



Early Childhood Australia
A voice for young children

**OUR
VISION:
EVERY
YOUNG
CHILD IS
THRIVING
AND
LEARNING**

National Model Code for Early Childhood Education and Care

Early Childhood Australia Submission

20 May 2024

About us

Early Childhood Australia (ECA) is a not-for-profit, membership-based organisation that was first incorporated in 1938. As the national peak body for young children, we work nationally and locally, with active State and Territory Committees in each Australian jurisdiction and a National Board of Directors.

Our vision is that every young child is thriving and learning. To achieve this, we champion the rights of young children to thrive and learn at home, in the community, within early learning settings and through the early years of school. Our work builds the capacity of our society and the early childhood sector to realise the potential of every child during the critical early years from birth to the age of eight. ECA is highly respected as a trusted voice and partners regularly with service providers, universities and training providers and we have the reach to engage all service and provider types.

ECA acknowledges the unique place of Aboriginal and Torres Strait Islander peoples in our society, the past and current injustices and realities for them across Australia, and the enduring strength of their cultures and identities. We commit to being at the forefront of achieving a reconciled nation that values, respects and celebrates Aboriginal and Torres Strait Islander ways of knowing and being.

Find out more at: www.earlychildhoodaustralia.org.au

Acknowledgement of Country

Early Childhood Australia acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land and community. We pay our respect to them and their cultures, and to the Elders both past and present.

Background

The Report on a Review into Child Safety Arrangements under the National Quality Framework (Child Safety Review) was released on 21 December 2023.

In April 2024 Education Ministers approved the release of the draft Model Code and Guidelines on the use of personal electronic devices in ECEC services, for targeted consultation. The draft Model Code and Guidelines will be provided to confirmed attendees, prior to the meeting. The draft Model Code and Guidelines are intended for centre based early childhood services, and not out of school hours care, family day care or out of scope services. Commissioned by the Australian Government and undertaken by the Australian Children's Education and Care Authority (ACECQA), the Child Safety Review investigated:

- how well the National Quality Framework (NQF) operates to ensure a child safe environment.
- how the NQF interacts with national and jurisdictional laws, regulations, policies and practices, to safeguard children's safety.

The Child Safety Review confirmed the NQF remains robust and focused on continuous improvement, and makes 16 recommendations to further strengthen:

- child-safe governance, leadership and culture
- prevention and early intervention
- educator safeguards and teacher registration and accreditation
- support for staff to respond to and manage risks
- child safety arrangements across jurisdictions.

In February 2024 Education Ministers agreed to accept in principle, subject to expert advice, consultation and regulatory impact assessment of all Child Safety Review recommendations within their remit, including the restricted use of electronic devices.

The National Model Code and Guidelines

The ACT Government, working alongside the Australian and the South Australian Government have released the National Model Code and Guidelines to support child safe practices for the use of electronic devices when taking images or videos of children, while providing early childhood education and care. ECA were invited to provide input on a confidential draft of the National Model Code and Guidelines for early childhood education and care services.

The Model Code is a voluntary, interim measure while future legislative reform is being considered by governments, and the Guidelines will be in place to support the implementation of the Model Code. Providers of early childhood education and care under the National Quality Framework are strongly encouraged to adopt the Model Code and would be invited to opt in.

ECA's position on the Code

Child safety is of critical importance to ECA and its members. We recognise the harm caused by child sexual abuse and understand the vulnerability of children entrusted into the care of early childhood services. To this end, ECA welcomes the intent of the Code to protect children from risks to their safety and privacy that might come through unauthorised photos or recordings whilst in an early childhood education and care service.

ECA wholly agree that the use of devices for taking photos or recording videos of children should be service-owned and regulated, and accessed, stored and retained securely.

At the same time, we recognise that the vast majority of early childhood education and care educators and teachers are doing the right thing when they have their devices with them at work, only using them for essential personal contact that does not impede their work performance. ECA questions how removing personal devices from educators will impact on their sense of professionalism and the trusted role they play in children's lives. ECA argues that more focus needs to be placed on supporting early childhood educators and teachers to be champions of child safety, including providing more training on abuse prevention and risk factors, more support for taking action when concerned about a child as well as more sophisticated reporting and response options.

Potential issues implementing the Model Code

ECA are acutely aware of the pressures on the early childhood education and care workforce and understand the particular challenges they face. The composition of the workforce is predominantly female, often balancing caring responsibilities of young children. Educators may be negatively impacted if they cannot be reached when their children need them or unforeseeably through sickness, injury or other matters.

One way to address this could be amending the wording in Part 3 which specifies the essential purposes for which personal devices can be used (family necessity, e.g. a worker with an ill or dying family member). ECA recommends this be expanded to include essential caring/parenting responsibilities which would enable ECEC educators and teachers to have access to their personal phones if they are in a primary caring responsibility.

ECA also think there may be issues including smart watches in the list of banned personal devices, as they are often used for other purposes than communication such as for time keeping and health and wellness monitoring.

Communication messages will also be very important. While many services already have policies in place restricting the use of personal phones when working with children directly, a blanket across-the-board ban may be negatively received and could potentially discourage people from choosing early childhood education and care as a career path. Careful explanation and support for appropriate and safe use of technology will be important to avoid unintended negative consequences.

Scope of the Model Code

If and when the Model Code is implemented, ECA is concerned about inconsistent practice across service types but anticipates that there will be additional challenges for outside school hours care

and Family Day Care settings. In particular, school age children attending services may have personal phones and devices of their own.

Whilst we fully support only using service-owned devices for recording and videoing of children, we anticipate that this may prove difficult in small services and sole operator models such as Family Day Care. Consideration must be given to transitional arrangements and the provision of grants to ensure every service has a device dedicated to documenting children's learning and educator practices.

What else is needed?

There is a well-established evidence base demonstrating the importance of a qualified and capable workforce to the provision of high-quality early childhood education and care. Both the quality of the workforce and the quality of services provided are important protective factors in maximising children's safety and reducing the risk of harm from abuse.

Alongside the Code, ECA would like companion work to see educators being brought into the implementation process to ensure they are better equipped to keep children safe from harm and understand their role. This can be achieved through:

- comprehensive induction resources that specifically articulate expectations about child safety and professional responsibilities;
- more extensive professional development resources for early childhood educators, teachers and service leaders particularly in active supervision, abuse prevention and how to respond to concerns (including responding to child sexualised behaviour towards other children).

The central emphasis must be on educating staff and children about protective behaviours and child safety. In particular, educators need support to:

- access resources and mechanisms to take action if they notice concerning behaviours in colleagues. A real-time advice line that educators can access for evidence-based advice and recommended actions would be beneficial.
- implement the National Principles for Child Safe Organisations and understand their responsibilities within these. These Principles are in place to protect children from harm when they attend a service. However, more work is needed to help educators understand how to put the Principles into place.