

ECEC Policy 18

Responsible Persons Policy

Controlled Document

Approval
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Document Owner:	Manager – Early Childhood Education & Care		Approved by:	Executive Manager – Children & Youth Services	
Reviewed by and consulted with:	Project Officer – Early Childhood Education & Care			Floating Coordinator – Early Childhood Education & Care	

Statement

As per the Education and Care Services National Law and Regulations, a Responsible Person must be physically in attendance at the Service at all times during operational hours when children are being educated and cared for.

The Responsible Person may be the Approved Provider, the Nominated Supervisor, or a Person in Day-to-Day Charge (PIDTDC). A Person in Day-to-Day Charge is appointed to fulfil the role of Responsible Person during service operational hours in the absence of the Nominated Supervisor.

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).

Purpose

Our Service 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.

Our Service adopts and aligns with the National Model Code and guidelines for taking images or videos of children. (See *Safe Use of Digital Technologies and Online Environments Policy*).

Scope

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

Paramount Consideration

In accordance with Section 2A and Section 3A of the Education and Care Services National Law, the safety, health, wellbeing, rights and best interests of children are the paramount consideration in all decision-making at the Service.

The Approved Provider, Nominated Supervisor, and Responsible Persons will ensure that:

- all actions, decisions and practices prioritise the safety and wellbeing of children above all other considerations
- children are protected from harm, hazard, abuse and neglect at all times
- the dignity, rights and agency of every child are respected and upheld
- safe, ethical and professional practices are maintained in line with the National Quality Standard and Child Safe Standards
- any concerns relating to child safety or wellbeing are responded to immediately in accordance with legislative requirements and organisational policies

All Responsible Persons are expected to demonstrate sound judgement and leadership to ensure that the best interests of children guide operational decisions, staffing arrangements, and supervision at all times.

Definitions

Responsible Person (RP)	A Responsible Person is the individual who is physically present at the Service and responsible for the operation of the Service at any given time, in accordance with the Education and Care Services National Law and Regulations. A Responsible Person must be present at all times children are being educated and cared for (Section 162). The Responsible Person may be: - the Approved Provider or a person with management or control - the Nominated Supervisor - a Person in Day-to-Day Charge The Nominated Supervisor is the Responsible Person when present at the Service. In their absence, a Person in Day-to-Day Charge is appointed to undertake the role of Responsible Person. At all times, only one person is designated as the Responsible Person on duty.
Approved Provider	A person or entity that holds a provider approval under the National Law and has primary legal responsibility for ensuring the service complies with the National Law and National Regulations, including effective governance and management.

Nominated Supervisor	A person who has been nominated by the approved provider and has consented in writing to be responsible for the day-to-day management of an approved service, with responsibilities defined under the National Law and National Regulations.
Person in day-to-day charge (PIDTDC)	A Person in Day-to-Day Charge is a person who has been appointed by the Approved Provider or Nominated Supervisor and has provided written consent to be placed in day-to-day charge of the Service (Regulation 117A). A Person in Day-to-Day Charge must meet the minimum requirements under Regulation 117B, including being 18 years of age or older, and having the knowledge, understanding, and ability to effectively supervise and manage the Service. A Person in Day-to-Day Charge undertakes the role of Responsible Person in the absence of the Nominated Supervisor and is responsible for the operational oversight of the Service during that time. A Person in Day-to-Day Charge does not hold the same level of legal responsibility as the Nominated Supervisor.

Implementation

The Approved Provider 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.

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. 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.

All Responsible Persons must demonstrate decision-making that reflects the paramount consideration principles outlined in this policy. Our Service will have one Responsible Person present at all times 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 (PIDTDC)

Child Safety and Child Protection Training Requirements

The Approved Provider will ensure all Responsible Persons, including the Nominated Supervisor and any Person in Day-to-Day Charge (PIDTDC), comply with current child safety and child protection training requirements in accordance with the Education and Care Services National Law and NSW regulatory requirements.

Mandatory Child Safety Training

All Responsible Persons must complete mandatory national child safety training as part of national child safety reforms.

