

Nambucca Valley Family Day Care

RESPONSIBLE PERSON POLICY

As per *Education and Care Services National Law and Regulations*, the Approved Provider of the Family Day Care (FDC) Service must ensure that support is provided to Family Day Care (FDC) educators and educator assistants at all times education and care is provided to children by the Approved Provider (if the provider is an individual or a person with management or control of the service); a Nominated Supervisor or a person in day-to-day charge of the service.

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 have the 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 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. 164	Offence relating to assistance to family day care educators
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
146	Nominated supervisor (See Reg. 154)
154	Record of staff employed at family day care service
168	Education and care services must have policies and Procedures
169	Offence relating to staffing arrangements
173A	Prescribed information to be displayed—family day care service (does not apply to WA Services)
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
Health and Safety Policy	Environments Policy
Interactions with Children, Family and Staff Policy	Staffing Arrangements Policy
Privacy and Confidentiality Policy	Supervision Policy
Respect for Children Policy	Work Health and Safety Policy

PURPOSE

Nambucca Valley Family Day Care (NVFDC) is committed to meeting our duty of care obligations under the Education and Care Services National Law National Regulations to ensure a responsible person is

available to provide support at all times that an FDC educator is educating and caring for a child as part of the NVFDC Service.

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Coordinator, students, volunteers, educators and educator assistants of the NVFDC 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, who is at least 18 years of age, 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, who is at least 18 years of age, 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

The Approved Provider of a Family Day Care (FDC) Service must ensure that when an educator is educating and caring for a child/ren, assistance from a nominated supervisor or responsible person is available at all times. For an FDC Service, the nominated supervisor assumes the legal responsibilities of the day-to-day operations of the service. A record of the responsible person will be documented each day via the *Responsible Person Register*.

The requirement to be available to provide support for NVFDC educators includes being available to be contacted by telephone to provide advice and assistance to NVFDC educators. The name of the Responsible Person will be clearly displayed in the main entrance of the principal office. If the Responsible Person needs to change for any reason, they will 'hand over' obligations for the role to another qualified person at the NVFDC 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 Register*.

A Responsible Person can be:

- The Approved Provider or a person with management or control of the FDC Service
- A Nominated Supervisor *or*
- A person in day-to-day charge of the service (PIDTDC)

THE APPROVED PROVIDER WILL ENSURE A RESPONSIBLE PERSON:

- Is nominated for the FDC Service and is responsible for the day-to-day management of the service and support to educators
- Is over the age of 18 years
- Is contactable by telephone at all times education and care is provided to children in NVFDC Services
- Holds a current Working with Children Check
- Meets the minimum requirements for qualification, experiences and management capabilities
- 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 learning framework (EYLF), Family Assistance Law and administration of Child Care Subsidy
- Has the ability to effectively supervise and manage an education and care service
- Is a fit and proper person and the history of the person's compliance with the National Law, Children's Services Law, Family Assistance Law are assessed
- Has completed approved child protection training and is aware of the reportable conduct scheme and processes
- Has knowledge and a commitment to the National Child Safe Standards
- Has evidence of completing an approved diploma level education and care qualification or higher is considered as a requirement
- 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
- 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 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 NVFDC 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 Lifetime Connect, 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 Check 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 *Responsible Person Register* has the name of the Responsible Person at NVFDC for each time children are being educated and cared for by NVFDC Services
- A Responsible Person is on duty from the time NVFDC Services open each day until the time the NVFDC Services close
- 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 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
- 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 NVFDC 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 (PDTIC) will sign on and take on the role
- 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 the name and hours of responsibility on the *Responsible Person Register* at the principal office of NVFDC
- Ensure that NVFDC educators are aware of the name and position of the Responsible Person in charge
- Inform the Approved Provider/Management in the event of 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
- 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 or teacher registration, or if they are subject to disciplinary proceedings
- Notify management in writing, if they wish to withdraw their consent to be 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
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SOURCES

Australian Children’s Education & Care Quality Authority. (2025). [Guide to the National Quality Framework](#)

Australian 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	Tella Markham	Nominated Supervisor	27/11/2025
POLICY REVIEWED	NOVEMBER 2025	NEXT REVIEW DATE	NOVEMBER 2026
VERSION NUMBER	V25.1		
MODIFICATIONS	<ul style="list-style-type: none"> added reference to new mandatory policy - <i>Safe Use of Digital Technologies and Online Environments Policy</i> minor edits within policy sources checked for currency and updated as required 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
OCTOBER 2024	<ul style="list-style-type: none"> annual policy review minor edits- use of lower case for approved provider/nominated supervisor/responsible person sources updated as required 		OCTOBER 2025
OCTOBER 2023	<ul style="list-style-type: none"> annual policy review- no major changes additional information added under Approved Provider section Childcare Centre Desktop resources added sources checked for currency and updated as required responsible person register removed from Appendix of this policy 		OCTOBER 2024