



'Approved provider' and NSW Department of Education and Communities [2014] ACECQARRPstr0008 (24 February 2014)

Applicant:	'Approved provider'
Regulatory authority:	NSW Department of Education and Communities
Decision date:	24 February 2014
Application reference:	STR0008

Decision

The Ratings Review Panel (the Panel) by consensus decided to confirm that the assessment of elements 1.1.3, 1.1.5, 1.2.2, 1.2.3, 2.2.2, 3.1.3, 3.2.1, 3.2.2, 3.3.1, 3.3.2 and 7.2.2 remain as 'not met'. As a result, the Panel by consensus confirmed the rating for standards 1.1, 1.2, 2.2, 3.1, 3.2, 3.3 and 7.2 remain at 'Working Towards NQS'.

The Panel confirmed that the overall rating for the service remains at 'Working Towards NQS'.

Issues under review

1. The approved provider (the provider) sought a review on the grounds that the regulatory authority, in making its determination, failed to take into account or give sufficient weight to special circumstances existing or facts existing at the time of the rating assessment (section 144(3)(b) *Education and Care Services National Law* (National Law)).
2. The provider sought a review of the following:
 - Quality Area 1, standard 1.1 (elements 1.1.3 and 1.1.5), standard 1.2 (elements 1.2.2 and 1.2.3)
 - Quality Area 2, standard 2.2 (element 2.2.2)
 - Quality Area 3, standard 3.1 (element 3.1.3), standard 3.2 (element 3.2.1 and 3.2.2), standard 3.3 (elements 3.3.1 and 3.3.2)
 - Quality Area 7, standard 7.2 (element 7.2.2).
3. After the initial assessment, the service was rated at 'Working Towards NQS' for standards 1.1, 1.2, 2.2, 3.1, 3.2, 3.3 and 7.2. The provider applied for first tier review.

First tier review

4. At first tier review, the regulatory authority confirmed the initial ratings for all the elements and standards under review. That is, the rating level for elements 1.1.3, 1.1.5, 1.2.2, 1.2.3, 2.2.2, 3.1.3, 3.2.1, 3.2.2, 3.3.1, 3.3.2 and 7.2.2 were confirmed as 'not met'. Therefore, the rating levels for standards 1.1, 1.2, 2.2, 3.1, 3.2, 3.3 and 7.2 remained unchanged at 'Working Towards NQS'.

Applicant's view

5. The provider states in its application for second tier review that it believes the assessing authorised officers (the assessors) did not consider all evidence available on the day of the assessment and rating visit. The provider also claims that the assessors recorded false information, and failed to ask questions to clarify reasons behind certain practices.

Evidence before the panel

6. The Panel considered all the evidence submitted by the provider and the regulatory authority. This included:
 - the application for second tier review and its attachments, including the service's feedback on the draft Assessment and Rating Report (draft Report)
 - the Assessment and Rating Instruments (the Instruments) and the final Assessment and Rating Report (final Report)
 - the regulatory authority's findings at first tier review
 - the response from the provider to the regulatory authority's submissions for second tier review, including the additional evidence submitted.
7. The Panel was also provided with advice from ACECQA on the elements, standards and Quality Areas under review.

The law

8. Section 151 of the National Law states 'Following a review, the Ratings Review Panel may:
 - (a) confirm the rating levels determined by the Regulatory Authority; or
 - (b) amend the rating levels.'

9. Information on the application of the National Quality Standard is available in the Guide to the National Law and Regulations and the Guide to the National Quality Standard available on ACECQA's website.

The facts

10. The service is a stand-alone, centre-based long day care service caring for children from 25 months to preschool age. This service is approved for a maximum of 36 places in total.
11. The assessment and rating visit at the service took place on 1 August 2013. There were two assessors present on the day of the visit.
12. The regulatory authority advised that the assessment and rating decision was sent to the provider on 12 September 2013.
13. The provider applied for first tier review on 26 September 2013. The regulatory authority made its decision on the review on 19 December 2013.

Review of rating levels

14. The Panel considered each standard and element under review in turn.

Standard 1.1

15. Standard 1.1 is that:
'An approved learning framework informs the development of a curriculum that enhances each child's learning and development'.
16. It is made up of six separate elements, two of which are under review.

Element 1.1.3

17. Element 1.1.3 requires that:
'The program, including routines, is organised in ways that maximise opportunities for each child's learning'.
18. At first tier review, the regulatory authority refers to the notes in the final Report that state routines are predictable and children are given advance warning before a transition from one activity to another. It further states that the assessors also note that children often transition as a large group and, as

a result, children are required to wait for long periods for the new experiences to begin.

