



**'Approved provider' and NSW Department of Education [2017]
ACECQARRPstr0024 (28 February 2017)**

APPLICANT: 'Approved provider'
REGULATORY AUTHORITY: NSW Department of Education
Date of Decision: 28 February 2017
Application reference: STR0024

Decision:

The Ratings Review Panel (the panel) by consensus decided to amend Standard 3.2 to Exceeding NQS. As a result, Quality Area 3 is amended to Exceeding NQS and the service's overall rating is amended to Exceeding NQS. The panel by consensus decided to confirm Standards 1.1, 2.1, 2.3, 3.3 and 5.2 are rated Meeting NQS.

Issues under review:

1. The approved provider sought a review of the ratings for the above quality areas and standards on the grounds that the regulatory authority did not appropriately apply the prescribed processes for determining a rating level and failed to take into account or give sufficient weight to special circumstances or facts existing at the time of the rating assessment.
2. After the service's assessment the service was rated as Exceeding for Quality Areas 4, 6 and 7 and for Standards 2.2, 3.1 and 5.1. The service was rated Meeting NQS for Quality Areas 1,2,3 and 5 and Meeting NQS overall.
3. The provider sought a first tier review of the ratings for:
 - Quality Area 1, Standards 1.1 and 1.2
 - Quality Area 2, Standards 2.1 and 2.3
 - Quality Area 3, Standards 3.2. and 3.3
 - Quality Area 5, Standard 5.2.
4. At first tier review Standard 1.2 was amended to Exceeding. The remaining standards were confirmed as Meeting NQS. The amendment to Standard 1.2 did not affect any of the service's quality area ratings or the overall rating.
5. The provider has concerns about the way in which the regulatory authority



conducted the assessment and rating. In particular, after receiving notification the assessment and rating visit would occur on a particular month, that the provider did not hear from the regulatory authority until three days before the visit and after repeated attempts to contact the regulatory authority. The provider indicates the late notice of the visit impacted on a medical procedure the provider was due to have.

6. The provider also has concerns that the authorised officer's first contact with the service was the day prior to the visit and that the authorised officer did not seek information about the best times to speak to educators and staff. The provider claims the authorised officer's demeanour was "negative" and that there was evidence of "unprofessional conduct". The provider has raised these concerns with the regulatory authority. The provider submits the regulatory authority determined incorrect ratings because of the authorised officer's conduct.
7. The provider also believes the regulatory authority failed to take into account or give sufficient weight to facts and special circumstances existing at the time of the assessment and rating visit.

Evidence before the panel

8. The panel considered all the evidence submitted by the provider and the regulatory authority. This included:

Item	Document
1	Evidence summary
2	Draft rating outcome summary
3	Provider's feedback to draft report
4	Final rating outcome summary
5	Provider's application for first tier review
6	Regulatory authority's decision at first tier review
8	Provider's application for second tier review and evidence
9	Letter to provider advising of upcoming A&R and requesting QIP



10	Quality Improvement plan
11	Service context form

9. The panel was also provided with advice from ACECQA on the rating levels under review.

The law

10. 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

11. The Panel considered each standard under review.

Standard 1.1

12. Standard 1.1 is that:

An Approved Learning Framework informs the development of a curriculum that enhances each child's learning and development.

13. To achieve a rating of Exceeding NQS¹ for this standard, the panel may expect to see evidence of the following:

- Curriculum decision-making maximises each child's learning and development opportunities.
- Each child's current knowledge, ideas, culture, abilities and interests are consistently incorporated and actively drive all aspects of the program.
- The program, including routines, is organised in ways that maximise each child's involvement and engagement in learning.
- The documentation about each child's program and progress is available in an accessible format and opportunities are provided for discussion with families.
- Every child is actively and consistently supported to engage in the program.

¹ Text is underlined where the Exceeding descriptor is different to the Meeting descriptor.



- Each child's agency is consistently considered and promoted, enabling them to make a range of choices and decisions to influence events and their world.

Outcome summary

14. In the Outcome Summary, the regulatory authority states:
 - Educators are using the approved learning framework EYLF to inform the programs and document and provide the program and children's progress for families.
 - A literary rich environment is evident and blocks of uninterrupted time is provided.
15. The Outcome Summary indicates the regulatory authority identified exceeding practice against elements 1.1.4 and 1.1.5 (that is, the fourth and fifth dot points above were met).
16. Quality improvement notes included:
 - Educators are encouraged to let the older children serve themselves at meal times enhancing their independence and self-help skills.

Evidence summary

17. The regulatory authority observed, sighted and discussed the following:
 - The curriculum reflects the current interests of the children, their needs and is tailored to their learning. Resources are accessible and are aimed at a range of different ages and skill sets.
 - Children can choose what to eat and how much to eat for afternoon tea. A boy wanted more fruit and this was provided. An educator asked another educator inside to cut up more fruit.
 - The educators make the centre as home-like as possible in their arrangement and set up of the environment. There are large rugs on floors, real cutlery and crockery are used with all age groups.
 - Parents were asked to bring in kitchen utensils that are familiar to the children. Each family brought in one thing and this has built up the home corner resources with items the children observe being used in their home environment.
 - An educator described how she collects information about children for the development of the program. "I talk to parents and develop relationships, this is very important here at this centre". "I have a sheet and write down the kids names and kids interests. I take heaps of photos, and look at what activity the child has been at for a while". "I saw a boy who comes full-time and he likes the sandpit, so I made experiences in the sandpit for him".



- "Because this is small centre here I can talk to families every day". "I am not looking at enrolment forms, just chatting to families at the moment". "I would like to develop a 'family input' sheet and start to use this".
- Older children (in the 2-5 year room) had to sit within the group after they had lost interest. "Everyone sit down it is group time now, we haven't finished". Some of the children wanted to lay on the cushions behind them, they were asked to sit up on the mat. Other children wanted to leave the group, but they were asked to sit around the number activity and told "To wait till all your friends have found their numbers on the sheet".
- Children transition through the routines of the day one-by-one and in small groups.
- As the children are getting older, they are having more group times, so educators ask children to bring in things of interest to them, that could be discussed. For example, books. "The children get to see their book being read, and this increases their sense of belonging and connectedness to the centre".
- The older children have a more structured routine and group times, while the younger children's routine is individualised to their needs.
- Parents can access a copy of their child's portfolio on request either electronically or educators have commenced producing these in hard copy.
- "We plan through our relationships and observations of the children and we are guided by their interests. We develop a holistic learning program for each child".
- The EYLF outcomes are referenced in documentation at the service relating to the program and children's learning.
- Information about the EYLF has also been given to families.
- An educator asked a child to choose a story she would read to the children during group time.
- The children and families enrolled at the service, as well as the educators, are from diverse cultural backgrounds. However, there was limited evidence of resources available representing this diversity.
- A curriculum plan for the week is displayed for both the birth-2s and 2-5s .
- Children can transition to breakfast as they arrive. For morning tea, lunch and afternoon tea, the younger children sat inside while the older children sat outside. Children and educators interacted making meal times a social occasion.
- There is an eat and sleep chart which can be referred to by educators and staff in regards to children's eating and sleeping each day.
- Each child could choose a spaceship on the board as an educator sang the spaceship song.



