

Early Years - Procedure

Determining the Nominated Supervisor and Responsible Person Present

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Approval by:	Manager Early Years	Responsible Officer:	Strategic Partnerships and Planning Lead; Policy & Planning Officer
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Related Quality Area or Sector Standard	QA7 – Governance and Leadership Child Safe Standards National Model Code		

Purpose

This procedure outlines the guidelines and responsibilities for Early Years Services to:

- Comply with obligations to meet the legislative requirements to determine an Approved Provider, Nominated Supervisor, Person in Day-to Day Charge or Responsible Person.
- Ensure a responsible person is present at all times at an Early Childhood Education Service.

Policy Statement

Council Early Years Services are committed to:

- Complying with the obligations as set out in the [Education and Care Services National Regulations 2011](#).
- Ensuring staffing arrangements contribute to the safety, health, wellbeing, learning and development of all children at the service.
- Having succinct practices that ensure a responsible person is appointed at all times of operation of an Early Childhood and Education Service (this includes the forward planning of responsible persons across the hours of operations).
- Complying with the [Child Safe Standards](#), [Reportable Conduct Scheme](#), and The [National Model Code](#).

Scope

This procedure applies to the approved provider, persons with management control, nominated supervisor, persons in day-to-day charge, responsible persons, early childhood teachers, educators, staff, additional assistants, students on placement, volunteers, families, children and others attending the program and activities of Council Early Years Services.

Background

An Approved Provider may nominate a person to be the Nominated Supervisor if they meet criteria outlined in the Education and Care Services National Regulations and Law. A Nominated Supervisor may also place a qualified staff

member as a 'Person in Day-to-Day Charge' or a 'Responsible Person'. To be a Nominated Supervisor or Responsible Person the person must:

- Be at least 18 years of age
- Have adequate knowledge and understanding of the provision of education and care to children; and
- Have ability to effectively supervise and manage an education and care service.

In determining whether to nominate a person as the Nominated Supervisor, the Approved Provider must consider:

- The history of the person's compliance with:
 - the National Law
 - a former Education and Care Services Law
 - a children's services law
 - an education law
- 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.

A person can be implemented as the Person in Day to Day Charge if:

- They have been placed in day-to-day charge by the Nominated Supervisor or Approved Provider of the Education and Care Service.
- The person consents to the placement in writing.

An approved provider must not operate a service unless there is at least one nominated supervisor appointed for that service. The nominated supervisor does not have to be in attendance at the service at all times, but in their absence, a responsible person, such as a person in day-to-day charge must be present at all times.

Appointing a person in day-to-day charge enables the service to have a responsible person at the centre at all times the service is educating and caring for children. For example, they can be a point of contact for parents and staff in the absence of the nominated supervisor. They must meet minimum requirements to be appointed to the role. Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the National Law. The responsibilities relevant to educators under the National Law continue to apply. An approved provider does not have to appoint a person in day-to-day charge if a nominated supervisor/s or approved provider is to be the responsible person.

Ongoing responsibilities for Nominated Supervisors, Person in Day-to-Day Charge, or Responsible Person as per *Education and Care Services National Regulations and Law Act*

As the person responsible for the day-to-day management of an approved service, nominated supervisors have a range of responsibilities under the *National Law and National Regulations* including:

Note: *If the nominated supervisor is not present, the allocated responsible person should be aware and enact these responsibilities*

Educational programs - ensuring educational programs are:

- based on and delivered in accordance with an approved learning framework.
- based on the developmental needs, interests and experiences of each child.
- designed to consider the individual differences of each child.
- comply with eSafety curriculums, National Model Code and Child Safe Standards.

Supervision and safety of children

- ensuring children are adequately supervised, are not subject to inappropriate discipline, and are protected from harms and hazards.

Entry to and exit from the premises

- ensuring children do not leave the education and care service premises except in accordance with the *National Regulations* (for example, with a parent, on an authorised excursion, or for emergency medical treatment).
- ensuring that a parent of a child being educated and cared for by the service may enter the service premises at any time when the child is being educated and cared for by the service—except when:
 - permitting entry would pose a risk to the safety of the children and staff or conflict with the duty of the supervisor under the National Regulations, or
 - the supervisor is aware the parent is prohibited by a court order from having contact with the child (regulation 99).
- ensuring an unauthorised person (as defined in the National Law) is not at the service while children are present unless the person is under direct supervision.

