Prohibition, suspension and supervision notice and enforcement action declaration for prospective staff members and volunteers

This form supports approved providers to ensure they do not engage or employ a person who is subject to a prohibition, suspension or supervision notice applicable in an education and care service. This form also supports prospective employees to disclose any other enforcement actions, such as enforceable undertakings or a disciplinary agreement, order or notice. If there is any change to the information provided in this form, including if a new enforcement action applies, you must notify your employer as soon as possible.

The declaration in this form may be completed by any prospective staff member, nominated supervisor or volunteer seeking employment or engagement with an education and care service.

Notice requirements:

- A person who is subject to a prohibition notice is not allowed to work for or be engaged by an education and care service or carry out any other related activity (section 187 of the Children (Education and Care Services) National Law (NSW) (National Law)).
- An approved provider must not engage a prohibited person as an educator, family day educator, employee, contractor, staff member, volunteer or nominated supervisor (section 188 of the National Law).
- A person who is subject to a suspension notice is not allowed to be involved in the provision of education and care services or enter any premises of an education and care service (section 178 of the National Law).
- An approved provider must not allow a person subject to a suspension notice to be involved in the provision of education and care while the suspension is in force (section 178(7) of the National Law).
- A person subject to a supervision notice must be supervised by the approved provider specified in the notice in providing any education and care service and must comply with any other conditions set out in the notice during the period of the notice (section 178A of the National Law).
- An approved provider must not contravene a supervision notice or any condition set out in the notice (section 178A(6) of the National Law).
- Completed forms should be kept and stored by the approved provider to support compliance with section 178 and section 188 of the National Law and regulation 168(2)(i) of the Education and Care Services National Regulations (NSW).
- The NSW Early Learning Commission may disclose certain information to an approved provider or recruitment agency (section 272).

Note: This form does not need to be lodged with the regulatory authority and is recommended as a resource for prospective employees to provide relevant information to approved providers as part of their recruitment and ongoing employment practices.

Part A: Personal details

Title: _____

First name: _____ Last name: _____

Previous names/aliases: _____

Date of birth (DD/MM/YYYY): __/__/____

Email: _____

Residential address: _____

_____

_____

Phone number: _____

Part B – Declarations

1. **Are you currently subject to a prohibition notice, supervision notice or suspension notice under the Children (Education and Care Services) National Law?**

   ☐ Yes ☐ No

   If yes please provide further details:

   ☐ Prohibition notice

   ☐ Suspension notice

   ☐ Supervision notice

   Please note that penalties apply for failing to comply with a prohibition, suspension or supervision notice. A person who is subject to a prohibition, suspension or supervision notice must comply with the requirements and any conditions specified in the notice.

2. **Are you currently subject to any other enforcement actions, such as an enforceable undertaking, or a disciplinary agreement, order or notice under the Children (education and Care Services) National Law?**

   ☐ Yes ☐ No

   If yes, please provide further details: _____

   _____

   _____

   _____

   Please note that it is an offence to fail to comply with any of the terms listed in an enforceable undertaking, order or notice.

3. **Are you currently prohibited or restricted from working with children under any other law?**

   ☐ Yes ☐ No

   If yes, please provide further details: _____

   _____

   _____

   _____

   Please note that it is an offence for a person to give false or misleading information to an approved provider about a prohibition notice (section 188A, National Law). It is an offence for a person who has entered into an agreement with a recruitment agency to make a false or misleading statement to a recruitment agency about a prohibition notice (section 188B). Penalties apply.

I, _____declare that:

1. The information provided on this form is true, complete and correct.
2. The approved provider or a representative of the approved provider is authorised to verify any information provided in this form, including by contacting relevant authorised authorities or other appropriate sources to confirm the information provided.
3. I am aware that a person who is subject to a prohibition notice is not allowed to work for or be engaged by an education and care service or carry out any other related activity.
4. I am aware that a person who is subject to a current suspension notice must not provide education and care or otherwise be involved in the provision of education and care during the period of suspension.
5. I am aware that a person who is subject to a supervision notice must comply with the supervision requirements and any other conditions specified in the notice.
6. I am aware that under the Education and Care Services National Law it is an offence to provide false or misleading information and penalties may apply.

Name of person making the declaration: _____

Signature of person making the declaration: _____

Date: __/__/____

Name of service representative reviewing the declaration: _____

Role of service representative reviewing the declaration: _____

Signature: _____

Date: __/__/____