

Responsible person and educational leader delegations in preschool

Procedures

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Acronyms	Full form
ACECQA	Australian Children's Education and Care Quality Authority
NQA ITS	National Quality Agenda Information Technology System
NQF	National Quality Framework
NT	Northern Territory
QECNT	Quality Education and Care Northern Territory

Contents

1. Policy statement	3
2. Definitions	3
3. Roles and responsibilities	4
4. Procedures	5
4.1. Managing responsible person delegations.....	5
4.1.1. Nominated supervisor	5
4.1.2. Person in day-to-day charge	6
4.2. Educational leader delegation	7
4.3. Displaying prescribed information.....	8
4.4. Teacher in charge of preschool allowance.....	8
5. Supporting documents and contacts	8
6. Related legislation, policy and procedures	9
6.1. Legislation.....	9
6.2. Department of Education policy, guidelines and procedures	9
6.3. National Quality Standard	9
Appendix A - Examples of the role of the nominated supervisor and the person in day-to-day charge for specific National Quality Framework requirements	11

1. Policy statement

The [Education and Care Services National Law \(NT\) \(National Law\)](#)¹ and [Education and Care Services National Regulations \(National Regulations\)](#)² require a responsible person be present at the preschool premises at all times when education and care is being provided. A responsible person can be the approved provider, a nominated supervisor or a person in day-to-day charge.

The following table outlines the Department of Education's (the department) delegation framework in relation to these roles.

Role	Government preschool arrangements
Approved provider	The Department of Education is the approved provider of all NT Government preschools. Responsibility for this role has been delegated to the Deputy Chief Executive Education NT and Executive Directors School Improvement and Leadership
Nominated supervisor	The department has nominated all principals as the nominated supervisor for their respective preschool
Person in day-to-day charge	The school principal will delegate this role to appropriately qualified and experienced educators who: <ul style="list-style-type: none">• meet the minimum requirements for a person in day-to-day charge outlined in the National Regulations; and• will be present at the preschool premises at all times that children are being educated and cared for

Under this framework, both the nominated supervisor and person in day-to-day charge are responsible for ensuring the preschool is operating in accordance with the requirements of the National Law and National Regulations. Go to the procedures for further information.

The principal must ensure they identify and delegate appropriately qualified and experienced staff within the school to carry out the roles of person in day-to-day charge and, in addition, the educational leader.

2. Definitions

Educational leader is a person who is delegated by the approved provider or nominated supervisor to be responsible for leading the development and implementation of educational programs in the preschool and mentoring and supporting preschool teachers and staff. The delegation must be accepted in writing.

The approved provider is a person or legal entity who holds provider approval under the National Quality Framework (NQF). Provider approval is a prerequisite for operating an approved education and care service.

The NQF is a regulatory system agreed to by all Australian governments, through the Council of Australian Governments, to improve quality and drive continuous improvement in early childhood education and care services, including outside school hours care services.

¹ <https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/012>

² <https://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

The National Quality Standard (NQS) sets a national benchmark for the quality of education and care services. The NQS comprises 7 quality areas against which services are assessed and rated. A quality rating is determined for each quality area which informs the overall service rating.

The National Quality Agenda IT System (NQA ITS) is the national information system used to store regulatory information about approved services and providers and supports regulatory authorities with the administration of the National Law and National Regulations. Approved providers can use this system to submit applications and notifications to the regulatory authority at [National Quality Agenda IT System](#).³

The nominated supervisor is a person nominated by the approved provider who is responsible for the day-to-day management of an education and care service in accordance with the National Law and National Regulations.

The person in day-to-day charge is a person who is delegated by the approved provider or nominated supervisor and has accepted this responsibility in writing. Delegated persons must meet the minimum requirements prescribed under Regulation 117B of the National Regulations. At least one responsible person in day-to-day charge must be present at all times that children are being educated and cared for at the service.

Quality Education and Care NT (QECNT) is the Northern Territory's regulatory authority responsible for administering the National Law and National Regulations in the NT.

3. Roles and responsibilities

The Executive Directors School Improvement and Leadership are responsible for:

- delegating all school principals responsible for a preschool service in scope of the NQF as the nominated supervisor of that preschool.

