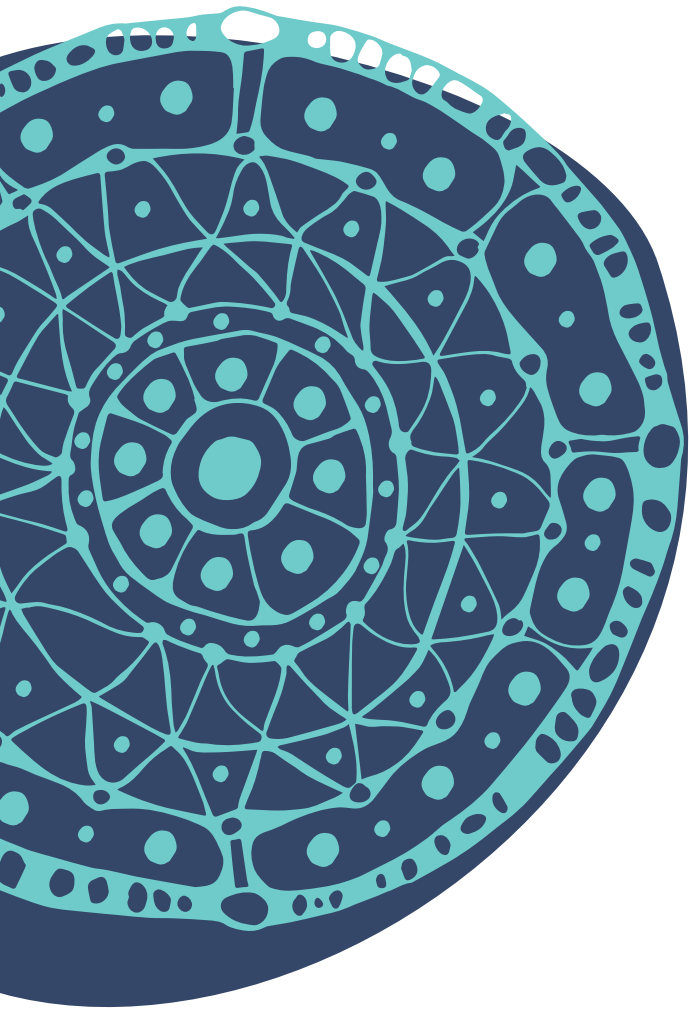


WHO'S WHO AT OUR SERVICE





There are a number of positions within education and care services that are responsible for the day-to-day management of the service. This resource provides an overview of these main roles, which includes:

- approved provider;
- nominated supervisor;
- persons with management and control;
- responsible persons;
- person in day-to-day charge;
- educational leader; and
- room leaders.

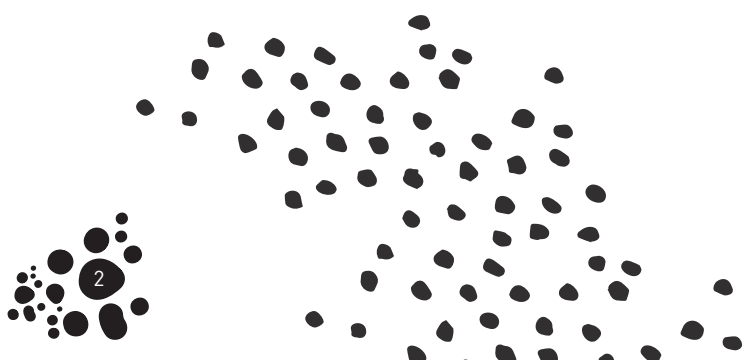
These positions drive leadership of the service, which is important to empower and develop the staff and ultimately the children attending the service.

This resource also identifies the organisations that have responsibility for education and care services and supporting families to access these services. Their websites provided at the end of this resource have more detailed information about the provision of education and care.

