



Date of Decision: [REDACTED] 2019
File number: STR0047

PANEL MEMBERS:

[REDACTED]
[REDACTED]
[REDACTED]

APPLICANT:

[REDACTED]
[REDACTED]

REGULATORY AUTHORITY: Education and Care Regulatory Unit, Department of Communities, Western Australia Government.

Decision

The Ratings Review Panel (the Panel) by consensus confirmed the rating for Quality Area 7, Standard 7.2 as Working Towards National Quality Standard.

Issues under review

1. The approved provider sought a review of Standard 7.2, Element 7.2.2 (Educational leadership).
2. The provider applied for a review of the regulatory authority decision on the grounds that the 'regulatory authority failed to take into account or give sufficient weight to special circumstances or facts existing at the time of the rating assessment'.
3. After assessment and rating, the overall service was rated as Working Towards NQS, as follows:
 - Quality Area 1: Meeting
 - Standard 1.1: Meeting
 - Standard 1.2: Meeting
 - Standard 1.3: Working Towards
 - Element 1.3.1: Not met
 - Quality Area 2: Meeting
 - Standards 2.1 and 2.2: Meeting
 - Quality Area 3: Meeting



- Standards 3.1 and 3.2: Meeting
 - Quality Area 4: Meeting
 - Standards 4.1 and 4.2: Meeting
 - Quality Area 5: Meeting
 - Standards 5.1 and 5.2: Meeting
 - Quality Area 6: Meeting
 - Standards 6.1 and 6.2: Meeting
 - Quality Area 7: Working towards
 - Standard 7.1: Meeting
 - Standard 7.2: Working Towards
 - Element 7.2.2: Not met
4. After the provider sought a review of standard 7.2 at first tier review, the regulatory authority confirmed the rating level as Working Towards. The provider did not apply for a review of Standard 1.3 at first tier review.

Evidence before the panel

5. The Panel considered all the evidence submitted by the provider and the regulatory authority. This included:
- the application for second tier review and its attachments
 - the Assessment and Rating Instruments and the final Assessment and Rating Report
 - the service's feedback to the draft report
 - the application for first tier review and its attachments
 - 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.
6. The Panel was also provided with advice from ACECQA on the Quality Areas under review.

The Law

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



The Facts

8. [REDACTED] is a long day care service with [REDACTED] approved places. The service is based in [REDACTED].
9. The assessment and rating visit took place on [REDACTED] by [REDACTED] authorised officer.
10. The provider was sent the draft report on [REDACTED] and feedback from the provider on the draft report was received by the regulatory authority on [REDACTED]. The final report was sent to the provider on [REDACTED].
11. The regulatory authority made a decision on first tier review and sent its decision notice to the provider on [REDACTED]. The provider applied for second tier review on [REDACTED].

Element 7.2.2

12. Element 7.2.2 (Educational leadership) is that:

The educational leader is supported and leads the development and implementation of the educational program and assessment and planning cycle.

Regulatory Authority's view

Assessment and Rating

13. The regulatory authority provided feedback regarding the AO's discussions with the educational leader:
 - *The educational leader (EL) sat down with the AO to show children's learning documentation on [REDACTED]. The EL explained the planning cycle and showed samples of the cycle from each room. AO then together with the EL selected a random sample of the learning documentation from each room. During the review it was identified that the [REDACTED] and [REDACTED] rooms' cycles were not completed for most of the children. AO asked the EL what process she had in place to ensure the cycle is implemented in every room and EL advised that she checks the cycle regularly. AO then offered the EL an opportunity to review the cycles and present evidence on the following day to demonstrate that the cycle was there.*
 - *The EL showed a tracking sheet for observations the [REDACTED] room was using. She had forgotten that the room uses this. However, review of the documentation showed that the cycle still was not evident for each child. The [REDACTED] room documentation that the EL showed to did not demonstrate the cycle either. A learning observation for a child was linked to a learning extension for a different child and group activities that did not demonstrate that the child participated these. After reviewing [REDACTED] more children's learning documentation with the EL, AO advised that she had difficulties seeing the cycle. At this point, the director joined the conversation. The EL and the director advised that it was disappointing that the cycle wasn't there but did not have an explanation why.*



Assessment and Rating Final Report

14. In relation to Standard 7.2, the final report commented that:

- *The service has processes in place to review and monitor its performance, to guide the planning and improvement of the service's quality. There are effective on-going strategies for self-assessment and quality improvement. Information about the service's performance is gathered from a variety of sources that include family feedback, incident and maintenance records, observations of staff, staff suggestions and regular internal audits and compliance checks. The service's Quality Improvement Plan (QIP) is regularly updated using information gathered through reflective discussions between stakeholders. The QIP is available to families, and they are offered opportunities to provide feedback through surveys, e-mails and everyday discussions. A recent survey showed that a family was unaware of the service menu. The feedback received led to the leadership team changing the menu design and displaying it in a prominent position in the foyer and each room. The QIP is available to the families and staff in the foyer.*
- *The educational leader is a diploma qualified and has been in the role for [REDACTED]. The educational leader attends regular professional development and network meetings with educational leaders from [REDACTED] service. She has developed an on-line 'educational leader plan' that includes opportunities for upskilling and goals for community involvement. Monthly meetings with educators are held to discuss the program, critical reflection and the planning cycle. While it is acknowledged that the educational leader supports educators with the delivery of the educational program, documentation sighted confirmed that a cycle of planning was not consistently implemented for each child across all rooms of the service. As such, there was limited evidence to show how the educational leader leads the development and implementation of the assessment and planning cycle.*
- *Performance reviews are conducted three months after commencement of employment and are then conducted annually. Initially educators complete a self-assessment of their strengths and areas for improvement, which is then discussed with the director. Together, a professional development [REDACTED] is created, to set 'aspirations' for performance improvement. The appraisal is followed with a 'check point' meeting with the director every three months. Documentation sighted showed an educator aspiring to be a room leader. The educator was supported to enrol and study a diploma qualification that is a requirement for the room leader's role.*

