RESPONSIBLE PERSON POLICY

As per *Education and Care Services National Law and Regulations,* a responsible person must be physically in attendance at all times that the Out of School Hours Care (OSHC) 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 has an ability to effectively supervise and manage an education and care service (ACECQA, 2017).

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
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

RELATED POLICIES

Code of Conduct Policy	Safe Use of Digital Technologies and Online Environments Policy
Health and Safety Policy	Staffing Arrangements Policy
Interactions with Children, Family and Staff Policy	Supervision Policy
Privacy and Confidentiality Policy	Work Health and Safety Policy
Respect for Children Policy	

PURPOSE

Our OSHC 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 OSHC Service.

DEFINITIONS OF RESPONSIBLE PERSON

NAME	DEFINITION
Approved provider	A person who holds a provider approval and has primary legal responsibility under the National Law and National Regulations to ensure good governance and management of the service.
Nominated supervisor	A person, over the age of 18, with responsibility for the day-to-day management of an approved service. The nominated supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care services.
Person in day-to-day charge (PIDTDC)	A person, over the age of 18, who is physically at the Service and has the role of nominated supervisor or duly appointed person. The responsible person has consented to be placed in day-to-day charge of the Service but does not take on the responsibilities of the nominated supervisor rather they ensure the consistency and continuity in practices.

IMPLEMENTATION

Our OSHC Service 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 OSHC 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 OSHC 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 OSHC Service correctly reflects who presently holds the position.

Our OSHC 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)

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 Principles for Child Safe Organisations
- 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 framework for school age care- *My Time, Our Place* (MTOP), 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)
- has evidence of completing an approved diploma level education and care qualification or higher is considered as a requirement or 'actively working towards' an ACECQA approved qualification
- 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.

THE APPROVED PROVIDER/NOMINATED SUPERVISOR/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 OSHC 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 OSHC 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 Card 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 register 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
- the PIDTDC interchanges with the nominated supervisor in their absence
- 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 (PIDTIC) 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
- sign their name and hours of responsibility on the *Responsible Service Register*
- 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 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 OSHC 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.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Responsible Person Policy* will be reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. 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.

CHILDCARE CENTRE DESKTOP - RELATED RESOURCES

Responsible Person Procedure Responsible Person Offer and Acceptance	Responsible Person Register Routine Checklist - Responsible Person

SOURCES

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

REVIEW

POLICY REVIEWED BY	Marty Gray	Principal	28/1/2026
POLICY REVIEWED	Jan 2026	NEXT REVIEW DATE	Jan 2027
VERSION NUMBER	V11.09.25		
MODIFICATIONS	• policy reviewed out of regular calendar review due to legislation changes for child safety- National Model Code (NMC) • added reference to new mandatory policy- *Safe Use of Digital Technologies and Online Environments Policy* • minor edits within policy • sources checked for currency and updated as required		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE

OCTOBER 2024	• annual policy review • minor edits- use of lower case for approved provider/nominated supervisor/responsible person • sources updated as required	OCTOBER 2025