Regulation Impact Statement for proposed options for changes to the *National Quality Framework*

Submission from Early Childhood Australia

January 2015

Contact

Samantha Page, CEO Early Childhood Australia

Email: spage@earlychildhood.org.au

Phone: 02 6242 1800

About us

Early Childhood Australia (ECA) is the national peak early childhood advocacy organisation, acting in the interests of young children, their families and those in the early childhood sector. ECA advocates for quality in education and care as well as social justice and equity for children from birth to eight years. We have a federated structure with Branches in each state and territory. In 2013, ECA celebrated 75 years of continuous service to the Australian community.

About this submission

ECA has been at the forefront of helping ECEC providers and educators understand and implement the *National Quality Framework* (NQF) since it started development in 2007. In the period 2011–2014, ECA was funded by the Federal Government to produce and deliver the *National Quality Standard Professional Learning Program* (NQS PLP), an online resource hub that provided the Early Childhood Education and Care (ECEC) sector with information and practical self-help resources as well as opportunities for sharing information and seeking advice from experts.

Early Childhood Australia's submission seeks to draw from our knowledge and address the key issues identified by our members and the broader sector, and proposes options for consideration in improving the *National Quality Framework* into the future.

Table of Contents

1. Introduction

Early Childhood Australia (ECA) welcomes the opportunity to provide this submission commenting on the Regulation Impact Statement (RIS) for proposed options for changes to the *National Quality Framework* (NQF).

ECA strongly supports the continued implementation of the NQF but we recognise that there are opportunities to streamline the *National Quality Framework* in areas that do not affect children's outcomes. ECA also recognises that reducing complexity of the *National Quality Framework* will help to reduce the cost of services.

ECA has supported many of the proposed amendments to the National Law and Regulations and to the *National Quality Standard* contained in the RIS.

However, in relation to the draft revised *National Quality Standard*, we think that assessments of features of the NQF that are critical for the quality of children's learning experiences, such as documentation, may be overstated.

ECA considers observing children's learning to be a fundamental part of professional practice and supporting children's development. However, some educators are completing too much documentation, which could be prevented with more professional support and clarity around expectations from Regulatory Authorities.

ECA also holds concerns over the removal of references to play-based learning from Quality Area 1 and to the approved learning frameworks.

2 Refining the *National Quality Standard* and assessment and rating process

2.3 Reducing the complexity of the *National Quality Standard*

The RIS does not provide a detailed explanation of the intention of specific changes proposed to the *National Quality Standard* other than to 'reduce complexity'.

ECA sought clarification through the consultation process and directly from the Commonwealth and ACECQA.

Despite this consultation, we understand that there has been conflicting advice about the policy objectives of each of the proposed changes.

ECA has provided a draft 'tracked changes' document attached comparing the current *National Quality Standard* (NQS) with the draft revised NQS to make it easier for sector providers to assess the proposed changes.

Separation of the regulation from the NQS

We understand that the key intention of the revised standard, which is not mentioned in the RIS, is a structural separation between the NQS and the *Education and Care Services National Regulation*. That is, the draft revised NQS does not seek to reflect the Regulations; the Regulations provide a minimum operational standard and the intention of the draft revised *National Quality Standard* is to provide the assessment standard.

ECA supports this separation in principle, but it will require directors and educators to revaluate how they use and understand the current regulations and the NQS. All educators will need to be conversant (if they are not already) with the relevant parts of the Regulations without relying on the NQS.

ECA is of the view that, where possible, the same language that used in the Regulations should be reflected in the NQS to reduce complexity.

Focus on outcomes

ECA understands that another underlying principle of the NQS review is a move to make the NQS more outcomes-focused, rather than process-driven.

ECA supports this principle. However, certain processes remain important such as the assessment and planning cycle.

Children's rights

5.A.ii	5.2.3	Dignity and rights of the child	**Educators promote** the dignity and rights of each child.	The dignity and the rights of every child ~~are maintained at all times.~~

Some may feel that this weakens the obligations of educators with regard to children's rights and believe that maintaining children's rights is a much more profound action than simply promoting them.

The proposed change does not reflect Regulation 155(c) which states that 'An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that … maintains at all times the dignity and rights of each child'.

Recommendation

1) References to maintaining children's rights should remain in the NQS.

Documenting children's learning

Proposed	Current	Concept	Descriptor (proposed NQS)	Descriptor (current NQS)
1.C.i	1.2.1	Assessment and planning cycle	Each child's learning and development is assessed or evaluated as part of an ongoing cycle of **collecting information, analysing learning,** planning, **implementation and reflection**.	Each child's learning and development is assessed as part of an ongoing cycle of planning, ~~documenting~~ and evaluation.
1.C.ii	1.1.4	Information for families	Families are informed about the program and their child's progress.	The ~~documentation~~ about ~~each~~ child's program and progress is available to families.

The revised draft NQS expressly removes the word 'documenting' which we understand is to reduce the emphasis on this stage of the planning cycle.

While 'documenting' has been removed in the revised draft NQS, it still remains under Regulation 74:

'The approved provider of the education and care service must ensure that, for the purposes of the educational program, the following are documented-

(a) for a child preschool age or under-

(i) assessments of the child's developmental needs, interests, experiences and participation in the educational program; and

(ii) assessments of the child's progress against the outcomes of the educational program; and

(b) for a child over preschool age, evaluations of the child's wellbeing, development and learning'

The underlying problem is that some educators are completing too much documentation, rather than focusing on the quality of *what* they are documenting.

