

Early Years Services – QA4.2 Determining the Responsible Person Present

TRIM Reference: D15/42616

Due for Review: 30 July 2026

Responsible Officer: Coordinator Early Years

Purpose

This policy outlines Surf Coast Shire Council's commitment to ensure that all Surf Coast Shire Early Years Services have a suitable, recognised, responsible and qualified person present to ensure that the services are effectively supervised and managed at all times, during the hours of operation.

Policy Principles

Evidence of link to National Quality Standards: 4.1, 4.2, 7.3.1, 7.3.5

Victorian Children's Services Regulations 2020

Evidence of link to Education & Care Services National Regulations
s5, s161, s162, s164, r117(a) to (c) s168 (2) (i)

Scope

This policy applies to all Surf Coast Shire Council staff, educators, volunteers and students; and families of children receiving Surf Coast Shire Council Early Years Services under the National Regulations.

For applicable services the equivalent to the responsible person present under the Victorian Children's Services Regulations 2020 applies.

Policy

We are committed to good governance and quality management that is child safe. Our responsible person is appointed in line with regulatory requirements and ensures that the service is effectively supervised and managed to minimise risk and ensure health and safety procedures are implemented across the Early Years Services.

Determination of the responsible person present will follow the requirements of the Education and Care Services National Regulations 2011 (as outlined under 'Definitions' in this document), or as applicable the Victorian Children's Services Regulations 2020.

- A responsible person will be available at all times during the hours that the service is being provided to children in all Surf Coast Shire Council Early Years Services.
- A responsible person will accept the role in writing.
- A responsible person will undertake all required training prior to accepting the role.
- Staff/educators must be aware of who the responsible person in charge of the service is for the days they are employed.
- The details of the responsible person present will be displayed at the service.
- Families and members of the public must have access to who the responsible person is via signage at the service and/or verbally by staff and educators of the service.

Responsible Persons

The Education and Care Services National Law Act 2010 requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children. The Responsible Person is either

the Approved Provider (or the person in management or control of the service), the Nominated Supervisor of the service, or an Educator who has been placed in day-to-day charge of the service.

Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the National Law. For example, where an educator becomes a person in day-to-day charge, the responsibilities relevant to educators under the National Law continue to apply. A person's legal responsibilities do not increase because they consent to being a person in day-to-day charge. However, the Responsible Person is still responsible for ensuring the service continues to comply with the law and regulations as well as the service's own policy and procedures.

~~The Surf Coast Shire will adhere to the principles and standards set out in the National Quality Framework (NQF), which relates directly to section 162(1)(a) to (c) of the National Law.~~

~~The Surf Coast Shire will use the information set out to guide its practices when relating to a responsible person.~~

~~The responsible person will ensure they understand and adhere to our Child Safe Organisation Policy, Confidentiality Policy, The safe use of digital technologies and online environments Policy and all other Early Years policies.~~

~~The responsible person will ensure all staff, student, volunteers and contractors will not use their personal mobile phones and devices while working with children.~~

~~The responsible person will read, accept and sign to Electronic Device Agreement and the child safe standards Code of Conduct.~~

A Responsible person can be one of the following;

Approved Provider: (Surf Coast Shire)

A person with management or control of the provider if the provider is not an individual.

The Approved Provider has overall responsibility for the service, and must take reasonable steps to ensure children's safety and wellbeing is protected. This includes making an informed decision about whether a person is fit and proper, with suitable skills to be the Nominated Supervisor or to be placed in day-to-day charge of the service.

Nominated Supervisor: (Kindergarten Lead Teacher)

The Nominated supervisor of the service

A Nominated Supervisor is a person who:

- is nominated by the Approved Provider to be the Nominated Supervisor of that service; and has consented to that nomination. If required, they will be asked to complete the relevant paperwork to be submitted via ACECQA Portal

~~The Approved Provider must display the following details at the service:~~

- ~~the name of the Nominated Supervisor, or~~
- ~~if the Nominated Supervisor is a member of a prescribed class, the class (for example, a principal of a school)~~

Person in day-to-day charge (Responsible Person)

A person placed in day-to-day charge of the service

- Where the Nominated Supervisor is not able to be responsible for the day-to-day operations of the service, a responsible person will be appointed and their name placed on display in the foyer. This person will have met the criteria including, qualification, skills, work experience and knowledge in accordance with the National Regulations (section 164(1)(c), section 162(1)(c) and regulation 54) and accepts in designation in writing.

