



# BOURKE AND DISTRICT CHILDREN'S SERVICES

## QUALITY AREA 4: STAFFING ARRANGEMENTS

### POLICY NAME: RESPONSIBLE PERSON

#### POLICY STATEMENT

An Approved Provider operates an Education and Care service with an appointed Nominated Supervisor. The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, there is still to be a Responsible Person in day-to-day charge. Our service will ensure a Responsible Person is physically present at the service at all times that children are being educated and cared for; to ensure their health, safety, wellbeing, learning, and development.

A Responsible Person can be:

- The Approved Provider or a person with management or control
- A Nominated Supervisor
- A person placed in day-to-day charge of the service

#### BACKGROUND

The Education and Care Services National Regulations requires Approved Providers to ensure their services have policies and procedures in place in relation to determining a Responsible Person. As per Education and Care Services National Law and Regulations, a Responsible Person must be physically in attendance at all times that the service is educating and caring for children.

#### OVERALL STRATEGIES / HOW WILL IT BE DONE?

##### DEFINITIONS

**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.

**Nominated Supervisor:** A person who has been nominated by the Approved Provider of the approved service under Part 6 of the Act and who has consented to that nomination. The Nominated Supervisor has responsibility for the day-to-day management of the approved service in accordance with the National Regulations. The Nominated Supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care services. All education and care services must have a Nominated Supervisor.

**Person in day-to-day charge:** A person who is physically at the service and has the role of Nominated Supervisor in their absence. This person has consented to be a Responsible Person 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.

##### APPOINTING A RESPONSIBLE PERSON

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 a Responsible Person. The criteria below is used to help determine a Responsible Person:

- A fit and proper person (as per Regulatory Authority conditions).
- Over 18 years of age.
- Adequate knowledge and understanding of the provision of education and care to children and of the day-to-day responsibilities of being a Responsible Person, including how to work through unexpected problems.
- The ability to effectively supervise and manage an education and care service.
- Hold a valid and current Working With Children Check.
- Completed a Child Protection course (which has been approved by the NSW Regulatory Authority) and aware of the reportable conduct scheme and their responsibilities in keeping children safe.
- Knowledge and a commitment to the National Child Safe Standards.
- A demonstrated knowledge and understanding of:
  - Approved learning framework (EYLF)
  - Education and Care Services National Law and National Regulations
  - National Quality Standard
  - Equal Opportunity Employment Conditions
  - Work Health and Safety
  - BDCS Policies and Procedures



# BOURKE AND DISTRICT CHILDREN'S SERVICES

## QUALITY AREA 4: STAFFING ARRANGEMENTS

### POLICY NAME: RESPONSIBLE PERSON

- Consideration will also be given to 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.

A Responsible Person must give their written consent to be placed in day-to-day charge of the service and this consent is filed in their staff file on SharePoint (this is not required for the Approved Provider). Details of the Responsible Person will be clearly visible to families and visitors at the main entry of the service. A record of the Responsible Person will be documented each day via the Responsible Person Register. If the Approved Provider deems the individual is no longer considered to meet the requirements of a Responsible Person, the Approved Provider will remove them from the position.

If the Responsible Person leaves the premises, they will 'hand over' obligations for the role to another duly appointed person at the service. All handovers to a designated Responsible Person are documented when commencing this position throughout the day via the Responsible Person record. Both the outgoing and incoming Responsible Persons will ensure the displayed name of the current Responsible Person at the service correctly reflects who currently holds the position.

### ROLES AND RESPONSIBILITIES

#### THE APPROVED PROVIDER AND NOMINATED SUPERVISORS WILL:

- Ensure there are policies and procedures in place for determining a responsible person and take reasonable steps to ensure those policies and procedures are followed.
- Ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- Ensure all staff (including casual staff) receive information and induction training to fulfil their roles effectively, including being made aware of the Responsible Person Policy, their responsibilities in implementing it, and any changes that are made over time.
- Ensure students, visitors and volunteers have knowledge of and adhere to this policy.
- Ensure the Regulatory Authority is notified 7 days prior to a Nominated Supervisor starting at the service or within 14 days after the person has commenced the role via the [NQA-ITS](#).
- Ensure the Regulatory Authority is notified if the Nominated Supervisor changes their name or contact details; is no longer employed by the service, has been removed from the role or withdraws their nomination.
- Ensure a Responsible Person is on duty from opening to closing whenever children are in care.
- Use the criteria listed in this policy to determine the suitability of a Responsible Person.
- Ensure that the Responsible Person's identity is clearly displayed at the main entrance for families and visitors.
- Remove a person from the position of Responsible Person if there is a matter or incident which affects the ability of the person to meet the minimum requirements of the position.
- Ensure records are kept of the name of the Responsible Person at the service for each time children are being educated and cared for by the Service.
- Ensure the person in day-to-day charge interchanges with the Nominated Supervisor in their absence and takes on the Responsible Person role.
- Ensure the individual's compliance history is taken into account prior to appointing as the Responsible Person.
- Ensure 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 licence, approval, registration, certification or other authorisation granted to the person prior to appointing a Nominated Supervisor.
- Ensure documentation is recorded on the staff members SharePoint file that demonstrates their capacity to supervise and manage the service, this may include:
  - Résumé detailing work history
  - Reference from previous employer
  - Transcripts of courses or unit relating to staff management or administration of an education and care service
- Ensure Responsible Persons are aware that they have to sign off when they have finished their duty and will ensure the Nominated Supervisor or the alternative Responsible Person will sign on and take over the role.
- Ensure a staff record is kept on Smartsheet recording:
  - The full name, address and date of birth of the Nominated Supervisors and Responsible Persons
  - Evidence of relevant qualifications



# BOURKE AND DISTRICT CHILDREN'S SERVICES

## QUALITY AREA 4: STAFFING ARRANGEMENTS

### POLICY NAME: RESPONSIBLE PERSON

- 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 Nominated Supervisor/Responsible Person
- Ensure all staff know which staff members have been appointed as a Responsible Person.