There is nothing in the wording—or the intent—of the current NQS that encourages a heavy emphasis on documentation. The solution to this problem lies in ongoing, affordable professional support that focuses on supporting educators to articulate their practice—why they are doing something, what the expected outcomes are and why these outcomes are important for children.

The replacement language in the revised draft NQS is 'collecting information' and 'analysing learning'. Read together these do not suggest anything vastly different to documenting children's learning under Regulation 74.

ECA supports the intention of adding 'analysing learning' which may put more emphasis on the quality of what is being documented.

However, we are concerned about the perceived meaning of 'collecting information'. This suggests that any information should be collected, including information without context, whether it is used in 'analysing learning' or not. It asks the question, 'what information should be collected?' without providing an answer.

'Documentation' implies (read with Regulation 74) that educators provide evidence of analysis of children's learning as part of the planning cycle. It encapsulates both observation and analysis of children's learning together.

A separation between information collecting and analysis is not useful. As noted in our previous submission, professional accountability should require some level of documentary evidence to be provided regarding children's learning. This is not only practical for assessment purposes, but also to evaluate how educators can be supported to improve their teaching.

ECA does not believe that the rephrasing of the element in this case reduces complexity, and it also does not re-focus the element on outcomes.

While a principle of the draft revised NQS is to create a separation between the Regulation and the NQS, we believe that there is no value in separating Regulation 74 with element 1.2.1 in the current NQS. While all services must document children's learning under the Regulations, services can also be assessed on *the quality of what is being documented* under the NQS.

ECA also supports Regulation 74 remaining in the Education and Care Services National Law.

Recommendations

2) **References to documentation in Regulation 74 should remain in the Education and Care Services National Law.**

3) **References to documentation should remain in the *National Quality Standard*.**

Documenting children's learning and cost

In the RIS, references are made to documentation being 'a high, ongoing administrative cost for the sector (ACECQA 2013, Deloitte Access Economics 2013)' (RIS, p.26).

ECA believes that the 'high administrative costs' referred to in the report, *Measuring the administrative burden of the NQF* (ACECQA 2013, Deloitte Access Economics 2013), are overstated. In the case study provided in the Deloitte Access Economics Report (p. 205–209):

- The $140,000 figure is not an average cost per year. It relates to one hypothetical case study of a for-profit service.

- The hypothetical centre has five times the number of Early Childhood Teachers (ECTs) required under the NQF.
   - The case study service has *five* degree qualified 'lead educators'. The NQF requirements are for *one* degree qualified educator in all long day care services by 1 January, 2014.
   - Degree qualified educators are paid substantially more, which pushes up costs.
   - 0.8 of the cost of hours on ongoing documenting and learning assessments are calculated using the wages of a lead educator.
   - Given the current shortage of ECTs, it is unlikely that there would be many centres with five ECTs.

- A large majority of the hypothetical cost is comprised from activities that existed prior to the implementation of the NQF.

   - $121, 805 of the $140, 607 consists of 'ongoing documenting and learning assessments'. This is not a projected *additional cost* brought on by the introduction of the NQF—it includes the baseline cost of 'ongoing documenting and learning assessments' that existed prior to the implementation of the NQF. Thus, it is not fair to say that the NQF has driven these costs up in all services by this extent. The model outlines the hypothetical cost associated with a service under the NQF, not as a result of the NQF.

- The time dedicated to documenting children's learning in the hypothetical case study appears to be excessive and is not required under the NQF.

   - The report notes that this hypothetical service was already undertaking seven hours of 'ongoing documenting and learning assessments' prior to the NQF :
      - 'Overall, the time spent on documenting educational programs (including documenting individual assessments of children's learning) has more than doubled from 7 hours per room per week to 16 hours per room per week.'

      - 'This is mostly done by the lead educator, but assistant educators account for around 20% of this time. Over a year, this adds up to 4,160 hours (16*5*52) and a cost of approximately $121,805 of which is additional time spent since the

introduction of the NQF.'

- o   There is no requirement in the NQF to spend additional hours undertaking ongoing documenting and learning assessments. There is no commentary presented in the material that the additional hours spent undertaking 'ongoing documenting and learning assessments' are in fact *additional paid hours which* impact the bottom line. Prioritising quality-generating activities within existing labour arrangements does not generate an operational cost. In most cases, ongoing documenting and learning assessments are undertaken as part of the working day in regular programming time. There have also been administrative efficiencies associated with the NQF and this reduction in genuine 'red tape' has freed up time for educators to spend on quality-generating activities, such as ongoing documentation and learning assessments.

Play-based learning

1.B.i	1.2.2	Intentional teaching	Educators are **deliberate, purposeful, and thoughtful in their decisions and actions**.	Educators ~~respond to children's ideas and play and~~ use intentional teaching to scaffold and extend each child's learning.
1.B.iii	1.2.2	Scaffolding	Educators anticipate and extend children's learning **through open-ended questions, interactions and feedback.**	Educators respond to ~~children's ideas and play and use intentional teaching to scaffold~~ and extend each child's learning.
3.B	3.2, 3.3	Use	The service environment is inclusive, promotes competence and supports exploration and play-based learning.	The environment is inclusive, promotes competence, independent exploration and learning through play. The service takes an active role in caring for its environment and contributes to a sustainable future.
3.B.ii	3.2.2	Resources support play-based learning	Resources, materials and equipment allow for multiple uses, are sufficient in number, and **enable every child to engage in play-based learning.**	Resources, materials and equipment are sufficient in number, ~~organised in ways that ensure appropriate and effective implementation of the program~~ and allow for multiple uses.

