

## Policy Statement

This policy acts to ensure that:

- Our service will ensure a Responsible Person or Nominated Supervisor is physically present at all times children are being educated and cared for
- A Responsible Person is designated to provide support and assistance to Educators while they are providing care and education to children

## Explanation

A Responsible Person can be:

**The Approved Provider** – this is a person from Country Children's Early Learning who is in management or control of the service

**Nominated Supervisor** – this is a person who has been designated by the service as the Nominated Supervisor

**Another Staff Member** - who has been deemed suitable to be placed in day-to-day charge of the service

## Definitions

### Approved Provider

An individual or organisation that has completed an application form and been approved by the Regulatory Authority as fit and proper to operate one or more education and care services.

### Nominated Supervisor

A person who has been nominated by the Approved Provider of the service 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

A Person in Day to Day Charge is a responsible person and is the point of contact for parents and staff. A service does not need a Person in Day to Day Charge if a Nominated Supervisor or Approved Provider is the Responsible Person at the service.

## Goals

- Legislation requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children. The Responsible Person can be:
  - The Approved Provider
  - The Nominated Supervisor
  - A Person in Day to Day Charge

Policy Created  
February 2016

Policy Last Updated  
February 2023

Policy Review Date  
November 2024

## Strategies

### Criteria to be Determined 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 Child Protection Training CHCPRT025
- A demonstrated understanding of the:
  - Education and Care Services National Law Act 2010, and the Education and Care Services National Regulations 2011
  - Health and Safety, including Child Protection Responsibilities
  - Services Policies and Procedures
- Consideration will also be 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 or Nominated Supervisor identifies that they meet the criteria required under R117B and 117C and
- They give their written consent to be in day to day charge of the service

## Roles and Responsibilities

### Approved Provider

- Ensure there is a Responsible Person on the premises at all times the service is delivering education and care programs for children
- Designate a Nominated Supervisor, this appointment will be made in writing and written consent from that person will be sought
- Documentation determining that a Nominated Supervisor is suited to the role will be kept on the staff member's file

- Designate other suitable staff members to be the Responsible Person in the absence of the Nominated Supervisor, ensuring the appointed person gives consent in writing
- Ensure Nominated Supervisors and designated Responsible People are appropriately skilled, qualified and have a clear understanding of the role of the Responsible Person, which includes:
  - Having adequate knowledge and understanding of the provision of education and care to children
  - Having the ability to effectively supervise and manage an education and care service
- Ensure a designated Responsible Person has completed the “The Role of the Responsible Person” training course
- Provide ongoing support and training
- The Working Directly with Children Record will be used to record who the Responsible Person is during the operating hours of the service
- Ensure all Educators and staff are aware of who the Responsible Person is at all times, and how they can get in contact with that person as required
- Ensure the name and position of the Nominated Supervisor in charge of the service is displayed and easily visible from the main entrance of the service
- Ensure that the name of each Nominated Supervisor or Responsible Person is displayed prominently at the service
- Notify the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor
- Ensure that, when the Nominated Supervisor is absent from the service premises, a person is placed in day to day charge of the service as the Responsible Person
- Ensure that the Nominated Supervisor and Educators have a sound understanding of the requirements of a person placed in day to day charge of the service
- Maintain records with information relating to each Nominated Supervisor
- Maintain records relating to the Responsible Person including the name of the Responsible Person for each time that children are being educated and cared for by the service

### **Nominated Supervisor**

- Provide written consent to accept the role of Nominated Supervisor
- Ensure that in their absence from the service premises, a Responsible Person is placed in day to day charge of the service
- Ensure they have a sound understanding of the role of being placed in day to day charge of the service
- Complete “The Role of the Responsible Person” training course

- Ensure that for each care session they record in the Working Directly with Children Record that they are the Responsible Person on duty
- Ensure 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
- Develop rosters in accordance with the availability of Responsible Persons, hours of operation and attendance of children
- Notify the Approved Provider and 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 or if they are the subject of disciplinary proceedings

### **Person in Day to Day Charge**

- Provide written consent to accept the role of Responsible Person
- Complete "The Role of the Responsible Person" training course
- Check 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
- Ensure 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 as the Nominated Supervisor

### **Families**

- Reading and understanding this policy
- Being aware of the Responsible Person at the service on a daily basis

### **Continual Monitoring and Improvement**

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Approved Provider and Coordinators accessing current relevant information
- Approved Provider, Coordinators and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

#### **LINKS TO:**

- **Education & Care Services National Law**  
Sections 6, 12, 13, 14, 56, 161, 161a, 162, 162a, 167, 172, 291(5)
- **Education & Care Services National Regulations**  
35, 117a, 117b, 117c, 146, 150, 150, 168(2)(i)(ii) 173, 176(2)©
- **National Quality Standards/Elements:**  
4.1, 7.1
- **Child Safe Standards**  
1, 2, 3, 4, 5, 6,7, 8, 9, 10

## SOURCES

- Education and Care Services National Regulations - December 2021
- Education and care Services National Law - January 2022
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations - October 2017
- Guide to the National Quality Standard - January 2020
- Implementing the Child Safe Standards: A Guide for Early Education and Outside School Hours Care Services, NSW Department of Education, 2021
- A Guide to the Child Safe Standards, NSW Office of the Children's Guardian, 2020
- ACECQA – FDC Approved Provider compliance responsibilities – October 2017
- Be You
- My Time Our Place: Framework for School Age Care in Australia
- ECA Code of Ethics
- United Nations Convention on the Rights of the Child
- Responsible Person Requirements for Approved Providers, National Quality Framework Information Sheet, ACEQA

## LINKS TO OTHER POLICIES:

- Child Protection
- Child-Safe Environment
- Governance and Management
- Philosophy
- Staff Code of Conduct
- Staffing
- Supervision