



Written By

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Nominated Supervisor

A *Nominated Supervisor* means a person—

- (a) who is a certified supervisor; and
- (b) who is nominated by the approved provider of the service to be the Nominated Supervisor of that service; and
- (c) who has consented to that nomination. All services are required to have a Nominated Supervisor under the National Quality Framework.

The *Approved Provider* of an education and care service commits an offence if the service does not have a Nominated Supervisor.

A *Responsible Person* placed in day-to-day charge of an education and care service is not the Nominated Supervisor for the service and does not have the same responsibilities as the Nominated Supervisor.

What sorts of things is a Nominated Supervisor responsible for?

A Nominated Supervisor is responsible for (amongst other things):

- Ensuring that all children being educated and cared for by the service are adequately always supervised.
- Ensuring that no child being educated and cared for by the service is subjected to—
 - (a) any form of corporal punishment; or
 - (b) any discipline that is unreasonable in the circumstances.
- Ensuring that every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury.
- Ensuring that a program is delivered to all children that—
 - (a) is based on the Early Years Learning Framework (EYLF); and
 - (b) is delivered in a manner that accords with EYLF; and
 - (c) is based on the developmental needs, interests, and experiences of each child; and
 - (d) is designed to consider the individual differences of each child.
- Ensuring that the relevant number of educators educating and caring for the children is as required under the Regulations.
- Ensuring that each educator at the service meets the qualification requirements relevant to the educator's role as prescribed by the Regulations.
- Ensuring that an unauthorised person does not remain at service premises unless they are under the direct supervision of an educator or other staff member.
- Implementing, and ensuring that all staff members of, and volunteers at, the service implement—
 - (a) adequate health and hygiene practices; and
 - (b) safe practices for handling, preparing, and storing food—to minimise risks to children.
- Food or beverage provided is nutritious and adequate in quantity and considers each child's growth and development needs and any specific cultural, religious or health requirements.
- Ensuring that children's needs for sleep and rest are met.

- Ensuring that staff and educators are not affected by alcohol or drugs.
- Ensuring that the emergency and evacuation procedures are rehearsed every three months.
- That children don't leave the premises unless with an authorised person.
- That risk assessments are carried out before excursions.
- Ensuring that families can always access the service while their child is there.
- Signing the daily attendance record each day.

Who can be a Nominated Supervisor?

From the Education and Care Services National Regulations:

117C Minimum requirements for a Nominated Supervisor

- (1) For the purposes of section 161A of the Law, the prescribed minimum requirements for nomination of a person as a nominated supervisor of an education and care service are that the person must—
- (a) have attained the age of 18 years; and
 - (b) have adequate knowledge and understanding of the provision of education and care to children; and
 - (c) have the ability to effectively supervise and manage an education and care service.

A Nominated Supervisor holds special responsibilities (and liabilities) under the Law and Regulations. Nominated Supervisors or people who are considering this role need to educate themselves about the responsibilities they hold and the potential liabilities they could face. Nominated Supervisors must complete a 7.13 Nominated Supervisor Consent Form and Staff Record to demonstrate understanding and acceptance of this role.

Frequently Asked Questions

Does the Nominated Supervisor have to be present at the service at all times?

No. The National Law requires service providers to ensure that at all times the service is educating and caring for children, there is a Responsible Person present at a centre-based service. This can be;

- the Approved Provider,
- the Nominated Supervisor, or
- a Responsible Person placed in day-to-day charge.

Can I be the Nominated Supervisor for more than one service?

Yes, you can be the nominated supervisor for more than one service. The Department of Education has stated that they encourage people who are thinking of being the Nominated Supervisor of several services to consider the obligations the Nominated Supervisor has under the National Law and Regulations. These obligations apply even if the Nominated Supervisor is not physically present at the service and need to be taken seriously.

Does the Director have to be the Nominated Supervisor?

No.

How do I notify of a change in Nominated Supervisors?

You must notify the Department of Education in writing seven days before the new Nominated Supervisor starts work, or if that's not possible, within 14 days of them starting.

Does the Nominated Supervisor need to be a full time employee?

No. You would need to consider how this role could be filled by a part time employee.

Summary of Offences a Nominated Supervisor can be personally liable for under the Law

Hinder or obstruct Regulatory Authority Section 218
 Inadequate supervision Section 165
 Inappropriate discipline Section 166
 Fail to protect children from harm and hazards Section 167
 Fail to provide required program Section 168
 Fail to meet minimum staffing requirements, including ratios and qualifications Section 169
 Allow unauthorised person to remain on premises Section 170
 Fail to comply with direction to exclude inappropriate person Section 171
 Obstruct an authorised officer Section 207
 Fail to assist an authorised officer Section 208
 Destroy or damage notices or documents Section 209
 Impersonate an authorised officer Section 210
 Fail to comply with notice or requirement Section 217
 Hinder or obstruct Regulatory Authority Section 218

Summary of Offences a Nominated Supervisor can be personally liable for under the Regulation

(Penalties for these offences vary between \$1000 and \$2000 and would be issued after a court case.)

Health and hygiene practices and safe food practices (Regulation 77)
 Access to safe drinking water and regular food and beverages (Regulation 78)
 Service providing food and beverages (Regulation 79)
 Weekly menu (Regulation 80)
 Sleep and rest (Regulation 81)
 Staff members not to be affected by alcohol or drugs (Regulation 83)
 Administration of medication (Regulation 93)
 Children leaving the education and care service premises (Regulation 99)
 Risk assessment must be conducted before excursion (Regulation 100)
 Authorisation for excursions (Regulation 102)
 Access for parents (Regulation 157)

Relevant Legislation

Education and Care Services National Regulations.
 National Quality Standard

Resources & References

<https://education.nsw.gov.au/early-childhood-education>

Relevant Documentation

7.03 Confidentiality Agreement
 7.12 Compliance History Statement
 7.13 Nominated Supervisor Consent Form and Staff Record

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