- In the 2-5 years room, a child chooses to dance to music rather than joining his peers straight away in the sleep area. The educators accept the child's choice and an educator monitors the child's safety as he dances. This educator recommends to another, that "The music could be moved through to the sleep area with the child".
 - The older children are asked to move through to the bathroom by an educator singing a song with their name in it.
 - "I collaborate with parents and this guides my practices, I always put the child first, and I allow the program to be flexible."
 - The service philosophy and decisions about the program, routines and environments created for children reflect the principles of the Early Years Learning Framework (EYLF).
 - Children individually or in small groups sit and play with what they are interested in. Once they have finished they move on to another experience. A child in book area is laying on pillows reading books while other children are involved in block play on a table and other children are moving between the indoor and outdoor environments.
 - The centre has a Facebook page and posts that are put up relate to all the centre happenings. For example NAIDOC Week, cooking experiences conducted by a parent with the children and she was thanked and recognised on Facebook. Also, the Facebook page has posts on up and coming community events. Every day the posts go on Facebook.
 - Lunch was served out in the kitchen by the chef into bowls and placed in front of children after they had washed their hands and were sitting at the table.
 - The babies lunch routine is unhurried and relaxed. An educator sits with two babies sitting in high chairs feeding and talking to them. Another educator sits at the table with other five babies offering assistance with feeding as needed.
 - As the babies finish they wash their hands and go through to rest time.
 - Educators consistently use their professional judgements and personal knowledge of each child to develop and implement a learning program that is fundamental in providing opportunities for each child to challenge their strengths.
18. The following Quality Improvement Plan notes were confirmed:
- Children's previous experiences and interests are used to challenge, question, discover and grow.
 - The environment is set up in a way that supports the area of exploration and allow for choices that develop ideas.



- Families have access to the documented daily reflections, weekly programs and monthly newsletters.
- The daily reflection is distributed to families electronically each day.
- The centre director has weekly meetings with the room leaders. These discussions are recorded in the weekly director's report.
- Meal times are unhurried and consist of small groups.
- The provision of learning experiences is reflective of children's interests, strengths and levels of learning.
- Educators communicate daily with families through verbal conversations at arrival and departure times.
- Daily reflections include photos, observations and interesting events that are shared with families daily and distributed electronically.
- Daybooks record events that unfold each day and offer an insight to reflecting on the learning occurring. Families are invited to contribute.

First tier review

19. At first tier review, the provider disagreed with the inference in the quality improvement notes in the Outcome Summary that older children did not serve themselves and submitted that all children serve themselves during mealtimes and use real cutlery and crockery.
20. The provider submitted that the evidence recorded by the authorised officer in the Evidence Summary shows this happens. For example, the Evidence Summary states:
 - Educators wear gloves and use tongs when handling and serving food. The older children use tongs to serve themselves morning and afternoon tea. The younger children are encouraged to use tongs and educators assist in this process. (This evidence was recorded under Standard 2.1).
 - Children can choose what to eat and how much to eat for afternoon tea. A boy wanted more fruit and this was provided. An educator asked another educator inside to cut up more fruit.
21. The provider submitted that the service is known for providing an authentic meal experience with a focus on independent serving.
22. At first tier review, the regulatory authority considered the approved provider's claim that all children serve themselves during mealtimes, and reviewed the evidence recorded by the officer in the Evidence Summary about this practice.
23. The regulatory authority discussed the officer's observations and noted those that illustrate children having age appropriate opportunities to serve themselves and demonstrate independence at meal times, including:



- Morning and afternoon tea is served on wooden serving platters with tongs.
 - Older children use tongs to serve themselves morning and afternoon tea. The younger children are encouraged to use tongs and educators assist in this process.
 - An educator sits with two babies sitting in high chairs feeding and talking to them. Another educator sits at the table with other 5 babies offering assistance with feeding as needed.
 - Children can choose what to eat and how much to eat for afternoon tea.
24. The regulatory authority also noted evidence recorded by the officer that states:
- Lunch was served out in the kitchen by the chef into bowls and placed in front of children after they had washed their hands and were sitting at the table.
25. The regulatory authority agreed this observation illustrates at least one instance where children did not serve their own food. However, the regulatory authority also agreed that the lack of context makes it difficult to determine whether this was age appropriate. Similarly, it is not clear whether children had other opportunities to self-serve during this meal, such as pouring water or serving second helpings.
26. The regulatory authority also discussed other evidence recorded by the officer in the Evidence Summary that states:
- Older children had to sit at group after they had lost interest...children wanted to leave the group, but they were asked to sit around the number activity and told 'To wait till all your friends have found their numbers on the sheet'.
27. The regulatory authority considered this single observation in the context of the other evidence that shows the program and routines are organised to maximise children's learning. The regulatory authority concluded that this observation is sound evidence that while children's learning is generally maximised though the organisation of routines and program and that child agency is promoted, in the case of this group time routine, educators could have been more responsive to children's cues indicating their lack of interest and acted to maximise their engagement and involvement or consider children's agency by allowing them the choice not to participate.
28. The regulatory authority formed the view that, although there is evidence some practices exceed the standard, evidence recorded by the officer against this standard in the Evidence Summary and then used to determine the rating for this standard is generally consistent with a rating of Meeting NQS.



Second tier review

29. At second tier review, in relation to the issue of children serving themselves during mealtimes, the provider submitted:
- The service provides education and care for 25 children in one multi-age space, where at any given time groups of varying ages (birth to 5 years) share the space.
 - Meal times are calm unhurried routines where small groups of children, some babies, some toddlers and some older can gather in one spot to enjoy each other's company.
 - The authorised officer witnessed numerous 'meal times' during the day, all of which demonstrated the service's commitment to supporting children's agency.
 - Educators were observed encouraging children's independence, serving themselves at every meal routine throughout the day. The authorised officer claimed that on one occasion this did not occur - "lunch was served out in the kitchen by the chef into bowls and placed in front of children after they had washed their hands and were sitting at the table". In the case of this observation, the bowls that were placed on the table were in preparation for babies who were also gathered around the meals area in highchairs. At no point did the authorised officer witness older children being served meals in pre-prepared bowls, they were placed on the table for the babies in high chairs which surrounded the same large table.
 - It is disappointing that the authorised officer made the claim that independent children were given pre-prepared meals in bowls, but did not seek clarity from the chef or educators about the lunch time routine.
 - By the regulatory authority's own admission "the lack of context makes it difficult to determine whether this was age appropriate", there was insufficient evidence that what the authorised officer claimed to have observed is a true representation of what happened and should not be used to arrive at a rating of Meeting, especially given on every other meal time occasion, the observed practice of educators was determined as being of an Exceeding standard.
30. In relation to the issue about encouraging children to continue group time despite having one child lose interest, the provider submitted:
- The service runs a flexible program, where at any given time an indoor/outdoor program is implemented for all children, regardless of age. This provides opportunities for children to make their own decisions and engage in outdoor and indoor resources at their will.
 - During the course of the visit, the authorised officer observed children moving freely between the indoor and outdoor play space, self-selecting ample resources available at child height on various shelves, both inside and out.