In determining whether to nominate a person as the nominated supervisor or person in day-to-day charge (responsible person), the approved provider must consider:

- the history of the person's compliance action or disciplinary proceedings with:
 - the Education and Care Services National Law Act 2010 (including the Education and Care Services National Regulations 2011) a former education and care services law
 - any other relevant state or territory law, including children's services laws, education laws, and former education and care laws an education law

Criteria

The Surf Coast Shire will follow the standards set out in the National Law (section 161, 162 and 164) and Part 4.3A of the Regulations 117(a)(b)(c) concerning the minimum requirements of a responsible person.

A responsible person must:

- be at least 18 years old
- must meet and maintain state specific recognised child protection qualification.
- must have a valid Working with Children's Check / VIT (or state equivalent).
- should hold or be actively working towards an approved Certificate iii of Child Care qualification or above.
- have a demonstrated understanding of how to provide high-quality education and care to children (either through experience, education and performance)
- understand the child safety responsibilities of the centre and its staff
- be able to effectively supervise and manage an education and care service
- not have been subject to any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspect, or cancel a licence, approval, registration, certification or other authorisation granted to the person
- have a history of compliance with the National Law and other relevant laws.
- have read, accepted and signed the Electronic Device Agreement and the Child Safe Standards Code of Conduct Agreement

Prior to all responsible person's performing the role, the nominated supervisor must seek consent in writing by completing the Responsible Person – offer and acceptance form.

A Responsible Person in Charge's role is to:

- Have a sound understanding of the requirements and obligations set out under the Education and Care Services National Law Act (2010) and Regulations (2011);
- Ensure that the service operates within the Education and Care Services National Law Act (2010) and Regulations (2011);
- Ensure the service meets the National Quality Standards.
- Communicate all incidents involving children, educators, or visitors to the service to the Nominated supervisor and/or Approved Provider within a reasonable timeframe.
- Respond to requests and enquiries from parents, educators, and management.

Core duties of a responsible person

- Presence and supervision: Must be physically at the service premises at all times children are being educated and cared for. This includes supervising staff and children and ensuring safety and wellbeing.
- Legal compliance: Ensure the service meets all legal and regulatory requirements, including child protection laws and staff ratios (including that all staff, student, volunteers and contractors do not use their personal mobiles phones and devices while working with children)
- Complete mandated child protection training
- Management and operations: Oversee the day-to-day operations of the service, translating legal obligations into actions and making decisions to ensure compliance with policies and regulations, including reporting serious incidents within 24 hours to DE.
- Communication: Act as a point of contact for parents, staff, and management, responding to inquiries and providing support to educators.
- Information display: Their name, position, and contact details must be clearly displayed at the main entrance of the service so they are visible to the public.

Knowledge

- Understanding of the Education and Care Services National Law Act 2010 and Regulations 2011

- Understanding of other relevant laws and provisions such as Child Protection, Work Health, Food Handling, etc.
- Knowledge (extensive) of service policies and procedures including Child Safe Organisation Policy, Confidentiality Policy, the safe use of digital technologies and online environments Policy and all other Early Years policies, including opening/closing procedures
- Capacity to implement emergency and evacuation procedures
- Ability to attend to parent inquiries (either directly or by referral)
- Capacity to supervise, manage and lead other educators
- Capacity to ensure the safety and wellbeing of all children being educated and cared for while they are the responsible person
- Ability to reflect and evaluate their performance as the responsible person

Work Experience

- Demonstrated ability to respond to incidents involving children's health and safety
- Demonstrated ability to respond to incidents involving the health and safety of educators, volunteers and family members present at the service
- Demonstrated ability to effectively make written records of incidents
- Demonstrated ability to effectively communicate with children, families, staff and management
- Demonstrated ability to effectively communicate with relevant authorities,

Criteria

~~Minimum requirements to be a Responsible Person~~

~~The Surf Coast Shire will follow the standards set out in the National Law (section 161, 162 and 164) and Part 4.3A of the Regulations 117(a)(b)(c) concerning the minimum requirements of a responsible person.~~

~~Additionally, every responsible person must have completed the child protection training (if any) required in their state or territory.~~

~~Minimum requirements to be a nominated supervisor or a person in day-to-day charge:~~

- be at least 18 years of age

~~To be a nominated supervisor the person must:~~

- have adequate knowledge and understanding of the provision of education and care to children
- have the ability to effectively supervise and manage an education and care service.