ECA is concerned that play-based learning does not feature in Quality Area 1. Play-based learning is not only related to the environment. It is a main vehicle for teaching and is therefore a critical part of educational program and practice in Quality Area 1.

We recognise that play is not the only experience from which children learn, but it is a fundamental part of children's learning experiences in early childhood settings.

Recommendation

4)   References to play-based learning should remain in quality area 1.

Approved learning framework

1.A	1.1	Program	The educational program enhances each child's learning and development.	~~An approved learning framework informs the development of a curriculum that~~ enhances each child's learning and development.
1.A.i	1.1.1	Approved learning framework	Curriculum decision making contributes to each child's outcomes in relation to their identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators.	Curriculum decision making contributes to each child's ~~learning and development~~ outcomes in relation to their identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators.

ECA does not support reference to the approved learning framework being removed. This is still a requirement under the National Law—failure to use an approved framework is an offence under the National Law. The educational program must also be based on the 'developmental needs, interests and experiences of each child' under the National Law.

ECA believes that, where possible, the NQS should reflect the language in the National Law to reduce complexity.

If the mention of an approved learning framework is removed, together with 'learning and development', we believe this may lead to misinterpretation of the outcomes referred to in the new element 1.A.i. The element needs to specifically refer to the learning framework outcomes—agreed outcomes which are informed by research on what is good practice for children—to avoid misinterpretation.

2.4   Impact of change

While the intention of the revised draft NQS is to 'reduce the complexity the *National Quality Standard*', in the short-term, these changes will create an administrative burden for early childhood

services and will present additional costs. The extent to which these costs would be offset overall by streamlining of the NQS is not clear at this point.

The existing *National Quality Standard*, introduced from 1 January, 2012, was a significant reform which required services to invest significantly on a one-off basis in professional development and improved business management practices. The revised draft NQS will require services to again invest in updating their practices in line with the Standard.

The introduction of these reforms is still only relatively recent, and service providers may be confused or resistant to further change due to 'change fatigue'.

A significant number of services have also already been assessed and rated against the existing Standard while others may be assessed for the first time under the revised standard, if implemented. These proposed changes effectively 'move the goalposts' for future assessments and may cause some early childhood services to feel disenfranchised given the investment they have made to improve practices against the current Standard.

Notwithstanding these concerns, we note the significant investment the Australian Government has made through the Long Day Care Professional Development Programme (LDCPDP), which would enable long day care services to partially offset the professional development costs associated with the proposed draft revised NQS.

As other ECEC services—including family day care, outside school hours care, kindergarten and preschools—are not able to access this funding, further professional development support may be required for these service types to adapt to any changes.

2.5   Streamlining the process for quality assessments

ECA supports the proposed streamlined process for quality assessments as long as the assessments are still comprehensive, flexible and provide a true reflection of overall service quality.

2.6   Reduction in documentation of child assessments or evaluations in Outside School Hours Care (OSHC) services

ECA recognises that there are mixed views in relation to documentation in OSHC programs.

We support the prosed amendment to Regulation 74, that OSHC 'services that educate and care for children over preschool age must keep documentation about the development of the program, rather than about individual children's development.'

ECA believes that OSHC services should continue to support all children to participate in the program and be able to reflect how individual children are participating in the program over a period of time.

Recommendation

5) **Support option 1.3 B.**

2.7 'Significant Improvement Required' rating

ECA supports the retention of the 'Significant Improvement Required' rating with its definition amended so that it refers to a rating that may be applied if there is significant non-compliance, rather than where there is unacceptable risk to children.

We agree with the concerns noted in the RIS regarding the 'Significant Improvement Required' rating. We agree that where there is an unacceptable risk to children, enforcement and compliance action should be the priority.

The current treatment of 'Significant Improvement Required' has impacted on the next rating level, 'Working Towards NQS'. The result has been that 'Working Towards NQS' covers a breadth of service types, including services who are on the verge of 'Meeting NQS' and those that actually require significant improvement. We think that services in the latter category should fall within the 'Significant Improvement Required' rating.

Recommendation

6) **Support option 1.4C.**

2.3 Excellent rating

There is not a consensus amongst the ECA membership on the retention of the 'Excellent' rating.

However, there is consensus that the process of assessment to achieve an 'Excellent' rating should be changed.

The current application process and fee may discourage some services from applying for the rating, and the extra assessment required is burdensome both for the Regulatory Authority and the service being assessed.

The 'Excellent' rating should not be separate from the main ratings process. We suggest that it could be awarded if a service is exceeding in all quality areas, rather than going through an additional application and assessment process.

Recommendation

7) ACECQA should consult the sector further on a new process to achieve an excellent rating.

2.4 Ensuring ratings accurately reflect service quality

Ratings are a key incentive for quality improvement. Without ratings which are publicly available to parents, there is little incentive to improve the quality of services delivered.

The overall rating is an important incentive for services to improve quality across all of the quality areas.

Without the overall rating, individual services may not be meeting or exceeding NQS in all quality areas but be content with underachievement in some quality areas. The overall rating provides an incentive for services to improve quality in all areas to achieve a better overall rating.

