



DETERMINING RESPONSIBLE PERSON POLICY

As per *Education and Care Services National Law and Regulations*, it is an offence to operate an approved Centre-based education and care service unless a responsible person is 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).

An approved provider must not operate a service unless there is at least one nominated supervisor appointed for that service. The nominated supervisor does not have to be in attendance at the service at all times, but in their absence, a responsible person, such as a person in day-to-day charge must be present at all times.

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. 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. 169	Offence relating to staffing arrangements
S. 173	Offence to fail to notify certain circumstances to Regulatory Authority
82	Environment to be free from tobacco, vaping devices, vaping substances, drugs and alcohol
83	Staff members and family day care educators not to be affected by alcohol or drugs
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	Education and care services must have 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

FURTHER LEGISLATION

- Worker Screening Act 2020
- worker Screening Regulations 2021 (Vic)

RELATED POLICIES

Code of Conduct Policy	Safe Use of Digital Technologies and Online
Interactions with Children Policy	Environments Policy
Occupational Health and Safety Policy	Staffing Arrangements Policy
Privacy and Confidentiality Policy	Supervision of Children Policy

PURPOSE

Kensington Community Children's Cooperative (KCCC) 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.

KCCC adopts and aligns with the [National Model Code](#) and guidelines for taking images or videos of children.

VALUES

Kensington Community Children's Co-operative is committed to:



- meeting its duty of care obligations under the law
- ensuring staffing arrangements contribute to the safety, health, wellbeing, learning and development of all children at the service
- meeting legislative requirements for a responsible person to be on the service premises at all times.

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of Kensington Community Children's Co-operative.

DEFINITIONS

Person in day-to-day charge: A person is in day-to-day charge of an education and care service if:

- the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the service; and
- the person consents to the placement in writing (*National Regulations*). There are minimum requirements for the person in day-to-day charge.

Person with management or control: a person who has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of an education and care service. This includes people in an executive or management role of an approved provider entity who have such authority, responsibility or influence, such as:

- an officer of a body corporate
- each member of the management committee of an association
- each partner of a partnership
- a person in a management position of the business, with the authority or responsibility for, or significant influence over, decisions affecting the delivery of children's education and care (such as a state/territory or area manager).

A nominated supervisor, person in day-to-day charge of a service, or a person who holds other operational management roles in a service (such as a centre manager) would not meet the PMC definition simply by holding these roles in the service. People holding these roles will only meet the PMC definition if they also participate in executive or financial decision-making or have authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service.

Responsible person: The responsible person is an individual who is physically present and is responsible for the operation of a centre-based service for an agreed period of time. A responsible person must be present at all times that the approved service operates and can be:

- the approved provider or a person with management or control of the service;
- a nominated supervisor of the service; or
- a person placed in day-to-day charge of the service in accordance with the *National Regulations* and *National Law*

Nominated supervisor: In relation to an education and care service, means a person who:

- is nominated by the approved provider of the service under Part 3 to be a nominated supervisor of that service; and
- unless the individual is the approved provider, has provided written consent to that nomination (*National Law*)

Working with Children (WWC) Check: The check is a legal requirement under the *Worker Screening Act 2020* for those undertaking paid or voluntary child-related work in Victoria. The Department of Justice



assesses a person's suitability to work with children by examining relevant serious sexual, physical and drug offences in a person's national criminal history and, where appropriate, their professional history.

Working with Children (WWC) Clearance: A WWC Clearance is granted to a person under Worker Screening legislation if:

- they have been assessed as suitable to work with children
- there has been no information that, if the person worked with children, they would pose a risk to those children
- they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

IMPLEMENTATION

KCCC 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 Responsible Person Register.

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. KCCC will always have one responsible person present when caring for and educating children.

