



Date of Decision: 23 April 2019
File number: STR0042

PANEL MEMBERS:

[REDACTED]
[REDACTED]
[REDACTED]

APPLICANT:

[REDACTED]
[REDACTED]
[REDACTED]

REGULATORY AUTHORITY: Early Childhood Education Directorate, NSW
Department of Education

Decision

The Ratings Review Panel (the Panel) by consensus confirmed the ratings for quality areas 2 and 4 as 'Meeting NQS'.

The overall service rating remains as 'Exceeding NQS'.

Issues under review

1. The approved provider (the provider) sought a review on the grounds that the regulatory authority in making its determination, did not appropriately apply the prescribed process for determining a rating level (section 144(3)(a) *Education and Care Services National Law*) and failed to take into account or give sufficient weight to facts existing at the time of the rating assessment (section 144(3)(b) *Education and Care Services National Law*).
2. The approved provider sought a review of
 - Quality Area 2
 - Standard 2.1, Exceeding themes 1, 2 and 3
 - Standard 2.2, Exceeding themes 1, 2 and 3
 - Quality Area 4
 - Standard 4.1, Exceeding theme 3
 - Standard 4.2, Exceeding theme 3
3. After the initial assessment, the service was rated as Quality Area 1 – Exceeding the NQS



- Standard 1.1 – Exceeding NQS
- Standard 1.2 – Exceeding NQS
- Standard 1.3 – Exceeding NQS

Quality Area 2 – Meeting NQS

- Standard 2.1 – Meeting NQS – no Exceeding themes demonstrated
- Standard 2.2 – Meeting NQS – no Exceeding themes demonstrated

Quality Area 3 – Exceeding NQS

- Standard 3.1 – Exceeding NQS
- Standard 3.2 – Exceeding NQS

Quality Area 4 – Meeting the NQS

- Standard 4.1 – Meeting the NQS –Exceeding themes 1 and 2 demonstrated
- Standard 4.2 – Meeting the NQS –Exceeding themes 1 and 2 demonstrated

Quality Area 5 – Exceeding the NQS

- Standard 5.1 – Exceeding NQS
- Standard 5.2 – Exceeding NQS

Quality Area 6 – Exceeding the NQS

- Standard 6.1 – Exceeding NQS
- Standard 6.2 – Exceeding NQS

Quality Area 7 – Exceeding the NQS

- Standard 7.1 – Exceeding NQS
- Standard 7.2 – Exceeding NQS

4. The approved provider applied for first tier review on the basis that they disagreed with the following ratings. They felt they should be rated as Exceeding for each of the following standards:
 - Quality Area 2, Standard 2.1
 - Quality Area 2, Standard 2.2
 - Quality Area 4, Standard 4.1
 - Quality Area 4, Standard 4.2
5. In the Review Decision Notice¹ the NSW regulatory authority set out the approved provider's grounds for seeking a ratings review as:

¹ During the review process, ACECQA and the panel did not have access to the approved provider's application for first tier review documentation, and have instead relied on the information provided in the first tier review decision notice prepared by the NSW Regulatory Authority.



- The provider disagrees with the rating based on the evidence described in the final report.
- The provider has additional background information about evidence provided in the final report.
- The provider believes the authorised officer did not take into account all of the evidence available at the time.
- The provider believes they were not given adequate time to demonstrate how it meets an element or standard.

Regulatory authority's view

6. At first tier review, the regulatory authority confirmed all ratings from the initial assessment and rating.

Evidence before the panel

7. 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 and the final Assessment and Rating Report
 - the service's feedback to the draft report
 - the regulatory authority's findings at first tier review
 - the regulatory authority's submission to second tier review
 - the provider's response to the regulatory authority's submissions.
8. The Panel was also provided with advice from ACECQA on the ratings under review.

The law

9. 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.

The facts

10. [REDACTED] is a long day care service with [REDACTED] Approved Places. The service is based in [REDACTED]
11. The assessment and rating visit [REDACTED] took place on [REDACTED]
12. The provider received the draft report on [REDACTED] and provided feedback to the draft report on [REDACTED]. The final report was sent to the provider on [REDACTED]



13. The provider applied for first tier review on [REDACTED]. The regulatory authority made a decision on the review on [REDACTED]. The provider received the decision on [REDACTED].
14. The provider applied for second tier review on [REDACTED].

Review of rating levels

15. The Panel considered each Quality Area and element under review.
16. It is noted that in their application for second tier review that the approved provider applied for Standard 7.2 to be included as in scope. Clarification of a reporting error with the NSW Regulatory Authority led to the Approved Provider removing this Standard from the scope of the review.

