

Document Name	Document Version Number	Review Date
Determining Responsible Person Policy	1.0.0	March 2021
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### Purpose

An Approved Provider operates the service with an appointed Nominated Supervisor. The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, a Responsible Person is to be placed in Day to Day Charge. Our Education and Care Service will ensure a Responsible Person or Nominated Supervisor is physically present at the service at all times children are being educated and cared for. Details of the Responsible Person or Nominated Supervisor on duty will be communicated and displayed for all users of the service.

Legislation requires that a Nominated Supervisor or Responsible Person is physically in attendance at all times the service is educating and caring for children. The person placed in day to day charge of the service is either the Approved Provider (or the person in management or control of the service), the Nominated Supervisor of the service, or a Responsible Person.

### Scope

Approved Provider, Nominated supervisor, educators, casual staff and families

### RELATED GUIDELINES, STANDARDS, FRAMEWORKS

National Quality Standard, Quality Area 4: Staffing Arrangements – Standard 4.1

National Quality Standard, Quality Area 7: Governance and Leadership – Standard 7.1

### Definitions

**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 6 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination. 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 person who has been placed in day-to-day charge of the service in accordance with the National Regulations.

### Policy Content

- Ensuring there is a person placed in day to day charge (refer to Background and Definitions) on the premises at all times the service is delivering education and care programs for children.
- Ensuring that the name and position of the Nominated Supervisor or Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service (National Law: Section 172).
- Ensuring that the name of the Nominated Supervisor or Responsible Person is displayed prominently at the service.
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (Section 56, Regulation 35).
- Ensuring that, in the absence from the service premises of a Nominated Supervisor, a Responsible Person is placed in day-to-day charge of the service.
- Ensuring that the Nominated Supervisor and educators have a sound understanding of a person placed in day to day charge of the service.
- Maintain records with information relating to each Nominated Supervisor (r146).

- Maintain records relating the Responsible Person (r150) including the name of the Responsible Person for each time that children are being educated and cared for by the service.
- Providing written consent to accept the role of Nominated Supervisor.
- Ensuring that, in their absence from the service premises, a Responsible Person is placed in day-to-day charge of the service.
- Ensuring they have a sound understanding of the role of being placed in day to day charge of the service.
- Ensuring that the name and position of the person being placed in day to day charge of the service is displayed and easily visible from the main entrance of the service.
- Developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.
- Notifying the Approved Provider and 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.

### Links to Policy

Code of Conduct for Staff Member Policy  
Governance and Management Policy

### Links to Procedure

Determining Responsible Person Procedure

### Links to Forms

Responsible Person Form

### References

- Australian Children's Education and Care Quality Authority (ACECQA) – [www.acecqa.gov.au](http://www.acecqa.gov.au) Information Sheets < ACECQA Guide to the National Law and National Regulations
- ACECQA Compliance History Statement [www.acecqa.gov.au/resources/applications/sample-forms-and-templates](http://www.acecqa.gov.au/resources/applications/sample-forms-and-templates)
- Education and Care Services National Regulations 2011

### Responsibility

Nominated Supervisor

### Document Author

Nominated Supervisor

### Relevant Legislation

< Education and Care Services National Law Act 2010: Section 167  
< Education and Care Services National Regulations: Regulations 78-80  
< Work Health and Safety Act 2011

### Associated Records

Nil