



'Approved provider' and the Department of Education and Communities, New South Wales [2014] ACECQARRPstr0011 (21 May 2014)

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| Applicant: | 'Approved provider' |
| Regulatory authority: | Department of Education and Communities, New South Wales |
| Decision date: | 21 May 2014 |
| Application reference: | STR0011 |

Decision

The Ratings Review Panel (the Panel) has decided by consensus to confirm that the rating level for standard 1.2 is 'Meeting NQS'. As a result, the Panel confirmed that the rating level for Quality Area 1 is 'Meeting NQS' and the overall rating for the service is 'Meeting NQS'.

Issues under review

1. The approved provider sought a review of the following, on the grounds that the regulatory authority failed to take into account or give sufficient weight to facts existing at the time of the rating assessment:
 - Quality Area 1, standard 1.2
2. After the initial assessment and rating exercise, the service was rated at 'Meeting NQS' for Standard 1.2 and Quality Area 1. The service received an overall rating of 'Working Towards NQS'.

Regulatory authority's view

3. At First Tier Review, the regulatory authority confirmed its assessment of Quality Area 1, standard 1.2 at 'Meeting NQS'. The service's overall rating, however, was amended to 'Meeting NQS'.

Applicant's view

4. The approved provider claimed that the regulatory authority failed to take existing facts into account at the time of the rating assessment which supported a rating of 'Exceeding NQS' for Standard 1.2.

Evidence before the panel

5. The panel considered all the evidence provided by the applicant and the regulatory authority. This included:
 - the application for second tier review and its attachments.



- the assessment and rating instruments and final assessment and rating report
 - evidence available on the day of the assessment and rating visit
 - the NSW regulatory authority's findings on first tier review
6. The panel was also provided with advice from ACECQA on the standard and Quality Area under review.

The law

7. Section 151 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'.
8. 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.

Review of rating levels

Standard 1.2

Standard 1.2 is that:

'Educators and co-ordinators are focused, active and reflective in designing and delivering the program for each child.'

The report

9. The regulatory authority states in the final report that 'each child's learning and development is assessed as part of an ongoing cycle of planning, documenting and evaluation'. Furthermore, the final report notes that 'clear links between observations and planning for the child based on the child's interests could be seen'. The regulatory authority also states that 'all educators' programs demonstrated that evaluation was taking place and this was used to inform the program'.
10. The regulatory authority states that 'educators respond to children's ideas and play and use intentional teaching to scaffold and extend each child's learning'. Furthermore, the final report states that 'educators provide additional resources to stimulate the children's curiosity' and that 'educators had used intentional teaching to scaffold the children's learning and guide them during their discoveries. This was documented in the children's portfolios'.
11. The regulatory authority also states that 'educators reflect on the program and the daily routine regularly'; that the 'programming format included a section for



reflection'; and that 'educators gave examples of some changes ... made as a result of reflection on the program'.

12. In the final report the regulatory authority notes that it 'acknowledged' the approved provider's post-visit feedback (presumably on the draft report), but that the standard remains at Meeting.

Feedback to the draft report

13. In its feedback on the draft report, the approved provider states that 'all educators' programs demonstrate that evaluation is taking place and is used to inform the program. The process is consistent'. The approved provider states that 'assessments are comprehensive, meaningful, contextualised and ongoing'.
14. Furthermore, the approved provider states in its feedback on the draft report that 'children's spontaneous interests are followed up on consistently', and that 'reflective practice is embedded in the service's culture'.