Quality Area 2, Standard 2.1

17. Standard 2.1 – *Health* – is that:
Each child's health and physical activity is supported and promoted.

Assessment and Rating

18. In the Rating Outcome Summary – draft report, all elements were rated as Met. No exceeding themes were found to be demonstrated for this Standard.
19. In response to the Draft Assessment and Rating report, the approved provider provided written feedback, and submitted three attachments specific to Exceeding themes 1 and 3.
20. The regulatory authority noted the feedback and evidence, and added this to the final report, but no changes were made to the rating.
21. The Rating Outcome Summary identified the following as Meeting the NQS:
The wellbeing and comfort of children is promoted, their individual needs for sleeping and resting are met and the service follows the recommendations made by SIDS in relations to safe sleeping practices for children. Provision is made through the enrolment process for families to inform the service of their children's physical needs, such as allergies, dietary requirements and any medical condition, and parental authorisations are given. Families are provided with opportunities to give ideas for the next menu and for providing feedback about the current one, with an accessible form in place. There is a balance between spontaneous and planned physical activities with gross and fine motor experiences in environments that offer children sensory motor skills as well as passive and active experiences.



22. The final rating for this standard was Meeting the NQS with no exceeding themes found to be demonstrated.

First tier review

23. The approved provider made a submission for all three exceeding themes relating to Standard 2.1.

Theme 1

24. The Review Decision Notice notes that the approved provider submitted that: *the [REDACTED] program promotes children's health and physical development through music and movement. Photographs of children engaging in music and movement experience has been provided as evidence that the [REDACTED] program is being implemented. The approved provider claims that the evidence documented by the authorised officer during the visit demonstrates exceeding practice.*
25. Regarding theme 1, the panel found that: *The panel considered the claims by the approved provider and acknowledge that music and movement is used to promote children's physical development through the [REDACTED] program. The panel believes the evidence provides examples of meeting practice. There is little evidence on how the service's approach to supporting and promoting children's health and physical activity reflects a commitment to the prevention of illness and injuries and how this is evident in the service's approach to reporting and responding to health and illness related incidents.*

Theme 2

26. The Review Decision Notice notes that the approved provider submitted that: *the evidence documented by the authorised officer during the visit demonstrates exceeding practice. Additional information provided demonstrates the proposed teaching strategies educators record on their program. Reflections recorded on the programs provided are focused solely on what the children did during the experience and do not contain critical reflections that lead to meaningful change.*
27. Regarding theme 2, the panel found that: *The panel considered the information provided by the approved provider and acknowledge that the information demonstrates some reflection of children's learning. There is insufficient evidence to demonstrate that the service's approach to supporting and promoting children's health and activity needs and outcomes reflects robust debate, discussions and opportunities for all educators and is informed by critical reflection on past incidents.*

Theme 3



28. The Review Decision Notice notes that the approved provider claims that: *the evidence documented by the authorised officer during the visit demonstrates exceeding practice. A series of emails between the nominated supervisor and Munch & Move coordinator were provided to show how the service communicates and exchanges information with a community agency.*
29. Regarding theme 3, the panel found that: *The panel considered the information provided by the approved provider and acknowledges that educators communicated with Munch & Move representatives in relation to their menu and policies. There is no evidence to demonstrate meaningfully and regular engagement with families in relation to children's health and safety. There is no evidence on how the service proactively promotes children's health and physical activity with families and the community and draws inspiration from the unique environmental, cultural and community contact of the service.*
30. At first tier review, the regulatory authority was of the view that there was insufficient evidence to support a finding that Exceeding themes 1, 2 or 3 were present.
31. The rating for Standard 2.1 was confirmed as Meeting the NQS.

Second tier review

32. In the second tier review application, the approved provider made a submission about each Exceeding theme.

Theme 1

33. The provider commented that the A&R Officer and Review Officers (First Tier Panel) did not effectively take into account the quality of the evidence provided relating to the practices at the service.
34. The approved provider referenced the first tier Review Decision Notice that:
There is little evidence on how the service's approach to supporting and promoting children's health and physical activity reflects a commitment to the prevention of illness and injuries and how this is evident in the service's approach to reporting and responding to health and illness related incidents.
35. The provider stated that:
There is an extensive system of reporting documents used to report and prevent illness and injury. The service also has a comprehensive policy and procedure for preventing and reporting illness and injury.



All educators undertake extensive training in Work, Health and Safety topics e.g. child protection, emergency evacuations, hand hygiene, first aid, mental health etc. These are undertaken regularly by all staff. See 2.1 (14)

Training includes infection control awareness and handwashing. Daily and monthly safety checklists require checks for any issues that may result in illness or injury.

A staff member who is trained in WHS works at least one day/month as the Wellbeing Officer checking all first aid kits, processing forms and speaking with staff relating to illness or injury.