Removing the quality rating will not only remove incentives for quality improvement but also further confuse parents about what is occurring in services. The overall rating is an important gateway for discussion and inquiry by parents about the quality of services for children. If ECEC services are concerned about the overall rating they have achieved, they already have the capacity to show parents the breakdown of their overall quality rating across the seven quality areas, highlighting areas of strength and areas for improvement.

The overall rating is a particularly important feature of the current system and we believe that it should be retained.

Recommendation

8) Support option 1.7A or 1.7C.

2.5 Length of time between assessments

ECA supports the principle of earned autonomy, with lower quality services being assessed and rated more frequently than other services.

However, we are concerned that increasing the length of time between assessments may undermine the integrity of the assessment and ratings system.

We think that increasing the assessment period to up to five years for services is too long as during the intervention period:

- o   best practice may change
- o   management and other staff may change
- o   the national law and regulations may change
- o   Regulatory Authority assessment and ratings policies may change
- o   serious incidents may occur.

We think that parents expect an up-to-date assessment of service quality to help inform their decision making. ECEC services also expect that other services are being fairly and regularly assessed, so there is an 'even playing field'.

Recommendation

9) Support option 1.8A.

2.6 Options for removing supervisor certificate requirements

ECA supports the proposed amendment to the National Law to remove supervisor certificates. We agree that it should be the responsibility of the approved provider to nominate responsible persons through the nominated supervisor position which would remain under the proposal.

Recommendation

10) Support option 2.1B.

2.7 Options for additional services to be included in the NQF

ECA supports the inclusion of all BBF centre-based services, occasional care services (excluding those provided for parents attending conferences, sport and leisure activities or shopping), playschools and mobile services. We believe that children attending these ECEC services deserve the same standard of early childhood education and care as children attending approved services.

Services which are currently not subject to state and territory licensing arrangements, like BBF services, will require support during the transition to the NQF. The inclusion within the NQF should be tailored to the service type. We believe that consultation with Aboriginal and Torres Strait Islander services, and other services about the transition would be useful before their inclusion.

In-home care

ECA also supports the inclusion of in-home care services within the NQF. The exclusion of in-home care services is a significant oversight in the RIS, given the growing role that these services are playing in supporting families, particularly by providing flexible care arrangements.

We recognise that these services have not previously been regulated by states and territories, however, neither have BBF services.

In-home care services are currently operating under the *In-Home Care Guidelines* which are of a much lower standard than the NQF. Yet, some in-home care services are already demonstrating that they are meeting the NQS with qualified educators and professional support and monitoring delivered through a central coordination unit.

There are similarities between the provision of in-home care and family day care, with both service types operating in a home-based environment. In fact, some in-home care services are run by family day care services. To ensure quality, the NQF standards expected of family day care could apply to in-home care in the future including:

- staff to child ratios of 1:7 with no more than four children under school age
- staff in the coordination unit must hold a diploma qualification
- educators must hold a Certificate III
- assessment and rating under the NQS
- all other relevant regulations that apply to family day care services.

Recommendation

11) In-home care services should be brought within the scope of the NQF.

12) Support option 3.1D.

2.8   Application of assessment and rating processes to additional services

ECA recognises that there may be a transition period required for some out of scope services to prepare them for regulation through the NQF. However, the challenges vary for different service types and some are better placed than others to deal with assessment.

For example, we believe that following the implementation of service-specific provisions in the Education and Care Services National Law and regulations, in-home care would be suitable for assessment and ratings due to the significant similarity to family day care which already falls under the NQF assessment and ratings process. Some BBF services may require a longer lead-in time because of additional complexities for services funded under the program.

Recommendation

13) ECA supports 3.2A with some services transitioning at later times.

2.9   Extending some liability to educators

ECA supports the extension of liability under ss165 and 167 of the Education and Care Services National Law to all educators. We believe that this amendment is in the best interests of children.

While this may deter some educators from entering the sector, we do not think this will be a significant deterrent. The real problem will be educators' awareness of their obligations under the provisions. Should the proposed extension of liability be implemented, an education campaign will

be necessary to ensure that all educators are aware of the consequences of a breach of ss165 and 167.

We anticipate that services or individual educators will need to take out insurance to cover the risk of liability. Where the service needs to take out this insurance, this will add to costs and may place further pressure on prices.

Recommendation

14) ECA supports 4.2B with professional development support provided.

2.10 Changes to prescribed fees

ECA notes that the changes to prescribed fees may impact on costs for early childhood services seeking waivers and may place pressure on prices.

Introduce fee for extension of temporary waiver

Increased waiver fees may have a minor impact on the behaviour of services. There may be a limited benefit in financially penalising services for seeking a waiver, as suggested in the RIS. However, waivers may be sought for a variety of reasons, including reasons which benefit the public, and so using increased fees as a means penalising this behaviour may have unintended consequences.

2.11 National educator to child ratio for OSHC services

ECA supports a national OSHC educator to child ratio of 1:15. As the ACT and WA have lower staff to child ratios, we support the grandfathering of these jurisdictions.

Recommendation

15) ECA supports 6.1B with grandfathering for ACT and WA.

2.12 Approval of Family Day Care (FDC) services across jurisdictions

ECA broadly supports measures aimed at improving compliance of family day care services in order to strengthen the integrity of the regulatory and child care payments system.