- In addition to fostering children's autonomy, the service's balanced program has recently seen the introduction of a short semi-structured group time where older children have an opportunity to explore interest based content within a group time dynamic, typically implemented when the younger group of children are engaged transitioning to sleep. Implemented by an experienced and highly qualified New Zealand trained educator, as the primary carer of the group, the educator encouraged the older group of children to gather and explore the 'intentional teaching' experience she had pre-planned.
 - Given such group times had only recently been introduced, some of the children were adapting to how such group times function, and it was expected that not all of them would sustain attention. While encouraged, children were not expected to sit for lengthy periods, as such intentional teaching moments are used as opportunities to gather together and share stories, songs based on children's emerging development and interests.
 - After observing one of the children was disengaged, the authorised officer made the judgement that the educator was not responding effectively to children's cues. However, her assumptions were made in absence of important contextual information. The educator encouraged the child to continue with the experience for a very brief moment, but then allowed him to move on to another activity as he wished. Had the authorised officer sought to discuss the rationale of the experience with the educator, she would have happily explained why it had been implemented and why the child was being encouraged.
31. The provider submits the authorised officer gave too much weight to a single observation and failed to give sufficient weight to observations of unconstrained freedom of expression and exploration throughout the remainder of the day.
32. At second tier review, the provider also submitted a number of daily reflections relating to authentic meal time provision.

Response to draft outcome summary

33. Additional information submitted by the provider in response to the draft report includes:
- Group times have been adopted for older children in response to requests from families and are a recent initiative.
 - The Evidence Summary shows for all other play experiences, children's wishes about participating are acknowledged. For example:



- A child chooses to dance to music rather than joining his peers straight away in the sleep area. The educators accept the child's choice and an educator monitors the child's safety as he dances. This educator recommends to another, that "The music could be moved through to the sleep area with the child".
- Another educator describes the planning process for the development of the curriculum. "I collect cultural and interest information from families as well as through interactions and experiences I have with the children. I reflect on this and through a daily reflection and a jotting table that I do, this helps me plan for the coming week.

Panel's considerations

34. The panel noted the regulatory authority saw Exceeding evidence against two of the elements under the standard and some of the words used by the regulatory authority in the evidence summary suggested that some Exceeding level practice was observed against other elements.
35. The panel noted the regulatory authority had placed strong emphasis on one observation about children not self-serving at mealtimes and that observation needed to be balanced against other evidence provided.
36. The panel noted the provider's comments that all children self-serve food and the information provided by the provider about its 'authentic mealtimes' in some ways countered the observation by the authorised officer about agency not being supported at mealtimes.
37. While the panel noted the regulatory authority and approved provider had focussed on the issue of self-serving at mealtimes, it noted it was required to consider if the program as a whole and not just what happened at mealtimes. The panel considered if children's agency is consistently considered and promoted, enabling them to make a range of choices and decisions to influence events and their world and whether the program as a whole is organised in ways that maximise each child's involvement and engagement in learning.
38. The panel noted that children were observed being asked to wait while others finished an activity. The panel accepted the provider's submission that the context around the group time was relevant but considered children's involvement was not being maximised if children were being asked to wait. The panel discussed that if each child's engagement and learning was being maximised, the child who did not want to be involved in the activity would have had a different opportunity to maximise learning.
39. The panel noted the service's practice is very strong in some areas, but was not consistent, as there were opportunities that were missed when children



had to wait or had to participate in activities when they did not want to. The panel considered that consistency is required for a rating of Exceeding.

40. The panel confirmed the rating for this standard is Meeting NQS.

Standard 2.1

41. Standard 2.1 is that:

Each child's health is promoted.

42. To achieve a rating of Exceeding NQS for this standard, the panel may expect to see evidence of the following:

- Each child's health needs are consistently supported, monitored and promoted.
- Each child's comfort is provided for and there is a range of opportunities for both individuals and groups that effectively meet each child's need for sleep, rest and relaxation.
- Effective hygiene practices are actively and consistently promoted and embedded in the everyday program.
- Preventative steps are evident in controlling the incidence and spread of infectious diseases. In addition, the management of injuries and illness accords with recognised guidelines, and best practice regarding these issues is embedded in the everyday program.

Outcome summary

43. In the Outcome Summary, the regulatory authority states:

- Educators support, monitor and promote each child's health and take appropriate steps to control the spread of infection of disease.

44. The Outcome Summary indicates the regulatory authority identified exceeding practice against elements 2.1.1 and 2.1.2 (that is, the first two dot points above).

Evidence summary

45. The regulatory authority observed, sighted and discussed the following:

- Educators wear gloves and use tongs when handling and serving food. The older children use tongs to serve themselves morning and afternoon tea. The younger children are encouraged to use tongs and educators assist in this process.



- All individual children's medical plans are displayed in the kitchen and on the food trolley. There is a photo of the child and a list of the foods the child cannot have. The nominated supervisor talks to staff when a new child is commencing care with a known allergy or food intolerance.
- Medical plans are updated as required, for example if a baby is progressing from puree to more solid foods. Consistent and open communication with families is how educators keep up to date with individual health needs of children.
- Educators wore gloves when wiping children's noses and used a liquid hand sanitiser to clean their hands after.
- Educators use gloves, soap and water to wash their hands and were frequently observed using a hand sanitiser.
- Educators followed the procedures on display for nappy change.
- The older children are assisted onto and off the bench using stairs and then ushered to wash their hands. Babies hands were either wiped with wipes or washed under the taps. Educators also wash their hands. Another glove is put on and the bench is disinfected.
- The chef uses gloves when handling food, has her hair tied back and wears a chef's cap and washes her hands frequently.
- At drop off time, a parent and educator (in the birth to 2 years room) discuss the child's health after being off sick. The parent told the educator, "she doesn't need eye drops, as I have just put them in, and she only needs them twice a day".
- In the morning a parent explained to an educator (in the birth to 2 years room) that her child had new shoes. "They look really cool, but if he's not stable on his feet or not comfortable, then take them off".
- On arrival a parent informs an educator her child has had only a little breakfast. The educator states she will take the child inside and offer him something else to eat and if he doesn't then "I will monitor him at morning tea and make sure he has something then".
- Incidents are captured in the director's report. If there is a number of incidents that have occurred and there appears to be a pattern then this will be addressed.
- An educator role models effective hand washing, while washing her hands with the children in the bathroom.
- The older children rest or sleep on sleep mats, those that don't sleep are provided with activities available in the room and outside.
- There are quiet areas available in the indoor and outdoor areas set up with mat/rugs and cushions.
- The enrolment form collects children's immunisation status.