A responsible person can be:

- the approved provider or a person with management or control
- a nominated supervisor *or*
- a person in day-to-day charge of the service

THE APPROVED PROVIDER, PERSON'S WITH MANAGEMENT OR CONTROL, NOMINATED SUPERVISOR AND PERSONS IN DAY-TO-DAY CHARGE ARE RESPONSIBLE FOR:

- Ensuring the approved provider notifies the regulatory authority of any appointment or removal of a PMC within 14 days of the event (or within 14 days of becoming aware of it)
- Submitting the PA08 Notification of change to information about approved provider form through the NQA IT System
- Ensuring each identified PMC completes a PA02 – declaration of fitness and propriety form
- Ensuring the PMC's remain a fit and proper person to be involved with children's education and care. If an existing PMC is no longer fit and proper for any reason, the regulatory authority must be notified within seven days
- At all times, approved providers must ensure their PMC information is kept current and accurate
- Ensuring the approved provider assesses if a person meets the minimum requirements before they nominate the person to be a nominated supervisor or places a person in day-to-day charge (*refer to Attachment 2*)
- Ensuring there is a responsible person on the premises at all times the service is delivering education and care programs for children (*National Law: Section 162*)
- Nominating sufficient nominated supervisors to meet legislative requirements for a responsible person at the service at all times, including during periods of leave or illness (*National Law: Section 161A*)
- Ensuring that a person nominated as a nominated supervisor or a person in day-to-day charge:
 - is at least 18 years of age
 - has adequate knowledge and understanding of the provision of education and care to children



- has the ability to effectively supervise and manage an education and care service
 - has not been subject to any decision under the *National Law*, or any other children's services or education law, to refuse, refuse to renew, suspect, or cancel a licence, approval, registration, certification or other authorisation granted to the person
- has a history of compliance with the *National Law* and other relevant laws (*Regulations 117C and 117B*)
- Ensuring that the service does not operate without a nominated supervisor(s), and that the nominated supervisor(s) has given written consent to be in the role (*National Law: Section 161*) (*Regulation 117A (b)*)
- Ensuring that an early childhood teacher/educator gives written consent to being a person in day-to-day charge (*Regulation 117A (b)*)
- Ensuring that the name of the nominated supervisor is displayed prominently at the service (*National Law: Section 172*) (*Regulation 173*)
- Ensuring that information about the nominated supervisor, including name, address, date of birth, evidence of qualifications, approved training, a Working with Children Clearance or teaching registration, and other documentary evidence of fitness to be a nominated supervisor is kept on the staff record (*Regulation 146*)
- Notifying the Regulatory Authority if:
 - there is a change to the name or contact details of the nominated supervisor (*National Law: Section 56, Regulation 35*)
 - the nominated supervisor is no longer employed or engaged by the service
 - has been removed from the role
 - the nominated supervisor withdraws their consent to the nomination
 - if a nominated supervisor or person in day-to-day charge has their Working with Children Clearance or teacher registration suspended or cancelled, or if they are subject to any disciplinary proceedings under the law
 - there is any other matter or incident which affects the ability of the nominated supervisor to meet minimum requirements and re-assessing the nominated supervisor's suitability for the role
- 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 Clearance or teacher registration, or if they are subject to disciplinary proceedings.
- Ensuring that, when the nominated supervisor is absent from the premises, an alternative responsible person is on site (*National Law: Section 162*)
- Ensuring that the nominated supervisor and person in day-to-day charge have a sound understanding of the role of responsible person (*refer to Attachment 1*)
- Ensuring that the staff record includes the name of the responsible person at the centre-based service for each time that children are being educated and cared for by the service (*Regulation 150*)
- Ensuring that the nominated supervisors and person in day-to-day charge have successfully completed their mandatory child protection training and this is updated annually (*National Law: Section 162A*)
- Ensuring that information used to assess a person's suitability to be a nominated supervisor and in day-to-day charge is kept as evidence on file. This may include records of reference checks, declarations, copies of qualifications or course completion certificates
- Developing rosters in accordance with the availability of responsible persons, hours of operations and the attendance patterns of children.
- Supporting the approved provider to develop rosters in accordance with the availability of responsible persons, hours of operations and the attendance patterns of children



CONTINUOUS IMPROVEMENT/REFLECTION

Our *Determining Responsible Person Policy* will be reviewed on an annual basis or earlier if there are changes to legislation or ACECQA guidance. Feedback will be requested from children, families, staff, educators and management and notification of any change to policies will be made to families within 14 days.

