

ACCS Submission 16 January 2015

2014 NQF Review – Consultation Regulation Impact Statement

ACCS welcomes the opportunity to provide a response to the Regulation Impact Statement (RIS). ACCS is concerned about the short consultation timeframe and notes that

- the consultation period was during a peak time for service administration and planning as they ended a year and also organise enrolments and orientations for new families
- the consultation period was across a holiday period when all services are closed and some for several weeks
- the consultation paper was only available the day before public consultations commenced – consequently for many people attending the public consultations, they served the purpose of an information session only, with participants needing time to get across the issues and consult with their organisations before providing feedback.

ACCS requests an extension of the consultation period to allow time for more services and other stakeholders to provide input.

Due to the limited consultation time frame ACCS is not able to provide a response to every proposal contained in the RIS. ACCS has serious concerns about some proposals that are contained in the RIS but also welcomes several proposals which are in alignment with ACCS previously articulated positions.

ACCS has already provided a detailed submission to the *2014 Review of the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care*. As this contains detailed commentary and relevant data from our *2014 Trends in Community Children's Services Survey (TICCSS)* it can be read [here](#).

ACCS has also provided detailed commentary and practice examples about many of the issues in the RIS in our submissions to the *Productivity Commission Inquiry into Childcare and Early Learning*. Our initial response to the Inquiry and our response to the draft report can be read [here](#).

About ACCS

Australian Community Children's Services (ACCS) is the peak body representing Australia's not-for-profit community education and care services and those who support the right of children to access these services. ACCS has branches in every state and contact people in each territory throughout Australia. Our membership includes community based long day care services, preschools/kindergartens, family day care and in-home care services, mobile services, and out of school hours care services throughout Australia; from small stand-alone parent managed services located in rural and remote areas to those sponsored by very large not-for-profit organisations.

ACCS is committed to:

- children, families and communities
- children's rights for the best care, education and health services
- community ownership
- connected services for children, families and local communities
- not-for-profit cost effective services and
- cultural diversity and respect for Aboriginal and Torres Strait Islander people as custodians of the land.

No.	Proposal	ACCS Response
1.1	<p><i>Reducing the complexity of the National Quality Standard</i></p>	<p>ACCS supports no change at this stage to the NQS (Proposal 1.1A)</p> <p>Changing the NQS before all services have completed the assessment and ratings process serves no real purpose and would have no benefits for the sector or for children. Condensing the Standards and Elements is an attempt to address what ACCS believes is a false notion that the NQS results in unnecessary red tape. In the first stage of the 2014 NQF Review, ACCS provided detailed commentary and some new data from ACCS research undertaken in 2014 which demonstrates that the perception of regulatory burden is decreasing significantly over time as services progress through the new system.</p> <p>Administratively changing the NQS now will only result in increased costs for no real administrative or other benefits. Services will have to spend time aligning their documents (not just their QIP but policies, procedures and some of their teaching and learning tools) with the new coding system and train staff in the revised NQS. There will be a collective groan across the country if you ask services to do this.</p> <p>Many of the proposed changes are cosmetic and will make no real difference to the quality of education. ACCS believes however that the following changes clearly undermine quality and are a roll back of the NQS:</p> <p>3.B.iii ACCS does not support the replacement of Standard 3.3 with this element. The change in terminology from <i>sustainable practices are embedded in service operations to the service takes an active role in caring for the environment</i> is a clear watering down of the NQS.</p> <p>5A.ii ACCS does not support the change from the <i>dignity and rights of children are maintained at all times</i> to <i>Educators promote the dignity and rights of each child</i>. This is a clear watering down of the NQS</p> <p>6.B.ii ACCS does not support the change from <i>access to inclusion and support assistance is facilitated</i> to <i>effective partnerships support children’s access and participation in the program</i> . This is a clear watering down of the NQS.</p> <p>QA 7 ACCS does not support the removal of 7.1.3, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 7.3.5. Although the proposed new 7.A.ii can encompass most of these, ACCS believes grouping them into one broad generic element will make it harder for</p>