- A reminder for families to provide updated status of their child's immunisation is recorded in an entry in the daily reflection diary.
 - Children's individual medical needs are discussed during meetings and in day to day conversations. A baby had returned to care after being sent home unwell. The baby couldn't settle to sleep all day and was showing signs of still being unwell. Educators were discussing the babies wellbeing and the parent was contacted.
 - Educators removed excess clothing, shoes and provided babies with comforters for rest and sleep.
 - In the baby's room, individual routines follow home routines, including sleep times. This information is recorded by families for educators to refer to.
 - Babies' sleep charts are completed by educators.
 - Visual hand washing procedures are displayed in the nappy change and bathroom area.
 - There are tissues, gloves and hand sanitiser accessible on the bench outside for use.
 - Bedding is supplied by the service and is washed daily on the premises.
 - There are colour coded cleaning resources for different types of cleaning situations and areas.
 - Families are notified of infectious diseases at the centre in the service newsletter, in the daily reflection diary and by notices displayed near the sign in area.
 - Some of the younger children were drinking from others' water bottles. This went unnoticed by educators.
46. The following Quality Improvement Plan notes were confirmed:
- There is an allocated sleep space for children who require a sleep. There are three cots situated in the office area and another three at one end of the playroom. Sleep mats are arranged at rest time near the three cots in the play room and a bi-fold door sections off this area for resting children.
 - The routine incorporates time when children 'stop and rest' or undertake quiet activities.
 - A yoga instructor was recently engaged to implement practices with the children.
 - Educators regularly wipe surfaces and floors in accordance with developed daily procedures.
 - Health management plans for children with medical conditions are displayed.

First tier review



47. At first tier review, the provider only submitted information related to Standard 2.3.
48. The regulatory authority's view was that evidence recorded by the officer against this standard in the Evidence Summary was consistent with a rating of Meeting NQS.

Second tier review

49. At second tier review, the provider points out that the authorised officer acknowledged some of the service's practices are of an exceeding level suggesting that the regulatory authority gave insufficient weight to this evidence.

Response to draft outcome summary

50. Additional information submitted by the provider in response to the draft report include:
 - Preventative steps are evident in controlling the incidence and spread of infectious diseases. In addition, the management of injuries and illness accords with recognised guidelines, and best practice regarding these issues is embedded in the everyday program.
 - Comments in the Draft Evidence Summary are inconsistent.
 - Preventative steps are always taken to control the spread of infectious diseases and embedded in daily practices with children, educators, including that of effective modelling to children.
 - The Evidence Summary shows:
 - Families are notified of infectious diseases at the centre in the service newsletter, in the daily reflection diary and by notices displayed near the sign in area.
 - An educator role models effective hand washing, while washing her hands with the children in the bathroom.
 - Families are notified of infectious diseases at the centre in the service newsletter, in the daily reflection diary and by notices displayed near the sign in area.

Panel's considerations

51. The panel noted that many of the examples provided, for example notifying families of infectious diseases, showed good Meeting level practice.
52. The panel considered the evidence shows the service ensures each child's health is promoted, but there was limited evidence to show that practices are embedded in the program, which is the higher requirement for an Exceeding rating.
53. The panel considered the fact that children were observed sharing bottles was of concern. The panel also noted that while the service has multicultural staff



and families, there was no evidence the service was using a multicultural approach to sharing messages about vaccinations and health which would be a best practice approach.

54. The panel considered the evidence supports a rating of Meeting for this standard.

Standard 2.3

55. Standard 2.3 is that:

Each child is protected.

56. To achieve a rating of Exceeding NQS under this standard, the panel may expect to see evidence of the following:

- Children are effectively supervised at all times and educators are attuned to the needs of all children to ensure each child's safety and wellbeing.
- Effective steps are taken to identify and manage risks and the precautions taken to protect children from hazards and harm reflect best practice.
- Plans to effectively manage incidents and emergencies are developed and reviewed in consultation with relevant authorities. Strategies are regularly practised and implemented effectively.
- Educators, co-ordinators and staff members understand their roles and responsibilities in accordance with relevant child protection legislation and they actively raise family and community awareness of child protection issues.

Outcome summary

57. In the outcome summary, the regulatory authority states:
- Processes are in place to protect children from harm and hazard, including effective supervision with educators being aware of children moving between environments. Emergency scenarios are practised regularly.
58. The Outcome Summary indicates the regulatory authority identified exceeding practice against element 2.3.1 (that is, the first dot point above).
59. Quality Improvement Notes in the Outcome Summary include:
- The service is encouraged to think about a better space option for parents to keep prams during the day, instead of in the playground.



- In preparing the emergency and evacuation procedures the service must ensure that it conducts risk assessments to identify potential emergencies relevant to this service.
- The service is strongly encouraged to reflect on the way in which information is recorded on emergency drill documents and how this information can be used to improve practice. The service may consider a process for the checking of these documents to ensure they are fully completed and as part of this process review with educators any issues identified with the drill or where a 'no' response has been recorded. For example 7/6/16, cordless phone collected 'No' Office door closed.
- The service is encouraged to refer to the Kidsafe website and in particular the Kidsafe Factsheet titled, Moveable Play Equipment for Standards and fall zones around moveable equipment such as obstacle courses.

Evidence summary

60. The regulatory authority observed, sighted and discussed the following:

- The child protection policy discusses reporting to the Ombudsman if allegations are made against a staff member.
- Some of the 'Record of Emergency Evacuation' forms have not been completed fully. It is unclear what the potential emergency is that is being rehearsed.
- Risk assessments not done, the area manager stated they would be done at the time of the actual emergency.
- This year emergencies have been rehearsed on 14th March, 16th May (lock down), 7th June, 20 July and 21st July (lock down).
- "Children are my duty of care, I need to look out for them and make sure they are always safe. I will report to the director if I see anything, we have a tree and we go off the tree, we are mandatory reporters".
- Educators decided that because the children were very young, during child protection week they would focus on "my body" strategies and keeping them safe at this age, lots of talk about people that can help us.
- One educator checked the UV rating which was printed out and advised a child to put sunscreen on after lunch.
- The nominated supervisor was requested by the officer to remove a piece of equipment from next to the obstacle course. The position of the piece of equipment did not leave a minimal falling space and impact area of 1500mm as required surrounding moveable play equipment items that measure 600mm or more above ground level. An impact area of 1500mm



is required between each piece of equipment that is not linked (AS/NZS 4422). This was rectified immediately and a minor adjustment was offered.