19. In its application for second tier review, the provider claims that the assessors failed to provide context to their observation that 'the children move from one activity to another together'. The provider further states that the only time in the program that all children do the same thing, is when they move to the bathroom to wash their hands.
20. The Panel noted that element 1.1.3 requires that *each child's* learning be maximised.
21. The Panel noted the provider's comments that the only time in the program that all children do the same thing is when they move to the bathroom to wash their hands. The Panel noted that it was not practical to require all children to wash their hands at the same time, and it would not be conducive to scaffolding or maximising opportunities for each child's learning.
22. In regards to the provider's claim that the assessors failed to observe particular aspects of the service's program, the Panel noted that the 'assessors can only assess what they can see', and agreed with the Ratings Review Panel decision STR0006 that it was unreasonable to expect the assessors to observe, site or discuss every aspect of the service's operations.
23. The Panel agreed that the information provided did not support a finding that element 1.1.3 is met. Therefore, the Panel concluded that the element would remain as 'not met'.

Element 1.1.5

24. Element 1.1.5 requires that:
'Every child is supported to participate in the program'.
25. The regulatory authority states in the final Report that there were instances during the day when children were wandering without being acknowledged or supported to participate in the program. For example, a child stood in a corner and looked at other children playing for some time before approaching an educator. Additionally, another child sat at a table with a cash register and left after a few minutes, while an educator was sitting at the other end of the table. Furthermore, it was stated that children are not always able to make choices about the experiences they want to be involved in. For example, a DVD was

used to keep children occupied while educators put away the beds – all children sat and watched the DVD, without an alternative experience being offered.

26. In its application for second tier review, the provider claims that while observing the 2-3 years group time, the assessors commented on how calm and well behaved the children were, yet this does not appear in the final Report. The provider claims that the verbal comment contradicts what was written in the assessors' notes.
27. The Panel noted that element 1.1.5 again requires that *each child* is supported to participate in the program.
28. The Panel noted the assessors' verbal feedback to the provider that children were calm and well behaved in the 3-5 years room. The Panel agreed that this piece of evidence is insufficient in determining whether every child is supported to participate in the program. The Panel noted that children could be calm and well behaved, but only observing activities rather than participating and engaging in the activities, or that it could be reflective of children being used to a routine.
29. The Panel also noted that verbal feedback from an assessor should not be given as much weight as written information in the final Report. The Panel noted that there were two assessors present during the assessment and rating visit, which would strengthen this view.
30. The Panel discussed the assessors' observation that a child stood in a corner and looked at other children playing for 20 minutes before approaching an educator. It noted that while educators should respect a child's choice to join in the experience when they are ready to participate, the Panel would generally expect an educator to offer some soft support and encouragement before the child approached the educator, as occurred in this instance.
31. The Panel agreed that the available evidence suggests that some support is offered to children to participate in the program, but does not demonstrate that *every child* is supported to participate in the program. For this reason, the Panel agreed the element remains assessed as 'not met'.

Standard 1.2

32. Standard 1.2 is that:
'Educators and co-ordinators are focused, active and reflective in designing and delivering the program for each child'.
33. It is made up of three separate elements, two of which are under review.

Element 1.2.2

34. Element 1.2.2 requires that:
'Educators respond to children's ideas and play and use intentional teaching to scaffold and extend each child's learning'.
35. The regulatory authority states in the final Report that numerous opportunities to extend on children's interests and learning were missed, and no intentional teaching was observed at the service. For example, there was no educator at the plastic bugs table to provide opportunities for children to ask questions or to scaffold their learning.
36. The final Report also mentions educators not taking an opportunity to extend on children's learning by discussing the colour of playdough. In its application for second tier review, the provider claims children regularly make playdough with the educators, and that on the day of the assessment and rating visit, a child had chosen the colour for the dough, and that children were, therefore, aware that the dough would be red. The provider claims that educators focused on the measurement and volume aspect of the activity, and that the educator felt that discussing the colour of the playdough would have been an obvious and predictable discussion to have with the children.
37. The provider acknowledges the assessors' observation that there was no educator present at the plastic bugs table. The provider claims that this was because one of the educators was making playdough with the children, and the other was at the craft table. The provider submitted photos and the daily journal for 1 August 2013 to support its claims. The provider claims that it is impossible for educators to discuss every aspect of each day with every child, and to have an educator present at each activity.
38. The provider claims that the assessors failed to mention that toys on the tables need to be packed away so that children can sit comfortably and eat, and that floor toys need to be packed away so there is room for the beds to go

out for rest time. The provider also claims that the assessors fail to mention that the containers are put back on the shelves for children to get out if they wish after rest time, and that children often put their constructions or pictures up on the window to show their parents or continue at a later time.