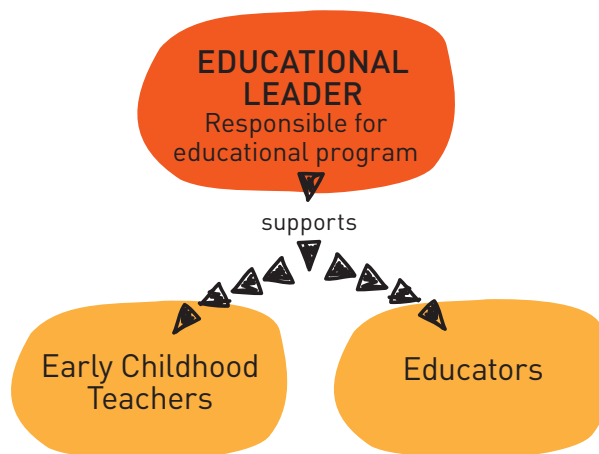
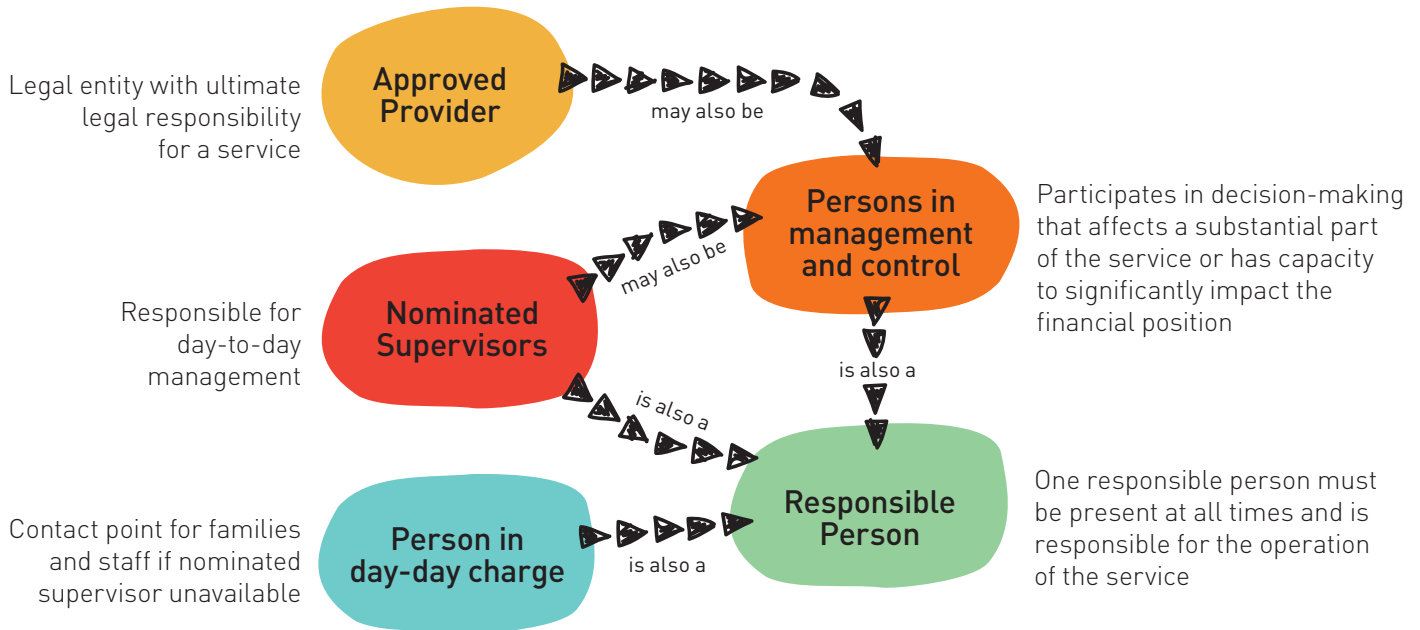
This resource is part of a governance induction kit for committee members (approved providers) of New South Wales (NSW) education and care services. Other resources in the kit that may be useful are:

- Getting to Know the National Quality Framework: tool for committee members;
- Your Responsibilities as a Committee Member;
- Checklist of Obligations under the National Quality Framework; and
- Introduction to Committee Roles and Responsibilities in an Education and Care Service, video clip.

This is an introduction to the important positions and organisations relevant to managing education and care services. It is not legal advice. If you hold one of these positions it is important that you review the [Guide to the National Quality Framework](#) developed by the Australian Children's Education and Care Quality Authority (ACECQA) and the [Education and Care Services National Law and Regulations](#).



KEY POSITIONS IN EARLY EDUCATION AND CARE SERVICES



APPROVED PROVIDERS

WHO ARE THEY?

The approved provider is the legal entity established to operate the service. That may be a company, an incorporated association, partners in a partnership or members of an unincorporated association.

The approved provider will hold the 'provider approval' and 'service approval' under the National Law. Before granting an approval, the Regulatory Authority must approve the provider as 'fit and proper' to operate a service. This requires consideration of the person's history of compliance with any current or former education and care services law, children's services law or education law and any decision made under any of these laws to refuse, refuse to renew, suspend or cancel a licence approval, registration or certification issued to the person under that law. The severity of any issues, how recently they occurred and the person's willingness to comply are all relevant considerations in assessing whether the provider is 'fit and proper'. This will also require a criminal history check and working with children check. The Regulatory Authority may also consider other factors such as a person's knowledge of the National Law, their capacity to manage the service and their financial circumstances.