- Emergency floor plan and instructions are displayed near the exit.
 - Educators are close to children when they are eating, sleeping and using the bathrooms.
 - An educator describes her responsibilities to child protection as being a mandatory reporter and she would report and discuss anything she saw with the director.
 - In the playground, educators monitor the location of children, scanning and strategically placing themselves for supervision purposes.
 - There is a half-door preventing children's access to the kitchen and potential dangerous substances are made inaccessible.
 - Educators do head counts on a regular basis, and complete the staff ratio check form, that includes what time the check was done, who did the check and the amount of children in attendance.
 - Visitors sign into a visitor register and are greeted by an educator upon arrival.
 - There is a buzzer system to enter the service and open the gate on arrival and another button to release the gate on departure.
 - Child protection was promoted during NAPCAN week. Educators discussed with children people who help you: police, fire and ambulance. A record was documented in the daily reflection diary for families to see what the children had been learning as well as providing families with some information about child protection.
 - Educators described being given the child protection policy along with other policies, when they first started.
 - Another educator describes her responsibility to child protection as keeping children safe from hazards, supervising and reporting anything she noticed to the director.
 - "My responsibility is to discuss with the director and record anything I notice".
 - Babies were permitted to play with the smaller stones around the base of the gardens, as the educator was there with them encouraging them to not put them in their mouths.
61. The following Quality Improvement Plan notes were confirmed:
- Checks for the identification of potential hazards include: Morning and afternoon safety registers, risk assessments, and storage of dangerous products in locked cupboards. This information is in the director's report.
 - During September discussions about safety, danger and self-protection were undertaken with children.



First tier review

62. At first tier review, the approved provider submitted:
- Children settling in to the service can be comforted by seeing their pram. The authorised officer did not ask questions about why prams were in the play area and this should have been offered as a 'minor adjustment' because children were not at risk of any harm.
 - The service's policy and documentation recording potential risks and actions relevant to the centre were available for the officer to view.
 - Risk assessments are undertaken as part of the service's daily task list.
 - There was no evidence that evacuation drills had not taken place at the service or that they had not been recorded.
63. The approved provider submitted the following evidence:
- photos of pram storage areas
 - copies of completed risk assessments dated 2 November 2016 or undated.
64. The regulatory authority considered the approved provider's claim that there was no evidence evacuation drills had not taken place at the service or that they had not been recorded, and agreed that this is consistent with evidence recorded by the officer. The regulatory authority agreed that the authorised officer's evidence makes no claim that evacuation drills were not rehearsed or recorded in accordance with regulations and supported the officer's determination that element 2.3.3 is 'met'. The regulatory authority concluded that the officer commenting on the lack of detail in the evacuation drill records highlights an opportunity for the service to improve the effectiveness of evacuation processes by clearly identifying the type of emergency.
65. The regulatory authority considered the risks noted by the officer in the form of prams in the playground and a piece of equipment placed too close to the obstacle course. The regulatory authority agreed that the officer gave the service consideration by finding element 2.3.2 'met' when these risks were identified at the service and chose to not let the rating be unfairly affected by these minor matters that could be rectified quickly and easily. The regulatory authority noted it was unable to review a decision to enact the minor adjustments policy.
66. In relation to the risk assessments submitted by the provider, the regulatory authority noted the assessment dated 2 November 2016 was prepared after the assessment and rating visit. In relation to the undated assessments, the regulatory authority formed the view the absence of dates on the documents raised questions about whether practice was meeting regulation 97(2) at the time of the visit. However, because of lack of context provided around this piece of evidence and the fact that the Evidence Summary shows that the officer confirmed the service was compliant with regulation 97 at the time of



the Assessment and Rating visit, the panel concluded that to place any weight on this one piece of evidence would unfairly penalise the approved provider.

67. The regulatory authority concluded that there was insufficient evidence in the documents presented for the review to support an overall higher rating for Standard 2.3.

Second tier review

68. At second tier review, the provider submits the authorised officer acknowledged some of the service's practices are of an exceeding level suggesting that the regulatory authority gave insufficient weight to this evidence.

Panel's considerations

69. The panel considered the provider's submission that the regulatory authority could have offered a 'minor adjustment' to allow it to move the prams that were placed in the playground so that it would not impact on the service's rating. The panel considered that, although a minor adjustment was not formally given, the regulatory authority appeared to have taken the ability of the provider to move the prams into account by not giving a Working Towards rating for this standard.
70. The panel considered the issue of the placement of the pram in some ways distracted from the broader aspects being rated against this standard. The panel noted that for an Exceeding rating against this standard, there would need to be evidence of 'effective' steps and strategies. The panel considered that for it to find 'effective' steps and strategies were in place, there would need to be evidence of the service reviewing its steps and strategies to ascertain if and how they are effective. The panel agreed there was insufficient evidence of 'effective' steps and strategies.
71. The panel discussed the comment in the evidence summary that risk assessments are done at the time of the emergency. The panel considered that, from a risk management perspective, it would not be effective if done reactively rather than proactively. The panel noted risk assessments should be done in advance. The panel noted the evidence summary stated some documentation about emergency drills was missing and noted the issues raised by the regulatory authority at first tier review about whether regulation 97 was complied with. While the panel had queries about this, the panel noted the authorised officer had formed the view it had been, and in the absence of further evidence, accepted that this was the case.

Standard 3.2

72. Standard 3.2 is that:



The environment is inclusive, promotes competence, independent exploration and learning through play.

73. To achieve a rating of Exceeding NQS under this standard, the panel may expect to see evidence of the following:
- Outdoor and indoor spaces are designed and effectively organised to engage every child in quality experiences involving the built and natural environments. The spaces provide the flexibility to respond to children's individual needs, development, self-initiated play and exploration.
 - Resources, materials and equipment are sufficient in number, organised in ways that extend every child's participation in the program and are consistently used in numerous ways.

Outcome summary

74. In the Outcome Summary, the regulatory authority states:
- The equipment and resources can be used in multiple ways adapting to the children's interests, they are sufficient in number and include natural elements.
75. The Outcome Summary indicates the regulatory authority identified exceeding practice against element 3.2.2 (that is, the second dot point above).

Evidence summary

76. The regulatory authority observed, sighted and discussed the following:
- In the playroom there is natural furniture and resources including wooden resources and blocks, resources made of material of varying kinds for sensory experiences, wooden musical instruments, large stones are used with small animals, cane baskets, small steel pencil holders, real pans, saucepans and utensils.
 - Stones are used as counters, boulders for animals to stand on and coloured wooden blocks are used to build, categorise into colours and look through to view the space in colour.
 - Infants are able to access a range of quality toys from open shelving including tea sets, home corner, dress up, pull-along toys, puzzles and books appropriate for their stages of development.
 - Outside there are natural elements including a dry rock creek bed, bark mulch, sand, small pebbles and a wooden decking.
 - Children challenge their physical skills as they climb on the outdoor equipment.



