reason, C&K will 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 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 National Child Safety Training certification* (Foundation Training courses 1 & 2) and (Advanced Training courses 3, 4 & 5) in accordance with *National Child Safety Training Procedure*.

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.

*Advanced Training Exceptional Circumstances

Where a centre is at risk of closure because a suitably certified teacher/educator cannot be recruited, a Regional Manager may approve the appointment without the required Advanced Training certification. In these circumstances, the employee must complete Advanced Training - courses 3, 4 & 5 (in their own time) and provide evidence of certification within eight weeks of their appointment to role. The relevant Early Childhood Education Manager (ECEM) will be responsible for monitoring and ensuring completion, including the supply of evidence of certification.

Advanced Training Transition Period

Nominated Supervisors recruited in November and December 2026 to commence employment in January 2027, will have until 22 January 2027 to complete the required Advanced Training - courses 3, 4 & 5 (in their own time) and provide evidence of certification. This transition period will enable employment contracts to be issued and 2027 centre staffing arrangements to be confirmed before the end-of-year closure period. The relevant ECEM will be responsible for monitoring and ensuring completion, including the supply of evidence of certification by 22 January 2026.

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, Co-Director and Extended Kindergarten Coordinator to meet the Nominated Supervisor Criteria (detailed below) and be a Nominated Supervisor at their centre.
- When required, an ECEM may be appointed temporarily as a Nominated Supervisor until a centre Director is appointed.
- 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), an ECEM may appoint a temporary Nominated Supervisor for the period of absence.
- If C&K become aware of a matter or incident that impacts the 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 C&K 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 (Kindergarten Responsible Person Roster or Childcare/OSHC 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 educators as Responsible Persons in Charge, having regard to the centre's size, type, operating hours, and staffing arrangements.
- Promptly notify C&K (via nqf@candk.asn.au) if they no longer meet the Nominated Supervisor Criteria.

Nominated Supervisor Appointment Process

1. Before offering the role, the relevant **ECEM (or delegate of the approved provider) will:**
   - Complete an assessment against the Nominated Supervisor Criteria 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** – Candidate cannot be appointed.

2.

New employee	Existing employee
Via the onboarding portal, the **Talent Acquisition team will:** • Provide the Nominated Supervisor appointee a *NS01 Nominated Supervisor Consent Form* and instruct them to complete/return to their ECEM prior to or on their first day of employment. • From 1 January 2027, request the Nominated Supervisor appointee to provide required National Child Safety Training certification in accordance with *National Child Safety Training Procedure*.	During appointment, the **ECEM will:** • Provide the Nominated Supervisor appointee a *NS01 Nominated Supervisor Consent Form* and instruct them to complete form and return via email prior to or on their first day of employment in the role. • From 1 January 2027, request the Nominated Supervisor appointee to provide required National Child Safety Training certification in accordance with *National Child Safety Training Procedure*.

3. Within 7 days of appointment, the **ECEM will:**
   - Complete the *Online Change to Nominated Supervisor Form* with attached scanned copy of completed *NS01 Nominated Supervisor Consent Form*.
   - Provide a copy of the completed *NS01 Nominated Supervisor Consent Form* to:
     - Centre for the appointed Nominated Supervisor's centre personnel file.
     - Nominated Supervisor for their records.

4. Within 7 days of appointment, the **Nominated Supervisor will:**
   - Update centre *Staff Schedule* and *Centre Profile* poster display.

- Within 4 weeks of appointment, complete the following ACECQA eLearning Modules:
  - NQF Induction 2 – Overview of the NQF (can be accessed/completed via Learning@C&K)
  - NQF Induction 3 – Law and Regulations (can be accessed/completed via Learning@C&K)
  - NQF Induction 4 – National Quality Standard

5. Within 14 days of appointment, the **Quality, Regulation and Safeguarding team will:**
   - Notify the regulatory authority by completing a *NS02 Notification of Change to Nominated Supervisor Notification* via the NQAITS with attached scanned copy of completed *NS01 Nominated Supervisor Consent Form*.
   - Email a notification receipt to centre and ECEM.

6. The appointed **Nominated Supervisor will:**
   - File copies of National Child Safety Training Certificates of Completion in their centre personnel file.

Nominated Supervisor Changes

1. Within 5 days of the following circumstances occurring, **ECEM will** complete an online *Change to Nominated Supervisor Form*, when the Nominated Supervisor:
   - 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.

2. Within 7 days of *Change to Nominated Supervisor Form* submission, QR&S team completes a *NS02 Notification of Change to Nominated Supervisor* via NQAITS. QR&S team emails notification receipt to centre and ECEM.

Responsible Persons in Charge (person in day-to-day charge)

Responsible Person in Charge Criteria

To be a Responsible Person in Charge (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 National Child Safety Training certification* (Foundation Training courses 1 & 2) and (Advanced Training courses 3, 4 & 5) in accordance with *National Child Safety Training Procedure*.