This includes:

- the Approved Provider and persons with management or control
- Nominated Supervisors
- Persons in Day-to-Day Charge (PIDTDC)
- educators, staff, volunteers, and students

All staff must complete the training every 2 years.

Child Protection Training

In accordance with Section 162A of the National Law, all Nominated Supervisors and Persons in Day-to-Day Charge must complete approved child protection training. Evidence of completion must be maintained on the staff record.

Responsible Persons must understand current child protection law, be able to apply this knowledge in practice and meet their obligations as mandatory reporters.

Ongoing Child Protection Awareness

The Approved Provider will ensure all Responsible Persons maintain up-to-date knowledge of child protection responsibilities in accordance with Regulation 84.

This includes:

- ensuring knowledge of current child protection legislation and reporting requirements
- participating in ongoing professional learning and refresher training
- demonstrating an understanding of how to identify children at risk of harm including how and when to make a report and their responsibilities under child protection law

Compliance and Monitoring

The Approved Provider will:

- ensure all Responsible Persons have evidence of completed training on file
- assess and monitor staff understanding of child protection responsibilities at induction and performance development and review
- ensure all staff, volunteers and students working with children are aware of child protection law and understand their responsibilities

- embed child safety practices into policies, procedures, and daily operations

The approved provider/management will ensure a Responsible Person:

- is appointed and physically on the premise at all times children are being educated and cared for
- is over the age of 18 years
- meets the minimum requirements for qualifications, experiences and management capabilities
- holds a valid and current Working with Children Check
- has completed approved child protection training and is aware of the reportable conduct scheme
- has knowledge and a commitment to the National Child Safe Standards
- has adequate knowledge and understanding of the provision of education and care to children, the Education and Care National Law and Regulations and National Quality Standard, the approved learning framework (EYLF), Family Assistance Law and administration of CCS
- has the ability to effectively supervise and manage an education and care service
- is a fit and proper person (as per regulatory authority conditions)
- provides references including their current and previous employers. These will be checked, and records kept on file
- provides written consent for the position of Responsible Person and this is filed in staff records (not required if the approved provider is the Responsible Person)
- is removed from the position, if the approved provider deems the individual is no longer considered to meet the fit and proper requirements
- has the ability to demonstrate professional judgement under pressure, ethical decision-making, confidence in child protection escalation and ability to challenge unsafe practice

The approved provider/management will ensure:

- educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy
- families are aware of this *Responsible Person Policy*
- the regulatory authority is notified 7 days prior to a Nominated Supervisor starting at the Service or within 14 days after the person has commenced the role through NQA IT System
- the regulatory authority is notified 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

- the regulatory authority is notified of the suspension or cancellation of a Working with Children Check or other disciplinary proceedings held against them under an education law of a participating jurisdiction action of a nominated supervisor
- a Responsible Person will be removed from the position should management become aware of a matter or incident which affects the ability of the person to meet the minimum requirements of the position
- the staff Sign-In Sign-Out record has the name of the Responsible Person at the Service for each time children are being educated and cared for by the Service
- a Responsible Person is on duty from the time the Service opens each day until the time the Service closes
- ensure that the identity of the Responsible Person on duty is displayed in the main entrance of the Service and is easily visible for families and visitors
- where the Nominated Supervisor is not present, the Person in Day-to-Day Charge will be the Responsible Person and must be recorded as such
- the individual's compliance history is taken into account prior to appointing the nominated supervisor or responsible person including compliance with:
 - The National Law
 - a former education and care services law
 - a children's services law
 - an education law
- they consider any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a license, approval, registration, certification or other authorisation granted to the person prior to appointing a nominated supervisor
- documentation is recorded that demonstrates the individual's capacity to supervise and manage the service, this may include:
 - a Supervisor Certificate (including any conditions of the certificate),
 - resume detailing work history,
 - reference from previous employer, or
 - transcripts of courses or unit relating to staff management or administration of an education and care service
- responsible Persons are aware that they have to sign off when they have finished their duty and will ensure the Nominated Supervisor or appointed Responsible Person (PIDTDC) will sign on and take on the role
- a staff record is kept recording
 - the full name, address and date of birth of the Responsible Person/Nominated Supervisor

- evidence of relevant qualifications
- if applicable, evidence that the Responsible Person/Nominated Supervisor is actively working towards that qualification
- evidence of any approved training (including first aid training and child protection training)
- verification of a Working with Children Check – identifying number and expiry date
- written consent for the position of Responsible Person.
- all documentation and records relating to the Responsible Person and nominated supervisor are kept safe and secure for a period of 3 years following the employees last day of employment.