We also have to report on the Incident, Injury Management System as part of the NSW Health procedures. The IIMS system has reporting on how the incident can be prevented.

In the event of an outbreak the service reports to families as well as Population Health. The staff remove items such as soft furnishings until the outbreak is clear. The staff also clean all toys twice daily in the 0 – 2 room to prevent illness.

Families are provided with email reminders to update their child's medical and dietary requirements annually.

Each family receives the comprehensive Information Book upon orientation to the service. This clearly identifies the response and reporting approach the service takes in relation to illness and injury.

36. As evidence to support their claim, the provider referenced the assessment and rating feedback form, Assessment Evidence summary and the list of points noted on the first tier Review Decision Notice.
37. The provider submitted additional evidence to support their application.

Theme 2

38. The provider commented that the A&R Officer and Review Officers (Panel) did not effectively take into account the quality of the evidence provided relating to the practices at the service.
39. The provider referenced the first tier Review Decision Notice that:
...demonstrates some reflection of children's learning. There is insufficient evidence to demonstrate that the service's approach to supporting and promoting children's health and activity needs and outcomes reflects robust debate, discussions and opportunities for all educators and is informed by critical reflection on past incidents.
40. The provider stated that there is:



Policy and Work Health & Safety meetings include at least one (1) team member from each team and opportunity to robustly debate and critically reflect on any incidents, changes in practice or professional guidance e.g. sun protection, hand hygiene, supervision etc. This provides a diverse range of perspectives and decisions are noted in minutes for all people.

Meeting minutes demonstrate the continuous cycle of improvement as matters are discussed until resolved.

The service has a WHS committee at which items relating to illness or injury are discussed and when required 'robustly debated'. Actions are formed with follow up undertaken. All staff and families are welcome to attend the meetings as they are rostered on to a calendar.

Each team meets monthly and discuss any incidents that have arisen. Teams are informed of WHS matters by their team representative and points of debate are recorded.

Research into the poor core muscle strength and climbing skills of children was undertaken resulting in the provision of more bush walking, a climbing web on the flying fox. See 2.1 (16) for curriculum documentation

Several educators, team leaders and the Director have attended professional training on 'The Developing Brain'. This has been used to critically reflect on practice and inform child-centred activities after a presentation of the learning from training. See 2.1 (19). This has been made available

All educators present information from training events at full staff meetings to ensure all staff are able to implement agreed approaches to children's wellbeing. See 2.1 (20) staff meeting minutes.

41. As evidence to support their claim, the provider referenced the Assessment and rating feedback form, Assessment Evidence summary and the list of points noted on the first tier Review Decision Notice.
42. The provider submitted additional evidence in support of their application.

Theme 3

43. The provider commented that the A&R Officer and Review Officers (Panel) did not effectively take into account the quality of the evidence provided relating to the practices at the service.
44. The provider referenced the first tier Review Decision Notice that:

There is no evidence to demonstrate meaningfully and regular engagement with families in relation to children's health and safety.
45. The provider stated that:



There is a WHS Agenda located on the WHS board located in the centre hall, for all staff, families and visitors to note any items that need to be discussed.

In 2018 the service undertook a child protection program which included families and was presented by a community member at the centre. This also included educators and sessions with children.

The Director [REDACTED] has facilitated several community events such as:

[REDACTED] It was open to families and was attended by several centre staff.

46. The provider referenced the first tier Review Decision Notice that:
There is no evidence on how the service proactively promotes children's health and physical activity with families and the community and draws inspiration from the unique environmental, cultural and community contact of the service.'
47. The provider stated that:
For the past two years the service has employed a sports fitness company to undertake physical group activities. This includes training educators to continue the activities.

[REDACTED]
[REDACTED] See 2.1
(26)

The staff have been active in supporting community resource development e.g. [REDACTED]

[REDACTED] The Director was on the National Development board.

The service also participated in the development of the Responsibility resources (educator wellbeing) and presentation to the EC community at the centre

48. As evidence to support their claim, the provider referenced the Assessment and rating feedback form, Assessment Evidence summary and the list of points noted on the first tier Review Decision Notice.
49. The provider submitted additional evidence in support of their application.

Second Tier Review Panel's considerations

50. The panel considered whether the evidence available to them demonstrated the presence of the three exceeding themes in relation to Standard 2.1.



Exceeding theme 1

51. The panel made the general comment that the documents provided by the approved provider and evidence gathered by the authorised officer showed evidence of very good Meeting NQS practice.
52. The panel agreed that there was some evidence that demonstrated educators being consistently attuned to and responding to children's changing health and physical activity requirements throughout the day.
53. The panel noted evidence collected by the authorised officer stating that the emotional wellbeing of children, staff and educators is considered and partly showed some Exceeding practice.
54. The panel agreed that the service demonstrated that they have strong systems in place for this standard. However, the panel found that there was limited evidence of how the systems for supporting and promoting children's health are effectively implemented in daily practice.
55. Members agreed that on balance, while the service had some strong practice in place for this standard, there was insufficient evidence to demonstrate that theme 1 was present for this standard at the time of Assessment and Rating.

