



## P-4.15 Determining the Responsible Person Present

### POLICY STATEMENT

As per *Education and Care Services National Law and Regulations*, a responsible person must be physically in attendance at all times that the Service is educating and caring for children.

*Approved providers are responsible for appointing a responsible person who is aged 18 years or older, has adequate knowledge and understanding of the provision of education and care to children, and have the ability to effectively supervise and manage an education and care service (ACECQA, 2017).*

### NATIONAL QUALITY STANDARD (NQS)

#### QUALITY AREA 4: STAFFING ARRANGEMENTS

4.1	Staffing Arrangements	Staffing arrangements enhance children's learning and development
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development
4.1.2	Continuity of staff	Every effort is made for children to experience continuity of educators at the service
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

#### QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

7.1	Governance	Governance supports the operation of a quality service
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.

### EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS

S. 162	Offence to operate education and care service unless responsible person is present
S.162A	Persons in day-to-day charge and nominated supervisors to have child protection training
S. 169	Offence relating to staffing arrangements
S. 173	Offence to fail to notify certain circumstances to Regulatory Authority
117A	Placing a person in day-to-day charge
117B	Minimum requirements for a person in day-to-day charge
117C	Minimum requirements for a nominated supervisor
150	Responsible Person
168	Policies and Procedures
173	Prescribed information to be displayed
174	Time to notify certain circumstances to Regulatory Authority
177	Prescribed enrolment and other documents to be kept by approved provider

### RELATED POLICIES

Code of Conduct Policy	Relationships & Interactions with Children Policy
Health and Safety Policy	Staffing Arrangements Policy
Interactions with Children, Family and Staff Policy	Supervision Policy
Privacy and Confidentiality Policy	Work Health and Safety Policy

### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
Approved Provider	An individual or organisation that has completed an application form and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.
Nominated Supervisor	A person who has been nominated by the Approved Provider of the service under Part 3 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination.

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	The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.
Responsible Person	The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or educator who has been placed in day-to-day charge of the service in accordance with the National Regulations.
Person in day-to-day charge (PIDTDC)	A person, over the age of 18, who is physically at the service and has the role of nominated supervisor or duly appointed person. The responsible person has consented to be placed in day-to-day charge of the service but does not take on the responsibilities of the nominated supervisor rather, they ensure the consistency and continuity in practices.

### PURPOSE

Our Service is committed to meeting our duty of care obligations under the Education and Care Services National Law and National Regulations to ensure a responsible person is physically on the premises at all times to ensure the health, safety, wellbeing, learning, and development of all children at the service is maintained at all times.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## 1. IMPLEMENTATION

- 1.1. Our Service will ensure a responsible person will be on the premises at all times, and the details of the responsible person will be clearly visible to families and visitors at the main entry of the Service. A record of the responsible person will be documented each day via the *Time in Ratio Sheet*.
- 1.2. If the responsible person leaves the premises, they will 'hand over' obligations for the role to another duly appointed person at the Service. It is vital that all handovers to a designated responsible person are documented when commencing this position throughout the day via the responsible person record. The process for determining the responsible person will be clear to all educators and staff, and procedures will be followed at all times. Both the outgoing and incoming responsible persons will ensure the displayed name of the current responsible person at the Service correctly reflects who presently holds the position.
- 1.3. Our Service will have one responsible person present at all times when caring for and educating children. A responsible person can be:
  - 1.3.1. the approved provider or a person with management or control
  - 1.3.2. a nominated supervisor or
  - 1.3.3. a person in day-to-day charge of the service (PIDTDC)

## 2. THE APPROVED PROVIDER/MANAGEMENT WILL ENSURE A RESPONSIBLE PERSON:

- 2.1. is appointed and physically on the premise at all times children are being educated and cared for
- 2.2. is over the age of 18 years
- 2.3. meets the minimum requirements for qualifications, experiences and management capabilities
- 2.4. holds a valid and current Working with Children Check
- 2.5. has completed approved child protection training and is aware of the reportable conduct scheme
- 2.6. has knowledge and a commitment to the National Principles for Child Safe Organisations
- 2.7. has adequate knowledge and understanding of the provision of education and care to children, the Education and Care National Law and Regulations and National Quality Standard, the approved learning framework (MTO), Family Assistance Law and administration of Child Care Subsidy
- 2.8. has the ability to effectively supervise and manage an education and care service
- 2.9. is a fit and proper person (as per regulatory authority conditions)

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2.10. is removed from the position, if the approved provider deems the individual is no longer considered to meet the fit and proper requirements