The school principal is the delegated nominated supervisor and responsible for:

- the day-to-day management of the school, including the preschool
- understanding and carrying out the responsibilities of the nominated supervisor in accordance with the National Law and National Regulations (refer to [ACECQA Nominated Supervisor Information Sheet](#)⁴) and related departmental policies and procedures
- ensuring that a change of nominated supervisor notification is completed in the NQA ITS either 7 days prior or within 14 days of the commencement of a new principal
- delegating the roles of responsible person in day-to-day charge and educational leader to appropriate persons who accept the delegation in writing. Note: where appropriate this may be the same person, for example, the preschool teacher
- ensuring at least one responsible person in day-to-day charge is present on the preschool premises at all times the preschool is operating
- ensuring each responsible person in day-to-day charge and the educational leader are provided with the appropriate time, support and resources to operate the preschool in accordance with the National Law and National Regulations.

The responsible person in day-to-day charge is responsible for:

- supervising the daily preschool operations in accordance with the requirements of the National Law and National Regulations and related departmental policies and procedures
- being the point of contact for parents and staff

³ <https://www.acecqa.gov.au/resources/applications>

⁴ <https://www.acecqa.gov.au/sites/default/files/2018-03/InformationSheetNominatedSupervisor.pdf>

- remaining on the preschool premises at all times during operating hours while in this role, unless another responsible person is present
- ensuring all prescribed information is displayed as per Regulation 173, including the nominated supervisor, responsible person and educational leader.

The educational leader is responsible for:

- leading the development and implementation of the educational program and the assessment and planning cycle in the preschool
- mentoring and supporting educators and creating a nurturing and professional learning community
- promoting continuous improvement across the preschool.

Early Childhood Education and Care:

- may provide advice and support to principals and preschool staff about the roles of the nominated supervisor, responsible person and educational leader as necessary.

4. Procedures

4.1. Managing responsible person delegations

4.1.1. Nominated supervisor

The nominated supervisor role is one of oversight, governance and leadership. This includes managing preschool staff and resources to ensure that the preschool can operate in accordance with the National Law and National Regulations. The [ACECQA Nominated Supervisors Information Sheet](#)⁴ outlines the specific responsibilities of the nominated supervisor under the National Law and National Regulations. This includes, but is not limited to the following:

- child to educator ratios and qualification requirements
- educational programs and practice
- the supervision and safety of children.

Refer to Appendix A for examples of the roles of the nominated supervisor and person in day-to-day charge in meeting specific NQF requirements, noting this is not an exhaustive list.

4.1.1.1. Delegation

When an individual either signs an employment contract, or accepts a permanent employment condition, for the role of school principal that includes responsibility for the operation of a regulated preschool, the individual is also accepting the role of nominated supervisor for the school's preschool service.

Principals employed under a permanent employment condition are required to complete a nominated supervisor consent form.

It is the principal's responsibility to lodge a change of nominated supervisor notification whenever:

- there is a change of school principal
- an additional nominated supervisor accepts the role in writing, for example, a person is an acting principal for a period longer than 6 weeks.

Note: where a principal is on higher duties for less than 6 weeks, the nominal school principal continues to be the nominated supervisor; acting principals in the position for a period longer than 6 weeks without a principal contract are required to complete a nominated supervisor consent form.

The process for managing nominated supervisor delegations and notifications is outlined below in Figure 1.