Exceeding theme 2

56. The panel agreed that there was strong evidence of educators undertaking extensive professional development, and sharing their experiences with the team. However, the panel could not see evidence of robust debate or critical reflection which shaped service practice.
57. The panel identified some examples of the program being adapted to maximise children's outcomes, but did not see critical reflection driving this cycle.
58. The panel noted that the service's approach to supporting and promoting children's health and physical activity, including safe sleep and nutrition, was strong and is informed by current recognised guidelines and up-to-date information.
59. The panel agreed that there was some limited evidence of staff reflecting on incidents in meeting minutes, but were not able to see how this shaped changes in practice.
60. The panel agreed that, on balance, there was insufficient evidence of critical reflection driving change to support this theme being present.

Exceeding theme 3

61. The panel agreed that the evidence provided captured very good Meeting NQS practice. However, it was found that there was limited evidence to show



how engagement with families and the community is considered, or that when there is engagement, how this is followed up and reflected in service practice and programs. The panel agreed that there was not enough evidence to show that engagement with families is embedded in service practice.

62. For example, the panel discussed evidence submitted by the provider stating that educators regularly walk children to the hospital, and commented that while this activity supports the physical wellbeing of children, there was no evidence showing family or community involvement in the planning for this activity.
63. The panel agreed that while the service demonstrated strong practice around collecting information from families, the process by which family input was incorporated into the program was unclear in the body of evidence to which the panel had access.
64. The panel made a general comment that the intentionality driving service practice was not explicit.

Decision

65. The panel decided to confirm the regulatory authority's rating for Standard 2.1 as Meeting NQS with no Exceeding themes demonstrated.

Quality Area 2, Standard 2.2

66. Standard 2.2 – Safety – is that:
Each child is protected.

Assessment and Rating

67. In the Rating Outcome Summary – draft report, all elements were rated as Met, with no exceeding themes found to be demonstrated.
68. In response to the Draft report, the approved provider provided feedback and three additional pieces of evidence specific to Exceeding themes 2 and 3.
69. In the Response to feedback document the regulatory authority notes that evidence was added to the final report, but no changes were made to the rating.
70. The Rating Outcome Summary provides the following analysis:
There are arrangements at the service that allow supervision of children in small and large groups, when they are sleeping, while playing indoors and



outdoors and during toileting and transition routines. Policies and procedures implemented by the approved provider guide educators and contribute to provide a safe environment for children at all times. There is access to operating telephones and mobile phones at all times on premises, emergency evacuation procedures have been developed in consultation with relevant authorities and drills are practised in line with regulatory requirements. There are educators that hold first aid qualifications and first aid kits available at all times when children are in attendance.

71. The final rating for this standard was Meeting the NQS, with no exceeding themes demonstrated.

First tier review

72. The approved provider made a submission for all three exceeding themes relating to Standard 2.2.

Theme 1

73. The Review Decision Notice notes that the approved provider claims that:
the evidence documented by the authorised officer during the visit demonstrates exceeding practice. The additional evidence provided includes program documents that are unrelated to standard 2.2 and were considered under standard 2.1.

74. Regarding theme 1, the panel found that:



Theme 2

75. The Review Decision Notice notes that the approved provider claims that:
the evidence documented by the authorised officer during the visit demonstrates exceeding practice. The approved provider attached a blank



emergency evacuation exercise report which has not been completed and there is no evidence that the form is regularly or consistently implemented or informs practice.

76. Regarding theme 2, the panel found that:

The panel considered the information provided by the approved provider and acknowledge processes are in place to support children's safety and educators actively supervise children. There is no evidence on how all educators are systemically and regularly reflecting as individuals and as a team to support children's safety and that the reflection leads to meaningful change. There is no evidence of how educators or the service considers and discusses social justice and equity implications of their decisions to support and promote each child's safety and respects the rights of each child at the service.

Theme 3

77. The Review Decision Notice notes that the approved provider claims that:

the AP claims that the evidence documented by the authorised officer during the visit demonstrates exceeding practice. No further evidence on meaningful engagement with families or the community in relation to children's health or safety was provided by the approved provider as part of this review.

78. Regarding theme 3, the panel found that:

The panel considered the information provided by the approved provider and acknowledge educators form connections with families and the community. There is little evidence on how educators actively engage families about their concerns and priorities for their children's safety. There is little evidence on how the management of risks reflects the voices, priorities and strengths of the children and families at the service or how educators consider the geographical context of the service and is responsive to changes in the environment throughout the year.