### 3. THE APPROVED PROVIDER/NOMINATED SUPERVISOR/MANAGEMENT WILL ENSURE:

- 3.1. educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy
- 3.2. families are aware of this *Responsible Person Policy*
- 3.3. the regulatory authority is notified 7 days prior to a nominated supervisor starting at the Service or within 14 days after the person has commenced the role through NQA IT System
- 3.4. the regulatory authority is notified if the nominated supervisor changes their name or contact details; is no longer employed by the Service, has been removed from the role or withdraws their nomination
- 3.5. the regulatory authority is notified of the suspension or cancellation of a Working with Children Card or other disciplinary proceedings held against them under an education law of a participating jurisdiction action of a nominated supervisor
- 3.6. responsible person will be removed from the position should management become aware of a matter or incident which affects the ability of the person to meet the minimum requirements of the position
- 3.7. the staff register has the name of the responsible person at the Service for each time children are being educated and cared for by the Service
- 3.8. a responsible person is on duty from the time the Service opens each day until the time the Service closes
- 3.9. ensure that the identity of the responsible person on duty is displayed in the main entrance of the Service and is easily visible for families and visitors
- 3.10. the PIDTDC interchanges with the nominated supervisor in their absence
- 3.11. the individual's compliance history is taken into account prior to appointing the nominated supervisor or responsible person including compliance with:
  - 3.11.1. the National Law
  - 3.11.2. a former education and care services law
  - 3.11.3. a children's services law
  - 3.11.4. an education law
- 3.12. they consider any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person prior to appointing a nominated supervisor
- 3.13. documentation is recorded that demonstrates the individual's capacity to supervise and manage the service, this may include:
  - 3.13.1. resume detailing work history,
  - 3.13.2. reference from previous employer, or
  - 3.13.3. transcripts of courses or unit relating to staff management or administration of an education and care service
- 3.14. responsible persons are aware that they have to sign off when they have finished their duty and will ensure the nominated supervisor or appointed responsible person (PIDTIC) will sign on and take on the role
- 3.15. a staff record is kept recording
  - 3.15.1. the full name, address and date of birth of the responsible person/nominated supervisor
  - 3.15.2. evidence of relevant qualifications
  - 3.15.3. if applicable, evidence that the responsible person/nominated supervisor is actively working towards that qualification
  - 3.15.4. evidence of any approved training (including first aid training and child protection training)
  - 3.15.5. verification of a Working with Children Check – identifying number and expiry date
  - 3.15.6. written consent for the position of responsible person

### 4. A NOMINATED SUPERVISOR/APPOINTED RESPONSIBLE PERSON WILL:

- 4.1. provide written consent to accept the role of responsible person/nominated supervisor
- 4.2. sign their name and hours of responsibility on the *Responsible Person Register*
- 4.3. ensure that the identity of the responsible person on duty is displayed in the main entrance of the Service and is easily visible for families and visitors
- 4.4. inform management (approved provider/nominated supervisor) in a timely manner in the event of absence from the Service due to leave or illness so they can be replaced by another responsible person
- 4.5. ensure they have a sound understanding of the role of responsible person

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- 4.6. abide by any conditions placed on the responsible person
  - 4.7. understand that a responsible person placed in day-to-day charge (PIDTIC) of the Service does not have the same responsibilities under the National Law as the nominated supervisor
  - 4.8. in the case of nominated supervisor, notify the regulatory authority within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status as fit and proper (such as the suspension or cancellation of a Working with Children Check card or teacher registration), or if they are subject to disciplinary proceedings.
  - 4.9. notify management at the Service in writing, if they wish to withdraw their consent to be a responsible person
  - 4.10. responsible person appointments will be recorded on the staff roster, so all educators and staff are aware of who is appointed responsible person at all times the service is open
  - 4.11. the director/nominated supervisor will advise educators and staff the educators who have been appointed as a responsible person
- 5. CONTINUOUS IMPROVEMENT/REFLECTION**
- 5.1. Our *Responsible Policy* will be reviewed on a regular basis in consultation with children, families, staff, educators and management.

### SOURCES

Australian Children's Education & Care Authority. (2017). [Responsible Person Requirements for Approved Providers](#)  
 Australian Children's Education & Care Authority. (2018). [Nominated Supervisors](#).  
 Australian Children's Education & Care Quality Authority. (2024). [Guide to the National Quality Framework](#).  
 Education and Care Services National Law Act 2010. (Amended 2023).  
[Education and Care Services National Regulations](#). (Amended 2023).

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CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted policy number C-2 to P-7.12	Oct 2016
	2	Updated to revised NQS	Aug 2018
	3	<ul style="list-style-type: none"> <li>Added definitions for Approved Provider, Nominated Supervisor, Responsible Person</li> <li>Re-wording clause 4</li> <li>Added clause 7 and 8</li> </ul>	July 2019
	4	Minor re-wording clause 4	July 2022
	5	Adopted NEW DEBASCA policy format Policy Statement re-worded Added: National Quality Standard Added: Education and Care Services National Law and Regulations Added: Related Policies Removed: Associated Documents as it has been separated above categories Added: Definitions: Person in day-to-day charge Added: Purpose Added: Implementation Added: <i>The Approved Provider/Nominated Supervisor/Responsible Person Will</i> and subsequent clauses Removed old policy clauses as embedded within new clauses, or obsolete Added: <i>The Approved Provider/Management will ensure a Responsible Person</i> and subsequent clauses Added: <i>The Approved Provider/ Nominated Supervisor/ Management will ensure</i> and subsequent clauses Added: a <i>Nominated Supervisor/ Appointed <u>Responsible Person</u> will</i> and subsequent clauses Added: Continuous Improvement/Evaluation	Mar 2025

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