

Determining the Responsible Person Policy

1. Purpose:

The Y Whittlesea will ensure that a responsible person is present at the service at all times that the service is educating and caring for children. This policy will guide practice in determining who can be a nominated person put in day-to-day charge of each service and the requirements for this. This person can be the Approved Provider or a Nominated Supervisor who is appointed by the Approved Provider who meets all minimum requirements for the role.

2. Scope:

This policy applies to all operations and services of The Y Whittlesea, management, educators, volunteers, students and families.

3. Background:

Under the Education and Care Services National Law Act 2010, it is an offence to operate an approved centre-based education and care service unless a Responsible Person is present.

Legislation requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children.

The Responsible Person is either the Approved Provider (or the person in management or control of the service), the Nominated Supervisor of the service, or team member who satisfies the requirements to be, has been placed in day-to-day charge of the service.

The Nominated Supervisor does not have to be in attendance at the service at all times, but in their absence, a person who has consented in writing to the role is to be placed in charge. It is important to note a person placed in day-to-day charge of a service does not have the same responsibilities under the National Law as the Nominated Supervisor.

4. Responsibilities – Summary

Approved Providers and Persons with Management or Control will:

- Ensure a Responsible Person is on-site whenever education and care are provided.
 - Confirm Responsible Persons have the required skills, qualifications, and approvals.
 - Display the name and position of the Responsible Person and Nominated Supervisor prominently at the service.
5. Always Maintain a Nominated Supervisor and keep their information up to date in staff records.
- Notify the Regulatory Authority of any changes to Nominated Supervisor details, Approved Provider details, or management and fit and proper status.
 - Ensure Nominated Supervisors and Responsible Persons understand their roles.
 - Record Responsible Person details on staff records.
 - Notify the Regulatory Authority if a Nominated Supervisor's Working with Children Check or teacher registration is suspended, cancelled, or subject to disciplinary proceedings.

Nominated Supervisor will:

- Provide written consent to act as Nominated Supervisor.
- Ensure a Responsible Person is placed in charge when they are absent.
- Ensure Responsible Person details are displayed clearly.
- Develop rosters to ensure Responsible Person coverage.
- Notify the Approved Provider and Regulatory Authority within 7 days of any changes to their personal situation or fitness to remain in the role.

Nominated Responsible Persons will:

- Provide written consent to act as Responsible Person.
- Ensure their details are displayed clearly at the service entrance.
- Inform the Approved Provider or Nominated Supervisor if they are absent so another Responsible Person can be appointed.
- Understand their role and its scope under the National Law.
- Notify the Approved Provider and Regulatory Authority within 7 days of any personal changes affecting their fitness to hold the role.

6. Related Procedures and Supporting documents

- Child safe environment policy
- Governance and Management policy
- Code of conduct

7. Legislative and Industry Requirements: [Link](#) to Legislative Compliance Register

8. Consequences of breaching this policy: All elements of this policy must be adhered to, and any breach will be dealt with in accordance with the [YMCA Whittlesea Disciplinary and Termination Policy](#).

9. Policy owner: The GM Early Years is responsible for keeping this policy current - including making amendments as required, and regular reviews as scheduled.

10. Document Control: Review of this policy will be undertaken every two years, or prior as required by law, in consultation with appropriate Y People.

Version:	Description of Amendment	Amended by	Date	Release Date
4.0	Update	M Rowse	1/7/2025	July 2025
3.0	Separated Policy and Procedure	Farryn Burrill	1/11/2024	NA
2.0	Reviewed and approved	Geny Zambello	20/12/2013	Jan 2013
1.0	Policy created	Geny Zambello	29/11/2012	Dec 2012