79. At first tier review, the regulatory authority was of the view that there was insufficient evidence to support that Exceeding themes 1, 2 or 3 were present.

80. The rating for Standard 2.2 was confirmed as Meeting the NQS, with no exceeding themes demonstrated.

Second tier review



81. In the second tier review application, the provider provided information about each Exceeding theme.

Theme 1

82. The provider submitted that the A&R Officer and Review Officers (Panel) did not effectively take into account the quality of the evidence provided relating to the practices at the service.

83. The provider referenced the first tier Review Decision Notice that:

[Redacted text]

84. The provider stated that:

[Redacted text]

85. The provider referenced the first tier Review Decision Notice that:

There is little evidence on how the service's approach to protecting children from harm and hazards consistently align with the design and delivery of the program and service philosophy or how the service consistently responds to changes in the service environment adjusting practices where required.'

86. The provider stated that:

The service undertakes annual safety assessments of the playground and bush area as critical components of the program. This requires adjustment depending on the season and other community events e.g. clearing scrub. See 2.1 (24)

The service philosophy states:

We value



- *A sense of belonging in a nurturing environment by removing barriers to participation.*
 - *Critical reflection in all centre practices in collaboration with children, families and community.*
87. In support of their claim, the provider referenced the Assessment and rating feedback form, Assessment Evidence summary and the list of points noted on the first tier Review Decision Notice.
88. The provider attached additional evidence to their application.

Theme 2

89. The provider commented that the A&R Officer and Review Officers (Panel) did not effectively take into account the quality of the evidence provided relating to the practices at the service.
90. The provider referenced the first tier Review Decision Notice that:
There is no evidence on how all educators are systematically and regularly reflecting as individuals and as a team to support children's safety and the reflection leads to meaningful change.
91. The provider stated that:
Emergency evacuation drills are reflected on at least four (4) times a year. This has led to meaningful change in some processes e.g. use of fire safety cots, number of children to be evacuated.
All educators undertake extensive training in Work, Health and Safety topics e.g. child protection, emergency evacuations, hand hygiene, first aid, mental health etc. These are undertaken regularly by all staff.
Training includes infection control awareness and handwashing. Daily and monthly safety checklists require checks for any issues that may result in illness or injury.
A staff member who is trained in WHS works at least one day/month as the Wellbeing Officer checking all first aid kits, processing forms and speaking with staff relating to illness or injury.
Staff Performance Development Reviews are used as a reflective tool for individual staff and information is collated by the Director to identify where change is required e.g. through staff training, facility maintenance.



92. The provider referenced the first tier Review Decision Notice that:
There is no evidence of how educators or the service considers and discusses social justice and equity implications of their decisions to support and promote each child's safety and respects the rights of each child at the service.'
93. The provider stated that:
Staff have undertaken several approaches to recognising and ensuring child safety through a lens of social justice and equity. This has included on regularly reflecting on the UNCRC in both team meetings and performance reviews. See 2.2 (4)
Children who have dietary variations due to a health condition or cultural observance are supported by educators planning activities to ensure their participation. See 2.2 (3)
94. As evidence to support their claim, the provider referenced the Assessment and rating feedback form, Assessment Evidence summary and the list of points noted on the first tier Review Decision Notice.
95. The provider attached additional evidence to the application.

Theme 3

96. The provider commented that the A&R Officer and Review Officers (Panel) did not effectively take into account the quality of the evidence provided relating to the practices at the service.
97. The provider referenced the first tier Review Decision Notice that:
'There is little evidence on how educators actively engage families about their concerns and priorities for their children's safety.'
98. The provider states that:
Individual Education Plans are developed in consultation with families and identify any safety concerns and priorities for addressing them. See 2.2 (5)
Emergency evacuation drills are communicated to families to provide assurance that the staff are able to evacuate all people from the centre if needed. This includes the bush area behind the centre.
99. The provider referenced the first tier Review Decision Notice that:



There is little evidence on how the management of risks reflects the voices, priorities and strengths of the children and families at the service or how educators consider the geographical context of the service and is responsive to changes in the environment throughout the year.'

100. The provider stated that:

All of the families using the service work in either the health or community service sector. As such parents will offer to provide services such as the fire truck and fire safety talk, police car and talk. We have visited the [REDACTED] helicopter base as well where a grandparent works.

Previous devastating storms in [REDACTED] requiring support from the SES has lead to the service arranging the local SES attend the centre and talk with the children about safety in storms.

101. As evidence to support their claim, the provider referenced the Assessment and rating feedback form, Assessment Evidence summary and the list of points noted on the first tier Review Decision Notice.

