National Quality Standard Related Standards/ Regulations

**Standard 7.1  Governance**  
Element 7.1.2  Management systems: Systems are in place to manage risk and enable to effective management and operation of a quality service  
Element 7.1.3  Roles and responsibilities: Roles and responsibilities are clearly defined and understood and support effective decision making and operation of the service.  
Regulation 168  Education and care services must have policies and procedures  
Regulation 173  Prescribed information to be displayed

**Aim**

To clearly articulate the process for determining the responsible person of the Service, to ensure clarity for all educators, staff and families.

**Explanation**

As determined by the Education and Care Services National Law, a responsible person who is physically on the premises at all times, must be identified at all times that children are being cared for at the Service. The details of the responsible person must be documented and clearly displayed for educators, staff and families.

**Definitions**

1. **The Approved Provider** – Holds the Provider Approval granted under the Children Education and Care Services National Law. This approval authorises the Approved Provider to operate an approved education and care service. For the Early Learning Centre, the Approved Provider is Canberra Girls Grammar School.
2. **The Nominated Supervisor** – this is a person with a Supervisor’s Certificate designated by the service as the Nominated Supervisor. This person is responsible for the day-to-day management of an Approved Service and has a range of legal responsibilities under the Law and Regulations that govern the operation of education and care services.
3. **A Responsible Person** is one who has been granted a Supervisor Certificate under the Children Education and Care Services National Law OR who the Approved Provider or Nominated Supervisor sees fit to be left in charge of the day-to-day operations of the service. A Responsible Person however, does not have any statutory responsibilities under the National Law and Regulations in the absence of the Nominated Supervisor.
4. **Service Supervisor Certificate** is issued to an approved education and care service in the ACT by the Department of Education and Training. The Service Supervisor Certificate may apply to any person working at the service who is identified by the Approved Provider or Nominated Supervisor (regulation 238A) and agrees to be:
   - responsible for the day to day management of the service, or
   - exercising supervisory and leadership responsibilities for part of the service.
Practice

Responsible Person

A service must have a Responsible Person on the premises at all times. A Responsible Person can be:

1. The Nominated Supervisor
2. A person employed or engaged by an approved provider and designated to be their Responsible Person, and has agreed to exercise supervisory and leadership responsibilities in the absence of the Nominated Supervisor.

Consent to being the Responsible Person Placed in Day-to-Day Charge

Only one staff member can be appointed to the position of Nominated Supervisor – the Nominated Supervisor’s role must be accepted in writing.

A Responsible Person agrees to be placed in day-to-day charge of the Centre as required.

The designation must be made by the Approved Provider or the Nominated Supervisor and accepted in writing by the Responsible Person.

A Responsible Person placed in day-to-day charge of an Approved Service does not have the same responsibilities under the National Law as the Nominated Supervisor.

Duty of Approved Provider

1. Ensure Nominated Supervisors and Responsible Persons have a clear understanding of the role of the Responsible Person
2. Ensure the Responsible Person is appropriately skilled and qualified
3. Ensure a Responsible Person is physically present at the Centre.

Duty of Nominated Supervisor or Delegated Authority

1. Arrange for the keeping of a “Responsible Person record”. This record will document the current Responsible Person.
2. Develop rosters in accordance with the availability of Responsible Persons, Centre operation and attendance patterns of children so that a Responsible Person is physically present at the Centre at all times and this is documented and displayed.

Duty of Responsible Person in Day-to-Day Charge

The Responsible Person, placed in day-to-day charge of the Centre in the absence of the Nominated Supervisor will:

− be at least 18 years old
− complete additional paperwork to declare they are fit for the role
− have a minimum Diploma level qualification (or be actively working towards, with experience to support the role)
− sign the “Responsible Person” register
− make any necessary, time critical decisions in the absence of the Nominated Supervisor, being guided by the safety and best interests of the children and operational requirements (eg. staffing ratios)
− act as a point of contact for parents and staff in the absence of the nominated supervisor.
*Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the National Law. The responsibilities relevant to educators under the National Law continue to apply.*

**Procedure of Determining Responsible Person**

In normal circumstances, the Nominated Supervisor is the Responsible Person. In Before School Care and After School Care, ongoing, designated persons are the Responsible Person. In the absence of the Nominated Supervisor or a designated Responsible Person, a suitable person will be assigned as the Responsible Person.

The criteria to be followed for the assignment of the Responsible Person is as follows:

- Early Childhood Teacher, with years of service at the Centre to determine the order of assignment
- Diploma trained (Level 4) Coeducator, with years of service at the Centre to determine the order of assignment

The Responsible Person will sign in, on the Responsible Person register and indicate the time for which they were the Responsible Person.

The name of the Responsible Person will be displayed in the main entrance to the Centre.

**Acknowledgements**

Education and Care Services National Law Act 2010
Education and Care Services National Regulations