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.

*Advanced Training Exceptional Circumstances

Where a centre is at risk of closure because a suitably certified teacher/educator cannot be recruited, a Regional Manager may approve the appointment without the required Advanced Training certification. In these circumstances, the employee must complete Advanced Training - courses 3, 4 & 5 (in their own time) and provide evidence of certification within eight weeks of their appointment to role. The relevant ECEM will be responsible for monitoring and ensuring completion, including the supply of evidence of certification.

Responsible Person in Charge Role

- A 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 must 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*.
- New and existing employees can be appointed as a RPIC.
- A RPIC must immediately inform their Centre Director, and C&K Learning and Development and Payroll teams (nqf@candk.asn.au) 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.

Responsible Person in Charge Responsibilities

RPIC will (not limited to):

- Manage 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.
- Supervise staff, providing reasonable direction to implement C&K 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.
- Promptly notify C&K (via nqf@candk.asn.au) if they no longer meet the RPIC criteria.

Responsible Person in Charge Appointment Process

The **Centre Director/Nominated Supervisor** is responsible for completing the RPIC appointment process. In the event of the Nominated Supervisor's absence, an ECEM/RM may appoint a RPIC.

1. Prior to offering the RPIC role, the **Centre Director/Nominated Supervisor** will complete an assessment of the employee against the RPIC Criteria to determine their suitability. Appendix 1 of this procedure outlines examples of assessment activities and evidence. When unsure of a candidate's suitability, seek the advice and direction of ECEM.

   → **Candidate meets RPIC Criteria: Go to step 2**

   → **Candidate does not meet RPIC Criteria: STOP -** Candidate cannot be appointed.

2. Prior to appointment, the **Centre Director/Nominated Supervisor** will:
   - Meet with RPIC candidate:
     - Outline RPIC criteria and responsibilities (use information detailed on the consent form as a meeting guide).
     - Ask the RPIC candidate to complete the *Responsible Persons in Charge Consent (Branch) Form*

3. Upon appointment, the **Centre Director/Nominated Supervisor** will log onto to the C&K intranet using their centre email/login and complete *C&K Online Responsible Person in Charge Appointment Form* with attached scanned copy of completed *Responsible Person in Charge Consent Form.*

4. Within 7 days of RPIC appointment, the **Centre Director/Nominated Supervisor** will file completed *Responsible Person in Charge Consent Form* in centre personnel file AND
   - Update the *Staff Schedule*.
   - Provide the RPIC a copy of their completed *Responsible Person in Charge Consent Form*.

   Upon receipt of a completed *C&K Online Responsible Person in Charge Appointment Form,* an automatic workflow notification is sent to the:
   - Form submitter; to confirm the submission has been successfully entered/received.
   - RPIC; to advise a submission has been completed on their behalf. Additionally, they will receive information regarding the training courses that will be allocated to them via Learning@C&K, including the specific course names.

5. Within 1- 5 business days, the **Learning Experience team will:**
   - Check the *Responsible Person in Charge Appointment* submission has the correct employee ID (correct ID where required) AND
   - Allocate the appointed RPIC the 'Responsible Person ACECQA eLearning modules' AND
   - Check a completed Responsible Person in Charge Consent Form has been attached.

6. Within 1- 5 business days, the **Payroll team will:**
   - Export checked records for import to the Chris payroll system (includes code for appointed RPIC i.e. RP[BU number] . Overnight (Mon-Fri) details will sync to the Easy Employer Time and Attendance system for the relevant employee i.e. RP[BU number]).

7. Appointed **RPIC will:**
   - Complete Responsible Person ACECQA eLearning modules (i.e. Overview of the NQF AND Overview of the Law and Regulations) via Learning@C&K within 4 weeks of assignment as per due date displayed within Learning@C&K.

8. **Centre Director/Nominated Supervisor will:**
   - File copies of National Child Safety Training Certificates of Completion in their centre personnel file.
   - Refer to RPIC (RP[BU number]) and in Easy Employer when developing and implementing rosters to ensure a Nominated Supervisor or RPIC is always physically present/rostered during centre operating hours. The Nominated Supervisor logs onto C&K intranet via their centre email/login to view and edit previously submitted RPIC appointments for centre. For further instructions refer to:
     - Appendix 2 - Viewing RPIC's within the Easy Employer rosters (Scheduling)
     - Appendix 3 - Viewing RPIC's within Easy Employer Abilities

Rosters, Displays, Records and Compliance

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

Centre Director/Nominated Supervisor will:

- Promptly notify and seek direction from ECEM to determine appropriate actions*. As outlined in the *Temporary Centre Closure Procedure*, only the Chief Operating Officer (COO), Chief Financial Officer (CFO) or Regional Manager can authorise a temporary centre closure.