Second Tier Review Panel's considerations

102. In their discussions, the panel considered whether the evidence available to them demonstrated the presence of exceeding themes 1, 2 and/or 3.

Exceeding theme 1

103. [REDACTED]

104. The panel found that there was some evidence to show that educators are attuned to needs of children, for example, by monitoring UV levels regularly.

105. The panel agreed that the evidence provided by the approved provider showed that the service has strong systems in place to support this standard, for example form templates, but that the evidence did not show how they are used in practice, followed up, or how they are reviewed.

106. The panel agreed that there was evidence of annual risk assessments, but limited evidence of ongoing risk assessment.



107. The panel agreed that the evidence provided showed strong Meeting NQS practice but there was not enough evidence to support this Exceeding theme being found to be demonstrated.

Exceeding theme 2

108. The panel agreed that the evidence provided shows good Meeting NQS practice. For example, the panel agreed that the evidence showed that educators are responsive and adjust practice as required.
109. Referring to the exceeding guidance in the Guide to the NQF for this Standard, the panel agreed that there was limited evidence of examples of taking into account the needs and rights of every child at the service. The panel noted an example of cake making informed by a child's dietary needs, but agreed that there was limited evidence that this was systematic or reflected upon.
110. The approved provider provided templates as evidence to support this theme, but the panel agreed that, while these are strong, there was no evidence of how they are used in everyday practice or reflected upon to make changes when opportunities to further enhance children's outcomes are identified.
111. The approved provider provided WHS meeting minutes and evidence of training, but the panel agreed that there was no concrete evidence that educators reflect regularly together on safety related incidents to improve practice.
112. The panel agreed that the evidence provided by the approved provider showed strong systems were in place, but were not able to see evidence that incidents were followed by robust debate, discussion, and genuine opportunities for input by all educators, as part of a critical reflection cycle.
113. The panel agreed that, on balance, there was insufficient evidence to find this theme as being present.

Exceeding theme 3

114. The panel agreed that there were some strong, stand-alone examples of active engagement with families, including information and training sessions for families, and in the service's response to severe storms, but there was limited evidence that this was embedded and how this is progressed throughout the year.
115. The panel agreed that there was some evidence of educators engaging intentionally with families about children's safety, for example, the individual



education plan provided by the approved provider, but that this evidence was limited.

116. The panel agreed that there was no strong evidence of partnerships with the broader community. Nor was there evidence to show how parent involvement has shaped practice or how the approach to managing risks and supporting child safety is informed by meaningful and ongoing partnerships with the broader community.

117. The panel agreed that while there were some limited examples of theme 3 visible, there was not enough evidence to show that these were consistent. The panel agreed that there was insufficient evidence to find this theme as being present.

118. The panel decided to uphold the rating of Standard 2.2 as Meeting NQS.

Decision

119. The panel confirmed the regulatory authority's rating for Standard 2.2 as Meeting NQS with no Exceeding themes demonstrated.

Quality Area 4, Standard 4.1

120. Standard 4.1 is that:

Staffing arrangements enhance children's learning and development.

Assessment and Rating

121. In the Rating Outcome Summary – draft report, all elements were rated as Met. The Exceeding themes were confirmed for themes 1 and 2, but not theme 3.

122. In response to the Draft report, the approved provider provided feedback in the A&R Feedback form.

123. In the Response to feedback document the regulatory authority notes that no changes were made to the report or rating.

124. The final rating for this standard was Meeting the NQS, with Exceeding themes 1 and 2 found to be met.

125. The Rating Outcome Summary identifies the following as Meeting the NQS:



Staffing arrangements contribute to a high quality learning and care environment for children. Educators extend their learning through regular reflection and training opportunities, contributing to a common goal of achieving the best possible outcomes for children. Effective processes are in place to consistently achieve continuity of educators which results in the establishment and maintenance of secure relationships with children and families, with a positive impact on children's learning and wellbeing. Practice on this standard is yet to be shaped by consistent and meaningful engagement with families.

First tier review

126. The First Tier Review Decision Notice notes that the approved provider claims that:

the evidence documented by the authorised officer during the visit demonstrates exceeding practice. No further evidence was provided as part of the 1st tier review process in relation to standard 4.1.

127. Regarding theme 3, the panel found that:

The panel considered the information provided by the approved provider and acknowledge the evidence recorded as part of the assessment and rating visit. There was limited evidence of how the organisation of educators reflects the unique geographical, cultural and community context of the service. There was little evidence that demonstrates the opportunities for collaboration with families and community partners are built into the service's approach to the organisation and continuity of educators.

128. At first tier review, the regulatory authority was of the view that there was insufficient evidence to support that Exceeding theme 3 was present.