First tier review

15. In its findings at first tier review against element 1.2.1, the regulatory authority noted that its assessing officer had 'noted good practice including a clear and ongoing cycle of planning, documenting and evaluation'. Furthermore, the regulatory authority noted that the approved provider's feedback on the draft report described 'flexible systems for the assessment of children's learning [that] involve both children and their families' and that this was supported by samples of programing documentation and educators' notes'. The regulatory authority concluded that 'these provisions are sufficient to contribute to a higher rating for Standard 1.2'.
16. In its findings at first tier review against element 1.2.2, the regulatory authority noted that its assessing officer had 'noted good practice including... educators' use of questioning in interaction with children and the extension of activities'. Furthermore, the regulatory authority noted that the approved provider's feedback on the draft report described 'how children's ideas and play extend... activities or are used as the basis for new activities' and that this was supported by the approved provider's submission. The regulatory authority concluded that 'these provisions are sufficient to contribute to a higher rating for Standard 1.2'.
17. Finally, the regulatory authority notes in its findings at first tier review against element 1.2.3 that, while evidence existed to demonstrate the service's commitment to reflection, such as 'regular team meetings where [educators] reflect on the program and routines using a set of pre-determined questions', the authorised officer 'did not evaluate the quality of the questions used for reflection at the team meetings or include an example of a reflection recorded on the program pro-forma'.



18. The regulatory authority 'reviewed the documentation submitted by the approved provider' at first tier review 'and noted that educators; consistently reflect on children's progress towards the learning outcomes in the Early Years Learning Framework'. However, the regulatory authority stated that 'it was able to find limited references to the way in which these reflections had contributed to future planning for those children'.
19. The regulatory authority also 'reviewed the completed pro-formas used to guide educators' reflection on the curriculum... and noted that the pre-determined questions and space provided encourages [a] very brief or superficial response or simply a tick'. The regulatory authority states that 'it was able to find very limited evidence that educators critically reflecting on the way in which their responses to the day's events or their own teaching practice has, or has not, contributed to children's learning'.
20. The regulatory authority concluded that although there are a number of processes in place at the service to encourage educators to engage in critical reflection there is little evidence that these strategies have changed educators' practice or that educators have considered or trialed new approaches in order to scaffold or extend children's thinking'. This was its main consideration in finding that the services practices against Standard 1.2 were not 'Exceeding the National Quality Standard'.

Application for second tier review

21. The approved provider argues in its application for second tier review that 'documentation to complement element 1.2.3... has always been available throughout the service's evidence referring to Standard 1.1 and that this was not taken into consideration in rating the service against Standard 1.2.
22. The approved provider also appears to argue that the regulatory authority has viewed the evidence against element 1.2.3 in isolation from Standard 1.2 with the statement 'the evidence for Standard 1.2 and specifically for element 1.2.3 was seen as stand-alone support for each element rather than reviewed in conjunction to both Standards in Quality Area 1'.
23. The approved provider's submissions at second tier review include a response by the authorised officer in relation to Quality Area 1. The authorised officer states in relation to Standard 1.2 that 'there was no evidence that the cycle of planning, documenting and evaluation was an interactive process that drives the program'; that 'while many examples of intentional teaching were observed in the 3-5 room there were fewer examples of intentional teaching in the 0-2 room'; and that 'evidence of the service's critical reflection contained no signs 'of deeper reflection on concepts including bias, social justice or equity'.



Panel's consideration

24. The Panel discussed the regulatory authority's notes in its findings at first tier review that 'pre-determined questions and [the] space provided [in the critical reflection pro-formas] encourages [a] very brief or superficial response or simply a tick'. The Panel noted the importance of ensuring that pro-formas are adapted to suit the unique circumstances of each service and the children and families attending the service.
25. The Panel reviewed the programming documentation submitted by the approved provider and agreed that, while the programming documentation does demonstrate critical reflection, the documentation does not appear to clearly link to individual and known children.
26. Further, the Panel noted that the service had not elaborated on the link between the 'pre-determined questions' and how these are used as part of the service's reflective practice. The Panel questioned the relevance and value of the pre-determined questions noting that the assessor also appeared to struggle with this.
27. The Panel acknowledged the approved provider's concern that the regulatory authority viewed the evidence against element 1.2.3 in isolation from Standard 1.2. The Panel found, however, that this did not impact on the regulatory authority's rating of Standard 1.2.
28. The Panel concluded that the approved provider did not provide any compelling evidence that the service's practices go beyond what is required by the National Quality Standard.
29. Subsequently, the Panel confirmed the rating for Standard 1.2 and Quality Area 1 at 'Meeting NQS'.