- Indoor areas are spacious and educators and children interact together in small groups or one on one. Learning areas are available and there is room for children, families and educators to move around the area without disrupting children's play.
77. The following Quality Improvement Plan notes were confirmed:
- There are natural elements in the outdoor environment.
 - This centre has been operating in these premises for 12 months.
 - The building underwent a full renovation prior to approval with new flooring, painting and fixtures.
 - Furniture is low and child size maximising children's ability to self-select resources.

First tier review

78. At first tier review, the provider submitted:
- The evidence collected by the authorised officer showed the service's outdoor and indoor spaces are designed and effectively organised to engage every child in quality experiences involving the built and natural environments.
 - When conducting renovations the year before, the provider focussed on ensuring the service's spaces provide the flexibility to respond to children's individual needs, development, self-initiated play and exploration.
79. The provider submitted the evidence in the Evidence Summary under this standard showed practice at an exceeding level.
80. The provider also submitted:
- The environment has been designed to feel like home and families regularly comment that they chose the service because of its home-like feeling.
 - Children are encouraged to play inside and outside freely and doors are rarely closed to promote freedom and independence.
 - Educators flow in and out depending on where children are and how their play is developing.
 - The environment has been designed in a way that all children can feel they succeed. Low shelves have been specifically chosen to ensure children can clearly see from one end of the room to the other,
 - Bathrooms have glassed areas to promote children's privacy.
81. At first tier review, the regulatory authority considered claims by the approved provider that the service demonstrates practice consistent with a rating of Exceeding NQS for this standard. The regulatory authority was of the view the approved provider had not supplied any evidence to demonstrate what



arrangements or practices constitute effective organisation in the service or what specifically makes the service environment flexible and responsive to children's individual needs, development, self-initiated play and exploration.

82. The regulatory authority considered the evidence in the Evidence Summary and considered it is generally consistent with a rating of Meeting, though practice in relation to equipment and resources that are consistently used in numerous ways and which extend children's participation in the program demonstrate Exceeding practice.

Second tier review

83. At second tier review the provider submitted:
- On the day of the visit children independently moved in and out of the indoor and outdoor spaces
 - The General Manager discussed with the authorised officer that the service deliberately uses natural resources and that the service had recently undertaken extensive renovations with the view to create a space that is an 'extension' of a typical family home, creating a warm cosy home-like space wall displays are famed and purposeful to respectfully showcase children's projects and achievements.
 - Renovations extended to the outdoors with 'park like' inclusions, pebbles, bark, garden beds, long leaf grass and timber decking. Despite challenges dealing with an outdated 150 year old building, the service was committed to ensuring that service's aesthetics focussed on provision of natural, open, age appropriate resources with use of furnishings that complimented our philosophy.
 - Evidence of centre upgrades and background were available on the day of the visit, and available in photographic form in PowerPoint Reflections, Facebook posts (photos) and monthly Newsletter entries.
84. The provider submitted information about the service's renovation journey.

Panel's considerations

85. The panel noted that the regulatory authority had formed the view that there was evidence of Exceeding practice against the second of the elements in the standard and focused on the evidence against the first element. It noted that the key difference between Meeting and Exceeding was if the environment was 'effectively' organised and whether the spaces provide 'flexibility to respond to individual needs, development, self-initiated play and exploration'.
86. The panel saw evidence of flexibility and flow in the submission from the provider. The panel noted that the Exceeding rating required that the environment be reflected in the program and offer quality experiences, and not just that it be physically attractive. The panel noted the journal articles



submitted by the provider about what children have done in the outdoor and indoor space and considered this showed quality experiences were occurring.

87. Noting this evidence of higher quality practice and the regulatory authority's view that there was some evidence of Exceeding practice in this standard, the panel formed the view that on balance, the service is Exceeding in this standard.

Standard 3.3

88. Standard 3.3 is that:

The service takes an active role in caring for its environment and contributes to a sustainable future.

89. To achieve a rating of Exceeding NQS under this standard, the panel may expect to see evidence of the following:

- Sustainable practices are embedded in service operations and consistently promoted in the everyday program.
- Children are actively involved in being environmentally responsible and supported to continue this involvement within the program and in the broader community.

Outcome summary

90. In the Outcome Summary, the regulatory authority states:
- Sustainable practices are evident in the service operation in particular the use of technology to replace hard copying of documents.
91. The Outcome Summary indicates the regulatory authority did not identify exceeding practice against any elements.

Evidence summary

92. The regulatory authority observed, sighted and discussed the following:
- At morning and afternoon tea, the children put their scraps into the general waste bin which also had hand wipes and tissues in it.
 - A child could explain to the officer how to turn the compost bin and what went inside. The child turned the compost for a while, demonstrating to the officer how it was done.
 - The children are involved in the care and responsibility of feeding and watering the animals, and caring for them.



- The chef takes some of the scraps with the children to the compost bin. She encourages the children to help her empty them in and then turn the compost once the lid goes back on.
 - There was no evidence the recycling bins painted by the children in the playroom, are being used.
 - Information about sustainability has been promoted to families in the daily reflections and newsletters.
 - Educators have put requests to families for donations of recycled items including kitchen items and cardboard boxes. In dress up area there are recycled women's shoes, handbags and clothes.
 - There are two raised garden beds with many eatable plants which include; kale, carrots, herbs as well as lavender.
 - Educators support children to become responsible and show respect for animals. Children investigated animal life cycles with the 'chicken hatching program'.
 - The two chickens they have were the two that hatched from this program.
 - Throughout the day educators and children sit at the enclosure where the rabbit and two chickens are and talk to them and put their fingers through the wire to gently pat them.
 - The service limits the amount of printing they do and prefer to have soft copies of documents. Emails are the most used form of communication and records and reports are all stored electronically.
 - Photos taken of children are electronically moved into the daily reflection diary, rather than printing them out.
93. The following Quality Improvement Plan notes were confirmed:
- There are consumable plants in the yard and include herbs and vegetables.
 - Families have donated cardboard cereal boxes and other packaging that has been used in dramatic play.
 - The service has introduced living things including, a rabbit, a guinea pig, finches, an axolotl and chickens. Children engage with these daily.
 - There are recycling bins in the rooms that children have painted.
 - There is a worm farm with the appropriate scraps getting feed to the worms.

First tier review

94. The approved provider submitted that evidence in the Evidence Summary under Standard 3.3 indicated the service was operating at an exceeding level.