129. The rating for Standard 4.1 was confirmed as Meeting the NQS, with Exceeding themes 1 and 2 present.

Second tier review

130. In the second tier review application, the provider provided information about Exceeding theme 3.

Theme 3

131. The provider commented that the A&R Officer and Review Officers (Panel) did not effectively take into account the quality of the evidence provided relating to the practices at the service.



132. The provider stated that:

The Panel noted that 'No further evidence was provided as part of the 1st Tier review process in relation to 4.1.'

This is incorrect. See page 12 of the Assessment and Rating Feedback in which further notes provided evidence of practice.

133. The provider referenced the first tier Review Decision Notice that:

'There was limited evidence of how the organisation of educators reflects the unique geographical, cultural and community context of the service.'

134. The provider stated that:

The service management take into account the unique community and cultural context of its families e.g. health staff (primarily nurses) who start work from 6.30am and changed the opening time to 6.15am after consulting with families about the best time for opening hours. This also takes into account that families come from a wide geographical area.

The service retains a license for the hours of 0630 – 2330 in case of the event a major health and public crisis occurs. This is due to the nature of the community context of the service.

135. The provider referenced the first tier Review Decision Notice that:

'There was little evidence that demonstrates the opportunities for collaboration with families and community partners are built into the service's approach to the organisation and continuity of educators.'

136. The provider stated that:

[REDACTED] This has included increased staffing over the past 10+ years to establish a higher adult:child ratio.

There is always a parent representative on every recruitment panel.

Families are consulted when their child requires a therapist to undertake activities at the service.

Families are made aware of staffing changes and have the opportunity to respond. Educators are provided with the opportunity to identify what age group they would like to work with.



At least one (1) primary educator moves with the group of children going to another room in the new year. This approach provides continuity of care and relationships for children and families.

137. As evidence to support their claim, the provider referenced the Assessment and rating feedback form, Assessment Evidence summary and the list of points noted on the first tier Review Decision Notice.

138. The provider attached evidence to the application.

Second Tier Review Panel's considerations

139. In their discussion, the panel considered whether the evidence available to them demonstrated that theme 3 was present for Standard 4.1.

Exceeding theme 3

140. The panel agreed that there were a number of strong examples that demonstrated the organisation of educators reflecting the service's unique context and of families being engaged. The panel gave particular mention to the changes the service had made to opening hours, the provision of specific staff as contact points for children with additional needs and the involvement of families in recruitment panels, staffing changes and policy and procedure reviews.

141. The panel noted the comment made by the regulatory authority in the final report stating 'practice on this standard is yet to be shaped by consistent and meaningful engagement with families.' The panel commented that the evidence collected by the Authorised Officer was not entirely consistent with this statement.

142. The panel agreed that the evidence presented demonstrated that educators and families were provided with the opportunity to provide input on decisions about staff movements. It was considered that children's voices were not evidenced in these processes.

143. The panel found limited evidence of community engagement, but noted that the wording of the theme covered engagement with families and/or communities.

144. The panel considered that to demonstrate Exceeding theme 3 practice for this Standard – in particular, to demonstrate that the service's approach to



organisation and continuity of educators supports *all children* to participate fully in the service program at all time – it would expect to see evidence that educators with specific skills had been matched to the specific needs of children. The panel could not clearly identify evidence to demonstrate this was consistently the case across the service.

145. While noting the strong practice demonstrated, the panel agreed that, on balance, Exceeding theme 3 was not present for this Standard.

Decision

146. The panel decided to confirm the regulatory authority's rating for Standard 4.1 as Meeting NQS with Exceeding theme 3 not demonstrated.

Quality Area 4, Standard 4.2

147. Standard 4.2 is:

Management, educators and staff are collaborative, respectful and ethical.

Assessment and Rating

148. In the Rating Outcome Summary – draft report, all elements were rated as Met. The Exceeding themes were confirmed for themes 1 and 2, but not theme 3.

149. In response to the Draft report, the approved provider provided feedback in the A&R Feedback form.

150. In the Response to feedback document the regulatory authority notes that evidence was added to the final report, but no changes were made to the rating.

151. The final rating for this standard was Meeting the NQS, with Exceeding themes 1 and 2 found to be demonstrated.

152. The Rating Outcome Summary identifies the following as Meeting the NQS:

All members of the service team consistently demonstrate a high level of collaboration, affirming, challenging, supporting and learning from each other. There are ample opportunities for educators to learn from each other, including relief educators, regular meetings in place and the consistent participation and support of the non teaching nominated supervisor. The observed and discussed approach to professional collaboration and standards consistently aligns with the service's philosophy. Educators reflect



collaboratively on pedagogical knowledge and curriculum delivery. All members of the service team recognise diversity and work together to promote a culture of inclusiveness and sense of belonging for all children and families. Practice on this standard is yet to be shaped by meaningful engagement with families.