WHAT ARE THEIR RESPONSIBILITIES?

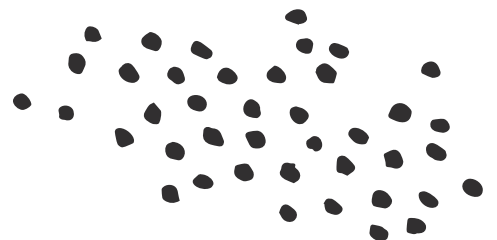
The approved provider and persons with management or control are the most important roles for an education and care service. The approved provider gets the approval for running a service and is legally responsible for managing the service.

Responsibilities cover three main areas – health and safety, staffing and documentation. Responsibilities are detailed in the Checklist of Obligations under the National Quality Framework in this induction kit.

Many tasks are completed jointly with the nominated supervisor(s). In practice, the nominated supervisor(s) will be responsible for day-to-day management to ensure that the service policies, practices and procedures are implemented. However the approved provider and persons with management or control remain legally responsible for the proper operation and safety of the service.

Your role as a committee member

- Ensure that the service is operating in accordance with the National Law and Regulations;
- Ensure that children are safe and their wellbeing is supported at all times at the service;
- Employ and support a nominated supervisor(s) that meets the minimum requirements set out in the National Law;
- Employ an educational leader;
- Ensure a "responsible person" is always present; and
- Ensure a Quality Improvement Plan is developed and implemented, reviewed and updated.



PERSONS WITH MANAGEMENT OR CONTROL

WHO ARE THEY?

It varies depending upon what kind of body governs the service. For example:

- **For a company**, it means an officer, which includes the director, secretary and other people participating in decision-making that affects at least a substantial part of the company's business or who have capacity to significantly impact its financial position, as defined under *The Corporations Act 2001 (Cth)*.
- **For incorporated associations**, it generally means the executive members of the committee, such as the president, treasurer and secretary, depending on how the association is set up. It could also be key employees within the service, like the service director.
- **For unincorporated associations**, it generally means the members of the association.
- **For a partnership**, it generally means all partners in the partnership.

Where individuals are approved providers, they will also be persons with management or control.

All persons with management and control must be approved as 'fit and proper' persons to manage a service. Corporations identify these persons. Every other individual involved with the legal entity, including all committee members, will also need to be confirmed as a "fit and proper" person, including completing a criminal history check and working with children check.

WHAT ARE THEIR RESPONSIBILITIES?

This is the person who, whether alone or with others, is responsible for managing the delivery of the service. This person participates in decision-making that affects a substantial part of the provider's business or has the capacity to significantly impact the provider's financial position. They have the same legal responsibilities as approved providers.

Responsibilities cover three main areas – health and safety, staffing and documentation. Responsibilities are detailed in the checklist in this induction kit.

Many tasks are completed jointly with the nominated supervisor(s). The nominated supervisor(s) may or may not be a person with management and control, depending on how the service is structured.

NOMINATED SUPERVISORS

WHO ARE THEY?

A service must have at least one nominated supervisor. This person is employed by the approved provider and must:

- be at least 18 years of age;
- have adequate knowledge and understanding of the provision of education and care to children;
- have the knowledge, skills and experience to effectively supervise and manage an education and care service;
- be a 'fit and proper' person; and
- have consented in writing to be the nominated supervisor.

WHAT ARE THEIR RESPONSIBILITIES?

Nominated supervisors are responsible for the day-to-day management of the service. Their responsibilities are detailed in the checklist and include:

- ensuring the service is following the National Laws and Regulations so that service standards and practices are maintained, such as adequate supervision of children, health, hygiene and safe food practices, and the administration of medicine;
- ensuring that the learning programs are based on the Early Years Learning Framework (EYLF) and are delivered with the educational leader in a way that is consistent with the framework;
- supporting and managing staff, their ongoing development and a culture of continuous improvement; and
- nominating and supporting the educational leader (together with approved provider and persons with management or control).



RESPONSIBLE PERSONS

WHO ARE THEY?

A responsible person is:

- the approved provider or a person with management or control;
- a nominated supervisor; or
- a person in day-to-day charge of the service.

They must be approved as a 'fit and proper' person for the role.

