



‘Approved provider’ and NSW Department of Education and Communities [2014] ACECQARRP STR0012 (9 September 2014)

Applicant:	‘Approved provider’
Regulatory authority:	NSW Department of Education and Communities
Decision date:	9 September 2014
Application reference:	STR0012

Decision

The Ratings Review Panel (the Panel) by consensus decided to amend the rating for standard 6.1 to ‘Exceeding NQS’.

As a result, the Panel by consensus amended the rating for Quality Area 6 to ‘Exceeding NQS’. The Panel confirmed that as a result the overall rating for the service is amended to ‘Exceeding 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 6, in particular, standard 6.1.

Applicant’s view

3. After the first tier review, the service was rated overall as ‘Meeting NQS’ with Quality Areas 1, 2 and 6 and 7 rated ‘Meeting NQS’, and Quality Areas 3, 4 and 5 rated ‘Exceeding NQS’.
4. The provider states in its application for second tier review that it believes the assessing authorised officer (the assessor) failed to give sufficient weight to evidence available at the time of the assessment, particularly in relation to element 6.1.3. The provider is of the view that the evidence available supports



a rating of 'Exceeding NQS' for standard 6.1. Furthermore, the provider claims that a precedent has been set for an 'Exceeding NQS' rating, as its 'sister centre' was rated as 'Exceeding NQS' for standard 6.1 based on similar evidence that it has provided.

Evidence before the panel

5. 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
 - the Assessment and Rating Instrument (the Instrument) and the final Assessment and Rating Report (final Report)
 - the regulatory authority's findings at first tier review
 - the regulatory authority's submissions for second tier review
 - the response from the provider to the regulatory authority's submissions for second tier review.

6. The Panel was also provided with advice from ACECQA on the Quality Area under review.

The law

7. Section 151 of the National Law states that following a first tier 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.

The facts

9. The service is a stand-alone, centre-based long day care caring for children from birth to preschool age. This service is approved for a maximum of 28 places in total.

10. The assessment and rating visit at the service took place on 4 February 2014.

11. The provider received the assessment and rating decision on 3 March 2014.



12. The provider applied for first tier review. The regulatory authority made a decision on the review on 27 June 2014. The provider received the decision on 30 June 2014.

Review of rating levels

Standard 6.1

13. Standard 6.1 is that:
Respectful supportive relationships with families are developed and maintained.
14. The Panel noted that to achieve a rating of 'Exceeding NQS' for this standard, it may expect to see evidence of the following:
 - an effective enrolment and orientation process based on active communication, consultation and collaboration with families that supports all families
 - families are offered a range of opportunities to be actively involved and are encouraged to significantly contribute to service decisions
 - comprehensive and current information about the service is provided to families in an accessible format.
15. The regulatory authority stated in its first tier review findings that the service demonstrates good practice in relation to standard 6.1. However, the regulatory authority concluded that it was unable to find sufficient evidence to support a rating of 'Exceeding NQS' for this standard. In particular, it stated that while the service has effective enrolment and orientation processes, there was no evidence of active communication, consultation and collaboration. The regulatory authority also stated that while the service provides opportunities for families to be involved and contribute to decisions, there is no evidence that families are actively involved and encouraged to significantly contribute to service decisions.
16. In response to the regulatory authority's comments at first tier review, the provider claims that it has demonstrated that there is an effective enrolment and orientation process based on active communication, consultation and collaboration with families. The provider claims that the assessor's written evidence confirms that the service's orientation and enrolment process is completed in consultation with families. In particular, families are invited to visit and become familiar with the service before the child starts, and families are invited to attend the service as many times as is necessary for the child to feel



comfortable prior to starting at the service. Additionally, the provider claims that prior to a child starting at the service, the nominated supervisor discusses the needs of the child and expectations with the family that they hold in relation to the child's learning. The provider states that this information is documented within the enrolment form, family tree, cultural forms, as well as within the parent handbook.

17. The provider claims that there were a number of resources available on the day of the assessment and rating visit that the assessor failed to note. These include philosophy and policy updates that are emailed to parents and include parent contributions, the information walls within the service, information displays for parents, daily books, eat and sleep charts and programs, family input sheets, portfolios, parent/teacher interviews, and staff notification signs regarding sick/annual leave and replacements.
18. The provider states that families are involved in the annual philosophy update and monthly policy reviews, and families are given an opportunity to comment on these reviews before documents are finalised. The provider states that its philosophy and policy reviews are available in the foyer of the service for all parents to see, as well as being available in the parent handbook and on the service's website.

Panel's considerations

19. The Panel noted that the information submitted by the provider regarding the assessment of its 'sister centre' is irrelevant to determining the service's rating for Standard 6.1. The Panel agreed that the National Quality Standard is to be applied to each individual service and practice and procedure should be assessed according to the circumstances of each service.
20. The Panel considered the evidence submitted by the provider for standard 6.1, and agreed that on balance, it demonstrates exceeding practice. In particular, the Panel noted that the provider had submitted a range of documentation that is made available to families, such as policies and procedures, and noted that it requests input from families when making new policies. The Panel also noted that the service has a comprehensive website demonstrating that information was readily available to families.
21. The Panel agreed that there is evidence of an effective enrolment and orientation process based on active communication, consultation and



collaboration with families that supports all families. The Panel also agreed that there is evidence that families are offered a range of opportunities to be actively involved in service decisions, and that comprehensive and current information about the service is provided to families in an accessible format.

Decision

The Panel by consensus decided to amend the rating for standard 6.1 to 'Exceeding NQS'.

As a result, the Panel by consensus amended the rating for Quality Area 6 to 'Exceeding NQS'. The Panel confirmed that as a result the overall rating for the service is amended to 'Exceeding NQS'.