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		<p>services to monitor and plan for. Although the removed elements are mostly included in the National Law and services have an obligation to comply with the Law, ACCS believes that it is imperative that these are specifically assessed (both by the service and by the Regulatory Authority) through the assessment and rating process. These changes are a clear watering down of the NQS.</p>
1.2	<p><i>Streamlining of quality assessments</i></p>	<p>ACCS supports the streamlining of assessment and ratings process (Proposal 1.2B)</p> <p>ACCS supports measures to bring about more consistency and speed up the rate of assessment and ratings. It is important to note however, the significant positive impact of the current process on quality practices and positive feedback about this from services (see ACCS NQF Review submission). Any changes must ensure that these benefits are not lost.</p>
1.3	<p><i>Reduction in documentation of child assessments or evaluations for delivery of educational program in OSHC services</i></p>	<p>ACCS supports the retraining of authorised officers to regulate and assess OSHC services with a better understanding of the OSHC context (Proposal 1.3C).</p> <p>A deep understanding of individual children’s needs, strengths and family and cultural contexts is intrinsic to both the NQS and the Framework for School Aged Care. Documentation is an important tool for educators to ensure that the recreational program provided at OSHC provides a supportive environment for children’s learning development and well-being.</p> <p>ACCS does not support any reduction in documentation of individual child assessments in OSHC services.</p> <p>Concerns about demands in this area being excessive are primarily a problem of interpretation – both at a service and sometimes at a Regulatory Authority level. Many services go overboard creating documentation for the sake of “passing” assessment and ratings losing sight of the purposes intended by this requirement of the NQS. Similar to other settings if a child attends for a very short period of time or sporadically there is no need for extensive assessment records.</p> <p>ACCS recommends that as well as providing further training of authorised officers further resources are developed to give educators clearer parameters about what is required to Meet the NQS in this area.</p>

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1.5	<i>Exceeding the National Quality Standard rating</i>	ACCS supports the proposal to require all standards in a Quality Area to be rated as Exceeding the National Quality Standard for the Quality Area to be rated Exceeding (Proposal 1.5B).
1.6	<i>Excellent rating</i>	ACCS supports the removal of the Excellent rating (Proposal 1.6B)
1.7	<i>Ensuring ratings accurately reflect service quality</i>	<p>ACCS strongly supports the retention of the current requirement that all elements must be met to achieve a Meeting National Quality Standard rating (Proposal 1.7C).</p> <p>ACCS also supports reviewing the Minor Adjustment Policy with the intent of broadening its application across all Standards (Proposal 1.7D).</p> <p>Removal of the overall Rating would be a significant watering down of the NQF.</p>
1.8	<i>Length of time until services are re-assessed</i>	<p>ACCS does not support any extension of time between assessment and ratings and believes there should be no change to the current assessment and rating cycle (Proposal 1.8A)</p> <p>To ensure that service quality is maintained, at least a 3 year rating cycle is required. It would place children at risk if this was extended to 5 years – which is the life of a child enrolled in an early education and care setting. The culture and operations of a service can completely change over a 5 year period. Even for the best of services committed to continuous improvement, an external assessment process is a strong incentive and trigger to do a thorough self-assessment process and make sure that all service policies and procedures are current and implemented.</p> <p>ACCS also recommends at least annual unannounced compliance visits are conducted by the Regulatory Authority for all services and more frequently for services with lower quality ratings.</p>
2.1	<i>Supervisor certificate requirements</i>	<p>ACCS supports amending the Law to remove the requirement for supervisor certificates (Proposal 2.1B)</p> <p>ACCS supports the removal of supervisor certificate requirements for persons in day to day charge of services but strongly recommends that this process or similar remain in place for nominated supervisors.</p>
3.1	<i>Additional services to be included in NQF</i>	<p>ACCS supports the inclusion of all out of scope education and care services in the NQF (Proposal 3.1D), but this support is contingent upon</p> <ul style="list-style-type: none"> – an appropriate level of funding, resources and support from the

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		<p>Australian Government for these services to make the transition into the NQF system and to remain viable into the future</p> <ul style="list-style-type: none"> – appropriate processes are put in place to ensure the cultural competency of Regulatory Authorities and organisations supporting Aboriginal and Torres Strait Islander services – the development of a process and guides to ensure that the NQS is applied in a culturally appropriate manner to Aboriginal or Torres Strait Islander services <p>ACCS is concerned that In Home Care is not included in this proposal. In Home Care services provide vital access to education and care for families who cannot access mainstream services and have been working towards inclusion in the NQF. ACCS strongly supports the continuation of funding for In Home Care services and their inclusion in the NQF.</p>
3.2	<i>Application of assessment and rating processes to additional services</i>	<p>ACCS agrees that there should be compliance monitoring only for services that come into scope of the NQF with a review of their participation in assessment and ratings in 2019 (Proposal 3.2B).</p> <p>ACCS recommends however, that a mechanism is developed to allow services to participate in assessment and ratings on a voluntary basis anytime they choose to between now and 2019.</p> <p>Again support for this is contingent upon a comprehensive funded and culturally appropriate support package being provided to services coming into scope to support their transition and capacity to comply with the National Law.</p>
4.1	<i>Extension of some liability to educators</i>	<p>ACCS does not support any extension of liability to educators and believes there should be no change to legislation in this area (Proposal 4.1A).</p> <p>ACCS does not believe that the benefits outlined in the RIS can be achieved by this change. If an approved provider has concerns that children are not being adequately supervised at their service they have a responsibility to immediately address this by</p> <ul style="list-style-type: none"> – Reviewing the service operations including ratios, rostering and staff experience and qualification levels – Instigating performance management processes with any educator that they have concerns about and putting in place appropriate management and supervision strategies while this is underway. <p>In many instances educators are placed in situations which put pressure on</p>