39. The Panel noted that the educators may not have discussed the colour of the playdough, as there were discussions around the measurement and volume aspects of the activity. This showed that there was some intentional teaching to extend children's learning during the activity.
40. However, in considering all of the evidence the Panel agreed with the regulatory authority's view that there were a number of missed opportunities to extend on children's interests and learning. The Panel noted that the service appears to have a highly routine-based program, for example, by packing away resources before eating.
41. The Panel discussed the provider's claim that it is impossible for educators to discuss every aspect of each day with every child, and to have an educator present at each activity. The Panel noted that while that may be the case, the provider failed to submit further examples of its discussions where it had responded to children's ideas and play, and used intentional teaching to scaffold and extend each child's learning.
42. The Panel concluded that it was unable to find sufficient evidence in the documents presented to amend the rating for element 1.2.2. Therefore, the element remains as 'not met'.

Element 1.2.3

43. Element 1.2.3 requires that:
'Critical reflection on children's learning and development, both as individuals and in groups, is regularly used to implement the program'.
44. The regulatory authority states in its findings at first tier review that, while educators are reflecting on children's experiences and are sometimes using this information to plan follow up activities, there is little evidence that critical reflection on the way in which the environment is planned or educator's teaching practices have influenced what happens at the service. Similarly, the regulatory authority states that educators have not explored how they might change their practice, change the environment, or change the routine to scaffold or extend children's thinking.

45. In its application for second tier review, the provider states that in its view, critical reflection occurs on planned activities, observations, children's interests or information from families and also from teacher initiated activities. The provider also claims that educators link the critical reflection to the Early Years Learning Framework. The provider claims that both the educators 'interviewed' on the day of the assessment and rating visit, had stated that the assessors only 'flicked through' one of their journals.
46. The Panel concluded that the documentation submitted by the provider showed detailed observations about the children. However, it did not demonstrate how those observations were critically reflected upon and were regularly used to develop and implement the program. The Panel agreed that while the provider submitted a number of observations of children's experiences, there was insufficient evidence that demonstrated critical reflection.
47. Therefore, the Panel agreed that element 1.2.3 remains as 'not met'.

Standard 2.2

48. Standard 2.2 is that:
'Healthy eating and physical activity are embedded in the program for children'.
49. It is made up of two separate elements, one of which is under review.

Element 2.2.2

50. Element 2.2.2 requires that:
'Physical activity is promoted through planned and spontaneous experiences and is appropriate for each child'.
51. The regulatory authority states in its final Report that the service's routine includes outdoor play to provide opportunities for children to participate in physical activity. However, the service follows a winter and summer routine and physical activity only occurs in the afternoons in winter. Alternative gross motor activities are not offered indoors. The indoor program is structured and there is no provision for spontaneous experiences.
52. In its application for second tier review, the provider confirms that at the time of the assessment and rating visit, the service was in its winter program. The

provider states that as a result of the outdoor area being wet in the mornings and the weather being cold, the children stay indoors. The provider further states that children sang action songs during the day, and spent the afternoon outdoors where they were able to engage in a variety of activities. The provider claims that the assessors spent no longer than 10-15 minutes outdoors, and during this time they checked equipment. The provider claims action songs, playing instruments, marching around the room and moving through transitions as animals is sufficient physical activity when children will also be going outdoors.

53. The Panel noted that element 2.2.2 sets a high standard.
54. The Panel noted the provider's claim that during the winter months the weather is too cold for children to be outdoors during the morning. The Panel agreed that the weather was not a satisfactory reason to not include outdoor play in the mornings of the winter program. The Panel suggested that children could be encouraged to wear appropriate clothing to allow them to go outside.
55. The Panel agreed that to meet element 2.2.2 educators would be expected to promote physical activity indoors as well as outdoors.
56. The Panel disagreed with the provider's claim that action songs, playing instruments, marching around the room and moving through transitions as animals demonstrates that the service promotes spontaneous physical activity.
57. The Panel agreed that while program documentation submitted by the provider shows some planned physical activities, there is insufficient evidence to support a finding that physical activity is promoted through planned and spontaneous experiences and is appropriate for each child. Therefore, element 2.2.2 remains as 'not met'.