SOURCES

- Australian Children's Education and Care Quality Authority (ACECQA), Information Sheets: www.acecqa.gov.au
- Compliance history statement for a person to be a person in day-to-day charge (PIDTDC) or a nominated supervisor form: www.acecqa.gov.au/resources
- Department of Education: [AP02 Declaration of Fitness And Propriety](#)
- Department of Education: [PA08 Notification of change to information about approved provider](#)
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011: www.acecqa.gov.au
- Guide to the National Quality Framework: www.acecqa.gov.au

ATTACHMENTS

- Attachment 1: Responsibilities of a nominated supervisor
- Attachment 2: Guidance for approved providers in nominating a nominated supervisor and nominated supervisors for placing a person in day-to-day charge

REVIEW

POLICY REVIEWED BY	Colleen Koch	General Manager	08.09.2025
POLICY REVIEWED	SEPTEMBER 2025	NEXT REVIEW DATE	SEPTEMBER 2028
ENDORSED BY	KCCC Board	ENDORSEMENT DATE	24/09/2025
VERSION NUMBER	V4.09.25		
MODIFICATIONS	• Policy has been reviewed following changes to National Regulations effective from 1 September		



ATTACHMENT 1: RESPONSIBILITIES OF A PERSON IN DAY-TO-DAY CHARGE

The below information has been adapted from the Australian Children's Education and Care Quality Authority, National Quality Framework, [Nominated Supervisors Information Sheet](#)

As the person responsible for the day-to-day management of an approved service, nominated supervisors have a range of responsibilities under the *National Law and National Regulations* including:

Note: *If the nominated supervisor is not present, the allocated responsible person should be aware and enact these responsibilities*

Educational programs

- ensuring educational programs are:
 - based on and delivered in accordance with an approved learning framework
 - based on the developmental needs, interests and experiences of each child
 - designed to take into account the individual differences of each child (*National Law: Section 168*)

Supervision and safety of children

- ensuring children are adequately supervised, are not subject to inappropriate discipline, and are protected from harms and hazards (*National Law: Sections 165-167*)

Entry to and exit from the premises

- ensuring children do not leave the education and care service premises except in accordance with the *National Regulations* (for example, with a parent, on an authorised excursion, or for emergency medical treatment)
- ensuring that a parent of a child being educated and cared for by the service may enter the service premises at any
- time when the child is being educated and cared for by the service—except when:
 - permitting entry would pose a risk to the safety of the children and staff or conflict with the duty of the supervisor under the *National Regulations*, or
 - the supervisor is aware the parent is prohibited by a court order from having contact with the child (*Regulation 99*)
- ensuring an unauthorised person (as defined in the *National Law*) is not at the service while children are present unless the person is under direct supervision (*National Law: Section 170*)

Food and beverages

- ensuring adequate health and hygiene practices and safe practices for handling, preparing and storing food are implemented at the service to minimise risks to children (*Regulation 77*)
- ensuring children being cared for by the service have access to safe drinking water at all times and are offered food and beverages on a regular basis throughout the day (*Regulation 78*)
- ensuring that, where food and beverages are supplied by the service, they are:
 - nutritious and adequate in quantity
 - chosen with regard to the dietary requirements of individual children (*Regulation 79*)
- ensuring that, where food and beverages are provided by the service, a weekly menu that accurately describes the food and beverages to be provided is displayed at the premises in a location accessible to parents (*Regulation 80*)

