

DETERMINING RESPONSIBLE PERSON POLICY

QUALITY AREA 4 – VERSION 1.6



PURPOSE

This policy provides a framework to guide the determination of the responsible person at Denzil Don Kindergarten.

POLICY STATEMENT

The safety, health, wellbeing, rights and best interests of every child guide all decisions, actions and practices of Denzil Don Kindergarten staff.

VALUES

Denzil Don Kindergarten is committed to:

- meeting its duty of care obligations under the law
- ensuring staffing arrangements support the safety, health, wellbeing, learning, and development of all children at the service
- complying with legislative requirements for a responsible person to always be present at the service premises.

SCOPE

This policy applies to the Approved Provider, all service staff (educational and non-educational), students, volunteers, parents/carers, children, and others attending the programs and activities of Denzil Don Kindergarten.

Parent/Carer Responsibilities Under This Policy:

Read, understand and follow the service Code of Conduct at all times

Adhere to this policy and all other service policies at all times

Responsibilities: R indicates legislation requirement	Approved provider & persons with management or control	Nominated Supervisor and Person in Day-to-Day Charge	All service staff (educational & non-educational)	Contractors, Volunteers & Students
Ensure the Regulatory Authority is notified of any appointment or removal of a PMC within 14 days of the event, or within 14 days of becoming aware of it (Standard 2)	R			
Submit the PA08 Notification of Change to Information About Approved Provider form via the NQA IT System (Standard 2)	R			
Ensure each identified PMC completes a PA02 Declaration of Fitness and Propriety form (Standard 2)	R			
Ensure all PMCs remain fit and proper persons to be involved in children's education and care. Notify the Regulatory Authority within 7 days if a PMC is no longer fit and proper (Standard 2)	R			
Maintain accurate and up-to-date PMC information at all times (Standard 2)	R			
Assess whether a person meets minimum requirements before nominating them as a Nominated Supervisor, or placing them in day-to-day charge (Standard 2)	R	√		
Ensure a Responsible Person is present at all times the service provides education and care (National Law: Section 162)	R	√		

Nominate sufficient Nominated Supervisors to ensure a Responsible Person is always available, including during periods of leave or illness (National Law: Section 161A)	R			
Ensure any Nominated Supervisor or Person in Day-to-Day Charge: - is at least 18 years of age - has adequate knowledge of education and care provision - demonstrates ability to effectively supervise and manage the service - has not been subject to any decision under the National Law, or any other children's services or education law, to refuse, refuse to renew, suspend, or cancel a licence, approval, registration, certification or other authorisation granted to the person - demonstrates a history of compliance with applicable laws (Regulations 117B and 117C) (Standard 2)	R	R		
Ensure the service does not operate without a Nominated Supervisor and obtain written consent for the role (National Law: Section 161; Regulation 117A(b))	R	√	√	
Obtain written consent from an early childhood teacher/educator assigned to day-to-day charge (Regulation 117A(b))	R	√	√	
Display the name of the Nominated Supervisor prominently at the service (National Law: Section 172; Regulation 173)	R	√		
Maintain staff records with required details for the Nominated Supervisor, including name, address, and date of birth, qualifications and approved training, Working with Children Check or teacher registration and evidence of fitness and propriety (see Staffing Policy) (Regulation 146) (Standard 6)	R	√		
Complete and maintain the National Educator Register in the NQA IT System for all relevant personnel (Standard 6)	R	R		
Notify the Regulatory Authority of changes relating to the Nominated Supervisor, including: - change of name or contact details - cessation of employment or removal from the role - withdrawal of consent - suspension or cancellation of WWCC or teacher registration - disciplinary proceedings or any matter affecting suitability (National Law: Section 56; Regulation 35) (Standard 6)	R	√		
Notify the approved provider and the Regulatory Authority within 7 days of any changes to personal circumstances, including a change of mailing address, circumstances that affect fit and proper status (such as suspension or cancellation of a WWC or VIT), or if subject to disciplinary proceedings (Standard 6)	R	√		
Ensure an alternative Responsible Person is present when the Nominated Supervisor is absent (National Law: Section 162)	R			
Ensure Nominated Supervisors and Persons in Day-to-Day Charge have a clear understanding of the Responsible Person role (Standard 6)	R			
Maintain staff records that identify the Responsible Person present at all times children receive education and care (Regulation 150) (Standard 6)	R	√		
Ensure Nominated Supervisors and Persons in Day-to-Day Charge complete and maintain current mandatory child protection training (National Law: Section 162A) (see Child Safe Environment and Wellbeing Policy) (Standard 8)	R	R	R	R
Ensure all PMCs, Nominated Supervisors, Persons in Day-to-Day Charge, staff, volunteers, and students complete required child safety training within prescribed timeframes (Standard 8)	R	R	R	R

Maintain evidence used to assess suitability for Nominated Supervisor and Day-to-Day Charge roles, including reference checks, declarations and qualifications and training certificates (Standard 6)	R	R		
Develop staff rosters that ensure availability of Responsible Persons, aligned with operating hours and children's attendance patterns	R	√		
Ensure Responsible Persons follow child-focused complaints procedures, respond promptly to complaints and cooperate with relevant authorities (see <i>Compliments and Complaints Policy</i>) (Standard 7)	R	√	√	√

BACKGROUND & LEGISLATION

BACKGROUND

Under the *Education and Care Services National Law Act 2010*, it is an offence for Denzil Don Kindergarten to operate without a Responsible Person physically present at all times the service is providing education and care.