ECA supports the proposal that family day care providers are to hold service approval in each jurisdiction that they operate in. We understand that many FDC services that operate across jurisdictions already have multiple approvals in place.

Recommendation

16) ECA supports 7.1B.

2.13 Limiting the number of FDC educators in a service

ECA supports the proposal for the Regulatory Authority imposing a maximum number of educators at a family day care service. This may provide a greater level of accountability by services in providing information to the Regulatory Authority regarding their capacity, monitoring and level of support provided to educators.

We suggest that public guidelines, which are not legally enforceable, be made available regarding what the Regulatory Authority will consider when making an administrative decision to impose a cap on educators at a service.

Recommendation

17) ECA supports 7.2B.

2.14 Mandating a ratio of FDC coordinators to educators

ECA does not believe that a particular ratio would be useful in tackling non-compliance issues in the family day care sector. However, a duty to ensure that FDC educators are adequately supported, monitored and trained would provide greater assurance that services are supporting educators, whilst also retaining a level of flexibility.

We are concerned about the recent changes to the Community Support Programme, which mean that many coordination units will not have their funding continued in 2015. This will put further pressure on coordination units and the delivery of existing support educators and quality outcomes for children.

Recommendation

18) ECA supports 7.3E.

2.15 Mandating a minimum Certificate III for FDC educators

ECA, in principle, supports the attainment of qualifications by early childhood educators because of the strong link with improved outcomes for young children.

However, we also recognise that one of the benefits of working in family day care is being able to train while working, often while educators care for their own children. Without this level of flexibility, family day care may struggle to attract educators and it may be more difficult for families to access flexible care arrangements.

ECA understands that one of the main problems in family day care is that educators are obtaining or working towards low-quality or sham qualifications. We fully support the Government to work with the Australian Skills Quality Authority (ASQA) to improve the quality of training delivered by Registered Training Organisations (RTOs). Other options that may be considered include increased compliance and new measures to ensure that educators are genuinely 'working towards' qualifications. This applies not only to family day care but to other service types.

Recommendation

19) ECA supports 7.4A

2.16 FDC educator assistants' activities

ECA supports changes to the regulation to ensure greater supervision of children where there is an educator assistant present.

Recommendation

20) ECA supports 7.5B

2.17 Principal office notifications

Recommendation

21) ECA supports 7.6B

2.18 Powers of entry to FDC residences

ECA supports the powers of entry in FDC residences where the authorised office reasonably believes that a service is operating at the residence at the time of entry.

We believe that this amendment clears up a loophole in the current legislation. This is particularly relevant where a family day care educator has indicated that they are operating during certain times (e.g. falsified timesheets) but the educator is actually not providing a service.

Recommendation

22) ECA supports 7.7B

2.19 Other changes which will have a regulatory impact

Child protection training

ECA strongly supports the requirement of child protection training for all educators and people that work with children.

ECA believes that this amendment should be extended to all educators and staff of ECEC services, not just nominated supervisors and the person in day-to-day charge (PIDTDC) of an education and care service.

While background checking is required under the National Law, this is not a guarantee that services are child safe. Background checking is also not consistent across jurisdictions, with only some jurisdictions considering non-criminal information within the scope of the check.

Practical training is required to:

- recognise the factors that increase a child's vulnerability to maltreatment
- be aware of the vulnerabilities which may indicate a need to assess, monitor or curtail the behaviour of individuals in relation to children
- create an environment which limits the opportunity for children to be maltreated
- develop and maintain a culture that is child-focused, transparent and respectful
- ensures appropriate policies and guidelines for all individuals associated with an organisation.

Recommendation

23) ECA supports a requirement that all educators and other staff working with children undertake child protection training.

Educator leave

Recommendation

24) ECA supports further flexibility being provided in cases of the resignation of an early childhood teacher.

Educator breaks

While ECA supports ratios being met at all times, allowances for breaks provides flexibility for ECEC services to meet industrial obligations to employees.

Flexibility should be provided whilst also ensuring that children are appropriately supervised at all times.

Recommendation

25) Flexibility around educator breaks should be retained in the Regulations.

Further information for assessment of capability for approvals

Recommendation

26) In principle ECA supports regulatory authorities seeking further information with respect to an applicant's capability to operate an ECEC service.

Reassessment of capability to operate a service

Recommendation

27) ECA supports further flexibility being provided in cases of the resignation of an early childhood teacher.

Extension of liability—definition of 'person with management and control'

Recommendation

28) ECA supports amendments to clear up uncertainty in the definition of a 'person with management and control'.

Powers to restrict a person from being the nominated supervisor/PIDTDC

Recommendation

29) ECA supports amendments to restrict a person from being the nominated supervisor/PIDTDC.

Publication of information

ECA supports amendments to publish information about enforcement actions where it furthers the objectives of the national law.

ECA is aware of situations where services are in the process of recruiting an educator, where an applicant has been subject to enforcement action at another service, but due to privacy reasons the individual could not be identified to the prospective employer. This type of situation poses a risk to children and to the organisational reputation of services. It is in the best interest of children, and the public interest, for these enforcement actions and the individuals involved to be disclosed as required.

Recommendation

30) ECA supports amendments to publish information about enforcement actions where it furthers the objectives of the national law.

3 Summary of recommendations

1) References to maintaining children's rights should remain in the NQS.

2) References to documentation in Regulation 74 should remain in the Education and Care Services National Law.

3) References to documentation should remain in the *National Quality Standard*.