Food and beverages

- ensuring adequate health and hygiene practices and safe practices for handling, preparing and storing food are implemented at the service to minimise risks to children.
- ensuring children being cared for by the service have access to safe drinking water at all times and are offered food and beverages on a regular basis throughout the day.
- ensuring that, where food and beverages are supplied by the service, they are:
 - nutritious and adequate in quantity
 - chosen with regard to the dietary requirements of individual children (regulation 79).
- ensuring that, where food and beverages are provided by the service, a weekly menu that accurately describes the food and beverages to be provided is displayed at the premises in a location accessible to parents.

Administration of medication

- ensuring that medication is not administered to a child being cared for by the service unless the administration is authorised (except in the case of anaphylaxis or asthma emergency) and is administered in accordance with the National Regulations.
- where medication is administered to a child without authorisation in a case of an anaphylaxis or asthma emergency, ensuring that a parent of the child and emergency services are notified as soon as practicable.

Prescription and non-prescription drugs and alcohol

- while educating and caring for children at the service, all staff must not consume alcohol or be affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or provide education and care to children.

Sleep and rest

- taking reasonable steps to ensure that the needs for sleep and rest of children are met, having regard to the ages, development stages and individual needs of children.

Excursions

- ensuring that a risk assessment is conducted before an excursion in accordance with the National Regulations, and specifically that the risk assessment is conducted before authorisation is sought to take a child on the excursion.

Transportation of children other than part of an excursion (if applicable)

- Ensuring a risk assessment is conducted before the excursion in accordance with the National Regulations (Regulations 100-101) – this is to specifically ensure that the risk assessment is completed for the excursion/s BEFORE obtaining authorisation (from families or guardians) to take a child on the excursion (Regulation 102).

Staffing

- ensuring the prescribed educator to child ratios are met and each educator at the service meets the qualification requirements relevant to the educator's role (regulations 123-128).
- ensuring staff comply with The Child Safe Standards and National Model Code in regard to the prohibition of use of personal devices whilst working directly with children.

Procedure

Guidance for placing a Person in Day-to-Day Charge

An approved provider must evaluate whether a person meets the minimum requirements before nominating them as a nominated supervisor and/or person in day-to-day charge. The approved provider should also consider:

- If the person possesses sufficient knowledge and understanding of education and care provisions.
- The ability to effectively supervise an education and care service.

The Approved Provider should consider the qualifications, skills and work experience to determine if the person has adequate knowledge and understanding of the provision of the education and care of children. This may include but is not limited to:

- a resumé detailing the person's position, duties, duration of employment and their employer's details.
- written reference from an employer that addresses the person's knowledge and understanding of the provision of education and care to children.
- transcripts demonstrating completion of an education and care qualification. For example, evidence of completing an approved diploma level education and care qualification may indicate that the person has adequate knowledge and understanding of the provision of education and care to children.
- a supervisor certificate previously issued to the person under the National Law including any conditions which were imposed on the supervisor certificate.

* Approved providers may also consider any other type of evidence that satisfies them of the person's adequate knowledge and understanding of the provision of education and care to children.

Ability to effectively supervise and manage an education and care service

Under the *National Regulations* a nominated supervisor must have the ability to effectively supervise and manage a service. A person may meet the requirement even if they do not have experience managing a service. For example, the approved provider may determine the person has the required ability if they have management experience at other service types, or in related sectors.

The approved provider should consider how a person's skills and experience contribute to their ability to manage a service in accordance with the *National Law and Regulations*

This may include consideration of a person's:

- knowledge of, and ability to apply, practices that help ensure the education and care needs of children are met.
- knowledge of, and ability to apply, practices that help ensure a service complies with the National Law and Regulations.
- skills in managing relationships with staff and families at the service.

Approved providers may consider the following types of evidence for this requirement, as well as any other type of evidence of a person's management ability:

- a supervisor certificate previously issued to the person under *the National Law and* any conditions which were imposed on the certificate.
- a resumé detailing their position, duties, duration of employment and their employer's details.
- a written reference from an employer that addresses the person's management ability.