The service must not operate without at least one Nominated Supervisor in employment. The Nominated Supervisor is not required to be in attendance at all times; however, in their absence, a Person in Day-to-Day Charge, must be present at all times.

LEGISLATION & STANDARDS

Relevant legislation and standards include but are not limited to:

- Child Safe Standards
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- National Quality Standard, Quality Area 4: Staffing Arrangements
- National Quality Standard, Quality Area 7: Leadership and Service Management
- Worker Screening Act 2020
- Worker Screening Regulations 2021 (Vic)

The most current amendments to listed legislation can be found at:

Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au

Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms, see the Definitions File located online: <https://denzildonkinder.org.au/policies/> OR in the Policies Folder in the kindergarten office.

Person in Day-to-Day Charge: a person appointed by the Approved Provider or Nominated Supervisor to oversee the service's daily operations, who has given written consent and meets minimum regulatory requirements.

Person with Management or Control (PMC): a person who has authority, responsibility, or significant influence over the planning, direction, or control of an education and care service, particularly at an executive or governance level.

Responsible Person: a person physically present at the service who is responsible for its operation at a given time. This may be the Approved Provider, a PMC, a Nominated Supervisor, or a Person in Day-to-Day Charge.

Nominated Supervisor: a person nominated by the Approved Provider, who has provided written consent, to supervise and manage the day-to-day operation of the service.

SOURCES & RELATED POLICIES

SOURCES

- Australian Children's Education and Care Quality Authority: www.acecqa.gov.au
- [New national educator register](#)
- Compliance history statement for a person to be a person in day-to-day charge (PIDTDC) or a nominated supervisor form: www.acecqa.gov.au/resources
- [Early Childhood Workforce Register](#)
- [AP02 Declaration of Fitness and Propriety](#)

- [PA08 Notification of change to information about approved provider](#)
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011: www.acecqa.gov.au
- Guide to the National Quality Framework: www.acecqa.gov.au

RELATED POLICIES

- Child Safe Environment and Wellbeing
- Code of Conduct
- Participation of Volunteers and Students
- Privacy and Confidentiality
- Staffing
- Supervision of Children

EVALUATION

To assess whether the values and purposes of the policy have been achieved, we will:

- seek feedback from all parties affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify all stakeholders affected by this policy at least 14 days before any significant change is made to the policy or its procedures, unless a lesser period is necessary due to risk ([Regulation 172 \(2\)](#)).

PROCEDURES

- NIL

ATTACHMENTS

- **Attachment 1:** Responsibilities of a nominated supervisor

AUTHORISATIONS

This policy was adopted by the approved provider of Denzil Don Kindergarten on 1/07/2026.

REVIEW DATE: 1 / JULY / 2028

ATTACHMENT 1: RESPONSIBILITIES OF A NOMINATED SUPERVISOR

As the person responsible for the day-to-day management of Denzil Don Kindergarten, the Nominated Supervisor holds responsibilities under the [National Law and National Regulations](#), including:

Educational Programs

Ensuring educational programs:

- are based on and delivered in accordance with an approved learning framework
- reflect the developmental needs, interests, and experiences of each child
- consider the individual differences of each child ([National Law: Section 168](#))

Supervision and Safety of Children

Ensure children are adequately supervised, are not subjected to inappropriate discipline, and are protected from harm and hazards ([National Law: Sections 165–167](#))

Entry to and Exit from the Premises

- Ensure children only leave the service in accordance with the [National Regulations](#) (ie: with a parent/carer, on an authorised excursion, or for emergency medical treatment).
- Ensure a parent/carer can enter the service premises at any time their child is being educated and cared for, except where:
 - entry poses a risk to the safety of children or staff, or
 - a court order prohibits contact with the child ([Regulation 99](#))
- Ensure unauthorised persons are not present unless under direct supervision ([National Law: Section 170](#))

Food and Beverages

- Ensure safe food handling, preparation, and storage practices ([Regulation 77](#))
- Ensure children have access to safe drinking water at all times and receive food and water regularly ([Regulation 78](#))

Administration of Medication

- Ensure medication is only administered with proper authorisation (except in emergencies) and in accordance with regulations ([Regulations 93–96](#))
- In an anaphylaxis or asthma emergency, ensure parents/carers and emergency services are notified as soon as practicable ([Regulation 94](#))

Drugs and Alcohol

Ensure staff do not consume alcohol or aren't affected by alcohol or drugs (including prescription medication) in a way that impairs their ability to supervise or care for children ([Regulation 83](#))

Sleep and Rest

Take reasonable steps to meet each child's sleep and rest needs, considering their age, development, and individual requirements ([Regulation 81](#))

Excursions

Ensure a risk assessment is completed before an excursion and prior to seeking authorisation ([Regulations 100–102](#))

Transportation of Children

Ensure a risk assessment is completed before seeking authorisation to transport a child, in accordance with regulations ([Regulations 102B–102D](#))

Staffing

- Ensure educator-to-child ratios meet regulatory requirements
- Ensure all educators hold required qualifications relevant to their role ([Regulations 123–128](#))

Note: If the Nominated Supervisor is not present, the designated Responsible Person – Person in Day to Day Charge - must be aware of and carry out these responsibilities.