Standard 3.1

58. Standard 3.1 is that:
'The design and location of the premises is appropriate for the operation of a service'.
59. It is made up of three separate elements, one of which is under review.

Element 3.1.3

60. Element 3.1.3 requires that:
'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'.
61. The regulatory authority states in its final Report that interaction between the indoor and outdoor spaces is governed by a routine, allowing children to access outdoor play space only at set times. Furthermore, there is minimum open-shelving which restricts children from accessing resources independently and restricting flexibility of play. Experiences are set by the educators and resources are put out on the table for children. For example, the assessors observed children being provided with letters and numbers to play with the playdough; children did not have an opportunity to access more resources for flexibility of play.
62. In its application for second tier review, the provider states that in its view, it is using the space as best as possible.
63. The provider challenges the assessors' statement that the service has a structured indoor/outdoor program and a set routine for indoor/outdoor play. The provider claims that the program that is displayed is an example of activities occurring throughout the day. The provider submitted copies of different programs offered throughout the seasons and of sample routines demonstrating flexibility.
64. The Panel noted that resources were stored in containers that were not accessible by children unless they requested the resource from an educator. The provider claimed that the layout of the service prevents it from using shelving. The Panel agreed that self-selection of resources would enhance children's ideas and participation in the service. The Panel agreed that the way the materials were stored did not allow flexible use and interaction by every child in the service. It also agreed that based on the information before it, it was unable to determine why the rooms could not be organised in a more flexible way.
65. The Panel also noted that the outdoor area is only accessible at set times, and therefore the program did not appear to be flexible.
66. The Panel agreed that the restrictive access to resources would not encourage engagement in self-initiated play and exploration. Therefore, the Panel agreed that element 3.1.3 remains as 'not met'.

Standard 3.2

67. Standard 3.2 is that:
'The environment is inclusive, promotes competence, independent exploration and learning through play'.
68. It is made up of two separate elements, both of which are under review.

Element 3.2.1

69. Element 3.2.1 requires that:
'Outdoor and indoor spaces are designed and organised to engage every child in quality experiences in both built and natural environments'.
70. The regulatory authority states in its final Report that the configuration of outdoor and indoor spaces provides children with some opportunities to engage in activities. The outdoor environment offers reasonable opportunities to explore small plants and herbs. For example, the service has a small herb patch outdoors that children often access to collect herbs to use in cooking. The indoor environment provides some access to the natural environment by way of resources and activities. For example, there is a cage with two birds in the 3-5 years room, and pebbles in a basket and a vase of natural flowers in the 2-3 years room. However, the final Report also states that while educators model practices to demonstrate care for animals, there are minimal opportunities for children to participate in such experiences. For example, children are not actively involved in feeding or taking care of the birds. Furthermore, the final Report states that natural spaces with stones and pebbles outdoors and the natural resources indoors were not explored by the children on the day of the assessment and rating visit.
71. At first tier review, the regulatory authority stated that it reviewed other evidence gathered and recorded by the assessors during the assessment and rating visit to inform its assessment of element 3.2.1. In particular, the regulatory authority noted the assessors' comments in relation to element 3.1.3 that limited open shelving restricts children's choices and their ability to independently access material for self-initiated play.
72. In its application for second tier review, the provider claims that the bird cage is cleaned every morning, and on the day of the assessment and rating visit this occurred before the assessors arrived at 8am. The provider also claims

that plants are watered by the children using watering cans (that are packed away until the afternoon) and that this occurred after the assessors had concluded their visit.

73. Further, the provider claims that the garden was used by children on the day of the assessment and rating visit. The provider submitted photographs of children in the garden and looking after the garden in support of its claims.
74. The Panel discussed the regulatory authority's evidence for this element and agreed that that the service's attempts to engage every child in the natural environment, for example, through pebbles in a basket indoors, and the garden outdoors, was not sufficient to meet the standard set by element 3.2.1.
75. The Panel noted that the outdoor environment was limited and could benefit from a water feature or a digging patch or other elements for children to explore.
76. The Panel considered that there was insufficient evidence to show that children are involved in caring for the birds at the service. The Panel also noted that as the watering cans are packed away until the afternoon, this suggests evidence of a routine and that children are not encouraged to engage in quality experiences in natural environments.
77. The Panel discussed the repetition of evidence by the regulatory authority. The Panel noted that the National Authorised Officer Assessment and Rating Training states that if the evidence has only one focus, it should be used in only one element. However, if the evidence has more than one focus, it can be used to describe its different focuses in relevant elements. The Panel noted that the regulatory authority considered under this element that limited open shelving restricts children's choices and their ability to independently access material for self-initiated play, and that this evidence was previously considered under element 3.1.3. The Panel agreed that even if this information was to be disregarded, there was still enough evidence to suggest that not every child is engaged in quality experiences in natural environments at the service.
78. The Panel agreed that there was insufficient evidence to demonstrate that children are actively involved in quality experiences in built and natural environments. Therefore, the Panel conclude that element 3.2.1 remains as 'not met'.

