



**Date of Decision:** 13 January 2016  
**File number:** STR0021

**'Approved provider' and Education and Early Childhood Services  
Registration and Standards Board of SA, [2016] ACECQARRPstr0021  
(13 January 2016)**

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**APPLICANT:** 'Approved provider'  
**REGULATORY AUTHORITY:** Education and Early Childhood Services  
Registration and Standards Board of SA  
**Date of Decision:** 13 January 2016  
**Application reference:** STR0021

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## Decision

The Ratings Review Panel (the Panel) by consensus decided to confirm the rating level for standard 1.2 as Meeting NQS, confirming the rating for Quality Area 1 as Meeting NQS. The service's overall rating level was confirmed as Meeting NQS.

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## Issues under review

1. The approved provider (the provider) is seeking 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 and facts existing at the time of the rating assessment (section 144(3)(b) *Education and Care Services National Law* (National Law)).
2. The approved provider seeks a review of standard 1.2.
3. After the initial assessment, the service was rated Meeting NQS for Quality Areas 1, 2, 3 and 4, and Exceeding NQS for Quality Areas 5, 6 and 7.

## Regulatory authority's view

4. The provider applied for first tier review of standards 1.2 and 4.1. At first tier review, the regulatory authority confirmed its original decision. Therefore, Quality Areas 1 and 4 remained unchanged at Meeting NQS. The service's overall rating remained unchanged at Meeting NQS.

## Applicant's view



5. The provider states in its application for second tier review that while all educators were available to discuss their understanding of program delivery and design the authorised officers only conversed with four of the eighteen educators. The provider also notes that discussions took place during busy times of the day when educators were focused on interacting with supporting children. The provider notes that this did not allow educators to provide authorised officers with an accurate insight into their everyday practice.

### **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
  - the Assessment and Rating Instruments, moderation record, feedback to draft report and decision, and the final Assessment and Rating Report
  - the application for first tier review and its attachments
  - the regulatory authority's findings at first tier review
  - the provider's response to the regulatory authority's submissions.

### **The law**

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

### **Review of rating levels**

8. The Panel considered standard 1.2.

### **Standard 1.2**

9. Standard 1.2 is that:  
Educators and co-ordinators are focused, active and reflective in designing and delivering the program for each child.
10. The Panel noted that to achieve a rating of 'Exceeding NQS' for this standard, it may expect to see evidence of the following:
  - assessment of each child's learning and development is part of an ongoing cycle of planning, documenting and evaluation. It is an interactive process that drives development of the program
  - educators consistently respond to children's ideas and play and intentional teaching is embedded within the program to scaffold and extend each child's learning
  - critical reflection on children's learning and development, both



as individuals and in groups, is consistently used to implement, review and revise the program.

*Regulatory authority's view*

11. The authorised officer gathered evidence under each element. For element 1.2.1 the authorised officer noted that “children’s individual portfolios make connections between children’s learning and EYLF. Learning stories and observations are evaluated and critically reflected on, however there was no evidence of forward planning/extensions for learning in portfolios that families could see. On the monthly program it was evident that experiences were based on observations of children”.
12. Under element 1.2.2 the authorised officer noted that in all rooms, “intentional teaching is consistently embedded in programs”.
13. In its decision on the feedback provided by the provider, the regulatory authority noted in that for element 1.2.1 its concern that there was inconsistency in practice across the rooms.
14. The regulatory authority noted that for element 1.2.2 its concerns were that educators had varying understandings of what is intentional teaching and what is explicit teaching how this impacted the depth of planning across the rooms and that some rooms did this better than others. It did not believe that the feedback from the provider addressed these concerns.
15. The final Assessment and Rating Report provides a number of examples of the service’s practice against standard 1.2, including:
  - Educators are focused, active and reflective in the design and delivery of their programs for each child and groups of children. A clear and ongoing cycle of planning, documenting and evaluation was evident in each room. The depth of these varies across rooms, although through discussion with the educational leader, it was clear that service leadership are aware of this and working on strategies to support educators’ skills. Forward planning for all children was evident in the detailed monthly group programs displayed within each room and critical reflection journals. Educators actively reflect individually and as a team, and sometimes across teams (such as nursery 1 and 2) on children's programs through ongoing discussions and planned meetings. Programs were frequently responsive to children's interests and captured diverse types of learning. For example, the kindy room encapsulates this through the implementation of inquiry based projects (which are displayed) that seek to establish children's prior knowledge, find out what children want to know and then reflect on their newly acquired knowledge. To support informing families about children's learning, educators write a summary of planned weekly programs onto white boards displayed outside of each room.



