RESPONSIBLE PERSON POLICY

As per *Education and Care Services National Law and Regulations*, a Responsible Person must be physically present at all times that the Service is educating and caring for children.

A responsible person may be the approved provider or a person with management or control, the nominated supervisor, or a person placed in day-to-day charge of the Service.

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 that is child safe
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe.
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. 2A	Paramount consideration—safety, rights and best interests of children
S. 3A	Paramount consideration [NSW]
S. 56	Notice of addition of nominated supervisor
S. 56A	Notice of change of a nominated supervisor's name or contact details
S. 161	Offence to operate education and care service without nominated supervisor
S. 161A	Offence for nominated supervisor not to meet prescribed minimum requirements
S. 162	Offence to operate education and care service unless responsible person is present
S. 162A	Child protection training
S. 162B	Child safety training
S. 172	Offence to fail to display prescribed information
S. 173	Offence to fail to notify certain circumstances to Regulatory Authority
S. 188A	Offence to give false or misleading information to approved provider about prohibition notice
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
146	Nominated supervisor
150	Responsible person
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
172	Notification of change to policies or procedures
173	Prescribed information to be displayed—education and care service other than a family day care service
177	Prescribed enrolment and other documents to be kept by approved provider

RELATED POLICIES

Code of Conduct Policy Health and Safety Policy Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Respect for Children Policy	Safe Use of Digital Technologies and Online Environments Policy Staffing Arrangements Policy Supervision Policy Work Health and Safety Policy

PURPOSE

Our Service is committed to meeting our duty of care obligations under the Education and Care Services National Law and National Regulations by ensuring a responsible person is always physically present on the premises where the Service is educating and caring for children. The Service will ensure processes are in place for determining and recording the responsible person present at the Service to support the health, safety, wellbeing, learning and development of all children.

SCOPE

This policy applies to children, families, staff, educators, management, approved provider, nominated supervisor, students, volunteers and visitors of the Service.

RESPONSIBLE PERSON CATEGORIES

TERM	DEFINITION
Approved provider or a person with management or control	The approved provider, if the approved provider is an individual. If the approved provider is not an individual, a person with management or control of an education and care service operated by the approved provider.
Nominated supervisor	A person nominated by the approved provider to be responsible for the day-to-day management of an approved service and who has given written consent to the nomination. The nominated supervisor has a range of responsibilities under the National Law and National Regulations that govern the operation of education and care services.
Person in day-to-day charge (PIDTDC)	A person who is placed in day-to-day charge of the Service by the approved provider or nominated supervisor and has given written consent to the placement.

IMPLEMENTATION

The safety, rights and best interests of children are paramount. Our Service will ensure arrangements for determining and handing over responsibility support the ongoing safety, wellbeing and continuity of care for children.

The Service will have clear processes for determining the responsible person present at the Service. A record of the responsible person will be documented each day in the *Responsible Person Register,* and their name will be clearly displayed and visible to families and visitors at the main entry of the Service.

Handover

Responsibility for the role may change several times throughout the day. A handover occurs whenever responsibility changes from one authorised responsible person to another and is only complete once it has been recorded and communicated to staff and educators. The outgoing responsible person will:

- pass on any relevant matters requiring attention or follow-up to the incoming responsible person
- verbally confirm to staff and educators that responsibility has been handed over and identify the incoming responsible person
- ensure the handover is recorded in the *Responsible Person Register*.

Both the outgoing and incoming responsible persons will ensure the name and position of the responsible person displayed at the main entry accurately reflects the person currently acting as the responsible person.

THE APPROVED PROVIDER/MANAGEMENT WILL ENSURE A RESPONSIBLE PERSON:

- is appointed, nominated or placed in day-to-day charge only after their qualifications, skills, experience, suitability, availability and capacity to effectively undertake the responsibilities of the role have been considered in accordance with the Service's *Recruitment Policy* and the requirements of the National Law and National Regulations
- meets the prescribed minimum requirements for the role, where the person is a nominated supervisor or person in day-to-day charge, including having adequate knowledge and understanding of the provision of education and care to children and the ability to effectively supervise and manage an education and care service; being at least 18 years of age; and having their compliance history and any relevant legislative and regulatory decisions considered before being appointed, nominated or placed in day-to-day charge
- holds a valid and current Working with Children Check (WWCC)/Vulnerable Person Check (WWVP)
- has completed required child protection and child safety training
- provides written consent where required for appointment as a nominated supervisor or placement as a person in day-to-day charge; not required if the approved provider is the responsible person
- is physically present on the premises at all times children are being educated and cared for
- is recorded in the *Responsible Person Register* for each period they are responsible for the Service

- has their name and position clearly displayed at the main entry of the Service for families and visitors
- is recorded on the staff roster and any changes communicated to all educators and staff
- is removed from the role where the approved provider determines that the person no longer meets the requirements of the role or is no longer able to effectively fulfil the responsibilities of the role.