4) References to play-based learning should remain in quality area 1.

5) Support option 1.3 B.

6) Support option 1.4C.

7) ACECQA should consult the sector further on a new process to achieve an excellent rating.

8) Support option 1.7A or 1.7C.

9) Support option 1.8A.

10) Support option 2.1B.

11) In-home care services should be brought within the scope of the NQF.

12) Support option 3.1D.

13) ECA supports 3.2A with some services transitioning at later times.

14) ECA supports 4.2B with professional development support provided.

15) ECA supports 6.1B with grandfathering for ACT and WA.

16) ECA supports 7.1B.

17) ECA supports 7.2B.

18) ECA supports 7.3E.

19) ECA supports 7.4A

20) ECA supports 7.5B

21) ECA supports 7.6B

22) ECA supports 7.7B

23) ECA supports a requirement that all educators and other staff working with children undertake child protection training.

24) ECA supports further flexibility being provided in cases of the resignation of an early childhood teacher.

25) Flexibility around educator breaks should be retained in the Regulations.

26) In principle ECA supports regulatory authorities seeking further information with respect to an applicant's capability to operate an ECEC service.

27) ECA supports further flexibility being provided in cases of the resignation of an early childhood teacher.

28) ECA supports amendments to clear up uncertainty in the definition of a 'person with management and control'.

29) ECA supports amendments to restrict a person from being the nominated supervisor/PIDTDC.

30) ECA supports amendments to publish information about enforcement actions where it furthers the objectives of the national law.

4 References

ACECQA (Australian Children's Education and Care Quality Authority) (2013). *Report on the National Quality Framework and regulatory burden*, ACECQA: Sydney, p.11.

ACECQA (Australian Children's Education and Care Quality Authority) (2011). *Guide to the National Quality Standard*, ACECQA: Sydney.

Deloitte Access Economics Report

Proposed	Current	Concept	Descriptor (proposed NQS)	Descriptor (current NQS)
QA1			**Educational program and practice**	
1.A	**1.1**	**Program**	**The educational program enhances each child's learning and development.**	~~An approved learning framework informs the development of a curriculum~~ **that enhances each child's learning and development.**
1.A.i	1.1.1	Approved learning framework	Curriculum decision making contributes to each child's outcomes in relation to their identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators.	Curriculum decision making contributes to each child's ~~learning and development~~ outcomes in relation to their identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators. Element 1.1.2
1.A.ii	1.1.2	Child-centred	Each child's current knowledge, strengths, ideas, culture, abilities and interests are the foundation of the program.	Each child's current knowledge, ideas, culture, abilities and interests are the foundation of the program.
1.A.iii	1.1.3	Program learning opportunities	All aspects of the program, including routines, are organised in ways that maximise opportunities for each child's learning.	The program, including routines, is organised in ways that maximise opportunities for each child's learning.
	1.1.5			~~Every child is supported to participate in the program.~~

1.B	1.1, 1.2	Practice	Educators actively facilitate each child's learning and development.	An approved learning framework informs the development of a curriculum that enhances each child's learning and development. Educators and co-ordinators are focused, active and reflective in designing and delivering the program for each child.
1.B.i	1.2.2	Intentional teaching	Educators **are deliberate, purposeful, and thoughtful in their decisions and actions.**	Educators respond to children's ideas and play and use intentional teaching to scaffold and extend each child's learning.
1.B.ii	1.1.6	Educator practice supports child directed learning	Each child's agency is promoted, enabling them to make choices and decisions that influence events and their world.	Each child's agency is promoted, enabling them to make choices and decisions and to influence events and their world.
1.B.iii	1.2.2	Scaffolding	Educators **anticipate and extend children's learning through open-ended questions, interactions and feedback.**	Educators respond to children's ideas and play and use intentional teaching to scaffold and extend each child's learning.
1.C	1.1, 1.2	Assessment and Planning	Educators and co-ordinators are active and reflective in planning and implementing the program for each child.	An approved learning framework informs the development of a curriculum that enhances each child's learning and development. Educators and co-ordinators are focused, active and reflective in designing and delivering the program for each child.
1.C.i	1.2.1	Assessment and planning cycle	Each child's learning and development is assessed or evaluated as part of an ongoing cycle of **collecting information, analysing learning,** planning, **implementation and reflection**.	Each child's learning and development is assessed as part of an ongoing cycle of planning, ~~documenting~~ and evaluation.

1.C.ii	1.1.4	Information for families	Families are informed about the program and their child's progress.	The ~~documentation~~ about ~~each~~ child's program and progress is available to families.
1.C.iii	1.2.3	Critical reflection	Critical reflection on children's learning and development, both as individuals and in groups, drives program planning and implementation.	Critical reflection on children's learning and development, both as individuals and in groups, is regularly used to implement the program.
QA2			**Children's health and safety**	**QA2**
2.A	**2.1, 2.2, 2.1.1**	**Health**	**Each child's health and physical development is monitored, supported, and promoted.**	**Each child's health is promoted.** **Healthy eating and physical activity are embedded in the program for children.** Each child's health needs are supported.
2.A.i	2.1.2	Wellbeing and comfort	Each child's **wellbeing and** comfort is provided for, including appropriate opportunities to meet each child's need for sleep, rest and relaxation.	Each child's comfort is provided for and there are appropriate opportunities to meet each child's need for sleep, rest and relaxation.
2.A.ii	2.1.4, 2.1.3	Health practices and procedures	Effective illness **and injury management** and hygiene practices are promoted and implemented.	~~Steps are taken to control the spread of infectious diseases~~ and to manage injuries and illness, ~~in accordance with recognised guidelines.~~ Effective hygiene practices are promoted and implemented.

