Determining the Responsible Person at Peak Sports & Learning

Purpose

This policy provides clear guidelines to ensure that a Responsible Person is present on the premises of each Peak Sports and Learning service at all times during operational hours, as required under the Education and Care Services National Law and Regulations.

Our commitment is to ensure the health, safety, and wellbeing of children through effective supervision and leadership. To achieve this, Peak Sports and Learning will:

- Ensure that a Responsible Person is physically present at all times children are being educated and cared for.
- Clearly display the name and role of the current Responsible Person near the main entrance of each service, visible to families and visitors.
- Document the Responsible Person's presence each day through rosters and timesheets.
- Require that, if the Responsible Person leaves the premises, responsibilities are formally handed over to another qualified and appointed Responsible Person to maintain continuous coverage.

Provider

Peak Sports and Learning - Provider Approval no. PR-40001129

Peak Sports and Learning Directors

Ashleigh Neill, Grant Neill and John Good

Peak Sports and Learning Nominated Supervisors & Service Support Managers

Northern Region – Josie Tomlinson

Inclusive of: Woonona East, TIGS, Pleasant Heights, Mount Brown, Dapto, St Johns, Hayes Park, Farmborough Rd, Corrimal East, Unanderra, Wollongong, Berkeley.

Central Region – Grace McLeod

Inclusive of: Shellharbour, Shell Cove, Mt Terry, Tullimbar, Oak Flats, Warilla, Flinders, Gerringong, Kiama, Minnamurra.

Shoalhaven Region – Tracy Mandavy

Inclusive of: Illaroo Road, NAC, NCS, Cambewarra, Sanctuary Point, St Georges Basin, Vincentia, Ulladulla, Bomaderry.

Considerations

Education and Care Services National Regulations	National Quality Standard/s	Other Service policies/documentation	Other
Law: 162, 162A, 169, 173 Regulations: 117A, 117B, 117C, 150, 168, 173, 174, 177	Quality Area 4 Staffing Arrangements Quality Area 7 Governance and Leadership	Staffing Recruitment, Training, Evaluation and Professional Development Governance Policy	Work, Health and Safety Act (2011) NSW.

Procedures

Peak Sports and Learning is committed to ensuring that a Responsible Person is appointed and physically present at each service at all times children are being educated and cared for. This is a legal requirement under the *Education and Care Services National Law Act 2010*, and essential to maintaining high-quality care, compliance, and child safety.

General Responsibilities

To meet our obligations, Peak Sports and Learning will:

- Fulfil all duty of care requirements under the law.
- Ensure staffing arrangements support the health, safety, wellbeing, learning, and development of all children in our care.
- Ensure that a Nominated Supervisor or a designated Responsible Person is physically in attendance at all times during operating hours.
- Display the names of the Nominated Supervisor, Educational Leader, and current Responsible Person prominently at the main entrance of each service, making this visible to families and visitors at all times.
- Appoint a Nominated Supervisor for every service site. Where the Nominated Supervisor is not on site, a Responsible Person will be placed in charge. This person will have been assessed as fit and proper and appropriately trained by Peak Sports and Learning.
- Clearly document the Responsible Person's presence each day through the roster and timesheets.
- Ensure written consent is obtained from every Nominated Supervisor and Responsible Person before commencement in the role, and this is kept in the staff record.
- Maintain a current staff record containing:
    - Full name, date of birth, and address
    - Evidence of qualifications and approved training
    - Working with Children Check verification
    - Written consent to undertake the role

This policy applies to the Approved Provider, Nominated Supervisors, Responsible Persons, educators, staff, students, volunteers, and families engaged with Peak Sports and Learning.

Requirements for Appointment of a Responsible Person

The Approved Provider and Management will ensure that any individual appointed as a Responsible Person:

- Is over the age of 18 years.
- Is physically present on the premises at all times children are in care.
- Meets the minimum qualifications, experience, and management capability requirements outlined in relevant legislation and regulation.
- Holds a current Working with Children Check.
- Has completed approved child protection training and understands their obligations under the Reportable Conduct Scheme.
- Demonstrates commitment to the National Principles for Child Safe Organisations.
- Has adequate knowledge and understanding of:
    - The provision of education and care to children
    - The *Education and Care Services National Law and Regulations*
    - The National Quality Standard (NQS)
    - The approved learning framework for school-aged children: *My Time, Our Place (MTOP)*
- Is capable of effectively supervising and managing the education and care service.

- Has been assessed as a fit and proper person by the service, in accordance with Regulatory Authority guidelines.
- Provides written consent to perform the role, to be filed in their staff record.
- Will be removed from the role if the Approved Provider or Management becomes aware of any matter that affects their eligibility or capacity to fulfill the duties of a Responsible Person.