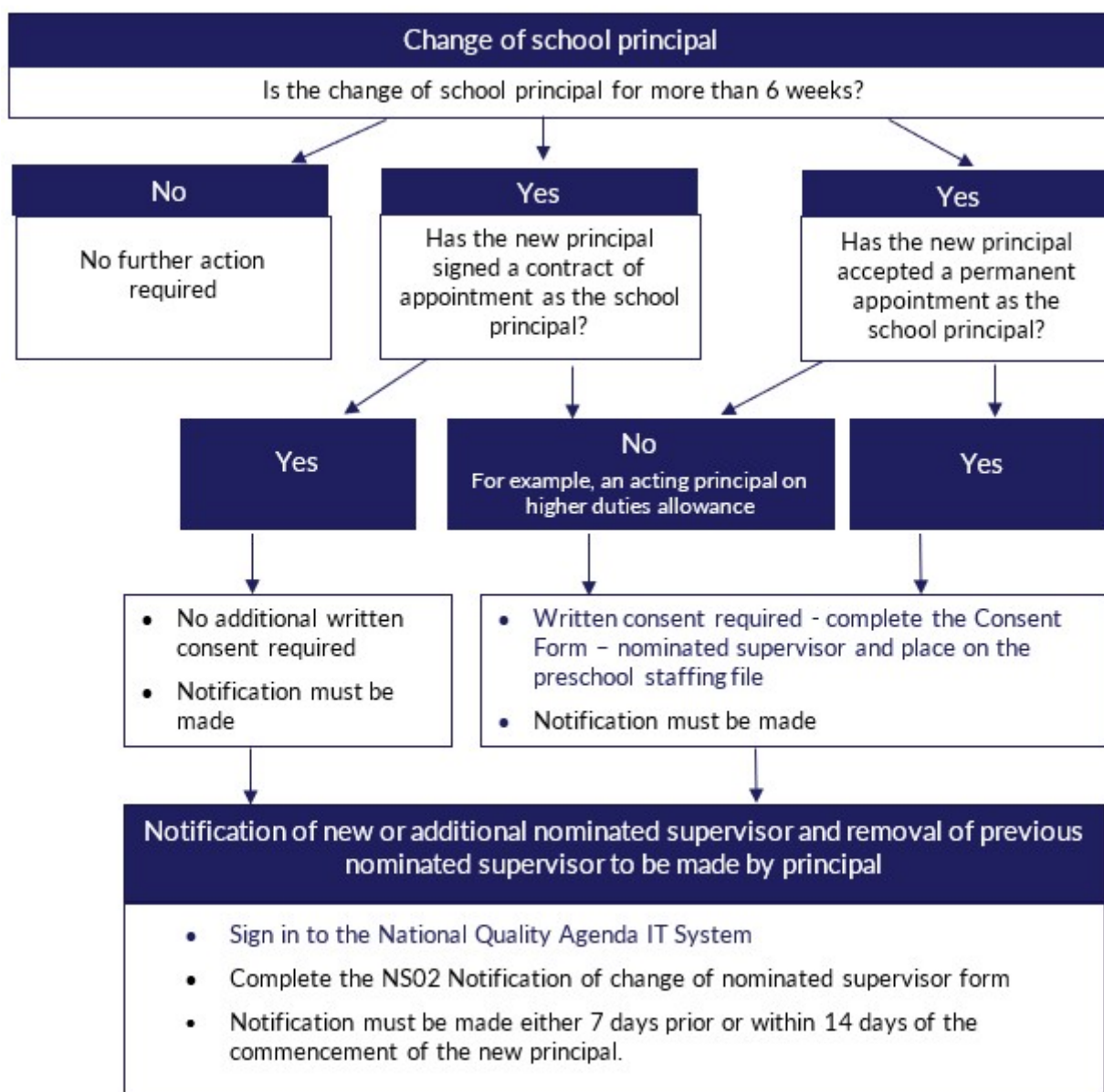


Figure 1 - Nominated supervisor delegation management in preschools

4.1.1.2. National Quality Agenda IT System

The NQA ITS is an online tool that provides a secure and direct way for making required notifications to QECNT. Each preschool has an established login.

Where the principal or preschool teacher in charge do not have a current record of the login details, they should contact the NQA ITS Helpdesk by email at nqaits@acecqa.gov.au or by telephone on 1300 667 319.

The [NQA ITS webpage](#)⁵ also contains guides and information.

4.1.2. Person in day-to-day charge

The person in day-to-day charge is responsible for supervising the daily preschool operations in accordance with the National Law and National Regulations and related departmental policies and procedures, and is the point of contact for parents and staff. The person must have a good understanding of the NQF and guide other educators in the delivery of quality practices in accordance with the National Law and National Regulations.