~~For a person in day-to-day charge, either an approved provider or the nominated supervisor must take reasonable steps to ensure the person:~~

- has adequate knowledge and understanding of the provision of education and care to children
- has the ability to effectively supervise and manage an education and care service.

~~In determining whether to nominate a person as the nominated supervisor, the approved provider must consider:~~

- the history of the person's compliance with:
 - the National Law
 - a former education and care services law
 - a children's services law
 - an education law
- any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person.

~~For a person in day-to-day charge, the approved provider or the nominated supervisor must have regard to:~~

- the person's history of compliance with the National Law and other relevant laws
- any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person under the National Law and other relevant laws.

~~A person who previously consented to be in day-to-day charge of the service will not need to provide consent again from 1 October 2017.~~

The Approved Provider must display the following details at the service:

- the name of the Nominated Supervisor, or
- if the Nominated Supervisor is a member of a prescribed class, the class (for example, a principal of a school).

The information must be displayed in a place where it is clearly visible to anyone from the main entrance to the education and care service premises.

Notifying the regulatory authority of changes to nominated supervisors

You must notify the regulatory authority when a nominated supervisor is appointed through the NQAIT System by submitting a Notification of change to nominated supervisor form: acecqa.gov.au/applications

The regulatory authority must be notified 7 days prior to the nominated supervisor starting, or if that is not possible, within 14 days after the nominated supervisor has commenced in the role.

As an approved provider, you must also notify the regulatory authority via a separate notification if the nominated supervisor:

- changes their name or contact details
- is no longer employed or engaged by the service
- has been removed from the role or
- withdraws their consent to the nomination.

Definitions

Nominated Supervisor:

Must be nominated by the approved provider of the service and the nominated person must give their written consent. They are responsible for day-to-day management of a service and have responsibilities relating to and including:

- educational programs (section 168)
- supervision and safety of children (sections 165–167)
- entry to and exit from the premises (section 170; regulation 99)
- nutrition and food and beverages (regulations 77–80)
- administration of medication (regulations 93–96)
- drugs and alcohol (regulations 82–83)
- sleep and rest (regulations 8184A)
- excursions (regulations 100–102)
- transportation (regulations 102B–102D)
- staffing ratios and qualifications (regulations 123–128)

Responsible person is:

- the approved provider or a person with management or control
- a nominated supervisor
- a person in day-to-day charge of the service.

Related Procedure

Nil.

References

Related Surf Coast Shire Council and Early Years Services Policies

| D14/70701 Educational Programs Policy
 D15/15724 Employment of Qualified Staff, Ratios, and Volunteers and Students Policy

Related Surf Coast Shire Early Years Services Work Instructions and Forms

D17/6013 DE Person in Day-to-Day Charge/ Responsible Person – Sign off
 D23/67125 Nominated Supervisor Consent Form – Department of Education
 D24/78151 Kindergarten Staff Induction handbook
 D20/40559 Kindergarten – Early Years Induction Checklist
D23/104577 Child Safe Standards Code of Conduct agreement
 D25/140977 Personal Phone request form
 D25/141004 Electronic device agreement
D25/142472 Work Instruction – Quality Improvement Plan (QIP)
D25/141711 Work Instruction – Professional Development (PD) Days
D25/141709 Work Instruction – Staff Development Plans

Other References

Education and Care Services National Law 2010
 Education and Care Services National Regulations 2011
 ACECQA National Quality Framework Resource Kit
 Victorian Children's Services Regulations 2020
 Childcare Service Handbook (Department of Education)
 Victorian Early Years Learning and Development Framework
 Early Years Learning Framework for Australia
 My Time, Our Place
 National Quality Framework (NQF)
 NQF (2017) Information Sheet 'Responsible Person Requirements for Approved Providers'
 National Model Code for Early Childhood Education and Care 2024
 National Quality Framework Child safe Culture Guide 2025

Document History

Version	Document History	Approved by – Date
1	Approved	General Manager Culture and Community – 1 April 2014
2	Amendment/Review	Manager Aged and Family – 23 June 2017
3	Amendment/Review	Manager Community Strengthening – 18 January 2019
4	Amendment/Review	Manager Community Strengthening – 5 June 2020
5	Amendment/Review	Manager Community Strengthening - 24 December 2021
6	Amendment/Review	Manager Community Strengthening - 11 May 2023
7	Amendment/Review	Manager Community Strengthening - 31 January 2025