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		<p>their ability to provide appropriate supervision. Addressing this through other mechanisms, for example increased educator: child ratios would be more effective.</p>
6.1	<p><i>National educator to child ratio</i></p>	<p>ACCS strongly supports the introduction of a national educator-to-child ratio for OSHC services (Proposal 6.1 B).</p> <p>As there is no research on optimal educator-to- child ratios available, ACCS believes that the new national ratio should be based on current best practice across Australia of 1:11, not on the lowest common denominator of 1:15. In recognition however of the changing dynamic once > 2 educators are on duty ACCS suggests that the following proposal be considered:</p> <ul style="list-style-type: none"> ○ A new national educator: child ratio of 1:11 up to a group size of 22 children, with a ratio of 1:15 for additional children A graduated educator: child ratio takes into account the need for one staff member to be at times dealing with an emergency or focused on an interaction with one child or family member. It allows for adequate supervision of children to be consistently provided and also recognises that if 3 or more educators are on duty it is possible to provide adequate supervision for a larger group of children. ○ A higher ratio of 1:10 is considered where children under 5 are in attendance. <p>Whatever ratio is put into place ACCS supports savings provisions for any States or Territories that are operating at higher ratios.</p> <p>ACCS believes that funding for research into optimal educator: child ratios in the OSHC setting is a high priority.</p> <p>ACCS also recommends that the National Law be changed to remove any provision for single staff models of operation in centre based care.</p> <p>There are many occasions when the full attention of an educator needs to be directed to one child or family member or directed to dealing with a problematic or emergency situation. In these situations a single staff model does not allow any scope for ongoing supervision of the group and puts children at risk of hazard or harm.</p>

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7.1 – 7.7	<i>Improved oversight of and support within FDC services</i>	<p>ACCS supports the implementation of Proposals 7.1 – 7.8.</p> <p>ACCS supports the introduction of a coordinator: educator ratio and recommends that this is based on sector research and aligns with best practice in this area.</p>
8.3.1	<i>Selecting a nominated supervisor/ person in day-to-day charge</i>	<p>ACCS supports the provision of guidelines to assist providers with decision making in appointing a nominated supervisor but believes removing any checks and balances by the Regulatory Authority from this process poses an unacceptable risk to the health, safety and well-being of children.</p> <p>Consequently ACCS supports no change (Proposal 8.3.1A) unless</p> <ul style="list-style-type: none"> – An alternative mechanism is introduced that ensures the Regulatory Authority is checking the fitness and propriety and suitability of nominated supervisors for the role OR – Mandated minimum qualifications (Diploma level or better) and experience (> 2 years) for nominated supervisors is introduced.
8.3.8	<i>Child protection and Nominated Supervisors</i>	<p>ACCS strongly supports a requirement for nominated supervisors and persons in day to day charge of an education and care service to have undertaken child protection training (Proposal 8.3.8B).</p>
8.4.1	<i>12 Weeks ECT Leave Provision - Extending the scope to include resignation</i>	<p>ACCS recommends no change to legislation in the area and supports Proposal 8.4.1A.</p> <p>ACCS believes this proposal could provide a mechanism for providers to delay recruitment and use a Diploma qualified educator instead of an early childhood teacher for a whole term. It could be used by some providers to save money on wages. Although recruitment for teachers can be challenging the current provisions to deal with this situation (employing teacher’s part way through their qualifications or applying for a waiver) are adequate.</p>
8.4.2	<i>Educator Breaks</i>	<p>ACCS strongly supports amending guidance on educator breaks to make clear that service providers must comply with their legal obligations and must meet prescribed ratio requirements at all times (Proposal 8.4.2B)</p> <p>ACCS is aware that the explanation in the NQF Guidelines document has led to some providers not replacing educators on their lunch breaks. ACCS believes that minimum ratios must be maintained at all times.</p>