⁵ <https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>

Refer to Appendix A for examples of the roles of the nominated supervisor and person in day-to-day charge in meeting specific NQF requirements, noting this is not an exhaustive list.

4.1.2.1. Delegation

The principal must delegate the role of the person in day-to-day charge to one or more educators and ensure that at least one delegated person is present at the preschool at all times children are in attendance.

The primary responsible person in day-to-day charge is usually the preschool teacher in charge, however the principal must ensure there are sufficient delegated persons available for instances when the preschool teacher in charge is not present at the preschool.

The principal must ensure that all persons delegated as responsible person in day-to-day charge:

- are 18 years of age or older
- have adequate knowledge and understanding of the provision of education and care to children under the NQF
- have the ability to supervise the daily preschool operations
- have current child protection training in line with the department's [Mandatory reporting of harm and exploitation of children guidelines](#)⁶.

The principal must also consider the compliance history of individuals. The [ACECQA Compliance history statement for a person to be a person in day-to-day charge](#)⁷ can be used to guide this process.

Where a person is identified as suitable for the role of a responsible person in day-to-day charge, the principal and educator must complete this delegation in writing using the [Consent Form – preschool delegations](#)⁸. A copy of this delegation must be kept on file at the preschool premises and be made available upon request by an authorised officer from QECNT.

4.2. Educational leader delegation

The principal, on behalf of the approved provider, must identify an educator with the appropriate skills and qualifications to undertake the role of the educational leader for the preschool. The National Regulations do not specify minimum requirements for the role, however the educator should at a minimum:

- have a thorough understanding of [Approved Learning Frameworks](#)⁹ under the NQF
- be able to lead the development and implementation of an effective educational program that is informed by a cycle of planning
- have the skills to effectively guide and mentor other educators to build their capacity and extend their practice and pedagogy
- ensure children's learning and development are guided by the learning outcomes of the approved learning framework.

The [ACECQA Role of the Educational Leader](#)¹⁰ factsheet provides further guidance.

Where an educator is willing to accept the role of educational leader, the delegation must be completed in writing using the [Consent Form – preschool delegations](#)⁸. A copy of this delegation must be kept on file at the preschool premises and be made available upon request by an authorised officer from QECNT.

⁶ <https://education.nt.gov.au/policies/mandatory-reporting-of-harm-and-exploitation-of-children>

⁷ <https://www.acecqa.gov.au/resources/applications/sample-forms-and-templates>

⁸ <https://education.nt.gov.au/policies/preschool-specific-policy>

⁹ <https://www.acecqa.gov.au/nqf/national-law-regulations/approved-learning-frameworks>

¹⁰ https://www.acecqa.gov.au/sites/default/files/2019-05/QA7_TheRoleOfTheEducationalLeader.pdf

4.3. Displaying prescribed information

Regulation 173 of the National Regulations outlines all of the information that must be displayed in the main entrance of the preschool. In relation to these procedures, this includes the:

- a) name of the nominated supervisor
- b) name and position of the responsible person/s in charge of the preschool at any given time
- c) name of the educational leader.

The person in day-to-day charge must ensure that all prescribed information in Regulation 173 is current and correct at all times.

4.4. Teacher in charge of preschool allowance

There are 2 teacher in charge of preschool allowance categories.

- Teacher in charge of a preschool with 2 or more teachers is a teacher performing duties as a senior teacher, which can include a semi-autonomous preschool where 2 or more teachers are stationed, provided that neither of the latter teachers is classified as a senior teacher.
- Teacher in charge of a preschool with one teacher is a teacher performing duties as a teacher in charge of a preschool where one teacher is stationed, provided that person is not classified as a senior teacher.

The [Application for Teaching Allowances](#)¹¹ must be completed and approved by the principal before allowances are payable. The allowances are subject to annual review and payment will cease unless a new application is submitted to payroll services.

These allowances acknowledge the work undertaken by preschool teachers in charge, particularly in relation to ensuring the preschool's day-to-day operations comply with the National Law and National Regulations.

