

## **Determining a Responsible Person Present Policy**

### **Policy Statement**

The Education and Care Services National Law determines that a responsible person must be physically present at a centre based service at all times that an Approved service operates.

### **Links Education and Care Centres National Regulations 2018, National Quality Standard 2018**

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#### **Regs**

- S. 162 Offence to operate education and care service unless responsible person is present
- S. 162 A 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

- NQS 4. Staffing Arrangements (4.1, 4.1.1, 4.1.2, 4.2, 4.2.1, 4.2.2)
7. Governance and Leadership

### **Implementation**

- A responsible person will be on the premises at all times, and the details of the responsible person at any time will be clearly displayed for educators, staff and families.
- The process for determining the responsible person will be clear to all educators and staff, and followed at all times.
- If the responsible person leaves the premises, they will 'hand over' obligations for the role to another duly appointed person at the OSHC 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 OSHC Service correctly reflects who presently holds the position.

### **Definitions**

**Approved Provider** = A person who holds a provider approval and has primary legal responsibility under the National Law and National Regulations to ensure good governance and management of the service.

**Nominated Supervisor** = A person, over the age of 18, with responsibility for the day-to-day management of an approved service. The nominated supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care services.

**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.

### **Determining the responsible person**

A responsible person can be:

1. The approved provider – if this is an individual. If it is an organisation or company then someone with management and control of the service.
2. The nominated supervisor – this is a person designated by the service as the Nominated Supervisor, or a person that has been placed in day-to-day charge of the service.
3. A person in day-to-day charge of the service (PIDTDC)

**Approved Provider / Nominated Supervisor / Management will ensure:**

- All educators, staff, students, visitors and volunteers are informed of, and follow, this Responsible Person Policy.
- Families are made aware of this policy upon enrolment.
- The Regulatory Authority is notified via the **NQA IT System**:
  - At least 7 days before a nominated supervisor begins, or within 14 days of them starting.
  - If the nominated supervisor changes name/contact details, ceases employment, is removed from the role, or withdraws their nomination.
  - If the nominated supervisor's **Working with Children Check (WWCC)** is suspended or cancelled, or if disciplinary action is taken against them under education law.
- A responsible person is removed from duty if they no longer meet the minimum legal or professional requirements of the role.
- The staff register clearly identifies who the responsible person is during all hours the Service is providing education and care.
- A responsible person is present on duty from the time the Service opens until it closes each day.
- The identity of the responsible person is displayed at the main entrance, clearly visible for families and visitors.
- A *person in day-to-day charge (PIDTDC)* is appointed when the nominated supervisor is absent.
- Compliance history is considered before appointing a nominated supervisor or responsible person, including:
  - The National Law
  - Previous education and care legislation
  - Children's services law
  - Education law.
- Consideration is given to any past refusals, suspensions, or cancellations of a person's licence, approval, or certification before appointing them.
- Documentation confirming the individual's suitability to manage and supervise the Service is kept on record. This may include:
  - Supervisor Certificate (with conditions, if any)
  - Resume and employment history
  - Employer references
  - Transcripts of relevant study or training.
- Responsible persons must sign off when finishing their duty, with the next appointed person signing on.
- A staff record is maintained, including:
  - Full name, address and date of birth of each responsible person/nominated supervisor
  - Evidence of qualifications or progress towards qualifications
  - Evidence of approved training (e.g., first aid, child protection)
  - WWCC details (number and expiry)
  - Written consent for the position.

**Nominated Supervisor / Appointed Responsible Person will:**

- Provide written consent to accept the role.
- Record their name and hours of responsibility on the Responsible Person Register.
- Ensure their identity is displayed at the Service entrance while on duty.
- Inform management promptly if absent due to leave or illness, so another responsible person can be appointed.
- Maintain a sound understanding of their responsibilities as a responsible person.
- Comply with any conditions attached to their role.
- Understand that a *person in day-to-day charge (PIDTDC)* does not carry the full legal responsibilities of a nominated supervisor under the National Law.
- In the case of a nominated supervisor, notify the Regulatory Authority within 7 days of:
  - Any change to personal details (e.g., address).

- Any circumstances affecting their "fit and proper" status (e.g., WWCC suspension, teacher registration issues, disciplinary action).
- Notify management in writing if they wish to withdraw their consent to act as a responsible person.
- Ensure responsible person appointments are recorded on the staff roster so all educators are aware of who is in charge during operating hours.
- Support communication by ensuring all educators know which staff member is currently the appointed responsible person.

#### Qualifications

- Must be 18 years or older
- Have adequate knowledge and understanding of the provision of education and care service.
- Must have completed child protection training
- Must have completed a recognised first aid training

The responsible person must ensure that someone replaces them as the designated responsible person before they leave the service. This is to be documented and the new responsible person's picture is to be displayed.

#### Continuous Improvement/Reflection

Our *Determining a Responsible Person Policy* will be reviewed on an annual 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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