95. In addition, the provider submitted evidence in the Evidence Summary under other standards was positive about the service's sustainable practices. For example:
- Parents were asked to bring in kitchen utensils that are familiar to the children. Each family brought in one thing and this has built up the home corner resources with items the children observe being used in their home environment.
 - The animals' topic started with animal week. "An educator brought in her puppy and the children loved that and it went from there. Each week it has been identified, that children love anything to do with animals". "Children were all really interested so in June we got the chicken hatching experience, where the children saw the eggs crack open and got to hold the chickens. They saw the life cycle. The two chickens outside are from the program. We kept them".
 - "From there we took it to a sustainability focus of worms and compost. We explained and use the compost".
96. In addition, the provider submitted the following evidence:
- children actively use the compost bin for the breakdown of food scraps and biodegradable items
 - children feed the worms food scraps every day
 - vegetables and herbs grown in the service garden are used for the making of meals
 - lights are consciously turned off during the day to reduce power
 - water is reused on the vegetable patch and as drinking water for animals
 - food scraps are fed to animals (chickens, rabbit, birds and fish)
 - the cook uses left over fruit/veg for dehydrating and making jams and chutneys
 - children take rubbish to recycling bin outdoors
 - children use recycled items from home in their play, such as cereal boxes and milk cartons
 - the service purchased recycling bins from local recycling company for use indoors to encourage children's participation in the collection of recyclable items throughout the day
 - the service uses electronic forms of communication to minimise overuse of paper
 - the service regularly documents the importance of sustainability in service newsletters, on the approved provider's public Facebook Page, in daily reflections and child portfolios.
97. In response to the comment in the Evidence Summary that there was no evidence the recycling bins painted by the children in the playroom, were being used, the provider noted:
- The service had embarked upon an experience with the children to paint the bins to build the children's understanding of recycling.



- To complement this experience, the service purchased a number of eco-friendly recycling bins.
 - The recycling bins that were painted by the children had started to peel which is why they had been moved away from children.
 - The service had ordered new bins and was waiting for them to arrive.
 - The provider was not given an opportunity to explain this during the assessment and rating visit.
98. The provider submitted the service's philosophy shows the service views sustainability as being of significant importance.
99. At first tier review, the regulatory authority considered claims by the approved provider that the service demonstrates practice consistent with a rating of Exceeding NQS for this standard and formed the view the evidence is generally consistent with practice that is Meeting the standard.
100. The regulatory authority formed the view some evidence supplied by the approved provider could not be considered because it was produced after the assessment and rating period and formed the view the information submitted by the provider was consistent with the Evidence Summary. Specifically, the regulatory was of the view the evidence shows that sustainable practices are embedded in service operations and children are supported to become environmentally responsible and show respect for the environment. The regulatory authority formed the view there was little evidence to demonstrate if or how children are supported to continue their involvement in environmental sustainability in the broader community.

Second tier review

101. At second tier review, the provider submitted:
- It had provided evidence produced after the visit to demonstrate the service's continued long term commitment to the provision of sustainability experiences.
 - The centre is brand new and attending families represent a very small percentage of those residing in the Leichhardt community, as most commute to the city once children are dropped off.
 - Even though since opening the children attending the service have been mainly babies and toddlers, the service has taken a deliberate approach to sustainability, which started from the service's review of the service philosophy in the first year of operation.
 - During the visit the authorised officer was provided with evidence that sustainable practices occur in daily practice and in communications with educators and families to encourage sustainable initiatives in the broader community.
 - Daily Reflections, Facebook posts and newsletter entries showcase:



- Our children actively using our compost bin for the breakdown of food scraps and biodegradable items
 - Our children feeding our worms food scraps everyday
 - Planting our vegetable garden and using grown vegetables and herbs for the making of meals
 - Turning our lights off during the day as a conscious decision we make to reduce power
 - Re-using water for our vegetable patch and drinking water for our animals
 - The use of food scraps for animals (chickens, rabbit, birds and fish)
 - The cook using left over fruit/veg for dehydrating and making jams and chutneys
 - Children using recycled items from home in their play – such as cereal boxes, milk cartons etc.
 - The purchase of recycling bins from local recycling company. Having our children participate in the collection of recyclable items throughout the day
 - The use of electronic forms of communication to minimise overuse of paper
 - Regularly documenting the importance of sustainable practices in newsletters, centre specific Facebook posts, daily reflections and portfolios.
- All children, regardless of their age engage in provisions to support their growing understanding of sustainable practices.

102. The provider submitted a number of daily reflections relating to sustainability, the service's sustainability statement and information about the service's renovation journey.

Response to draft outcome summary

103. Additional evidence provided in response to the draft reassessment outcome summary includes:

- The service has adopted extensive strategies to support children's understanding of sustainable practices, beyond what is typical for children this age.
- All paper products are recycled for the animal enclosures. Once used by animals are placed in the compost bin.
- The service has adopted a holistic approach to sustainability, where all resources are reused.

Panel's considerations



104. The panel noted that for an Exceeding rating, it would need to see evidence that the practices are embedded and consistently promoted, and that the broader community is included.
105. The panel noted that the authorised officer had confirmed the service's QIP notes, which showed positive practices against this standard. The panel also noted the combined range of activities described indicated that sustainability is embedded at the service. However, the panel noted the authorised officer had observed some missed opportunities which showed that practices were not consistently promoted.
106. The panel noted the provider's submissions about the age cohort of the children at the service and acknowledged the difficulty of involving babies in this standard.
107. The panel noted there was some family involvement which showed some extension of environmental responsibility to the broader community. However, generally the practices described by the service were realised at the service itself and did not show how the service encouraged children to be environmentally responsible in the broader community. The panel suggested the provider explore the resources the regulatory authority had suggested in its QIP notes, in particular with a view to how the service could encourage children to be environmentally responsible in the broader community, which is required for an Exceeding rating.
108. The panel highlighted the many components and ways the service is Meeting the standard and noted there is a solid grounding in the service upon which the service could bring its activities together in a holistic way.

Standard 5.2

109. Standard 5.2 is that:

Each child is supported to build and maintain sensitive and responsive relationships with other children and adults.
110. To achieve a rating of Exceeding under this standard, the panel may expect to see evidence of the following:
 - Collaborative learning opportunities are effectively facilitated and every child is consistently supported to work with, learn from and help others.
 - Each child is consistently encouraged and supported to manage their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts.
 - The dignity and rights of every child are consistently supported and promoted at all times.



Outcome summary

111. In the outcome summary, the regulatory authority states:

- An environment is provided for children to develop effective relationships with others by being provided opportunities to interact with peers and work collaboratively in everyday routines and experiences.

112. The Outcome Summary indicates the regulatory authority identified exceeding practice against element 5.2.3 (that is, the third dot point above).

