



# INFORMATION SHEET

## Changes to supervisor certificate application requirements

On 11 April 2014, Ministers responsible for the Education and Care Services National Regulations agreed to changes to streamline the supervisor certificate application process. The changes came into effect 1 June 2014 in all states and territories, apart from Western Australia<sup>1</sup>.

From 1 June 2014, regulatory authorities will grant a *service supervisor certificate* for each approved education and care service. Approved providers will receive a copy by email in July 2014 and do not need to apply for the service supervisor certificate.

Service supervisor certificates will not be issued to a particular person. Instead they may apply to any person working at the service who has been identified by the approved provider within the service as:

- responsible for the day to day management of the service or
- exercising supervisory and leadership responsibilities for part of the service or
- a family day care coordinator.

This means a person working in one of the above roles can be covered under the service supervisor certificate.

If designated by the approved provider, a person can give written consent to be the nominated supervisor for the service. Nominated supervisors have specific obligations under the National Law. Details are available in the [Nominated Supervisor Information Sheet](#) on the ACECQA website.

A person working in one of the above roles can also give written consent to be placed in day to day charge, if chosen by the approved provider or the nominated supervisor.

A person must give their written consent to be the nominated supervisor (section 5) or to be placed in day to day charge of the service (regulation 54).

**With this new flexibility, most individuals do not need to apply to the regulatory authority for a supervisor certificate.**

---

<sup>1</sup> Western Australia will make changes to the *Education and Care Services National Law (WA) 2012* regarding supervisor certificates at a later date. Until then, the application process for supervisor certificates in Western Australia will remain unchanged.

For example, if the service director is responsible for day to day management of the service, they can be covered under the service supervisor certificate. Similarly, a room leader who is responsible for supervising part of the service can also be covered by the service supervisor certificate.

The approved provider has overall responsibility for the service, and must take reasonable steps to ensure children's safety and wellbeing is protected. This includes making an informed decision about whether a person is fit and proper, with suitable skills to be the nominated supervisor or to be placed in day to day charge of the service. More information about responsibilities for approved providers and nominated supervisors is in the FAQs below.

These changes apply for centre-based and family day care services, and are in response to sector feedback about the supervisor certificate application process. They make it easier for providers to meet the requirement to ensure that:

- for centre-based services, either the approved provider, nominated supervisor, or a certified supervisor in day to day charge is present at the service at all times the service is educating and caring for children (section 162) and
- for family day care services, either the approved provider, nominated supervisor or a certified supervisor in day to day charge is available at all times to support family day care educators educating and caring for children (section 164).

These changes minimise paperwork associated with the supervisor certificates as far as possible, while state and territory governments and the Australian Government consider changes to the National Law to further streamline requirements for providers and educators. This is occurring as part of the 2014 Review of the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care.

More information about the changes is provided in the FAQs below. An updated version of the Guide to the National Law and Regulations will soon be available on the ACECQA website.

## Frequently asked questions (FAQs) – Providers

### ***How do I get a service supervisor certificate for my service?***

You do **not** need to apply for a service supervisor certificate. Regulatory authorities will issue a service supervisor certificate for each approved education and care service.

You should expect to receive a copy of the actual certificate via email in July 2014. However, you can still appoint a person who meets the new definition, with their written consent, from 1 June 2014, even if you have not yet received your certificate.

### ***Do I have to pay a fee for a service supervisor certificate?***

No. Regulatory authorities will not charge a fee for a service supervisor certificate.

### ***Does a person need an approved qualification or three years' experience to be covered by the service supervisor certificate?***

No. The approved provider may designate any person who is working in a role that meets the new definition

for a service supervisor certificate (regulation 238A) as the nominated supervisor (section 5) or as a person in day to day charge (regulation 54).

The approved provider has overall responsibility for ensuring children’s safety and wellbeing is protected (section 51) and that the service complies with the National Law and Regulations. Therefore you must make sure the nominated supervisor and any person placed in day to day charge of the service has suitable skills and experience for supervising the service, having regard to their qualifications, experience and age.

Under regulation 54, the service’s nominated supervisor may also place a certified supervisor in day to day charge of the service. When deciding whether it is suitable for a person who meets the new definition to be placed in day to day charge of the service, the nominated supervisor should consider the same factors as outlined above.

***What are my responsibilities for ensuring the fitness and propriety of a person to be covered by the service supervisor certificate?***

Normal requirements for including the details of a staff member’s working with children card or check/vulnerable people check, or safety screening clearance or teacher registration, in the staff record continue to apply (regulations 145-7).

The approved provider has overall responsibility for the service and must take reasonable steps to ensure children’s safety and wellbeing is protected. This includes taking reasonable steps to make an informed decision about whether a person is suitable to be the nominated supervisor for the service or to be placed in day to day charge.

For example, you are encouraged to seek a statement from the person about their compliance history, such as whether they have ever had an individual supervisor certificate suspended, cancelled or limited by a condition, or have been subject to any other compliance actions under the National Law and Regulations. It is also important to be aware of any compliance action taken under another law relevant to children’s education and care, such as a children’s services law or an education law, or a former education and care services law, in any state or territory. A [compliance history](#) statement template is available on the ACECQA website.