- transcripts or a certificate of attainment, demonstrating completion of units of study or professional development that are relevant to supervising or managing an education and care service. For example, courses or units that relate to staff management or managing an education and care service in accordance with the *National Law and Regulations*.

Documentation

A Nominated Supervisor (for example a Team Leader) must complete the following:

- [Nominated Supervisor Consent Form](#) – and then lodged into NQAITS System
- [Declaration of Fitness and Propriety](#) – and then lodged into NQAITS System
- Where required, sign the [Educational Leader Agreement Form](#)
- Agree and [sign the declaration](#) on Staff Record
- Sign in to the Responsible Person Register when in attendance

Person in Day-to-Day Charge (For example a secondary Team Leader or Program Leader) must complete the following:

- [Nominated Supervisor Consent Form](#) – and then lodged into NQAITS System
- [Declaration of Fitness and Propriety](#) – and then lodged into NQAITS System
- Agree and sign the declaration on Staff Record
- Sign into the Responsible Person Register when delegated to by the Nominated Supervisor or Approved Provider
- Where required, sign the [Educational Leader Agreement Form](#)

A Responsible Person (For example an Educator or Early Childhood Teacher) must complete the following:

- Agree and sign the declaration on Staff Record
- Sign into the Responsible Person Register when delegated by the Nominated Supervisor, Person in Day-to-Day Charge or Approved Provider

Assessment for Suitability for Nominated Supervisors, Person’s in Day-to-Day Charge and Responsible Person

Information used to assess a person’s suitability to be a nominated supervisor and responsible person of a service should be kept as evidence on file. This may include but not limited to records of reference checks, declarations, copies of qualifications or course completion certificates.

If the prospective nominated supervisor or responsible person of the service is a new employee to the service, the approved provider should conduct thorough checks of the person’s references, including their current and previous employers. Each referee should be asked if they are aware of any compliance action under the National Law or any other law in relation to the candidate. Referee responses should be recorded and kept on file.

Responsibilities	
Approved Provider	<ul style="list-style-type: none">Notify the Regulatory Authority of any appointment or removal of a PMC within 14 days.
Person with Management or Control (PMC)	<ul style="list-style-type: none">Submit PA08 Notification of change to provider info via NQA IT System.Ensure each identified PMC completes a PA02 declaration of fitness and propriety.Ensure PMCs remain fit and proper for their obligations; and notify Regulatory Authority if they are not.Keep PMC information current and accurate, with copies available onsite upon request.

- Assess if person meets minimum requirements before nominating as Nominated Supervisor or Person in day-to-day charge.
- Ensure a Responsible Person is on premises and fit for duty during operating hours.
- Nominate a sufficient number of Nominated Supervisors to cover all times including leave/illness.
- Ensure the Nominated Supervisor or Person in Day-to-Day Charge meets criteria.
- Ensure the Early Childhood Education Service does not operate without a consenting Nominated Supervisor.
- Ensure Early Childhood Teacher or Educator gives written consent to be Person in Day-to-Day Charge.
- Ensure Nominated Supervisor's name is prominently displayed inside the service.
- Keep documentation of the Nominated Supervisor on a staff record.
- Notify the Regulatory Authority of any changes that will affect the Nominated Supervisor (additional Nominated Supervisor, removal of Nominated Supervisor, changes to WWCC status etc.)
- Ensure an alternative Responsible Person is available if Nominated Supervisor is absent.
- Ensure Nominated Supervisor/ Person in Day-to-Day Charge understand role of responsible person.
- Ensure responsible person is on premises during operating hours.
- Ensure Nominated Supervisors, and all other staff and educators complete annual child protection training.
- Keep evidence used to assess the Nominated Supervisor or Person in Day-to-Day Charge, such as reference checks and qualifications or training.
- Develop rosters based on responsible person availability and child attendance.
- Create a register where Nominated Supervisors, Person in Day-to-Day Charge or Responsible Person are recorded when they are acting as Responsible person.

