

7.04. DETERMINING THE RESPONSIBLE PERSON

QUALITY AREA 7 | VERSION 5.0

Regulatory Policy & Procedure



Statement of Commitment

Wyndham City Council is committed to safeguarding children younger than 18 and ensuring their active participation as valued members of our community, while fostering a child-safe environment. We focus on early identification of risks to protect children from harm, whether caused by adults, harmful behaviours between children, exposure to family violence, or concerns like grooming, cumulative harm, or neglect.

We encourage the reporting of any concerns or suspicions of child abuse or harm. The Reportable Conduct Scheme improves how organisations respond to allegations of abuse, harm, neglect, and risk to children. Under this scheme, the CEO, or their delegate, must report any allegations of child-related misconduct to the Commission for Children and Young People within a specific timeframe.

All allegations are taken seriously, and reporting does not require agreement on the conduct. Concerns can be reported to a line manager or directly to the Senior Child Safe Advisor. Investigations will be conducted by an external party under the oversight of relevant authorities, including Victoria Police, the Department of Families, Fairness and Housing, and Child Protection.

Furthermore, Wyndham City Council has also publicly declared its commitment to being a Child Safe Organisation on our external website and recognises the importance of Child Safety in the provision of quality community services. All children and young people who attend services, programs, events, and community spaces have a right to feel safe, be safe, and be heard. We are committed to maintain a child safe environment, and value a culture of safety within council and its operations.

There are also behavioural expectations to recognise the importance of an inclusive and welcoming environment to all children & young people of the wider community including Aboriginal and Torres Strait Islanders, culturally and/or linguistically diverse, those with a disability and promoting an environment with no tolerance for racism.



Purpose

This policy provides guidelines to assist in determining the Person in day-to-day charge for Wyndham City Early Education and Care Services (EECS).



Policy Statement

EECS is committed to:

- meeting its duty of care obligations under the law.
- ensuring staffing arrangements contribute to the safety, health, wellbeing, learning and development of all children at the service.
- meeting the legislative requirement that a responsible person be always present on the service premises.



Scope

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of EECS, including during offsite excursions and activities.

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<h3 style="text-align: center;">Responsibilities</h3>	Approved Provider and EECS Unit	Nominated Supervisors/ Team Leaders	Early Childhood Teacher, Educators, and other staff	Family, parents/guardians	Contractors, volunteers, and students
Ensure there is always a responsible person on the premises when the service is delivering education and care programs for children.	✓	✓			
Always meet legislative requirements for a responsible person at the service, including leave and illness, nominate enough supervisors.	✓				
Ensure a person nominated as a nominated supervisor or a person in day-to-day charge: <ul style="list-style-type: none"> • is at least 18 years of age. • has adequate knowledge and understanding of the provision of education and care to children. • can effectively supervise and manage an education and care 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, suspect, or cancel a licence, approval, registration, certification, or other authorisation granted to the person. • has a history of compliance with the National Law and other relevant laws. 	✓	✓			
Ensure the service does not operate without a nominated supervisor, and that the nominated supervisor has given written consent to be in the role.	✓	✓			
Ensure an early childhood teacher/educator gives written consent to being a person in day-to-day charge.	✓	✓	✓		
Ensure the name of the nominated supervisor is displayed prominently at the service. (<i>Appendix 7.1.2: Nominated Supervisor and responsible Person/s</i>)	✓	✓			
Ensure all information and documentation that supports evidence of fitness to be a nominated supervisor is kept on the staff record.	✓	✓			
Notifying the Regulatory Authority if: <ul style="list-style-type: none"> • there is a change to the name or contact details of the nominated supervisor. • the nominated supervisor is no longer employed or engaged by the service. • has been removed from the role. • the nominated supervisor withdraws their consent to the nomination. • if a nominated supervisor or person in day-to-day charge has their Working with Children Clearance or teacher registration suspended or cancelled, or if they are subject to any disciplinary proceedings under the law. • there is any other matter or incident which affects the ability of the nominated supervisor to meet minimum requirements and re-assessing the nominated supervisor’s suitability for the role. 	✓	✓			

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Notify the approved provider and the Regulatory Authority within 7 days of any changes to their personal information, situation, or if they are subject to disciplinary proceedings.	✓	✓			
Ensure when the nominated supervisor is absent from the premises, an alternative responsible person is on site.	✓	✓			
Ensure the nominated supervisor and person in day-to-day charge have a sound understanding of the role of responsible person.	✓	✓	✓		
The staff record must list the responsible person for each time the service educates and cares for children.	✓	✓			
Ensure the nominated supervisors and person in day-to-day charge have successfully completed child protection training. <i>(refer to Providing a Child Safe Environment Policy)</i>	✓				
Develop working arrangements that ensures a nominated supervisor or person in day-to-day charge is always in attendance during the service hours of operation. <i>(refer to Staffing Arrangements Policy)</i>	✓				
Support the approved provider to develop working arrangements that ensures a nominated supervisor or person in day-to-day charge is always in attendance during the service hours of operation.		✓			



Definitions

The terms defined in this section relate specifically to this policy:

Approved Provider: An individual or organisation that has completed an application and been approved by the Regulatory Authority as fit and proper to operate one or more education and care services.

Person in day-to-day Charge: placed in day-to-day charge by the approved provider or a nominated supervisor of the education and care service; and the person consents to the placement in writing. Person in day-to-day charge must be over 18 years of age, have adequate knowledge and understanding of the provision of education and care to children and can effectively supervise and manage an education and care service.

Nominated Supervisor: nominated by the Approved Provider of the service, over the age of 18 years, have adequate knowledge and understanding of the provision of education and care to children and can effectively supervise and manage an education and care service. All nominated persons must give written consent to the nomination, which is included in the notification to the regulatory authority and is also to be kept as part of the service staff records. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have at least one Nominated Supervisor.



Legislation and 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

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- Worker Screening Act 2020
- Worker Screening Regulations 2021 (Vic)



Related Appendices & Documents

- Appendix 7.1.2: Nominated Supervisor and Responsible Person/s



Related Policies

- Code of Conduct
- Confidentiality and Privacy
- Participation of Volunteers, Students and Additional Assistants
- Providing a Child safe Environment
- Staffing Arrangements
- Supervision of Children

Authorisation and Version Control

Version	Objective ID	Action	Date	Endorsement date	Next Review Date
2	A2340463	Intermediate Changes	2/10/2018	KK 22/01/2019	2021
3	A4005760	Addition of WCC Statement of Commitment to Child Safety	26/09/2022	TP	2025
4	A4673803	Policy updated to new format. Statement of Commitment reviewed and updated. Minor wording changes.	July, 2023	TP	July 2026
5	A4673803	Updated Wyndham City's Statement of Commitment to a Child Safe Organisation – as per Wyndham City's Child Safe Management page	23/06/2025	TP <i>J. Papaicamou</i>	July 2026