



DETERMINING RESPONSIBLE PERSON POLICY

Introduction:

The Education and Care Services National Law determines that a responsible person or Nominated Supervisor must be physically present at a centre based service at all times children are being educated and cared for.

Aim:

- A responsible person will be on the premises at all times, and the details of the responsible person at any time will be clearly displayed for educators, staff and families.
- The process for determining the responsible person will be clear to all educators and staff, and followed at all times.
- Details of the person responsible are documented and displayed for all users of the service.

Implementation:

A service must always have a responsible person physically present at all times.

A responsible person can be:

1. The 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.
2. The 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.
3. 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.

Roles and Responsibilities

Role	Authority/Responsibility For
Approved Provider	<ul style="list-style-type: none">• 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 the Nominated Supervisor in charge of the service is displayed and easily visible from the main entrance of the service (National Law: Section 172).• Ensuring that the name of each Nominated Supervisor or Responsible Person is displayed prominently at the service.



	<ul style="list-style-type: none">• Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (Section 56, Regulation 35).• 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	<ul style="list-style-type: none">• 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.• 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.
Person in Day to Day Charge (PIDTC)	<ul style="list-style-type: none">• 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 Responsible Person.• Understanding 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	<ul style="list-style-type: none">• Reading and understanding this policy.• Being aware of the Responsible Person at the service on a daily basis.



Determining the responsible person/s

1. *Be 18 years or over;*
2. *Have adequate knowledge and understanding of the provision of education and care to children (qualifications, skills and work experience);*
3. *Have ability to effectively supervise and manage an education and care service;*
4. *Written consent will be gained from individuals appointed as a Nominated Supervisor. The Nominated Supervisor Consent Form will be completed and submitted to the Regulatory Authority via the NQA IT System.*
5. *When changes occur to Nominated Supervisor appointments at the OSHC service the Regulatory Authority will be notified through the NQA IT System in accordance with National Regulation 35.*
6. *If uncertainty or concern arises about a candidate's compliance history the Approved Provider will contact the Regulatory Authority and enquire if the person is subject to a prohibition notice in any state*
7. *If a matter or incident arises affecting the Nominated Supervisor's ability to meet minimum requirements a reassessment will be made of the person's suitability to be in the position.*
8. *The Approved Provider, and the Nominated Supervisor/s, may appoint other educators at the service deemed to have the skill and ability, to act as the responsible person in day to day charge of the service in the absence of the Nominated Supervisor/s or Approved Provider. (Refer Policy 10.22 – Determining the Responsible Person).*

Related Legislation:

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

Source: CELA.org.au

This policy links to the following:

National Quality Standards: QA4, QA7

Education and Care Service National Regulations 2011: 35, 46-49, 146, 168(2)(i)(ii)

Source: Community Child Care Cooperative (NSW)