Nominated Supervisor

Person in Day-to Day Charge

- Assess suitability before appointing a Person in Day-to-Day Charge.
 - Ensure a Responsible Person is present at all times of the service operation.
 - Meet all criteria to be a Nominated Supervisor or Person in Day-to-Day Charge.
 - Give written consent to being Nominated Supervisor.
 - Obtain written consent from Educators or Early Childhood Teachers to act as Person in Day-to Day Charge.
 - When a Nominated Supervisor is absent from the service ensure a Person in Day-to-Day Charge or Responsible Person is acting across all hours of the service operation.
 - Display their name prominently at the service, including contact details for matters of Compliments or Complaints.
 - Record a person's suitability to be a Nominated Supervisor or Person in Day-to Day Charge such as qualifications, reference checks on the staff record form.
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- Provide evidence for assessment for suitability as a Nominated Supervisor or Person in Day-to-Day Charge.
- Notify Regulatory Authority of any changes affecting their role.
- Notify the Approved Provider and Quality Authority of changes to personal details or WWCC status.
- Ensure name of Responsible Person is included on the staff record form.
- Complete and update mandatory Child Protection Training Annually.
- Support the Approved Provider to develop legislative compliant rosters.
- Ensuring that volunteers, students and parents/guardians comply with the Education and Care Services National Regulations 2011 and Education and Care Services National Law and all service policies and procedures (Regulations 170) including the Staff Code of Conduct Policy, Child Safe Policy, Interactions with Children and Privacy and Confidentiality Policy while attending the service.
- Ensure copies of policies and procedures (including code of conducts) are readily available and accessible to all staff, volunteers and families.
- Guide and enforce the [eSafety, Digital Technologies and Use of Personal Devices](#) in the Early Years Procedure.
- Working with Children Checks (WWCC) identification and Victorian Registration of Teaching (VIT) and staff records to be current and available upon request.
- As per The National Model Code all staff are prohibited from using or wearing personal devices that can take images, photos, videos, personal storage devices and file transfer media whilst working directly with children. This can include, but is not limited to phones, tablets, digital cameras, smart watches with camera recording functions, wearables such as camera glasses, SD cards, USB drives, USB drives.
- As per the [eSafety, Digital Technologies and Use of Personal Devices](#) in Early years Procedure, all staff to store their phone in a safe location where it is not in use when directly working with children.
- Maintaining Child Safe Standards in place to protect the health, safety and wellbeing of children attending a KCC Early Years Service through protecting children from any reasonable, foreseeable risk of injury or harm.
- Maintaining compliance with all Commonwealth, State and Local Government legislative and regulatory requirements relevant to the management and provision of KCC Early Years Services.
- Reading and understanding all Knox City Council Early Years Policies and Procedures.

Early Childhood Teachers (ECTs)

Educators

And all other Staff

- Understand and comply with the obligations of being the 'Person in Charge' of the Early Childhood Education Service, in the absence of the Nominated Supervisor or Person in Day-to-Day charge.
 - Give written consent to act as Person in Day-to-Day Charge.
 - Sign into the Responsible Person Register when acting as Person in Day-to-Day Charge or Responsible Person.
 - Complete and update mandatory Child Protection training annually.
 - As per The National Model Code all staff are prohibited from using or wearing personal devices that can take images, photos, videos, personal storage devices and file transfer media whilst working directly with
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children. This can include, but is not limited to phones, tablets, digital cameras, smart watches with camera recording functions, wearables such as camera glasses, SD cards, USB drives, USB drives.

- Ensuring that volunteers, students and parents/guardians comply with the *Education and Care Services National Regulations 2011* and *Education and Care Services National Law* and all service policies and procedures (*Regulations 170*) including the [Staff Code of Conduct Policy](#), [Child Safe Policy](#), [Interactions with Children](#) and [Privacy and Confidentiality Policy](#) while attending the service.
- Visitors must comply with the [eSafety, Digital Technologies and Use of Personal Devices in Early Years Procedure](#), which includes
Volunteers and contractors are prohibited from using/wearing devices that can take photos, videos, or recordings of children on personal devices.

Contractors, Volunteers, Students

- Ensuring all volunteers and students complete Child Safe Training prior to or at commencement at a service as per [Participation of Students and Volunteers Procedure](#).
- Check and record the status of the Working with Children (WWCC) Check of volunteers, students and contractors where required as per [Participation of Students and Volunteers Procedure](#).