2.A.iii	2.2.1, 2.2.2	Healthy lifestyle	Healthy eating and physical activity are promoted and appropriate for each child.	Healthy eating is promoted ~~and food and drinks provided by the service are nutritious and~~ appropriate for each child. Physical activity is promoted ~~through planned and spontaneous experiences and is~~ appropriate for each child.
2.B	**2.3**	**Safety**	**Each child is protected.**	**Each child is protected.**
2.B.i	2.3.1, 2.3.2	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.	Children are adequately supervised at all times. Every reasonable precaution is taken to protect children from harm and any hazard ~~likely to cause injury~~.
2.B.ii	2.3.3	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.
2.B.iii	2.3.4	Child protection	**Management**, educators and staff are aware of their roles and responsibilities and respond to every child at risk of abuse or neglect.	Educators, ~~co-ordinators~~ and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect.
QA3			**Physical environment**	
3.A	**3.1**	**Design**	**The design of the facilities is appropriate for the operation of service.**	**The design and location of the premises is appropriate for the operation of a service.**

3.A.i	3.1.1, 3.1.3	Fit for purpose	Outdoor and indoor spaces, buildings, **fixtures and fittings** are suitable for their purpose, including supporting the access of every child.	Outdoor and indoor spaces, buildings, ~~furniture, equipment, facilities and resources~~ are suitable for their purpose. Facilities are designed or adapted to ensure access and participation by every child in the service and to allow flexible use, and interaction between indoor and outdoor space.
3.A.ii	3.1.2	Upkeep	Premises, furniture and equipment are safe, clean and well maintained.	Premises, furniture and equipment are safe, clean and well maintained.
3.B	**3.2, 3.3**	**Use**	**The service environment is inclusive, promotes competence and supports exploration and play-based learning.**	**The environment is inclusive, promotes competence, ~~independent~~ exploration and ~~learning through play.~~** **~~The service takes an active role in caring for its environment and contributes to a sustainable future.~~**
3.B.i	3.2.1, 3.1.3	Inclusive environment	Outdoor and indoor spaces are organised and adapted to support each child's participation and to engage every child in quality experiences in both built and natural environments.	Outdoor and indoor spaces are designed and organised to ~~engage every~~ child in quality experiences in both built and natural environments. Facilities are designed or adapted to ensure ~~access~~ and participation ~~by every child in the service and to allow flexible use, and interaction between~~ indoor and outdoor space.
3.B.ii	3.2.2	Resources support play-based learning	Resources, materials and equipment allow for multiple uses, are sufficient in number, and **enable every child to engage in play based learning.**	Resources, materials and equipment are sufficient in number, ~~organised in ways that ensure appropriate and effective implementation of the program and allow for~~ multiple uses.

3.B.iii	3.3.2, 3.3.1, 3.3	Environmentally responsible	The service takes an active role in caring for the environment and supports children to become environmentally responsible.	Children are supported to become environmentally responsible ~~and show respect for~~ the environment. ~~Sustainable practices are embedded in service operations.~~ The service takes an active role in caring for its environment ~~and contributes to a sustainable future.~~
QA4			**Staffing arrangements**	
4.A	**4.1**	**Staffing arrangements**	**Staffing arrangements enhance children's learning and development.**	**Staffing arrangements enhance children's learning and development and ensure their safety and wellbeing.**
4.A.i	4.1.1	Effective deployment of educators	**Educators are deployed across the service to support children's learning and development.**	~~Educator-to-child ratios and qualification requirements are maintained at all times~~.
4.A.ii	7.1.3	Continuity of staff	Every effort is made for **children to experience** continuity of educators at the service.	Every effort is made to ~~promote~~ continuity of educators and ~~co-ordinators at the service~~.
4.B	**4.2**	**Professional collaboration**	**Management**, educators and staff are **collaborative**, respectful and ethical.	**Educators, ~~co-ordinators~~ and staff members are respectful and ethical.**

4.B.i	4.2.2, 4.2.1	Staff collaboration	**Management**, educators and staff work collaboratively and interactions convey mutual respect, equity and recognition of each other's strengths and skills.	Educators, ~~co-ordinators~~ and staff members work ~~collaboratively and affirm, challenge, support and learn~~ from each other ~~to further develop their~~ skills and to improve practice and relationships. Professional standards guide practice, interactions and relationships.
4.B.ii	4.2.1	Professional standards	Professional standards guide practice, interactions and relationships.	Professional standards guide practice, interactions and relationships.
QA5			**Relationships with children**	
5.A	**5.1**	**Relationship between educators and children**	**Respectful and equitable relationships are developed with each child.**	~~Professional standards guide practice, interactions and relationships.~~
5.A.i	5.1.1, 1.2.2, 5.1.2, 5.1.3	Positive educator to child interactions	Responsive and meaningful interactions build trusting relationships which engage and support **every** child to feel secure, confident and included.	Interactions ~~with each child are warm and responsive and build trusting~~ relationships. Educators respond to children's ideas and play and use intentional teaching to scaffold and extend each child's learning. Every child is able to engage with educators in meaningful, ~~open~~ interactions ~~that support the acquisition of skills for life and learning.~~ ~~Each~~ child is supported to feel secure, confident and included.