  ***Exceptional Circumstances -** Where a centre is at risk of closure because a suitably certified teacher/educator cannot be recruited, a Regional Manager may approve the appointment without the required Advanced Training certification. In these circumstances, the employee must complete Advanced Training - courses 3, 4 & 5 (in their own time) and provide evidence of certification within eight weeks of their appointment to role. The relevant ECEM will be responsible for monitoring and ensuring completion, including the supply of evidence of certification.

Records and displays

Centre Directors/Nominated Supervisors (or their delegate) 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. Refer to RPIC codes (RP[BU number]) in Easy Employer.
- Prior to implementation, inform all teachers/educators of current responsible person roster. All teachers/educators must be aware of who the Responsible Person is 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 (location known and readily accessible to all team members) a second copy of the Responsible Person Roster near Easy Employer Checkin or in team communication book.
- Once developed and displayed, amend any change to the roster immediately (and initial).
- Keep the following documents in relevant centre and personnel files for 3 years from the last day of employment of any teacher/educator recorded:
  - National Child Safety Training certification.
  - *ACECQA NS01 Nominated Supervisor Consent Form*
  - *Responsible Person in Charge Consent Form*
  - *Responsible Person Roster*

Compliance and monitoring

Early Childhood Education Managers will:

- Monitor compliance with this procedure during centre visits and by utilising the C&K Responsible Person in Charge BI Report.
- Undertake periodic checks to ensure each centre has an appointed Nominated Supervisor and a sufficient number of RPICs for centre type, size and staffing arrangements. When a centre does not have a sufficient number of RPICs, discuss the operational implications with the centre Director/Nominated Supervisor and support them to identify and appoint suitable teachers/educators who meet the RPIC criteria.
- Undertake periodic audits of responsible persons displays and records.

Key resources and references

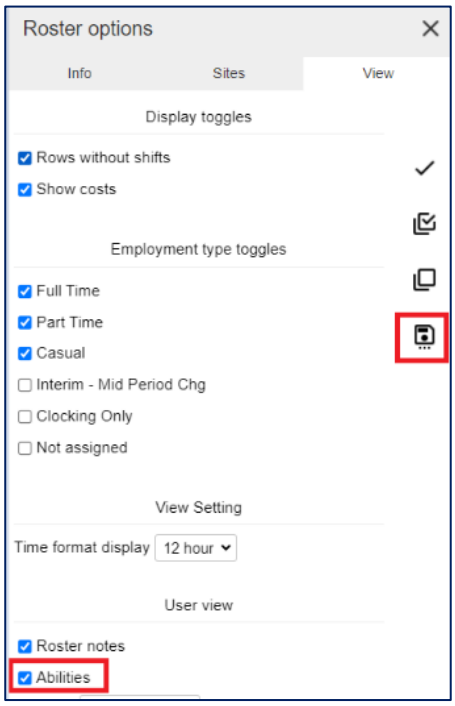
- ACECQA - *Information Sheet - Responsible person requirements for approved providers*
- ACECQA - *Child Safety and Child Protection Training*
- Australian Centre for Child Protection (Adelaide University) - *National Child Safety Training for the Early Childhood Education and Care Sector*
- Department of Education, Australian Government - *Mandatory national child safety training*

Appendix 1 – Nominated Supervisor and Responsible Person Assessment Activity

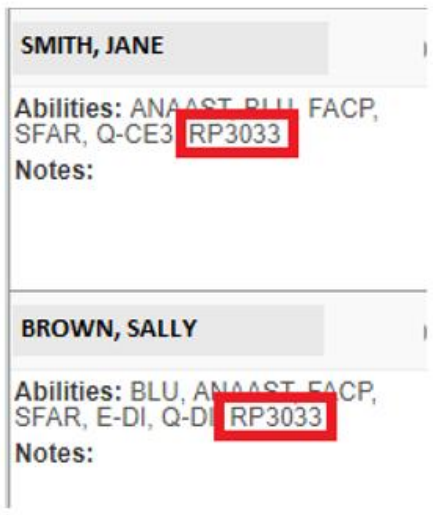
Information assessed	Evidence examples
Length and type of education and care sector experience	○ Resumé ○ Cover letter and application ○ Current employment record ○ Participation in centre or early childhood sector projects or research ○ Employer acknowledgement/award
Qualifications and/or professional 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 Certificates

Appendix 2 - Accessing RPIC Codes in Easy Employer Rosters (Scheduling)

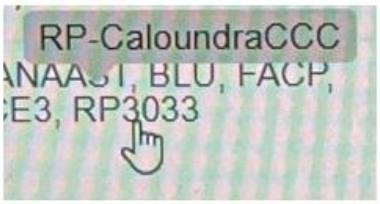
1. The user should first make sure they have the Abilities visibility selected and saved as their default selection:



