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THE RESPONSIBLE PERSON

There must be a responsible person in charge of a centre based service and physically present at all times it is operating.

What is a 'responsible person'?

A responsible person applies only to centre based services.

Under the National Law a responsible person must be physically present at a centre based service at all times that an Approved Service operates.

A responsible person can be:

The Approved Provider or

The Nominated Supervisor or

A Certified Supervisor who has consented to be placed in day to day charge of the service.
(Your certified supervisor will also need approved child protection training when placed in charge).

What you should consider in determining how your service will ensure you always have a responsible person present.

Generally the responsible person at a service will be the Nominated Supervisor. Certified Supervisors could agree to being the responsible person when the Nominated Supervisor is not on duty, to ensure that during all operating hours there is a responsible person present at the service.

Services should also consider how they will meet this requirement during holidays or when staff are ill. If services ensure that there are several educators employed who have a Supervisor Certificate they can then be made the responsible person as required when the Approved Provider or Nominated Supervisor is absent.

The responsible person, although in charge of a service does not take on the responsibilities of the Nominated Supervisor. They are there to have overall charge of a service and to ensure that there is consistency and continuity in practices.

The responsible person is identified – their name and position must be displayed at the entrance of the centre and this will need to be changed when there is a changeover in the the responsible person.

REMEMBER: YOUR CENTRE CANNOT OPERATE WITHOUT A RESPONSIBLE PERSON PRESENT. See also Policy: Determining the responsible person.



RATED
EXCEEDING
NATIONAL QUALITY STANDARD





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The responsible person position is important ... we thought it would be helpful to identify all of the references in the Law, Regulations, and Guide.

Education and Care Services National Regulations, 2011

Chapter 1 – Preliminary: 4 – Definitions, p8 responsible person. In this definition you are referred to a section in the Law 162 (1) (a) (b) (c).

Part 2.3 Supervisor Certificates Division 4 – Process for certified supervisor to be placed in day to day charge of education and care service: Regulation 54 (a) (b), p53 outlines the processes to be followed when placing a certified supervisor in day to day charge.

Part 4.4 – Staffing Arrangements: Division 9 – Staff and Educator records – centre based services: Regulation 150, p135 records must reflect the name of the responsible person for each time that children are being educated and cared for by the service.

Part 4.7 – Leadership and service Management: Division 2 – Policies and Procedures: Regulation 168, p156 2 (i) (ii) with regards to determining the responsible person present at the service. Services will need to ensure that they have a clear written policy that outlines this process.”

Part 4.7 – Leadership and service Management: Division 3 – Information and record keeping requirements: Regulation 173, p161 2 (c) this covers documenting the name of the responsible person at all times.

Part 4.7 – Leadership and service Management: Subdivision 2 – prescribed records: Regulation 177 1 (g) records to be kept of the responsible person.

It is also important to remember that the National Quality Standards are part of the Regulations, and references to “responsible person” can be found in Quality Area 4 and 7.

Education and Care Services National Law Act 2010

Part 6 – Operating an Education and Care Service: 162 (1) (a) (b) (c) – Outlines those roles that cover “responsible person”. It is an offence to operate an education and care service unless responsible person is present. The Penalty for non- compliance is also outlined.

This penalty notice is also highlighted in Attachment A – Summary of offences under the National Law, p131. Summary B, p133 – 137 also lists policies and procedures that need to be put in place and followed, and the penalty notice applied for non-compliance.





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ACECQA Help Guides

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011

Part 4.4 – Staffing Arrangements, p83 – 84: This gives you some information regarding the regulation, and the record keeping guidelines in relation to the responsible person, as well as some suggestions for ensuring that the “responsible person” at any time is always recorded.

Guide to the National Quality Standard

In Quality Area 4 – Staffing Arrangements QA4: Standard 4.1, p112, and Element 4.1.1, p113 there is an explanation that discusses the aims of Element 4.1, and what assessors may observe, discuss and sight in their visit. This particular standard offers some reflective questions, p111, that staff can use as a starting point to consider how they have achieved this standard.

