

DETERMINING THE RESPONSIBLE PERSON AT THE SERVICE GUIDELINES



Kindergarten Programs

1. Purpose and Intent

The City of Casey is committed to ensuring all children attending a City of Casey managed kindergarten services are provided with a safe and secure environment that supports their health and wellbeing and adheres to National Regulations. This guideline outlines the responsibilities of the service when determining the responsible person at the service.

2. Scope

This guideline will apply to the Approved Provider, Nominated Supervisor, Responsible Person in Day-to-Day Charge, educators, staff, students on placement, volunteers, working in City of Casey managed kindergartens.

3. Definitions

Key Term	Definition
Approved Provider	An individual or organisation, such as City of Casey, that has completed an application form and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.
Nominated Supervisor	A person who is the Responsible Person in Day-to-Day Charge, and has been nominated by the Approved Provider (City of Casey) of the service under Part 3 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.
Person with Management and Control	Individuals responsible for managing the delivery of a service or those who have significant influence over its activities. PMCs have specific legal obligations for ensuring compliance within early childhood education and care providers.
Responsible Person	The Approved Provider (or person in management or control of the service), the Nominated Supervisor of the service, or an educator who has been placed in day-to-day charge of the service.

4. Background

Legislation requires that a responsible person is physically on the premises at all times the service is educating and caring for children. City of Casey as the Approved Provider has the autonomy to determine who can be the responsible person in each service. All City of Casey teachers and educators agree to be a responsible person via their Educator Record.

The Responsible Person can be:

- The Approved Provider or a Person with Management or Control
- A Nominated Supervisor
- A person in day-to-day charge of the service

Educators and families must be made aware of who the responsible person in charge is on any given day.

The Approved Provider will select one or more Nominated Supervisors at the service if they meet the below criteria:

- Be 18 years of age or over.
- Have adequate knowledge and understanding of the provision of education and care to children.
- Have an ability to effectively supervise and manage an education and care service.
- Consideration is also given to whether the individual has been subject to compliance action or disciplinary proceedings.

5. Responsibilities for this guideline

Child Youth and Family Management, Person with Management or Control or the Approved Provider	• Ensure Nominated Supervisors have a clear understanding of the role of the responsible person. • Ensure the responsible person is appropriately skilled and qualified. • Ensure a responsible person is physically present at the premises at all times the service is delivering education and care programs for children. • Ensure the Nominated Supervisor provides written consent and displays their name at the entrance to the service. • Ensure the Nominated Supervisor completes Attachment 1 – <i>Compliance History Statement to be a Person in Day-to-Day Charge</i>. • Develop rosters in accordance with the availability of the responsible person and the service hours of operation. • That relevant personal information about the Nominated Supervisor (including name, address, date of birth, evidence of qualifications and training, and their WWCC) is kept on the Educator Record. • Notify the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (Section 56, Regulation 35). • Notify the Regulatory Authority in writing if the Nominated Supervisor: • Changes their name or contact details • Is no longer employed or engaged by the service • Has been removed from the role, or • Withdraws their consent to the nomination • Take all reasonable steps to ensure the person nominated is suitable to undertake the role, including:
--	--

	• Not engaging a person if it could reasonably have been known that the person was prohibited under National Law. • Maintaining current reference checks, WWCC and Criminal History Checks.
Nominated Supervisor or person in Day-to-Day Charge (responsible person)	• Provide day to day management of the Approved Service • Provide written consent accepting the nomination as the responsible person. • Understand legislation and regulatory requirements. • Understand Council Policy and Child Youth and Family guidelines and procedures. • Regularly seek information from ACECQA. • Together with the Educational Leader, facilitate, lead and document regular quality improvement meetings. • Record meeting minutes ensuring they are available to management and staff at the City of Casey as required. • Action advice, notifications and procedural requests. • Ensure ongoing improvements identified from quality improvement meetings are actioned and documented in the Quality Improvement Plan. • Ensure all confidential Educator Records are correct, complete and forwarded to the City of Casey Licensing Officer. • Provide support to other staff at the service to ensure regulatory requirements are met. • Attend relevant professional development.

6. Associated documents and attachments

This guideline should be read in conjunction with:

- Child Protection guidelines
- Criminal History Records Check guidelines
- Privacy and Confidentiality guidelines
- Student Participation guidelines
- Volunteer Participation guidelines
- Attachment 1 – Compliance History Statement to be a Person in Day-to-Day Charge

7. Relevant legislation

Relevant legislation and standards include but are not limited to:

- Education and Care Services National Law Act 2010: Sections 5, 44, 56, 106–109, 114, 115, 118, 161, 162, 172, 291(5)
- Education and Care Services National Regulations 2012: Regulations 35, 46–49, 146, 168(2)(i)(ii), 173, 176(2)(c)
- National Quality Standard, Quality Area 4: Staffing Arrangements
- National Quality Standard, Quality Area 7: Leadership and Service Management
- Working with Children Act 2005 (Vic)
- Working with Children Regulations 2006 (Vic)

8. Statement of Commitment to Child Safety

All children or young people who attend services, programs, and events delivered by, and spaces owned or managed by the City of Casey, have the right to feel and be safe. The wellbeing and safety of children and young people in our care will always be our priority.

Council has zero-tolerance of child abuse and is committed to creating and maintaining a child safe and child-friendly organisation where all children and young people are valued and protected from abuse, harm and neglect.

The City of Casey is committed to creating and maintaining a child safe organisation where protecting children and young people from abuse, harm and neglect is embedded in the everyday thinking and practice of Council, its employees, contractors and volunteers.

9. Monitoring, evaluation and review

The City of Casey will ensure:

- Regular monitoring of the implementation of this guideline and its associated documents including training and compliance.
- This guideline and its associated documents are kept up to date with current legislation, policy and best practice.
- Review and evaluation of this guideline and its associated documents as part of the service's review cycle, or as required.

Reviewed by:	CYF Policy Officer, Kindergarten Programs Leadership Team, Head of Early Years and Partnerships		
Approved by:	Director – Community Life		
Date Approved:	24/09/2026		
Current Version:	1.0	ECM ID:	22432821
Review Cycle:	3 years	Review Due:	24/09/2029
Responsible Department and Team:	CYF Policy Officer Kindergarten Programs		

10. Document History

Date changed	Change Type

Contact the City of Casey:

Web: casey.vic.gov.au
Email: caseycc@casey.vic.gov.au
Phone: 03 9705 5200
Post: PO Box 1000, Narre Warren VIC 3805
NRS: 133 677 (for the deaf, hearing or speech impaired)

Customer Service Centres:

Narre Warren: Bunjil Place, Patrick Northeast Drive
Cranbourne: Cranbourne Park Shopping Centre
ABN: 43 320 295 742