113. Quality Improvement notes stated:

- Educators may consider asking children's permission before taking photos.
- Continue to explore with the children how their behaviours and actions affect themselves and others.

Evidence summary

114. The regulatory authority observed, sighted and discussed the following:

- A child is playing with toy animals at the table. Another child approaches also wanting to play. The educator facilitates the second child's integration into the play. "Will you let him play too, he would like to help you build your zoo". The child nods and says "Yes".
- The educator explains to the child joining the play that a zoo has been made with all the animals.
- A child stood on a baby's fingers outside. Child said "I said sorry". The educator states it is ok, "It was only an accident" and cuddles the baby. The child says sorry a few more times and the educator reassures him it is ok.
- A child was asked if he wanted his wings taken off, before the educator took them off.
- A child shows great excitement at the arrival of his friend. He rushes up to his friend, who is showing him his star wars t-shirt.
- An educator to a child (in the birth to 2 room), "We need to have gentle hands".
- Educators guide children's behaviour using positive guidance strategies. For example an educator said "I liked the way you helped your friend just then."



- Educators respect children's right to choose where and what they play with and children are spoken to respectfully and their feelings acknowledged.
- Children receive positive feedback and praise for their efforts, such as "well done", "great work", "fantastic effort".
- An educator supported 2 children to collaborate together while they were playing with the plastic animals on the table.
- A child is asked if his nappy could be checked. Collected
- Educators thank children for listening and for helping with tasks.

115. The following Quality Improvement Plan notes were confirmed:

- Educators propose solutions to challenges children may be having.
- Educators facilitate small group discussions and experiences to support children to work with and learn from others in a collaborative environment.

First tier review

116. The approved provider claimed Standard 5.2 should be rated at Exceeding NQS and that educators take great pride in supporting the building of positive relationships with children and modelling effective strategies when children experience conflict.

117. The provider noted that no ineffective strategies were witnessed or discussed by the authorised officer and no reason was provided for the regulatory authority's decision. In relation to the regulatory authority's Quality Improvement Notes, the provider submitted the notes were "vague and unrelated to the standard being identified as Meeting".

118. The provider stated that, during the course of the visit and afterwards the regulatory authority was supplied with extensive evidence about how the service respects the diversity of families and fosters a sense of belonging including:

- The service has a diverse menu each week which represents cultures from Asian, Indian, Australian, Italian, Fijian, Hispanic, etc.
- Children participate in meal making such as 'sushi' on a regular basis.
- All fruits and vegetables for the menu are sourced from a local grocer where many of the attending families also shop.
- Educators engage in cultural experiences such as yoga, Indian and Lebanese dancing and music exploration.
- The children participate in pen pal sessions through Skype with the service's sister centre
- An Aboriginal Elder attends and engages children in music, craft and dance.
- Bilingual books and bilingual newspapers are available for children.
- The service uses EYLF translated resources for educators and families from diverse backgrounds and perspectives.



- Dolls and puppets represent different cultures
- Cultural images of families are framed and displayed around the service
- Numerous family gatherings are facilitated to develop family bonds and relationships.
- The service is developing a relationship with the local aged care facility and children make Christmas cards for the elderly.
- The service attends local market days, fetes and stalls.
- Embedding family profiles in our monthly Newsletters.
- A parent from the service's sister centre visits and cooks Lebanese meals for children.

119. At first tier review, the regulatory authority considered claims by the approved provider that the service demonstrates practice consistent with a rating of Exceeding NQS for this standard but formed the view the approved provider had not described or supplied any evidence to demonstrate educators provide support and what strategies are modelled.

120. The regulatory authority considered the evidence recorded by the officer in the Evidence Summary is consistent with practice that is Meeting the standard.

Second tier review

121. At second tier review, the provider submitted that the Evidence Summary shows the service's practices are consistent with what is expected for an Exceeding NQS rating.

Response to draft outcome summary

122. Additional comments submitted by the provider in response to the draft outcome summary include:

- There is no evidence that relationships with children are not supportive or sensitive or of a high standard. Educators continuously ask permission of children if they are impacting or interrupting their play.
- The assessor was provided with extensive evidence of educators supporting children's relationships with others, both in documentation and in practice.

123. The provider referred to the following in the Evidence Summary as evidence of practice at the exceeding level:

- A child is playing with toy animals at the table. Another child approaches also wanting to play. The educator facilitates the second child's integration into the play. "Will you let him play too, he would like



to help you build your zoo". The child nods and says "Yes". The educator explains to the child joining the play that a zoo has been made with all the animals.

- A child stood on a baby's fingers outside. Child said "I said sorry". The educator states it is ok, "It was only an accident" and cuddles the baby. The child says sorry a few more times and the educator reassures him it is ok.
- A child was asked if he wanted his wings taken off, before the educator took them off. A child shows great excitement at the arrival of his friend. He rushes up to his friend, who is showing him his star wars t-shirt.
- An educator told a child, "We need to have gentle hands".
- Educators guide children's behaviour using positive guidance strategies. For example, an educator said "I liked the way you helped your friend just then."
- Educators respect children's right to choose where and what they play with and children are spoken to respectfully and their feelings acknowledged.
- Children receive positive feedback and praise for their efforts, such as "well done", "great work", "fantastic effort".
- An educator supported two children to collaborate together while they were playing with the plastic animals on the table.

Panel's considerations

124. The panel noted that for an Exceeding rating, it would expect to see opportunities being 'effectively facilitated' and children being 'consistently' supported and encouraged.
125. The panel noted the evidence demonstrated good practice at the Meeting level. The panel saw evidence of how the service respects the diversity of families and brings that diversity into the program. The panel noted this showed there was some collaboration between families and the service. However, the panel found insufficient evidence that learning opportunities are effectively facilitated. The panel also indicated there was insufficient evidence to show consistency against the standard.
126. On this basis, the panel confirmed the standard is rated Meeting.

Other issues

127. The panel discussed the provider's concerns about how the authorised officer carried out the assessment and rating visit. The panel noted its role is to look at the evidence before it and to determine the rating levels for a



service and that the alleged behaviour of an authorised officer and the broader logistics about how assessment and rating visits are scheduled and conducted are not within the panel's remit. The panel suggested any concerns about the alleged conduct of the authorised officer or regulatory authority would be more appropriately addressed by the NSW Ombudsman. The panel noted it did not have any concerns about the evidence it was asked to consider.

128. The panel thanked the provider for offering the opportunity to meet to discuss with the assessment and rating visit. The panel noted the National Law allows it to conduct reviews as it sees fit and that the panel is not required to hold an oral hearing. The panel agreed to follow the regular review process as set out in the law and guidelines to arrive at its decision. The panel noted the submissions from the provider and regulatory authority were clear and concise and the panel was able to consider the evidence before it impartially and fairly and reached consensus in its decisions. The panel believed that an oral hearing would not have added any additional objective information.