Determining the Responsible Person

QUALITY AREA 4: STAFFING ARRANGEMENTS

This policy is guided by the paramount consideration that children's safety, rights and best interests are upheld above all other considerations in all decisions, actions and practices.

Policy Statement

The National Law requires that a responsible person must be present at all times a centre-based service is educating and caring for children.

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 on duty will be communicated and displayed for all users of the service.

In a family day care service, the responsible person must be available to provide support to family day care educators. This includes being available to be contacted by telephone to provide advice and assistance to a family day care educator.

Goals / What are we going to do?

Legislation requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children.

- Management will ensure:
- A Responsible Person is appointed.
- The details of the Responsible person will be on display for and readily available to families and visitors.
- The Responsible Person can be (as per section 162):
  - The Approved Provider,
  - The Nominated Supervisor, or
  - A Person in Day-to-Day Charge (PIDTDC).
- The Responsible Person is over the age of 18 years.

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- The Responsible Person meets the minimum requirements for qualification, experience, and management capabilities.
- The Responsible Person has a clear understanding of the role.
- The Responsible Person is a fit and proper person.
- Written consent of the Nominated Supervisor role has been accepted.
- The staff record has the name of the Responsible Person at the service for each time that children are being educated and cared for by the Service
- The Nominated Supervisor/ Responsible Person signs their name and hours of responsibility on the Responsible Service Record.
- A Nominated Supervisor/ appointed Responsible Person will:
  - Sign their name and hours of responsibility on the Responsible Service Register.
  - Provide written consent to accept the role of Responsible Person.
  - Ensure that the identity of the Responsible Person on duty is displayed and available to families and visitors.

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 Law 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 at least one Nominated Supervisor.

Person in Day-to-Day Charge (PIDTDC)

A PIDTDC is a responsible person under section 162 of the Law and is the point of contact for parents and staff. A service does not need to have a PIDTDC if a nominated supervisor or approved provider is the responsible person at the service.

Strategies / How will it be done?

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Criteria to determine a Nominated Supervisor

Individuals at the service who are considered appropriate for the role of Nominated Supervisor must meet the following requirements:

- Their practical knowledge of the day-to-day responsibilities of being an educator at the service, including how to work through unexpected problems
- Must be over 18 years of age
- Must have completed the child protection training required - CHCPRT025 Identify and report children and young people and risk (or other accepted qualifications) and the initial Foundations of Child Safety Training and ongoing training every 2 years.
- A demonstrated understanding of:
    - *Education and Care Services National Law Act 2010*, and the *Education and Care Service Services National Regulations 2011*
    - Equal Opportunity Employment Conditions
    - Health and Safety, including Child Protection responsibilities
    - Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures; and
    - The education and care service's policies and procedures.
- Consideration will be also given regarding whether the individual has been subject to compliance action or disciplinary proceedings under a children's services law, education law, or a previous education and care services law, in any state or territory. Candidates will be asked to submit a Compliance History Statement.

Placing a Person in Day-to-Day Charge

The Approved Provider is responsible for ensuring the safety and wellbeing of children at the service and will consider a person's qualifications, experience and age when deciding whether they are suitable to be placed in day-to-day charge.

A person may be placed in day-to-day charge of the service when:

- the Approved Provider, educator or Nominated Supervisor identifies that they meet the criteria required under r117B and 117C; and
- they give their written consent to be placed in day-to-day charge of the service.

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Roles and Responsibilities

Role	Authority/Responsibility For
Approved Provider	• Ensuring there is a Responsible Person (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 each Nominated Supervisor at the service is displayed and easily visible from the main entrance of the service (National Law: Section 172). • Ensuring that the name of the 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). • Requesting that the nominated person complete and sign a Compliance History Statement template and keep it on file. • Ensuring that, in the absence from the service premises of a Nominated Supervisor, a person is placed in day-to-day charge of the service as the Responsible Person. • 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 to 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.
Nominated Supervisor	• 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 in Day-to-Day Charge of the service is displayed and easily visible from the main entrance of the service.

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Role	Authority/Responsibility For
	• 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. • In NSW, notifying the Approved Provider and the Regulatory Authority within 24 hours and no more than 72 hours of any changes to the 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.
Person in Day-to-Day Charge (PIDTDC)	• Providing written consent to accept the role of Responsible Person. • Checking that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service. • Ensuring they have a sound understanding of the role of the Responsible Person. • Understand that a person in day-to-day charge of an approved service does not have the same responsibilities under the national law as the nominated supervisor.
Families	• Reading and understanding this policy. • Being aware of the Responsible Person at the service on a daily basis.

Monitoring, Evaluation and Review

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every 18 months.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the *Education and Care Services National Regulations*, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

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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

Related Legislation

- Education and Care Services National Law Act 2010: Part 6, 56, 161, 161A, 162, 162A, 172, 291(5)
- NSW National Law Amendment Act 2025 S174AA, S174AB
- Education and Care Services National Regulations: Regulations 35, 117 (A) (B) (C), 146, 150, 168(2)(i)(ii), 173, 176(2)(c)

Sources

- Australian Children's Education and Care Quality Authority (ACECQA) – www.acecqa.gov.au
- ACECQA Guide to the National Quality Framework - www.acecqa.gov.au/nqf/about/guide
- ACECQA Compliance History Statement www.acecqa.gov.au/resources/applications/sample-forms-and-templates
- Education and Care Services National Regulations 2011
- Quality Area 4 Staffing Arrangements

https://www.acecqa.gov.au/national-quality-framework/guide-nqf/section-4-operational-requirements/quality-area-4-staffing-arrangements#4.1

Date reviewed	Changes Made	Next review
June 2026	Reviewed against national law and regulatory changes 2025	June 2027
January 2026	Reviewed to reflect the NSW National Law Amendment Act 2025	January 2027
October 2024	Annual policy review Minor edits, sources updated as required	October 2025
October 2022	Minor edits to policy Deleted required for Australian National Police Check for Responsible Person (only for Nominated Supervisor	October 2023