

ECECP Procedure 18.1

Responsible Person Procedure

Controlled Document

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Reviewed by:	Project Officer – Early Childhood Education & Care				

Policy attached to this procedure	Responsible Persons Policy
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Our Education and Care 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 children are being educated and cared for. A responsible person is 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).

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*).

Working in conjunction with the *Responsible Person Policy*, this procedure provides clear guidelines for the appointment of a Responsible Person in charge to ensure compliance and maintain the safety and wellbeing of children and their families at the Service.

Education and Care Services National Law or Regulations (S.162, 164A, 169, 173; Reg.117A, 117B, 117C, 150, 168, 173, 174 and 177) NQS QA 4 and 7: Element 4.1.1, 4.1.2, 4.2.1, 4.2.2 and 7.1.3 *Health and Governance practices and procedures*

APPOINTMENT OF NOMINATED SUPERVISORS AND PERSONS IN DAY-TO-DAY CHARGE (PID

The approved Provider/Nominated Supervisor/ECEC Leadership will:

1	ensure Responsible Persons (ie. Nominated Supervisors or PIDTDC) are accountable for oversight of all operational areas including supervision, safety, compliance, and implementation of service policies.	
2	consider if the person being nominated as a Nominated Supervisors or Persons In Day-To-Day Charge (PIDTDC) has evidence of the following requirements:	

	- adequate knowledge, understanding and ability to provide quality education and care to children according to the National Quality Framework - knowledge of Education and Care National Law and Regulations and National Quality Standard - adequate successful experience working within the current Service or evidence of experience through personal references from previous employers - demonstrated leadership qualities - current Working with Children Check approval (or state equivalent) - current ACECQA approved Child Protection training - suitability as a fit and proper person to effectively supervise and manage an education and care Service - a satisfactory history of compliance with National Law, a former education and care services law or a children's law or an education law; no history of refusal to renew, suspend or cancel a licence, approval, registration or other authorisation granted to the person	
3	The Approved Provider will take reasonable steps to ensure that Nominated Supervisors and Persons in Day-to-Day Charge are suitable to undertake their roles by verifying the following prior to appointment: - compliance history - prohibition status - Working With Children Check - qualifications (where applicable) - reference checks - written consent	
4	No person will be appointed as Nominated Supervisor or PIDTDC until all compliance requirements have been verified and documented.	
5	The Approved Provider will: - appoint at least one Nominated Supervisor who has provided written consent to undertake the role and responsibilities for the day-to-day management of the Service - appoint suitable educators as Persons in Day-to-Day Charge (PIDTDC) to support Responsible Person requirements	
6	Leadership will: - discuss the expectations of acting as the Responsible Person with the Nominated Supervisor and/or PIDTDC - ensure all appointed Persons in Day-to-Day Charge understand that they do not assume the full legal responsibilities of the Nominated Supervisor, but are responsible for operational oversight when acting in the role	

7	appoint a person/s to be a person in day-to-day charge (PIDTDC) to meet the responsible person requirements.	
8	conduct an induction with the newly appointed Nominated Supervisor/PIDTDC to ensure they are aware of the responsibilities and obligations of the role.	
9	ensure the PIDTDC is aware they do not take on the role and duties of the nominated supervisor, however, they should be aware of the basic operations of the Service.	
10	ensure the Nominated Supervisor and persons appointed as Persons in Day-to-Day Charge accept and confirm the position in writing.	
11	Ensure Responsible Persons participate in ongoing performance review and professional development to ensure capability is maintained.	
12	securely store all documentation relating to Nominated Supervisors and Persons in Day-to-Day Charge in accordance with record keeping requirements and retain records for a minimum of 3 years following the end of employment	
13	remove a Nominated Supervisor or Person in Day-to-Day Charge from the role where they no longer meet suitability or fit and proper person requirements.	
14	ensure all Nominated Supervisors and PIDTDC are aware of and strictly adhere to the National Mode Code Guidelines including: • adhering to the <i>Safe Use of Digital Technologies and Online Environments Policy</i> • only service-issued/approved devices are to be used when taking images or videos of children • personal electronic devices that can take images or videos (such as tablets, phones, digital cameras, smart watches, META glasses) and personal storage and file transfer media (such as SD cards, USB drives, hard drives and cloud storage) are not in the possession of any educator, staff member, visitor or volunteer while providing education and care and working directly with children • ensure educators, staff or volunteers submit a written request if seeking an exemption to use or have in their possession a personal electronic device for essential purposes • strict controls are in place for the appropriate storage and retention of images and videos in accordance with our <i>Record Keeping and Retention Policy</i>	

