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1. Summary

- 1.1 This policy sets out the obligations of Early Learning Centres operating under the Education and Care Services National Law (the National Law) and the Education and Care Services National Regulations (the Regulations) in respect to Nominated Supervisors, persons in day-to-day charge and Educational Leaders.
- 1.2 This policy outlines the key responsibilities of Nominated Supervisors and Educational Leaders given the management and control they have of a Service on a day to day basis. This includes the legal requirement to ensure the National Law is complied with by the service including staff and responsibility for incidents which occur at the service contrary to the Archdiocese of Canberra and Goulburn, Catholic Education (CECG) Policies and Procedures to the National Law.

2. Nominated Supervisors

- 2.1 Under the National Law, the Approved Provider (CECG) must nominate at least one Nominated Supervisor for every education and care service (s161). The Nominated Supervisor must meet the prescribed minimum requirements (r117B):
 - Be 18 years of age or over
 - Have adequate knowledge and understanding of the provisions of education and care to children
 - Have the ability to effectively supervise and manage an education and care service.
- 2.2 Under Section 161 of the National Law, CECG must ensure the minimum requirements are met.
- 2.3 CECG delegates the responsibility to nominate a supervisor to the General Manager, Early Learning Centres. Supervisors must be nominated and consent to nomination using the [ELC and SAC Nominated Supervisor Consent Form](#) as well as the [ACECQA NS01 Form](#). Refer to the [Roles and Responsibilities When Appointing Nominated Supervisors, Persons in Day-to-Day Charge and Educational Leader](#) process map for additional details.
- 2.4 CECG must provide the necessary environment and resources to ensure the Nominated Supervisor is able to comply with the requirements of the National Law and Regulations.
- 2.5 Nominated Supervisors must ensure the service meets its legal obligations to the National Law and Regulations. This responsibility is reflected in the range of offences for which a Nominated Supervisor can be held personally liable. Specific Offences are provided for under Part 6 – Operating an Education and Care Service of the National Law and include:
 - Inadequate supervision (s165)
 - Inappropriate discipline (s166)
 - Protection of children from harm or hazard (s167)
 - Provision of required programs (s168)
 - Staffing arrangements (s169)
 - Unauthorised persons on education and care premises (s170).
- 2.6 Under the National Regulations a Nominated Supervisor is legally responsible for:
 - Health, Hygiene and safe food practices (r77)

- Food and beverages (r79) & (r79)
- Weekly menu (r80)
- Sleep and rest (r81)
- Staff members and family day care educators not to be affected by alcohol or drugs (r83)
- Administration of medication (r93)
- Exception to authorisation requirement in the case of anaphylaxis or asthma emergency (r94)
- Children leaving the premises (r99)
- Risk assessment to be conducted before conducting an excursion (r100) & (r101)
- Authorisation for excursions (r102)
- Access for parents (r157).

3. Responsible Person

- 3.1 CECG ELCs and SACs **must not** operate without a responsible person present and actively supervising the service and its operation. This responsible person is not required to be a Nominated Supervisor. A responsible person can be any one of the following:
- A person with management or control of an education and care service operated by the approved provider,
 - A nominated supervisor of the service, or
 - A person in day-to-day charge of the service.
- 3.2 A responsible person must be designated and consent to this designation using the [Person in Day-to-Day Care Consent Form](#). Refer to the [Roles and Responsibilities When Appointing Nominated Supervisors, Persons in Day-to-Day Charge and Educational Leader](#) process map for additional details.

4. Educational Leader

- 4.1 The Regulations (r118) state that an education and care service must designate, in writing, a suitably qualified and experienced educator, co-ordinator or other individual as educational leader at the service to lead the development and implementation of educational programs in the service.
- 4.2 The role of the educational leader is primarily to:
- collaborate with educators and provide curriculum direction and guidance
 - support educators to effectively implement the cycle of planning to enhance programs and practices
 - lead the development and implementation of an effective educational program in the service
 - ensure children's learning and development are guided by the learning outcomes of the Early Years Learning Framework and/or the Framework for School Age Care or other approved learning frameworks.
- 4.3 An Educational Leader is not required to be a Nominated Supervisor and it is preferable, subject to staffing they are not the same person for an ELC. For SAC, the Nominated Supervisor may also be the Educational Leader. The person must be designated and consent to this designation using the [ELC and SAC Educational Leader Designation Consent Form](#). Refer to the [Roles and](#)

[Responsibilities When Appointing Nominated Supervisors, Persons in Day-to-Day Charge and Educational Leader process Map.](#)

5. Information to be displayed

- 5.1 The Nominated Supervisor must ensure the following information is displayed at the service and positioned so that it is clearly visible to anyone from the main entrance of the education and care service (S172):
- the provider approval
 - the service approval
 - each nominated supervisor of the service
 - the rating of the service
 - any service waivers or temporary waivers held by the service, and
 - all details required by [Regulation 173](#).

6. Reporting

- 6.1 The National Law (s173) provides for certain circumstances where the approved provider must notify the Regulatory Authority if a nominated supervisor of an education and care service:
- Ceases to be employed or engaged by the service
 - Is removed from the role of nominated supervisor
 - Withdraws consent to the nomination
- 6.2 The notification must be made within 7 days (r176).
- 6.3 The General Manager, Early Learning Centres is responsible for making the notification to the Regulatory Authority.

7. Record Keeping

- 7.1 The staff record must include:
- all information required by [Regulation 146](#) in relation to each nominated supervisor, and
 - the name of the responsible person at the centre-based service for each time that children are being educated and cared for by the service ([Regulation 150](#)).

8. Definitions

- 8.1 **Approved Provider (ELC and SAC):** The Approved Provider for Early Learning Centres and School-Age Care Services is the Trustees of the Roman Catholic Church of the Archdiocese of Canberra and Goulburn (referred to in this document as CECG).
- 8.2 **Nominated Supervisor:** A Nominated Supervisor is a person who has been nominated by the Approved Provider of the service to be the Nominated Supervisor and the person has consented in writing to this nomination.
- 8.3 **Person in day-to-day charge:** is a person who has been placed in day-to-day charge of an education and care service and the person has consented to the placement in writing.

- 8.4 **Responsible Person:** A responsible person may be either the Nominated Supervisor, or any other Supervisor who meets the eligibility requirements (detailed below) and has provided written consent to be in day-to-day charge of the centre.

9. Related Documents and Legislation

9.1 CECG Documents:

- [ELC and SAC Staffing Policy](#)
- [ELC and SAC Supervision Policy](#)
- [Roles and Responsibilities When Appointing Nominated Supervisors, Persons in Day-to-Day Charge and Educational Leader](#)
- [ELC and SAC Nominated Supervisor Consent Form](#)
- [Person in Day-to-Day Care Consent Form](#)
- [ELC and SAC Educational Leader Consent Form](#)

9.2 Legislation and Standards:

- [Education and Care Services National Law 2011](#)
- [Education and Care Services National Regulations 2011](#)
- [National Quality Standard](#) (schedule to the Education and Care Services National Regulations)

10. Contact

- 10.1 For support or further questions relating to this policy, contact the Early Learning Centre team.