5.A.ii	5.2.3	Dignity and rights of the child	**Educators promote** the dignity and rights of each child.	The dignity and the rights of every child ~~are maintained at all times.~~
5.B	**5.2**	**Relationships between children**	**Each child is supported to build and maintain sensitive and responsive relationships.**	**Each child is supported to build and maintain sensitive and responsive relationships ~~with other children and adults.~~**
5.B.i	5.2.1	Collaborative learning	Children are supported to collaborate, learn from and help each other.	Each child is supported to work with, learn from and help others through collaborative ~~learning opportunities~~.
5.B.ii	5.2.2	Self-regulation	Each child is supported to **regulate** their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts.	Each child is supported to ~~manage~~ their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts.
QA6			**Collaborative partnerships with families and communities**	
6.A	**6.1, 6.2**	**Supportive relationships with families**	**Respectful relationships with families are developed and maintained and families are supported in their parenting role.**	**Respectful and supportive relationships with families are developed and maintained.** **Families are supported in their parenting role and their values and beliefs ~~about childrearing are respected.~~**
6.A.i	6.1.1, 6.1.2	Engagement with the service	Families are supported from enrolment to be involved in the service and contribute to service decisions.	There is an effective enrolment ~~and orientation process for~~ families. Families have ~~opportunities~~ to be involved in the service and contribute to service decisions.

6.A.ii	6.2.1, 6.2	Parent views are respected	The expertise, values and beliefs of families are respected and families share in decision-making about their child's learning and well-being.	The expertise of families is ~~recognised~~ and they share in decision making about their child's learning and wellbeing. ~~Families are supported in their parenting role~~ and their values and beliefs about childrearing are respected.
6.A.iii	6.2.2, 6.3.1	Families are supported	Current information is available to families **about the service** and relevant community services and resources to support parenting and family wellbeing.	Current information is available to families about community services and resources to support parenting and family wellbeing. ~~Links with relevant community and support agencies are established and maintained.~~
6.B	**6.3, 6.3.3**	**Collaborative partnerships**	**Collaborative partnerships enhance children's inclusion, learning and well-being.**	**The service collaborates with other organisations ~~and service providers~~ to enhance children's learning and wellbeing. Access to inclusion ~~and support assistance is facilitated.~~**
6.B.i	6.3.2	Transitions	Continuity of learning and transitions for each child are supported by sharing information and clarifying responsibilities.	Continuity of learning and transitions for each child are supported by sharing ~~relevant~~ information and clarifying responsibilities.
6.B.ii	6.3.3	Access and participation	Effective partnerships support children's access and participation in the program.	~~Access to inclusion and support assistance is facilitated.~~

6.B.iii	6.3.4	Community engagement	The service builds relationships and engages with its community.	The service builds relationships and engages with ~~the local~~ community.
QA7			**Leadership and governance**	
7.A	**7.1.1, 7.2, 7.3**	**Good governance**	**Appropriate governance and** risk management support quality outcomes for each child**.**	**Appropriate governance arrangements** ~~are in place to manage the service.~~ ~~Effective leadership promotes a positive organisational culture and builds a professional learning community. There is a commitment to continuous improvement.~~
7.A.i	7.2.1	Service philosophy and purpose	A statement of philosophy is developed and guides all aspects of the service's operations.	A statement of philosophy is developed and guides all aspects of the service's operations.

7.A.ii	7.3, 7.3.1, 7.3.2, 7.3.4, 7.3.5, 7.1.5	Decision making and systems	Decision making and systems enable the effective management and operation of a quality service.	~~Administrative~~ systems ~~enable the effective~~ management of a quality service. ~~Records and information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements.~~ ~~Administrative~~ systems are established and maintained to ensure the effective operation of the service. ~~Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner.~~ ~~Service practices are based on effectively documented policies and procedures that are available at the service and reviewed regularly.~~
7.A.iii	7.2.3, 7.2	Continuous improvement	There is an effective self-assessment and quality improvement process in place to support continuous improvement.	An effective self-assessment and quality improvement process is in place. There is a commitment to continuous improvement.
7.B	**7.1**	**Positive organisational culture**	**Effective leadership promotes a positive organisational culture and builds a professional learning community.**	**Effective leadership promotes a positive organisational culture and builds a professional learning community.**
7.B.i	7.1.2	Clear responsibilities	**Management,** educators and staff **have clearly defined responsibilities and are inducted into those roles.**	~~The induction of~~ educators, ~~co-ordinators~~ and staff members, ~~including relief educators, is comprehensive.~~

7.B.ii	7.1.4	Educational leader	**The educational leader is supported to establish clear goals for teaching and learning, guide the development of the educational program and assessment and planning cycle, and facilitate critical reflection.**	~~Provision is made to ensure a suitably qualified and experienced~~ educator or ~~co-ordinator~~ leads the development ~~of the curriculum and ensures the establishment of clear goals and expectations for teaching and learning.~~
7.B.iii	7.2.2	Performance development	Performance is regularly evaluated and individual development plans support performance improvement.	The performance ~~of educators, co-ordinators and staff members~~ is evaluated and individual development plans are in place ~~to~~ support performance improvement.
	7.3.3			~~The regulator authority is notified of any relevant changes to the operation of the service, of serious incidents and any complaints which allege a breach of legislation.~~