Related References

- [Community Plan \(2021–31\)](#)
- [Council and Health and Wellbeing Plan \(2021–25\)](#)

Related Policies & Procedures

- [Knox City Council Fit to Work Procedure](#)
- [Knox City Council Child Safe Code of Conduct](#)
- [eSafety, Digital Technology and Use of Personal Devices in Early Years Procedure](#)
- [Governance and Management of the Service Including Confidentiality of Records Procedure](#)
- [Child Safe Environment and Wellbeing](#)
- [Knox City Council Complaints Procedure](#)
- [Equity, Diversity and Inclusions](#)
- [Relationships with Children](#)
- [Supervision of Children](#)
- [Participation of Students and Volunteers Procedure](#)

Relevant Legislation and Standards

- [Child Safe Standards](#)
- [Education and Care Services National Law Act 2010](#)
- [Education and Care Services National Regulations 2011](#)
- [Early Childhood Australia Code of Ethics](#)
- [National Quality Standards](#)
- [National Model Code](#)

Sources

- [ACECQA Guideline Factsheet – Responsible Person Requirements](#)
- [ACECQA Guideline Factsheet – Nominated Supervisor](#)
- [ACECQA Guideline Factsheet – Staffing Policy](#)

Definitions

Term	Meaning
Approved Provider	Someone with management or control that will operate the education and care service, this can be an individual, an organisation or a company.
Nominated Supervisor	A person formally appointed by the approved provider of an early childhood education and care service to be responsible for the day-to-day operations and compliance with national regulations.
Person in Day-to-Day Charge	An individual designated by the Approved Provider or Nominated Supervisor to be the responsible adult present and managing operations when the Nominated Supervisor is absent. It does not impose additional legal responsibilities beyond those already applicable to educators under the National Law.
Responsible Person	The individual in day-to-day charge of the service at all times children are being cared for and educated, ensuring compliance with legal obligations. This includes Nominated Supervisor, Person in Day-to-Day Charge and 'Responsible Person'.
Regulatory Authority	The government body responsible for overseeing and enforcing the laws and standards that govern early childhood education and care (ECEC) services.
NQA ITS	National Quality Authority IT System where Early Childhood Education and Care Providers can lodge notifications and changes to service approvals and show compliance to the National Regulations and Law.
Child Safe Standards	The Child Safe Standards require organisations involving children to have policies, procedures and practices to ensure they are well-prepared to prevent, respond to, and report child abuse and harm.
Suitability	Possing all the regulatory requirements to act as a Nominated Supervisor, Person in Day-to- Charge, Responsible Person.
The National Model Code	The National Model Code and Guidelines are intended to support early childhood educators, as champions of child safety, and complement relevant child safety activities and strategies already in place across the early childhood education and care sector.

Please see [Early Years Quality System Glossary and Definitions](#) for further glossary and definitions.

Charter of Human Rights

This policy has been assessed against and complies with the [Charter of Human Rights & responsibilities Act 2006](#). The [Simplified Version of the United Nations Convention of the Rights](#) of the Child has also been considered.

Equity Impact Assessment Statement

This Procedure has been assessed through the Equity Impact Assessment Checklist & Inclusive Language Guide. The



following groups have been considered in how their lived experience is considered and respected in the creation of documents for the Quality document system (Woman, Men, Young people/children, LGBTQI+ Communities and Gender Diverse People, First Nations People, People with Disabilities including Mental Health, Culturally and Linguistically Diverse People, low-income households & Senior Communities).

Staff: For all related Early Years Policies and Procedures, please refer to [Early Years Team Site](#) and [Quality Documents Page](#). All staff working for Knox City Council Early Years Services are required to read and understand all Knox City Council Early Years Policies and Procedures.

Families: For all related Early Years Policies and Procedures, please refer to [Council’s website](#). We strongly recommend all families enrolling in Knox City Council Early Years Services read the Knox City Council Early Years Services Policies and Procedures.

Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this procedure. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

The most current amendments to listed legislation can be found at:
Victorian Legislation – Victorian Law Today:
www.legislation.vic.gov.au

Version Updates

v#	Date	Section	Changes (Brief)
V 2.0	08/09/2025	Whole document	Updated to include provisions for The National Model Code, and current services practices to ensure a Responsible Person is in place at all times.