



Determining the Responsible Person

POLICY STATEMENT:

Lake Mac Newy OOSH has a duty of care under the Education and Care Services National Law and Regulations to ensure that a Responsible Person is physically present on the premises at all times when children are being educated and cared for. This ensures the health, safety, well-being, learning and development of all children and supports compliance with all legislative and regulatory requirements.

DEFINITIONS:

- **Approved Provider**
A person who holds a provider approval and has primary legal responsibility for the service under the National Law.
- **Nominated Supervisor**
A person aged 18 years or over who is responsible for the day-to-day management of the service.
- **Person in Day-to-Day Charge (PIDTDC)**
A person aged 18 years or over who has been placed in day-to-day charge of the service and has consented in writing. This person does not assume all responsibilities of the Nominated Supervisor but ensures continuity of operations.

PROCEDURES:

Selecting a Responsible Person

- A Responsible Person working at the service has been identified by the approved provider/Nominated Supervisor within the service as: responsible for the day-to-day management of the service or exercising supervisory and leadership responsibilities for part of the service.
- This person can be an approved provider, a nominated supervisor or an Educator who is in charge of the daily running of the Centre.

A Responsible Person can be:

- the Approved Provider
- the Nominated Supervisor
- a person with management or control
- a Person in Day-to-Day Charge (PIDTDC)

The Approved Provider will ensure:

- The Responsible Person must be at least 18 years of age
- The Responsible person must have completed accredited Child Protection training CHCPRT001/CHCPRT025- Identify and respond to children and young people at risk.
- Anaphylaxis & Asthma accredited training
- Childcare First Aid & Annual renewal of CPR Training
- Hold a current Working with Children Check (WWCC)
- Has completed or will complete the Child Safe Standards training, including Foundations of Child Safety, in line with organisational and regulatory requirements



- Has adequate knowledge and understanding of the National Quality Framework, including the National Law, Regulations, National Quality Standard and My Time, Our Place framework
- Have the ability to effectively supervise and manage an education and care service
- In exercising the role of Responsible Person, all decisions and actions must prioritise the safety, well-being, and best interests of children, including maintaining a child-safe environment and responding appropriately to any concerns relating to child protection, conduct or safety.
- The Responsible person must accept the position in writing, and this is stored on the staff record
- A Responsible Person is appointed and physically present at all times children are being educated and cared for
- The name & Photo of the Responsible Person must be displayed clearly at the Centre's sign-in/out desk for families.
- The staff record has the name of the responsible person at the service who is in charge each time that children are being educated and cared for by the service.
- Understand that a Person placed in Day-to-Day Charge (PIDTDC) does not assume all responsibilities of the Nominated Supervisor under the National Law but is responsible for ensuring the safe and effective operation of the service during their period of duty.
- A staff record is maintained, including all required documentation under Regulation 177

The Nominated Supervisor must notify the Regulatory Authority:

- within 7 days of any changes to their personal details
- within required timeframes if:
 - their Working with Children Check is suspended or cancelled
 - they are subject to disciplinary proceedings
 - they are no longer employed or withdraw from the role
- The Responsible Person is removed from the role if they no longer meet requirements
- The Responsible Person must be a Fit and Proper Person.
- It is desirable that a Responsible Person holds, or is working towards, a relevant qualification in education and care and has demonstrated experience to support effective supervision, decision-making and compliance with regulatory requirements.

Handover of the Responsible Person:

- A Responsible Person must remain on the premises at all times until responsibility is formally handed over
- All handovers must be:
 - clearly communicated between staff
 - documented in the Responsible Person Register
- The outgoing Responsible Person must:
 - ensure the incoming person is aware of:
 - any incidents
 - children requiring additional support
 - operational updates
- The incoming Responsible Person must:
 - acknowledge acceptance of the role
 - ensure their name is displayed at the service
- Both parties must sign on/off the Responsible Person record



CONSIDERATIONS

Education and Care Services National Regulations	National Quality Standard	Other Service policies/documentation	Other
R 150 R 156 R 168 R 173 R 177	Standard 2.1, 4.1, 6, 1, 7, 1, 7.3 Elements 2.1.1, 2.1.2 4.1.1, 4.1.2 6.1.2 7.1.2, 7.1.3, 7.1.5, 7.3.1, 7.3.5 Child Safe Standards 1, 3, 5, 7, 10	• Staff Handbook • Providing a Child Safe Environment Policy. • Interactions with Children Policy. • Supervision Policy • Governance and Management Policy • Confidentiality Policy. • OOSH Code of Professional Standards.	• Australian Children's Education & Care Quality Authority (2014) • Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2015

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