As [nominated supervisors](#) have specific obligations under the National Law, you should also consider a person’s age when deciding whether they are suitable for the role.

In addition, educators at a centre-based service who are less than 18 years old must be supervised at all times and cannot work alone at the service (regulation 120).

Under regulation 54, the service’s nominated supervisor may also place a certified supervisor in day to day charge of the service. When deciding whether it is suitable for a person who meets the new definition to be placed in day to day charge of the service, the nominated supervisor should consider the same factors as outlined above.

***Does the service supervisor certificate apply to everyone at the service who meets the new definition?***

No. A person is covered, and may be the nominated supervisor, if:

- the approved provider identifies that they meet the new definition for a service supervisor certificate and
- they give their written consent to be the nominated supervisor (required under sections 35, 44 and regulation 56).

A person is covered, and may be placed in day to day charge of the service, if:

- the approved provider or the nominated supervisor identifies that they meet the new definition for a service supervisor certificate and
- they give their written consent to be placed in day to day charge of the service (required under regulation 54).

See above for information on ensuring fitness and propriety for people covered by a service supervisor certificate.

***Do these changes affect record-keeping requirements or requirements to display information?***

No. For centre-based services, the requirement to display the name and position of the responsible person in charge of the service at any given time continues to apply (regulation 173). The requirement to keep a record of the responsible person for each time that children are being educated and cared for by the service also continues to apply (regulation 150 and 177).

***What information do I need to notify to the regulatory authority?***

The approved provider must notify the regulatory authority if the nominated supervisor for the service changes (section 56). They must also notify the regulatory authority if a nominated supervisor is no longer employed at the service or if they withdraw their consent to be the nominated supervisor (section 173).

In addition, the approved provider must notify the regulatory authority if the approved provider is notified that (section 173):

- a certified supervisor's working with children check or teacher registration is suspended or cancelled or
- a certified supervisor is subject to disciplinary proceedings under an education law of any state or territory.

***Can I nominate one of the people who will be covered by the new service supervisor certificate before I receive my certificate?***

Yes. There will be a short delay between the commencement of the regulation allowing regulatory authorities to grant a service supervisor certificate for people who meet the new definition, and the distribution of the actual certificate. You should expect to receive a copy of the actual certificate via email in July 2014. However, you can still appoint a person who meets the new definition, with their written consent, from 1 June 2014, even if you have not yet received your certificate. For further details, see '*Does the service supervisor certificate apply to everyone at the service who meets the new definition?*' above.

***I am planning to submit an application for a new service approval - what requirements apply?***

Service approval applications must include the details of a person with an individual supervisor certificate, or who has applied for an individual supervisor certificate, who will be the service’s nominated supervisor (section 44, regulation 24). If the approved provider wishes to be the nominated supervisor, they must have an individual supervisor certificate, or have applied to their regulatory authority for an individual supervisor certificate. You can apply for an individual supervisor certificate online through the NQA ITS, or by using the application form (CS01) on the [ACECQA website](#).

**Frequently Asked Questions FAQs – Individuals**

***I already have an individual supervisor certificate – is it still valid?***

Yes. You can continue to use a supervisor certificate that has been issued to you by the regulatory authority.

***What if I have already applied for an individual supervisor certificate?***

Regulatory authorities will continue to process applications that have been lodged for an individual supervisor certificate.

***What do I need to do to be covered by the service supervisor certificate?***

You are covered by the service supervisor certificate, and may be the nominated supervisor, if:

- the approved provider identifies that you meet the new definition and
- you give your written consent to be the nominated supervisor (required under sections 35, 44 and regulation 56).

You are covered by the service supervisor certificate, and may be placed in day to day charge of the service, if:

- the approved provider or the nominated supervisor identifies that you meet the new definition and
- you give your written consent to be placed in day to day charge of the service (required under regulation 54).

As part of assessing suitability for these roles, the approved provider or nominated supervisor may also seek a statement about your history of compliance with the National Law and Regulations, and other relevant laws. For example, this may involve making a statement about whether you have:

- previously had an individual supervisor certificate that was suspended, cancelled or limited with a condition or
- been subject to compliance action or disciplinary proceedings under a children’s services law, education law, or a previous education and care services law, in any state or territory.

***Do I need an approved qualification or three years’ experience to be covered by the service supervisor certificate?***

No. Any person who the approved provider or nominated supervisor identifies as meeting the new definition (regulation 238A) may consent to be covered by the service supervisor certificate.

The approved provider is responsible for ensuring the safety and wellbeing of children at the service and will consider a person's qualifications, experience and age when deciding whether they are suitable to be the nominated supervisor or placed in day to day charge.

Under regulation 54, the service's nominated supervisor may also place a certified supervisor in day to day charge of the service. When deciding whether it is suitable for a person who meets the new definition to be placed in day to day charge of the service, the nominated supervisor will consider the same factors as outlined on the previous page.

***What happens if I move to a different service?***

From 1 June 2014, each approved education and care service will be issued with a service supervisor certificate. If you move to a new service and the new approved provider identifies that your role within the service meets the new definition, you may be covered by the service supervisor certificate if you give written consent to be the nominated supervisor or placed in day to day charge.