A nominated supervisor/appointed Responsible Person will:

- provide written consent to accept the role of Responsible Person/Nominated Supervisor
- record their name and hours of responsibility on the Staff Sign-In Sign Out record
- ensure that the identity of the Responsible Person on duty is displayed in the main entrance of the Service and is easily visible for families and visitors
- inform the management (Approved Provider/Nominated Supervisor) in a timely manner in the event of absence from the Service due to leave or illness so they can be replaced by another Responsible Person
- ensure they have a sound understanding of the role of Responsible Person
- abide by any conditions placed on the Responsible Person
- understand that a Responsible Person placed in day-to-day charge (PIDTIC) of the Service does not have the same responsibilities under the National Law as the Nominated Supervisor
- in the case of Nominated Supervisor, notify 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.
- notify management at the Service in writing, if they wish to withdraw their consent to be a Responsible Person
- Responsible Person appointments will be recorded on the Staff Roster, so all educators and staff are aware of who is appointed Responsible Person at all times the service is open
- the Nominated Supervisor will advise educators and staff the educators who have been appointed as a Responsible Person

Related Policies

CatholicCare Code of Ethics and Conduct CatholicCare Child Safeguarding Policies Interactions with Children, Family and Staff Policy	Safe Use of Digital Technologies and Online Environments Policy Work Health and Safety Policy Privacy Policy
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Related Resources

Responsible Person Procedure Responsible Person Acceptance	Staff Sign In Sign Out Record Routine Checklist – Responsible Person
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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.

Relevant Legislation

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 2A	Paramount consideration—safety, rights and best interests of children
S. 3A	Paramount consideration
S.161A	Offence for nominated supervisor not to meet prescribed minimum requirements
Section 162	Offence to operate education and care service unless Responsible Person is present

S.162A	Child protection training
Section 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
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedure
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

Sources

Australian Children's Education & Care Quality Authority. (2025).

<https://www.acecqa.gov.au/sites/default/files/2023-03/Guide-to-the-NQF-March-2023.pdf>*Guide to the National Quality Framework*

Australian Children's Education & Care Quality Authority. (2024). [National Model Code for Early Childhood Education and Care](#).

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).

Induction and ongoing training

Induction and ongoing training will be implemented on commencement and during staff meetings as required, focusing on this policy and related procedures. Information will be

shared with relief/ casual educators on induction and as relevant to the environments that they are working in, their shift responsibilities and the children in their care.

Consequences of Policy Violations:

Violations of this policy may result in disciplinary action, up to and including termination of employment or contract. The severity of the consequences will depend on the nature and impact of the violation, as determined by CatholicCare Wollongong. People and Culture will review each case individually to determine appropriate actions based on the circumstances.

Policy created/ Reviewed

Date	Major, Minor or Administrative	Description of Revision(s)
June 2026	Major	New policy. This policy replaces "EC 11 – Nominated Supervisor and Responsible Person Policy"

Monitoring, Evaluation and Review

This policy will be reviewed periodically to ensure its effectiveness and relevance. Any necessary updates or modifications to ensure compliance with legislative and standard requirements will be communicated to all employees, contractors, and representatives of CatholicCare Wollongong.

Other situations may include:

- Following an incident, to identify gaps and strengthen data protection measures.
- adoption of new tools or systems.
- mergers, restructuring, or shifts in services that impact on current processes.
- As part of routine evaluations to ensure policies remain effective and aligned with best practices.
- If client/s provide feedback or complaints, prompting a review for improvement.
- When inefficiencies or errors are identified.

The agency will formally review this Policy every three years as part of the policy's known life cycle period.