Administration of medication

- ensuring that medication is not administered to a child being cared for by the service unless the administration is authorised (except in the case of anaphylaxis or asthma emergency) and is administered in accordance with the *National Regulations* (*Regulations 93-96*)



- where medication is administered to a child without authorisation in a case of an anaphylaxis or asthma emergency, ensuring that a parent of the child and emergency services are notified as soon as practicable (*Regulation 94*)

Prescription and non-prescription drugs and alcohol

- that while educating and caring for children at the service, all staff must not consume alcohol or be affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or provide education and care to children (*Regulation 83*)

Sleep and rest

- taking reasonable steps to ensure that the needs for sleep and rest of children are met, having regard to the ages, development stages and individual needs of children (*Regulation 81*)

Excursions

- ensuring that a risk assessment is conducted before an excursion in accordance with the National Regulations (*Regulations 100-101*), and specifically that the risk assessment is conducted before authorisation is sought to take a child on the excursion (*Regulation 102*)

Transportation of children other than part of an excursion (if applicable)

- ensuring that a risk assessment is carried out in accordance with *Regulation 102C* before an authorisation referred to in *Regulation 102D(4)* is sought to transport a child (*Regulation 102B*)

Staffing

- ensuring the prescribed educator to child ratios are met and each educator at the service meets the qualification requirements relevant to the educator's role (*Regulations 123 - 128*)



ATTACHMENT 2: GUIDANCE FOR APPROVED PROVIDERS IN NOMINATING A NOMINATED SUPERVISOR AND NOMINATED SUPERVISORS FOR PLACING A PERSON IN DAY-TO-DAY CHARGE

An approved provider must evaluate whether a person meets the minimum requirements before nominating them as a nominated supervisor and/or person in day-to-day charge. The approved provider should also consider if the individual possesses sufficient knowledge and understanding of education and care provisions, and the ability to effectively supervise and manage a service.

Adequate knowledge and understanding

The approved provider should consider the person's qualifications, skills and work experience in determining if the person has adequate knowledge and understanding of the provision of education and care of children this can include but not limited to:

- a supervisor certificate previously issued to the person under the *National Law*, including any conditions which were imposed on the supervisor certificate
- a resumé detailing the person's position, duties, duration of employment and their employer's details
- a written reference from an employer that addresses the person's knowledge and understanding of the provision of education and care to children
- transcripts demonstrating completion of an education and care qualification. For example, evidence of completing an approved diploma level education and care qualification may indicate that the person has adequate knowledge and understanding of the provision of education and care to children.

Approved providers may also consider any other type of evidence that satisfies them of the person's adequate knowledge and understanding of the provision of education and care to children.

Ability to effectively supervise and manage an education and care service

Under the *National Regulations* a nominated supervisor must have the ability to effectively supervise and manage a service. A person may meet the requirement even if they do not have experience managing a service. For example, the approved provider may determine the person has the required ability if they have management experience at other service types, or in related sectors.

The approved provider should consider how a person's skills and experience contribute to their ability to manage a service in accordance with the *National Law and Regulations*.

This may include consideration of a person's:

- knowledge of, and ability to apply, practices that help ensure the education and care needs of children are met
- knowledge of, and ability to apply, practices that help ensure a service complies with the *National Law and Regulations*
- skills in managing relationships with staff and families at the service.

Approved providers may consider the following types of evidence for this requirement, as well as any other type of evidence of a person's management ability:

- a supervisor certificate previously issued to the person under the *National Law* and any conditions which were imposed on the certificate
- a resumé detailing their position, duties, duration of employment and their employer's details
- a written reference from an employer that addresses the person's management ability
- transcripts or a certificate of attainment, demonstrating completion of units of study or professional development that are relevant to supervising or managing an education and care service. For example, courses or units that relate to staff management or managing an education and care service in accordance with the *National Law and Regulations*.