



DETERMINING THE RESPONSIBLE PERSON PROCEDURE

Policy Hierarchy link	Children (Education and Care Services National Law Application) Act 2010 <i>Education and Care Services National Regulations 2011: 173, 168(2)(i)</i> National Quality Standard: 4.2		
Responsible Officer	Vice-President, University Services		
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Superseded Documents			
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Associated Documents	Child Protection Procedure, UNSW Responsible Employee Course		
Version	Authorised by	Approval Date	Effective Date
2.1	Early Years Management	August 2015	September 2015

1. Purpose and Scope

As determined by the *Education and Care Services National Law*, a responsible person will be on the premises at all times and the details of the responsible person will be documented and clearly displayed for educators, staff and families.

The process for determining the responsible person will be clear to all educators and staff and followed at all times.

This is to be read in conjunction with the **Child Protection Procedure**.

2. Definitions

1. The **APPROVED PROVIDER** – Holds the Provider Approval granted under the Children Education and Care Services National Law 2011. This approval authorises the Approved Provider to operate an approved education and care service. For Early Years Services this is UNSW.

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 2011 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 by the Department of Education and Communities, Early Education and Care Directorate. 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.

3. Procedure

3.1 Responsible Person

A service must have a responsible person on the premises at all times. A responsible person can be:

1. The approved provider
2. The nominated supervisor
3. A staff member who is a Responsible Person and has agreed to exercise supervisory and leadership responsibilities in the absence of the Nominated Supervisor.

3.1.1 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 supervisors role must be accepted in writing.

A Responsible Person has agreed 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.

3.2 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. A substitute for the responsible person will be present where a Waiver is in place.

3.3 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.

3.4 Procedure of determining responsible Person

Whenever possible the Nominated Supervisor will be the Responsible Person. The Responsible Person will sign in, as on duty, on the Responsible Person register and upon leaving, hand over to the next responsible person to sign in.

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

Only one staff member can be appointed to the position of Responsible Person at any one time.

4. Review & History

5. Acknowledgements

Children (Education and Care Services National Law Application) Act 2010

Education and Care Services National Regulations 2011

Community Child Care Cooperative (May 2012) '*The really Simple Guide to Being a Nominated Supervisor*'.

Appendix A: History

The authorisation and amendment history for this document must be listed in the following table. Refer to information about [Version Control](#) on the Policy website.

Version	Authorised by	Approval Date	Effective Date	Sections modified
1.0	Vice President, University Services	11 November 2013	11 November 2013	
2.0	Early Years Management	20 November 2014	20 December 2014	
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