Element 3.2.2

79. Element 3.2.2 requires that:
'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'.
80. The regulatory authority states in its final Report that a variety of resources and equipment are readily available and provide opportunities for active involvement. Furthermore, educators support children to choose the experiences they want to engage in. For example, children were able to choose from painting the cardboard boxes, making playdough and exploring plastic bugs. However, the Report states that children do not have access to resources except for those set out by educators. The arrangement of resources and equipment is structured and does not allow for multiple uses, for example, children in the 2-3 years room packed away foam blocks to play with train tracks. Furthermore, the Report states that learning environments are not open-ended. For example, children making garbage trucks using cardboard box were only given paints.
81. In its application for second tier review, the provider claims that the assessors' notes under this element are contradictory. The provider also states that the assessors claim that the experience with playdough and numbers and letters was not open-ended. The provider claims that the letters were added to the playdough experience intentionally, as the children had been learning about them. The provider states that the children did not have to use the letters, but they were provided to extend on learning.
82. The Panel agreed that while the number of resources that the service has is not in question, it is the accessibility of the resources that suggests that this element is not met. That is, while having a sufficient number of resources is important, they must also be organised in a way that ensures they are used.
83. The Panel agreed that the inability of children to independently access additional resources supports a finding that children cannot explore and freely use resources, materials and equipment in the indoor and outdoor environment.
84. The Panel discussed the example provided by the regulatory authority, that the children's experience with the playdough and numbers and letters was not open-ended. The Panel noted that while children did not have to use the

letters provided, as the provider states, they may have wanted to use other items that were not made available to them.

85. The Panel agreed that the arrangement of resources, materials and equipment at the service is structured and routine based, and does not appear to allow for multiple uses. Therefore, the Panel agreed that element 3.2.2 remains at 'not met'.

Standard 3.3

86. Standard 3.3 is that:
'The service takes an active role in caring for its environment and contributes to a sustainable future'.
87. It is made up of two separate elements, both of which are under review.

Element 3.3.1

88. Element 3.3.1 requires that:
'Sustainable practices are embedded in service operations'.
89. The regulatory authority states in its final Report that some consideration is given to sustainable practices in service operations. The final Report notes that children helped to start a herb garden outside, and that children often collect herbs to use in cooking at the service. The Report also notes that there are recycling bins in both play rooms, and that recyclable materials are used for craft and project work, providing the example of children using cardboard boxes to make garbage trucks. The final Report also states that while the service has adequate ventilation and natural light, and the power points are switched off when not in use, there are limited opportunities for children to be involved in sustainable practices. For example, children are not involved in switching off the lights.
90. The Report also states that the service uses recyclable materials to be included in the service, and there is an environmental policy. However, the Report also states that there is no evidence of the policy being implemented, and sustainable practices are not embedded in the service program. For example, children were not seen using the recycle bins and discussions did not occur with children about using these. It was also noted that while educators plan learning activities around sustainable living and recycling, these are not implemented on a regular basis.

91. In its application for second tier review, the provider states that its definition of sustainable living being embedded at the service 'means that children use the recycling bins and draw on scrap paper, turn off taps autonomously'. The provider further states that several times a year educators plan learning activities based around sustainable living and recycling, for example, by recycling jars to make candle holders for mother's day. The provider advised that it uses email to communicate with families where possible, and all power points and lights are turned off when not in use.
92. The Panel agreed, as was discussed by the Ratings Review Panel STR0002, that the threshold to establish that sustainable practices are embedded is high.
93. The Panel agreed that the presence of recycling bins and using recyclable materials do not, on their own, establish that sustainable practices are embedded in service operations.
94. The Panel noted that while the provider has claimed that the service has adopted environmentally responsible initiatives, such as recycling and energy saving strategies, further information about these strategies were not submitted for review.
95. The Panel agreed that, based on the information before it, it was unable to find that sustainable practices are embedded in service operations. Therefore, element 3.3.1 remains as 'not met'.