The Nominated Supervisors for Peak Sports and Learning will be responsible for:
Nominated Supervisors play a critical role in ensuring that the service meets its legal obligations and operates in a safe, compliant, and child-focused manner. At Peak Sports and Learning, all Nominated Supervisors are required to:

- Provide written consent to accept the role of Nominated Supervisor.
- Ensure that, in their absence from the service, a suitably qualified and experienced person (a Responsible Person) is placed in day-to-day charge of the service.
- Maintain a thorough understanding of the requirements and responsibilities of the Responsible Person role.
- Ensure the name and position of the Responsible Person on duty is clearly displayed at the main entrance of the service and is easily visible to families and visitors.
- Develop rosters in line with the availability of Responsible Persons, hours of operation, and attendance patterns of children, ensuring appropriate coverage at all times.
- Ensure a Responsible Person is physically present at the service from opening to closing each day.
- Ensure the Responsible Person is clearly recorded on the staff roster and timesheet for every operational period.
- Ensure a formal handover process is followed when the Responsible Person on duty changes, including sign-on/sign-off protocols.
- Maintain a staff record that includes:
    - Full name, address, and date of birth of the Responsible Person
    - Evidence of relevant qualifications or progress towards a qualification
    - Records of approved training (e.g., child protection, first aid)
    - Verification of a valid Working with Children Check, including identifying number and expiry date
    - Written consent for the role of Responsible Person
- Notify the Approved Provider and the Regulatory Authority within 7 days of any changes to their personal situation, including:
    - A change in contact details
    - Suspension or cancellation of a Working with Children Check or teacher registration
    - Being subject to disciplinary proceedings or any circumstance affecting their suitability for the role
- Ensure the Regulatory Authority is notified through the NQA IT System:
    - At least 7 days prior to commencing in the role, or within 14 days after a new appointment has occurred
    - Of any subsequent changes, including withdrawal from the role or removal from position
- Take into account an individual's compliance history before appointing a Responsible Person, including any prior:
    - Refusals, suspensions, or cancellations of relevant authorisations under education and care, children's services, or education laws
    - Decisions made under the National Law or similar legislation

- Ensure documentation is maintained to demonstrate the appointee's capacity to supervise and manage the service, such as:
    - Resume or employment history
    - References from previous employers
    - Transcripts of completed qualifications or relevant course units
- Ensure educators, staff, volunteers, students, and visitors are aware of and follow this policy.
- Ensure families are aware of the Responsible Person Policy and how it relates to service operations.

Responsible Persons for Peak Sports and Learning are responsible for:

Responsible Persons are vital to the safe and compliant operation of Peak Sports and Learning services. Individuals appointed to this role must demonstrate sound judgment, a strong understanding of their duties, and a commitment to maintaining high standards of care and supervision. All Responsible Persons are required to:

- Provide written consent to accept the role of Responsible Person.
- Sign on and off their designated hours of responsibility each day via the paper or digital timesheet.
- Ensure that their name and position are clearly displayed at the entrance of the service and are easily visible to families and visitors at all times during their duty.
- Maintain a thorough understanding of the expectations and legal requirements of the Responsible Person role.
- Inform the Approved Provider or Nominated Supervisor in a timely manner of any absences due to illness, leave, or other reasons, to ensure a suitable replacement is appointed.
- Understand that a Responsible Person in day-to-day charge does not hold the same legal responsibilities under the National Law as the Nominated Supervisor but must still ensure the safe and effective running of the service during their shift.
- Notify the Approved Provider and/or Nominated Supervisor in writing if they wish to withdraw consent to act as a Responsible Person.
- Ensure that all appointments of Responsible Persons are clearly documented on the staff roster, so that all educators and staff know who is in charge at any given time.
- Understand that the Nominated Supervisor or Director will communicate with educators and staff regarding who has been appointed as a Responsible Person for each shift.
- Promptly notify the Approved Provider and the Regulatory Authority (where applicable) within 7 days of any personal changes that may affect their eligibility for the role, including:
    - A change of mailing address or contact details
    - Suspension or cancellation of a Working with Children Check or teacher registration
    - Being subject to disciplinary action under any relevant education or children's services law

Version Control Table

Version Control	Date Released	Next Review	Approved by	Amendment
1	Jan 2014	March 2018	Directors	Amendments to procedures as needed annually.
2	March 2018	November 2019	Directors	Version Control table introduced. Rewritten and edited to reflect 2018 updated Quality Standards.
3	March 2020	November 2022	Directors	Grant Neill allocated as Nominated Supervisor for Nareena Hills and NCS. Moved to new document review timeline.
4	November 2022	November 2024	Directors	Changes to centres and Nominated Supervisors.
5	September 2024	September 2025	Directors	Changes to centres and Nominated Supervisors.
6	April 2025	April 2026	Directors	Changes to centres and Nominated Supervisors. Removal of Peak Unit Trust Provider.
7	August 2025	April 2026	Directors	Changes to centres and Nominated Supervisors.
8	April 2026	April 2027	Director	Changes to centres and Nominated Supervisors.