The approved provider must ensure that a responsible person is present at the service at all times that the service is operating. This is generally the nominated supervisor. Where they are not at the service, another educator will take up this responsible person role as the person in day-to-day charge of the service.

WHAT ARE THEIR RESPONSIBILITIES?

The responsible person is responsible for the operation of the service and must be physically present while it is open.

PERSONS IN DAY-TO-DAY CHARGE

WHO ARE THEY?

The approved provider or a nominated supervisor may place a person in day-to-day charge of a service. This person must be at least 18 years old, 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 service and be a 'fit and proper' person for the role. In contrast to nominated supervisors, this role does not add any additional legal responsibilities, it has the same legal responsibilities as the general educator at the service.

A service does not need this position if a nominated supervisor or approved provider is the responsible person at the service and that person is present at the service.

WHAT ARE THEIR RESPONSIBILITIES?

This person is the point of contact for families and staff.



EDUCATIONAL LEADERS

WHO ARE THEY?

The educational leader is a suitably qualified and experienced person who is responsible for leading the development and implementation of educational programs at the service. They are generally supported by the nominated supervisor.

WHAT ARE THEIR RESPONSIBILITIES?

The role of the educational leader is primarily to:

- lead the development and implementation of an effective educational program in the service;
- ensure that children's learning and development is guided by the EYLF;
- support educators to go through the cycle of planning for a daily learning program;
- support staff to continue to improve their knowledge and practice; and
- guide staff and families' understanding of the importance of the early years and how learning happens at the education and care service.

EARLY CHILDHOOD TEACHERS

WHO ARE THEY?

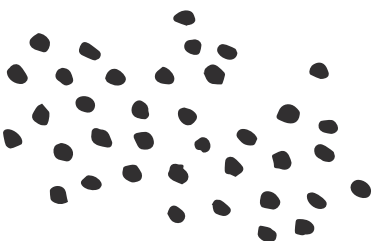
A person with an approved early childhood teaching qualification as listed on the [ACECQA](#) website. In NSW, early childhood teachers must be registered with the NSW Education Standards Authority.

WHAT ARE THEIR RESPONSIBILITIES?

Services must have access to an early childhood teacher. Requirements vary depending on the number of children at the service (see regulations 129-132, 272). Please note NSW has specific regulations that apply for services that educate and care for 30 or more preschool aged children or under (see regulation 272).

Early childhood teachers are responsible for carrying out education and care activities including:

- working directly with children as part of the child to educator ratio;
- planning programs;
- mentoring, coaching or supporting educators;
- facilitating education and care research; and
- performing the role of educational leader.



MORE INFORMATION

The [National Quality Framework Guide](#) details the obligations of each person in the management of an education and care service.

ACECQA has a useful [fact sheet](#) on the role of the educational leader.

The [National Law](#) and [National Regulations](#) detail the specific legal responsibilities of all positions.

IMPORTANT ORGANISATIONS

There are a number of organisations that have a big impact on what happens at education and care services. They have responsibility for education and care services and facilitating access for parents.

Australian Children's Education and Care Quality Authority

- Guides and monitors implementation and administration of the National Quality Framework (NQF);
- Determines if qualifications can be recognised in Australia;
- Approves qualifications for people who work in early years services;
- Trains, tests and provides resources to authorised officers;
- Provides online resources to assist services;
- Awards the Excellent rating;
- Undertakes second tier reviews of quality ratings; and
- Publishes the national registers of approved providers and services.

There is also more information [here](#).

NSW Regulatory Authority

- Known as the Early Childhood Education Directorate within the NSW Department of Education;
- Responsible for the quality and safety of early education and care services and administration of the NQF in NSW;
- Grants all approvals, including provider and service approvals;
- Assesses and quality rates services against the NQS and the National Regulations;
- Monitors and enforces compliance with the National Law and Regulations; and
- Works with ACECQA to promote continuous quality improvement and support community and providers to understand NQF obligations.

There is also more information [here](#).

The NSW Education Standards Authority (NESA)

- Responsible for accreditation of early childhood teachers; and
- Sets and monitors quality teaching, learning, assessment and standards for schooling, from kindergarten to year 12.

There is also more information [here](#).

Commonwealth Department of Education and Training

- Responsible for financial support to assist parents to access early education and care;
- Families may be able to reduce their early education and care fees through applying for a Child Care Subsidy, which is paid directly to approved services; and
- In some situations, families may also be able to access further supports to reduce their fees through an Additional Child Care Subsidy.

There is also more information [here](#).