#### AN APPOINTED RESPONSIBLE PERSON WILL:

- Ensure they have a thorough understanding of their role of being placed in day-to-day charge of the service and ask for clarification from the Nominated Supervisor/Approved Provider if necessary.
- Provide written consent to act as Responsible Person and notify the Nominated Supervisor/Approved Provider in writing if withdrawing consent.
- Sign their name and hours of responsibility on the Responsible Person register.
- Display the Responsible Person's identity clearly at the main entrance for families and visitors.
- Inform the 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.
- Abide by any conditions placed on the Responsible Person.
- Understand that a Responsible Person placed in day-to-day charge of the service does not have the same responsibilities under the National Law as the Nominated Supervisor.
- Notify the Nominated Supervisor/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.

#### EDUCATORS WILL:

- Ensure they are aware at all times, who the Responsible Person of the service is.

#### FAMILIES WILL:

- Know the Responsible Person for the service - their name is displayed at the entrance to the service (if their child is transported, they can ask the collecting educator who it is).

#### CONTINUOUS IMPROVEMENT/REFLECTION

Our Responsible Person Policy will be reviewed annually, or earlier if there are changes to legislation, ACECQA guidance, or any incidents related to the policy. This review will be conducted in consultation with children, families, and staff.

#### CHILD SAFE STANDARDS

Standard 1	Child safety is embedded in organisational leadership, governance, and culture
Standard 3	Families and communities are informed and involved
Standard 5	People working with children are suitable and supported
Standard 7	Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training
Standard 10	Policies and procedures document how the organisation is child safe

#### 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.



# BOURKE AND DISTRICT CHILDREN'S SERVICES

## QUALITY AREA 4: STAFFING ARRANGEMENTS

### POLICY NAME: RESPONSIBLE PERSON

#### EDUCATION AND CARE SERVICES NATIONAL REGULATIONS AND NATIONAL LAW

Sec. 162	Offence to operate education and care service unless responsible person is present
Sec. 162(a)	Persons in day-to-day charge and nominated supervisors to have child protection training
Sec. 169	Offence relating to staffing arrangements
117 (a)	Placing a person in day-to-day charge
117 (b)	Minimum requirements for a person in day-to-day charge
117 (c)	Minimum requirements for a nominated supervisor
150	Responsible Person
168	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 procedures
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

#### STATUTORY LEGISLATION & CONSIDERATIONS

[Education and Care Services National Law Act 2010 \(Amended 2023\)](#)  
[Education and Care Services National Regulations \(Amended 2023\)](#)

#### SOURCES

Acknowledgement to Community Early Learning Australia and Childcare Centre Desktop.  
 Australian Children's Education & Care Quality Authority (ACECQA). (2025).  
 Australian Children's Education & Care Authority (ACECQA). (2017). Responsible Person Requirements for Approved Providers: <https://www.acecqa.gov.au/sites/default/files/2018-09/ResponsiblePersonRequirements.pdf>.  
 Australian Children's Education & Care Authority (ACECQA). (2018). Nominated Supervisors. <https://www.acecqa.gov.au/sites/default/files/2018-03/InformationSheetNominatedSupervisor.pdf>  
 Australian Government Department of Education. (2022). [Belonging, Being and Becoming: The Early Years Learning Framework for Australia](#). V2.0, 2022.  
 Early Childhood Australia Code of Ethics. (2016).  
 Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017). (Amended 2023).  
 Guide to the National Quality Framework. (2017). (Amended 2025). [Guide to the National Quality Framework](#).  
 Revised National Quality Standard. (Amended 2025).

#### RELATED POLICIES

- Code of Conduct Policy
- Interactions with Children Policy
- Privacy and Confidentiality Policy
- Supervision Policy

#### RELATED DOCUMENTS

- Responsible Person Consent Form
- Responsible Person Record

POLICY REVIEWED	NEXT REVIEW DATE	POLICY REVIEWED BY
OCTOBER 2025	OCTOBER 2026	Charlotte Parnaby
MODIFICATIONS	<ul style="list-style-type: none"> <li>• Annual policy maintenance</li> <li>• Updated legislation and other links where necessary</li> </ul>	
POLICY REVIEWED	PREVIOUS MODIFICATIONS	POLICY REVIEWED BY



## BOURKE AND DISTRICT CHILDREN'S SERVICES

AUGUST 2024	<ul style="list-style-type: none"><li>• New policy format</li><li>• Child Safe Standards added</li><li>• Regulation amendments incorporated</li><li>• Was Previously called 'Determining Responsible Person'</li></ul>	Prue Ritchie
JANUARY 2021		Prue Ritchie