First tier review

153. The Review Decision Notice notes that the approved provider claims that the evidence documented by the authorised officer during the visit demonstrates Exceeding practice. No further evidence was provided as part of the 1st tier review process in relation to standard 4.2.

154. Regarding theme 3, the panel found that:

The panel considered the information provided by the approved provider and acknowledge the evidence recorded as part of the assessment and rating visit. There is no evidence on how the approach to professional collaboration reflects the unique geographical, cultural and community context of the service. There is little evidence on how educators work together to create a culture of inclusiveness and sense of belonging for each child and there is no evidence on how decision-making and problems solving in regard to ethical issues that emerge within the service environment are informed by the voices of families and the community.

155. At first tier review, the regulatory authority was of the view that there was insufficient evidence to support that Exceeding theme 3 was present.

156. The rating for Standard 4.2 was confirmed as Meeting the NQS, with Exceeding themes 1 and 2 found to be present.

Second tier review

157. In the second tier review application, the provider provided information about Exceeding theme 3.

158. The provider commented that the A&R Officer and Review Officers (Panel) did not effectively take into account the quality of the evidence provided relating to the practices at the service.

159. The provider comments that:

The Panel noted that 'No further evidence was provided as part of the 1st Tier review process in relation to 4.1.



This is incorrect. See pages 12 + 13 of the Assessment and Rating Feedback in which further notes provided evidence of practice.

Tier 1 review notes (see First tier review Decision notice for further evidence)

160. The provider referenced the first tier Review Decision Notice that:

'There is no evidence on how the approach to professional collaboration reflect the unique geographical, cultural and community context of the service.'

161. The provider stated that:

Professional collaboration is a critical aspect of the service philosophy as well as a strength.

See 7.2 in relation to extensive professional collaboration undertaken by service.²

162. The provider referenced the first tier Review Decision Notice that:

'There is little evidence on how educators work together to create a culture of inclusiveness and sense of belonging for each child...'

163. The provider stated that:

Staff training is inclusive of the EYLF – BBB

Curriculum documents demonstrate this point with the inclusion of every child

Families are provided with a Family Partnership form every year and encouraged to provide family photos and holiday photos.

164. The provider referenced the first tier Review Decision Notice:

'...and there is no evidence on how decision-making and problems solving in regard to ethical issues that emerge within the service environment are informed by the voices of families and the community.'

165. The provider stated that:

Policy review is open to all persons in relation to many different factors e.g. Illness. Children in child care are considered a group of well people.

There has been debate about the temperature at which a child should be sent home between staff and families. The service has sought advice from population health on this matter.

² The approved provider's original application included Standard 7.2 in its scope. This Standard was later removed from the removed from the review, but the evidence referenced here was considered by the panel in relation to Standard 4.2.



166. As evidence to support their claim, the provider referenced the Assessment and rating feedback form, Assessment Evidence summary and the list of points noted on the first tier Review Decision Notice.

167. The provider attached evidence to the application.

Second Tier Review Panel's considerations

168. In their discussion, the panel considered whether the evidence available demonstrated the presence of exceeding theme 3.

Exceeding theme 3

169. The panel discussed the evidence collected by the Authorised Officer during the assessment and ratings visit and the submissions of the approved provider. It was agreed that while the evidence demonstrated professional collaboration and the presence of robust, service-level systems to support this standard, the voices of educators, families and the community were not strong enough to support demonstration of this theme.

170. Referring to the exceeding guidance for this standard in the Guide to the NQF, the panel agreed that there was no clear evidence that:

- Professional collaboration welcomes, reflects and draws on the voices, priorities and strengths of the children and families at the service.
- The service seeks to cultivate a deep respect for Aboriginal and Torres Strait Islander histories and cultures.
- All members of the service team consistently identify and implement culturally sensitive ways to communicate, support and engage with families.

Decision

171. The panel decided to confirm the regulatory authority's rating for Standard 4.2 as Meeting NQS with Exceeding theme 3 not demonstrated.

Summary of findings and ratings

172. The panel confirmed all of the regulatory authority's ratings for the Standards under review.

173. In closing, the panel made the over-arching comments that this service appears to have very good systems in place and that their practice in the Standards under review reflects very strong Meeting-level practice, with some Exceeding practice in part. In particular, the panel considered that the relationship between daily practice, critical reflection, intentionality and the



presence of strong systems and policies was not strongly evidenced enough to support amending the ratings to Exceeding NQS in the Standards under review.

174. The panel noted at several points during the discussion that the evidence presented was not sufficient to support a rating change.
175. This service is commended for its strong performance, and demonstrated high quality service delivery.