DAILY OPERATIONAL REQUIREMENTS

The approved Provider/Nominated Supervisor/ECEC Leadership will:

1	ensure that a Responsible Person is clearly identified and actively overseeing the operation of the Service at all times children are being educated and cared for. <i>Daily practices must support compliance, continuity of supervision, and clear leadership.</i>	
2	Ensure the Responsible Person must be either: - the Approved Provider or a person with management or control - the Nominated Supervisor - a Person in Day-to-Day Charge (PIDTDC) who has been duly appointed and has provided written consent	
3	Ensure the identity of the current Responsible Person must be clearly displayed at the main entrance of the Service at all times. The display must be: - easily visible to families, visitors and staff - updated immediately whenever there is a change in Responsible Person	
4	Ensure the Responsible Person is clearly identified on the staff roster for all operating hours.	
5	Ensure the Responsible Person must sign in at the commencement of their shift and sign out at the conclusion of their shift using the <i>Staff Sign-In Sign-Out Record</i>	
6	Ensure staff sign in and sign out records accurately reflect who was the Responsible Person and the time they held this role at all times during operation	
7	Ensure the Responsible Person has operational oversight of the Service and is accountable for ensuring: - effective supervision of children at all times - compliance with the Education and Care Services National Law and Regulations - adherence to Service policies and procedures - safe, ethical, and professional practices are maintained	
8	Ensure the Responsible Person is able to make decisions and provide direction to educators and staff to ensure the safety, wellbeing, and continuity of care for all children.	
9	Ensure all educators and staff must be aware of who the Responsible Person is at all times.	
10	Ensure that Responsible Person arrangements are clearly communicated through staff rosters and staff communication and that any changes to the Responsible Person during the day are communicated promptly to service staff	

11	Ensure when responsibility is transferred during the day, a formal handover occurs between the outgoing and incoming Responsible Person. (See below – <i>Handover and Mid-Shift Changes to Responsible Person</i>)	
12	Recognise that A Person in Day-to-Day Charge is not required where a Nominated Supervisor or Approved Provider is present and undertaking the Responsible Person role.	
13	The Approved Provider must ensure that records relating to: - Nominated Supervisors - Persons in Day-to-Day Charge are maintained in accordance with Regulation 177 and kept at the Service.	

HANDOVER AND MID-SHIFT CHANGES TO RESPONSIBLE PERSON

1	A Responsible Person must remain on the premises at all times children are being educated and cared for.	
2	The outgoing Responsible Person must not leave the premises until a new Responsible Person has been identified and has accepted the role.	
3	A formal handover must occur between the outgoing and incoming Responsible Person to ensure continuity of care, supervision, and operational awareness.	
3	The handover must include communication of any relevant information, including: - current staffing arrangements and ratios - supervision requirements - any incidents, risks, or safety concerns - children with additional needs or medical requirements - operational updates relevant to the service	
4	Both the outgoing and incoming Responsible Persons must sign in and out, confirming the transfer of responsibility.	
5	The Responsible Person display/poster at the service entrance must be updated to reflect the current Responsible Person at all times.	
6	Where a change in Responsible Person occurs during a shift, the same handover and documentation requirements must be followed.	
7	Staff and educators must be informed of the change in Responsible Person to ensure clarity of leadership and decision-making authority.	
8	Escalation – No Responsible Person Available	

	If a Responsible Person is required to leave and no approved replacement is immediately available, the situation must be escalated immediately to management (e.g. Team Leader or Nominated Supervisor/Approved Provider delegate).	
9	The Approved Provider/Nominated Supervisor/ECEC Leadership Team must take all reasonable steps to identify a suitable Responsible Person without delay.	
10	If a Responsible Person cannot be appointed: - the Service may be required to cease operating until compliance can be achieved - this decision must be authorised by an ECEC Manager or Executive Manager - the Regulatory Authority, families, and the school (where applicable) will be notified in accordance with legislative requirements	

RESPONSIBLE PERSON NOTIFICATIONS

1	Leadership will notify the regulatory authority of a new nominated supervisor at least 7 days prior to the commencement (or as soon as practicable, but no more than 14 days after commencement)	
2	Leadership will notify the regulatory authority within 14 days of a suspension or cancellation of a WWCC or other disciplinary action of a nominated supervisor (S. 173(2))	
3	The nominated supervisor will advise educators and staff the educators who have been appointed as a Responsible Person	
4	The identity of the Responsible Person on duty will be clearly displayed at the Service entrance and must be easily visible to families and visitors at all times.	