- Educators were responsive to children's ideas and play, using intentional teaching as a mechanism to scaffold and extend each child's learning. Intentionality was evident throughout programs, often demonstrated through explicit teaching opportunities. Through discussion with educators, service leadership and by viewing documentation, it was clear some educators were more aware than others of the scope of intentionality within their programs to move beyond decisions about explicit teaching. For example, documentation in one room described how an educator chose to step back and observe children and through this, she discovered how much children had learned and could effectively apply developing skills to their play. In another example, the 'Mind Up' program used by educators (they have training in how to use this) is used to teach children how to be intentional in their thinking and in their decisions. One strategy employed is for children to take four deep breaths to calm their amygdala down, supporting them to make more appropriate choices that are based on a calmer emotional state.
  - Educators are consistently focused and active in their critical reflections of each child and groups of children. Through discussions with service leadership, it was clear that this is something viewed as valuable to practices that support the complex needs of children and their families. Critical reflections come from room reflection journals, learning story reflections, discussions within teams and discussions at larger staff meetings. This information is used to consistently implement, review and revise programs for individuals and groups of children in order to promote best practice and better outcomes. For example, reflections are intrinsic to the transition strategies educators develop and implement (in collaboration with families and other professionals) for children as they move to new rooms in the service and eventually to school.
16. The regulatory authority identified some inconsistencies in quality across the rooms of the service finding some educators “were more aware than others of the scope of intentionality”. Further, the regulatory authority noted that while “a clear and ongoing cycle of planning, documenting and evaluation was evident in each room, the depth of these varies across rooms”. The regulatory authority identified that “it was clear that service leadership are aware of this and working on strategies to support educators' skills”.
17. The regulatory authority noted that the review of evidence “did not support that all rooms were planning at the exceeding level” and “additional evidence provided did not address inconsistencies regarding the level of planning in the rooms”.



18. It also noted that educators had different levels of understanding of scaffolding and “inconsistent implementation of these techniques observed in practice throughout the service”.
19. At first tier review the regulatory authority decided that “on balance there was no sufficient evidence that all educators were consistently focused and active in designing and delivering the program for each child at an exceeding level for this standard”.

*Applicant's view*

20. The provider contributed feedback to the draft report in support of the rating being changed from meeting to exceeding, including that:
  - Educators documentation includes what children know, say and can do, and shows how this assessment/evaluation leads to future curriculum decision making that extends children's learning
  - Assessment of each child's learning and development is part of an ongoing cycle of planning, documenting and evaluation. It is an interactive process that drives development of the program.
    - Each room uses a monthly programme sheet that records both individual and group learning that has been assessed and evaluated as a part of an on-going planning cycle. The formation of this planning cycle includes 'planning' in a weekly plan format, this is located on the room whiteboards and in the critical reflection. We also show planning within observations to demonstrate where future learning opportunities are considered. 'Assessment' of children's learning is visible each day on the 'daily learning book', this is completed every day by each room. Assessment is also visible through room projects and wall documentation as mentioned on the report and also within the child's individual portfolio. 'Evaluation' is demonstrated throughout child observations.
  - Educators consistently respond to children's ideas and play and intentional teaching is embedded within the program to scaffold and extend each child's learning
    - The evidence provided demonstrates a range of ways the educators use the daily learning books to consistently respond to children ideas and play. We use intentional teaching to respond to the interests and set up provocations to scaffold and extend learning to maximise learning outcomes.
    - Educators consistently play an important role in facilitating intentional teaching moments as they provide open ended questions, show delight and enquire about individual children's interests.
21. In its submissions to first tier review, the provider claims educators use many strategies and consistently reflect to ensure they are evaluating their practice



to be more attuned to the needs of each child, and that educators ensure each child is given an opportunity to maximise their learning by adjusting their room routine accordingly.