5. Supporting documents and contacts

Department of Education forms

- [Consent Form – nominated supervisor](#)⁸
- [Consent Form – preschool delegations](#)⁸
- [ACECQA Compliance history statement for a person to be a person in day-to-day charge](#)¹²
- [Application for Teaching Allowances](#)¹¹

Australian Children's Education and Care Quality Authority Information Sheets

- [Nominated Supervisors](#)⁴
- [Role of the Educational Leader](#)¹⁰

NQA ITS Service Desk

- [Getting Started Online](#)¹³
- Service Desk details:
 - email: nqaits@acecqa.gov.au
 - phone: 1300 667 319.

QECNT

- email: qualityecnt.det@nt.gov.au
- telephone 8999 3561.

¹¹ http://ed.ntschoools.net/documentcentre/Pages/show_all.aspx?RootFolder=pfgdocs%2F3/Allowances&doctype=Form

¹² <https://www.acecqa.gov.au/resources/applications/sample-forms-and-templates>

¹³ https://www.acecqa.gov.au/sites/default/files/2018-06/NQA_ITS_final_DL.pdf

NQF notification requirements

- [NQF Notification Decision Tree¹⁴](#)

6. Related legislation, policy and procedures

6.1. Legislation

[Education and Care Services \(National Uniform Legislation\) Act 2011 \(NT\)¹⁵](#) is the legislation that adopts the National Law in the NT.

[The Schedule to the Education and Care Services National Law Act 2010 \(Vic\)¹⁶](#) sets out the National Law.

- Section 56 – Notice of addition of nominated supervisor
- Section 56A – Notice of change of a nominated supervisors name of contact details
- Section 161 – Offence to operate education and care service without nominated supervisor
- Section 161A – Offence for nominated supervisor not to meet prescribed information
- Section 162 – Offence to operate education and care service unless responsible person is present
- Section 162A - Persons in day-to-day charge and nominated supervisors to have child protection training
- Section 172 – Offence to fail to display prescribed information
- Section 173 – Offence to fail to notify certain information to Regulatory Authority

[Education and Care Services National Regulations²](#)

- Regulation 35 – Notice of addition of nominated supervisor
- Regulation 117A – Placing a person in day-to-day charge
- Regulation 117B – Minimum requirements for a person in day-to-day charge
- Regulation 117C – Minimum requirements for a nominated supervisor
- Regulation 118 – Educational leader
- Regulation 148 – Educational leader (staff record)
- Regulation 150 – Responsible person (staff record)
- Regulation 173 – Prescribed information to be displayed
- Regulation 168 – Education and care services must have policies and procedures

6.2. Department of Education policy, guidelines and procedures

Go to <https://education.nt.gov.au/policies> to access the following policies.

- [Preschool specific policy⁸](#)

6.3. National Quality Standard

[Quality Area 4 – Staffing arrangements¹⁷](#)

- Standard 4.1 – Staffing arrangements
- Standard 4.2 – Professionalism

¹⁴ https://education.nt.gov.au/committees,-regulators-and-advisory-groups/quality-education-and-care-nt/notify-regulatory-authority?SQ_VARIATION_723392=0

¹⁵ <https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/012>

¹⁶ <https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/012>

¹⁷ <https://www.acecqa.gov.au/nqf/national-quality-standard/quality-area-4-staffing-arrangements>

Quality Area 7 - Governance and Leadership¹⁸

- Standard 7.1 - Governance
- Standard 7.2 - Leadership

¹⁸ <https://www.acecqa.gov.au/nqf/national-quality-standard/quality-area-7-governance-and-leadership>

Appendix A - Examples of the role of the nominated supervisor and the person in day-to-day charge for specific National Quality Framework requirements