THE RESPONSIBLE PERSON WILL:

- provide the approved provider with accurate and complete information relevant to their determination as a responsible person, including any prohibition notice that applies to them
- sign the *Responsible Person Register* at the commencement and end of each period of responsibility, and communicate that they are the responsible person to all educators and staff
- ensure the name and position of the current responsible person is displayed at the main entry and is easily visible to families and visitors
- understand and carry out the responsibilities of the role
- be available and accessible to children, families, educators and staff while acting as the responsible person, and have sufficient capacity, knowledge and authority to respond to matters arising during the day and support the effective operation and management of the Service
- notify the approved provider as soon as practicable if they will be absent from the Service so arrangements can be made for another responsible person
- ensure responsibility is appropriately handed over and recorded when another responsible person takes over the role, including communicating any relevant matters requiring attention or follow-up
- understand that a person in day-to-day charge does not assume the responsibilities of the nominated supervisor under the National Law.

Where the responsible person is the nominated supervisor or a person in day-to-day charge, they will:

- provide written consent to their nomination as nominated supervisor or placement as a person in day-to-day charge
- notify the approved provider of any changes that may affect their suitability or ability to meet the requirements of the role
- notify the approved provider if they wish to withdraw their consent to the nomination or placement.

THE APPROVED PROVIDER/MANAGEMENT WILL ENSURE:

- educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy and relevant procedures
- families are aware of this *Responsible Person Policy*

- there is at least one nominated supervisor for the Service at all times the Service is operating
- a nominated supervisor meets the prescribed minimum requirements before being nominated
- the regulatory authority is notified
    - of the addition of a nominated supervisor at least 7 days before they commence at the Service, or as soon as practicable and no later than 14 days after they commence where this is not possible
    - 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
    - of matters relating to a nominated supervisor's WWCC/WWVP, teacher registration or disciplinary proceedings where notification is required.
- the person's fitness and propriety, compliance history and any relevant legislative and regulatory decisions are considered before they are nominated as a nominated supervisor or placed in day-to-day charge
- the ongoing suitability, fitness and propriety of the responsible person is monitored and reassessed where a matter, incident or change in circumstances may affect their suitability, capacity or ability to meet the requirements of the role
- evidence demonstrating the person's capacity to effectively supervise and manage the Service is obtained and retained, where applicable
- arrangements for the responsible person are practical and enable the person to effectively fulfil the responsibilities of the role, including being reasonably available and accessible to educators, staff and families and having appropriate authority to respond to matters arising during the day
- handovers between responsible persons are documented in the *Responsible Person Register* and clearly communicated with all educators and staff
- a staff record is kept recording the following information about each nominated supervisor:
    - the full name, address and date of birth
    - evidence of relevant qualifications or evidence that the nominated supervisor is actively working towards the qualification, where applicable
    - evidence of any approved training, including first aid training
    - evidence of required child protection and child safety training, including the date completed and expiry date, where applicable
    - the identifying number and expiry date of the current WWCC/WWVP, and verification, where applicable
    - where the nominated supervisor is a registered teacher, the identifying number and expiry date of their teacher registration, where applicable

- the staff record includes the name of the responsible persons at the Service for each time children are being educated and cared for by the Service
- all documentation and records relating to each responsible person and nominated supervisor are kept safe and secure for the prescribed period.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Responsible Person Policy* will be reviewed on an annual basis or earlier if there are changes to legislation or ACECQA guidance, or any incident related to our policy. Feedback will be requested from children, families, staff, educators and management. All families will be notified 14 days before any policy change that may have a significant impact on the provision of education and care to any child enrolled at the Service or the family's ability to utilise the Service, or earlier in line with the *Governance Policy*.

RELATED RESOURCES

Prescribed Information Form Responsible Person Procedure Responsible Person Offer and Acceptance	Responsible Person Register Routine Checklist - Responsible Person

SOURCES

Australian Children's Education & Care Quality Authority. (2026). *Guide to the National Quality Framework*
Education and Care Services National Law Act 2010
Education and Care Services National Regulations 2011

REVIEW

POLICY REVIEWED	OCTOBER 2026	NEXT REVIEW DATE	OCTOBER 2027
VERSION NUMBER	V12.10.26		
MODIFICATIONS	• major policy review • clarified the roles, responsibilities and requirements of responsible persons, including nominated supervisors, persons in day-to-day charge and other responsible persons • added a new responsible person section covering the requirements and responsibilities applicable across the three categories; and added a paramount consideration statement • added evidence of suitability and commitment to child safety • condensed and streamlined sections of the policy • updated sources and references as required		

PREVIOUS MODIFICATIONS	
SEPTEMBER 2025	• policy reviewed out of regular calendar review due to legislation changes for child safety- National Model Code • added reference to new mandatory policy- *Safe Use of Digital Technologies and Online Environments Policy* • minor edits within policy • sources checked for currency and updated as required
OCTOBER 2024	• annual policy review • minor edits- use of lower case for approved provider/nominated supervisor/responsible person • sources updated as required