2. In the User roster view, RPIC codes will be visible for nominated RPICs under the employee name:

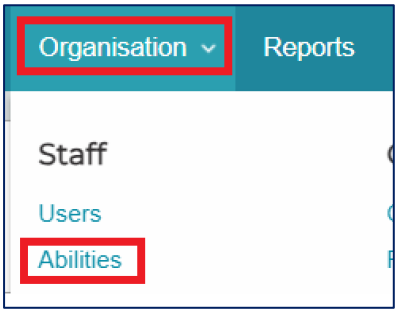


NOTE: The 4 digits at the end of the code is the centre Business Unit where the individual may act as the RPIC. Hover over the code to display the name of the centre.

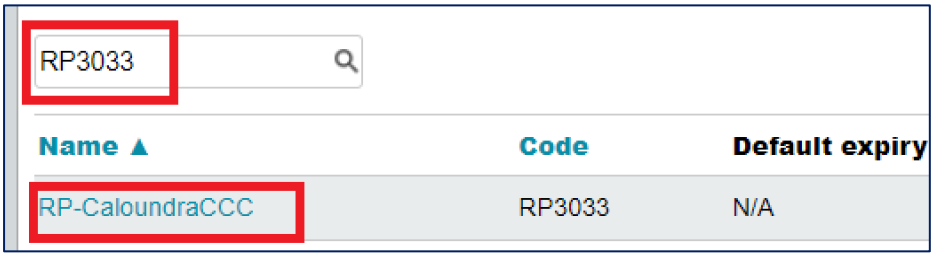


Appendix 3 - Viewing RPIC's within Easy Employer Abilities

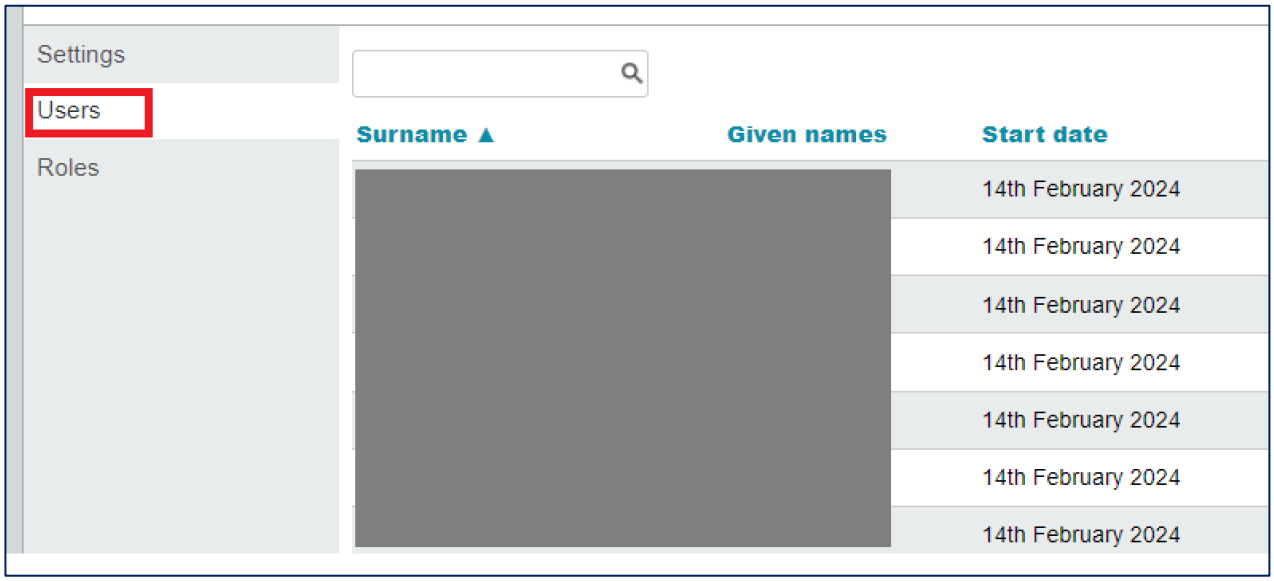
1. To view all RPICs for a specific centre (limited to the Centres the user has permissions for), select the **Organisation** menu > **Abilities** sub-menu:



2. In the top left search option, type either the Centre name or RP code and enter to search. Click on the Name returned in the search to view further information:



3. Click on **Users** in the left menu and a list of all RPICs linked to the selected code will display to the right, with the employee name date the RPIC submission was lodged via the SharePoint form. Click on an employee name to open and view their Easy Employer profile or right click and select open in new tab:



NOTE: May take 1-5 days from SharePoint form creation to visibility of the code in Easy Employer on the relevant employee record, due to time to check and process the SharePoint form.