National Quality Framework requirement	Nominated Supervisor	Person in day-to-day charge
<p>Educational Programs (section 168)</p> <ul style="list-style-type: none"> programs are based and delivered in accordance with an Approved Learning Frameworks¹⁹ programs are based on the developmental needs, interests and experiences of each child programs are designed to take into account the individual differences of each child 	<ul style="list-style-type: none"> delegates the role of educational leader to an appropriately qualified teacher ensures that the educational leader and preschool staff are provided with necessary time and resources to effectively develop and implement the planning and assessment cycle ensures that the preschool program is delivered in accordance with the Early Years Learning Framework supports and ensures all staff have the opportunity to undertake professional learning in quality early childhood programming and practice 	<ul style="list-style-type: none"> ensures all preschool staff actively engage in the cycle of planning and collaborate to deliver a quality early childhood educational program that meets, and is responsive to, the individual needs of each child ensures educators share the program with families so they are informed of their children's learning and development ensures routines and the program are documented and include examples of how the program maximises opportunities for children's learning ensures the service's philosophy underpins the preschool's operations and commitment to high quality practice at all times
<p>Supervision and safety of children (sections 165-167)</p> <ul style="list-style-type: none"> children are adequately supervised children are not subject to inappropriate discipline children are protected from harm and hazards <p>Staffing (regulations 123-128)</p> <ul style="list-style-type: none"> ensuring the prescribed educator to child ratios are met and each educator at the service meets the qualification requirements relevant to the educators' role 	<ul style="list-style-type: none"> ensures appropriately trained and qualified staff are employed at the preschool ensures that staffing numbers are adequate to meet the ratio requirement of at least one educator to 11 children ensures that the preschool facilities and resources are age appropriate and well maintained ensures risk assessments are conducted and appropriate strategies put in place to mitigate any risks to the health and safety of children ensures all staff have a current working with children clearance notice and undertake the mandatory reporting training in accordance with the department's Mandatory reporting of harm and exploitation of children guidelines⁶ 	<ul style="list-style-type: none"> ensures that staffing to child ratios are maintained at all times children are in attendance ensures that staff actively and diligently monitor activities at all times and are able to immediately respond should a child become distressed or a hazardous situation arises undertakes risk assessments of the preschool facilities and programs and identifies and implements risk assessment strategies to ensure the safety, health and wellbeing of children ensures that practices are embedded in the preschool that ensure that children are not inappropriately disciplined ensures preschool staffing records are maintained that demonstrate ratios, qualifications, working with children clearances and other prescribed matters

¹⁹ <https://www.acecqa.gov.au/nqf/national-law-regulations/approved-learning-frameworks>

National Quality Framework requirement	Nominated Supervisor	Person in day-to-day charge
<p>Exit from the premises (regulation 99)</p> <ul style="list-style-type: none"> ensuring children do not leave the preschool premises except in accordance with the regulation 99 	<ul style="list-style-type: none"> supports the preschool to develop and implement practices in line with the department's Delivery, collection and transportation of children in preschool procedure⁸ where requested by a parent, determine if a person under the age of 18, such as a sibling, is suitable to be an authorised nominee for the purposes of collecting a child from the preschool ensuring processes are developed and implemented in consultation with families, to ensure that a child is not collected by a person who is not an authorised nominee for the child or a parent who is prohibited by a court order for having contact with the child 	<ul style="list-style-type: none"> ensuring staff, volunteers, families and children understand and follow the processes for children exiting the preschool premises ensuring each child's arrival and departure times are accurately recorded
<p>Excursions (regulations 100-102)</p> <ul style="list-style-type: none"> ensuring that a risk assessment is conducted before an excursion in accordance with regulations 100-101, and ensuring that the risk assessment is conducted before authorisation is sought from the parents to take a child on the excursion 	<ul style="list-style-type: none"> ensures preschool follows the department's Excursions guidelines and procedures and associated forms²⁰ to plan for and undertake excursions where approving an excursion, ensure that a risk assessment has been completed that adequately considers and addresses all of the matters outlined in regulation 101 ensure that the parent consent form contains all of the information required under regulation 102 	<ul style="list-style-type: none"> following the department's Excursions guidelines and procedures and associated forms²⁰ to plan for and undertake excursions undertaking a thorough risk assessment using the ACECQA Excursion risk assessment template⁷ and address all of the matters outlined in regulation 101 and any other identified risks ensuring children are not taken on an excursion unless the parent consent form (authorisation) has been provided ensuring children are adequately supervised at all times while on the excursion and protected from harm and hazard

²⁰ <https://elearn.ntschoools.net/user/login?destination=/>