Element 3.3.2

96. Element 3.3.2 requires that:
'Children are supported to become environmentally responsible and show respect for the environment'.
97. The regulatory authority states in its final Report that the service has made previous attempts at gardening with the children, and currently has a small herb patch. The Report also notes that recycled items are used for craft experiences and in home corner, for example, cardboard boxes, cardboard rolls and used laundry powder boxes. It was also noted that children are encouraged to turn off taps after use and place all rubbish into the bin. However, the final Report also states that educators do not encourage or support children's engagement with, and respect for, the natural environment.

For example, children were not seen watering the plants and discussions did not occur throughout the day about building a sense of responsibility for caring for the environment. The final Report notes that while there is evidence of children being interested in monitoring the growth of the strawberries and investigating what might be eating them, regular planned experiences that engage children in appropriate sustainability practices are not evident in the service program.

98. At first tier review, the regulatory authority stated that it reviewed other evidence gathered and recorded by the assessors during the assessment and rating visit to inform its assessment of element 3.3.2. In particular, the regulatory authority noted that children were not involved in feeding or taking care of the birds in the 3-5 years room (as discussed above under element 3.2.1). It also stated that the assessors have recorded that, throughout the day, educators did not engage children in conversations about the natural environment, or discuss things such as the importance of turning off taps or recycling paper or food scraps.
99. In its application for second tier review, the provider claims that children at the service do have respect for the natural environment, and that they are responsible for looking after the plants and enjoy picking the fresh produce. The provider submitted photographs of children caring for the garden in support of its claims.
100. The provider's feedback on the draft Report states that children also water strawberries that are growing in the rooms and outdoors. Furthermore, children have been involved in investigating what might be eating the strawberries outdoors, and as a result covers are placed on the strawberries to prevent birds from eating them.
101. The Panel noted that element 3.3.2 is closely linked to element 3.3.1.
102. The Panel noted that the only evidence submitted by the provider in support of its claim that it is meeting element 3.3.2, relates to children's experiences with the strawberry plants at the service. The Panel agreed that this was not sufficient to establish that children are supported to become environmentally responsible and show respect for the environment.
103. The Panel noted that the regulatory authority considered in its assessment of this element, information regarding the care of birds at the service, that it had previously consider under element 3.2.1. The Panel agreed that even if this

information was to be disregarded, there was still enough evidence to suggest that not every child is engaged in quality experiences in natural environments at the service.

104. The Panel agreed that, based on the information before it, it was unable to find that children are supported to become environmentally responsible and show respect for the environment. Therefore, element 3.3.2 remains as 'not met'.

Standard 7.2

105. Standard 7.2 is that:

'There is a commitment to continuous improvement'.

106. It is made up of three separate elements, one of which is under review.

Element 7.2.2

107. Element 7.2.2 requires that:

'The performance of educators, co-ordinators and staff members is evaluated and individual development plans are in place to support performance improvement'.

108. The regulatory authority states in its findings at first tier review that while educators undertake a process of self-assessment, their performance is not consistently evaluated by the provider or nominated supervisor. The regulatory authority acknowledged that some educators have set themselves goals to complete or upgrade a formal qualification. However, the regulatory authority could not find evidence that individual development plans are in place for other educators and staff members.

109. In its application for second tier review, the provider states that staff set themselves goals at the beginning of the year, and the provider discusses how those goals may be achieved. The provider claims that mid-year and end of year appraisals occur off premises. The provider states that staff are encouraged to attend professional training. However, this is at their own cost. The provider further states that as several of the staff are currently studying or upgrading their qualifications 'time and money are already stretched'.

110. The Panel noted the absence of written development goals for each educator, and the lack of a formalised evaluation process. The Panel discussed the provider's claim that staff set themselves goals at the beginning of the year,

and that a mid-year and end of year appraisal occur off premises. The Panel agreed that in the absence of a formalised review process, there was little value to simply setting verbal goals at the beginning of the year.

111. The Panel noted that there are a number of professional development programs or opportunities that are available free of charge or at a low cost, and it was not necessary for educators to undertake expensive professional training to meet this element.
112. The Panel raised concerns over the lack of record keeping about the performance of staff at the service, and agreed that it was not able to find that the service's performance review cycle contributes to planning for learning and further development.
113. The Panel agreed that the information before it did not establish that the performance of educators, co-ordinators and staff members is evaluated or that individual development plans are in place to support performance improvement. Therefore, element 7.2.2 remains as 'not met'.