22. In its submission the provider notes that all eighteen educators were available to discuss their understanding of program and delivery but the authorised officers only talked to four. Discussions were also during a busy time of day when educators were trying to focus on interacting with and supporting children, which did not allow educators to provide authorised officers with an accurate insight into their everyday practice.
23. The provider points out information recorded in the final report in Quality Area 7, that there is a comprehensive induction for educators, and notes that this induction along with continued support by the educational leader ensures all educators know and understand about the service's curriculum planning and implementation.
24. The provider notes that while the authorised officer said there was inconsistency when talking with educators about their understanding of the program, the documentation available from a range of educators clearly demonstrates an understanding of the program cycle and intentionality that goes beyond explicit teaching.
25. Referring to the report where it is written "educators actively reflect individually and as a team, and sometimes across teams", the provider states that educators assist one another to ensure consistency in their level of understanding of children's learning.
26. The provider notes in its response to the regulatory authority's submissions a comment in the instrument that the service has 'in depth planning kept in critical reflection journals' in all rooms of the service. The provider suggests this indicates the authorised officer saw the same level of planning across all rooms. The provider suggests the authorised officer's written comment goes against the regulatory authority's finding that there were inconsistencies in planning between rooms.
27. The provider claims forward planning is available in portfolios for families to see. The provider shared what it believes is evidence of this.
28. The provider notes that authorised officers did not look at the documentation available on the day. The provider has included a range of attachments which it believes demonstrate planning, intentionality, scaffolding and attunement. These attachments span every room in the service.

#### *Panel's consideration*





29. The Panel noted that at first tier review the regulatory authority stated that not all rooms were planning at the Exceeding NQS level and there was inconsistent implementation of an ongoing cycle of planning, documenting and evaluation.
30. The Panel discussed whether it was a concern that of eighteen educators, only four educators were spoken to. The Panel agreed that the regulatory authority's decision demonstrated that it formed its views from observation, discussions and reviewing documentation.
31. The Panel noted that while the service provided further evidence to second tier review of how the rooms deemed to have Meeting NQS practice by the regulatory authority were at the exceeding quality standard level, the evidence did not demonstrate quality that was consistently at the exceeding level across the service.
32. The Panel noted that its decision would be based on evidence that was provided as it can only make a decision based on evidence available to it. The Panel noted it could not identify anything submitted by the provider that contradicted the original rating, as there was inconsistency in the quality of documentation across the rooms in the service.
33. The Panel noted that the rating should reflect the lower quality rating if there was genuine inconsistency in the quality of education and care experienced by children. The Panel agreed that there was some inconsistency in documentation of children's learning and the ongoing planning cycle.
34. The Panel noted that it could not see that there was an interactive process that drives implementation of the program and the provider did not submit sufficient evidence to show this.
35. The Panel noted there were many examples of intentionality and critical reflection. The Panel noted that there were different examples which showed inconsistency and that some evidence did not demonstrate critical reflection.
36. The Panel noted that expecting total consistency across the service was a high bar. However, the Panel noted that the experience of each child should be high quality to receive the Exceeding NQS rating.
37. The Panel noted that in the toddler room documentation consisted of a list of children and how children were interested in an activity. The Panel noted there was no evidence of follow up or further planning in this example whereas, in another example, the Panel identified that there was a clearly established link between documentation, follow up and ongoing planning. The Panel identified that this showed inconsistent practice.



38. The Panel noted that there was not sufficient evidence that showed all educators were consistently focused and active in designing and delivering the program for each child at an exceeding level for this standard.
39. The Panel noted that evidence for elements 1.2.2 and 1.2.3 is stronger and there is evidence of intentional teaching embedded within the program. However, the Panel noted that the evidence did not show in all rooms how assessment of each child's learning and development was part of an interactive process that drives the development of the program.
40. The Panel noted that the practice missing from the evidence and the inconsistency of practice in the service's rooms was significant and this resulted in the service not attaining an Exceeding NQS rating for standard 1.2
41. The Panel concluded that the rating for standard 1.2 remains as Meeting NQS.

### **Decision**

The Ratings Review Panel (the Panel) by consensus decided to confirm the rating level for standard 1.2 as Meeting NQS. The Panel confirmed the rating for Quality Area 1 is Meeting NQS and the service's overall rating level is Meeting NQS.