First Tier Review

15. The first tier review panel considered the draft and final reports, feedback on the draft report and the provider's submission at first tier review. The first tier



review panel also highlighted the following evidence from assessment and rating in the covering letter of their first tier review decision notice:

- *It is noted in the Authorised Officer's instrument and in the draft and final report that cycles of planning were incomplete and inconsistently completed across the service. Sighted samples of cycles of planning noted not only incomplete cycles, but also the linking of activities with no relevance to selected learning outcomes and/or follow up activities (learning extensions). It was further noted that some individual children had no documentation for extended periods of time.*
16. The first tier review panel also stated that the provider's feedback on the draft report was considered as part of first tier review. The provider's feedback was not originally considered as part of the assessment and rating process due to the regulatory authority considering the feedback not to be succinct. The first tier review panel provided a summary about how the provider's feedback was originally treated. The first tier review panel did not discuss the reasons underpinning their decision to eventually consider the feedback in contrast to the regulatory authority's original decision:
- *The approved provider submitted provider feedback for Standard 7.2 on [REDACTED] and [REDACTED]. The provider feedback was discussed with the [REDACTED] and [REDACTED] and was not considered to be succinct. The service was provided an opportunity to withdraw and resubmit the evidence but declined. Therefore, the provider feedback was not considered and the draft rating of Working Towards NQS for Standard 7.2 was upheld.*
 - *The provider feedback was... not considered to be succinct. The service was provided an opportunity to withdraw and resubmit the evidence but they declined. Therefore, as the provider feedback did not meet the guidelines set down in the letter sent to the service with the draft report, or the guidance provided on the ACECQA template, the information provided was not considered.*
17. The first tier review panel confirmed Element 7.2.2 as not met:
- *Page 303 of, The Guide to the National Quality Framework states, the role of the Educational Leader is to, support educators to effectively implement the cycle of planning to enhance programs and practices lead the development and implementation of an effective educational program in the service.*
 - *The selection of the Educational Leader and her role and commitment to learning and participating in professional opportunities is acknowledged in the final report and was further supported by the provider feedback documents submitted.*
 - *Other key aspects of the Educational Leader's role in leading, developing and implementing the program through mentoring and supporting*



- educators' understanding of educational program and practice, has also been acknowledged.*
- *However, as noted in the Authorised Officer's instrument and in the draft and final reports, it was identified that cycles of planning were incomplete and inconsistently completed across the service. Sighted samples of cycles of planning noted not only incomplete cycles, but also the linking of activities with no relevance to selected learning outcomes and/or follow up activities (learning extensions). It was further noted that some individual children had no documentation for extended periods of time. This was discussed with the Room Leader, Educational Leader and Director who attributed this to priority being given to the practical support of a number of children attending with additional needs, hence impacting on their capacity to complete planning documentation effectively. The insufficient evidence of an effective assessment and planning cycle resulted in a rating of Working Towards National Quality Standard 1, which has not been challenged.*
 - *As stated in the Guide for Element 7.2.2, 'An ongoing cycle of assessment and planning is critical to the delivery of a quality educational program. The educational leader plays a pivotal role in this process, including: ensuring that the assessment and planning cycle is applied to each child and the program as a whole (see Element 1.3.1). This was not evident, therefore, supports the 'Not Met' rating of Element 7.2.2.*
 - *Standard 7.2 remains at Working Towards NQS.*

Additional information received from the regulatory authority

18. The regulatory authority also sent ACECQA a document containing information about the officers who conducted assessment and rating, membership of the first tier review panel, the service's compliance history and the provider's compliance history.
19. The regulatory authority also sent ACECQA photos collected from assessment and rating.

Approved Provider's view

Feedback on Draft Report

20. As part of providing feedback on the draft report, the provider submitted the following:
 - *The educational leader [REDACTED] has been in a float position across the centre for a long period of time which enables her to be flexible with her attendance at the centre and focus her role around the needs of the educators. The educational leader leads the assessment and implementation of the planning cycle using a suite of documentation and methods to support different educators learning styles and identified trends across the needs of centre educators.*



- *There is a monthly program check that is conducted in a collaborative approach with the senior educator of their classrooms. Needs for improvement are checked the following month in a collaborative approach with the Centre Director. Development plans are used to assess noncompliance and need for improvement.*
 - *The EL has been a part of the leadership team consisting of the ECT, CD, AD and EL. She promotes empowerment amongst our team of senior educators and has lead them to development self-assessment tools to critically reflect on their own planning cycles and practice across the classrooms. We are endeavouring to create a team of leaders on a continual quality improvement journey.*
 - *As you can see in the evidence, [REDACTED] is motivating and inspiring the educators through conversation, meetings, professional development and reflection tools.*
 - *Professional development for practice and programming is conducted to build educator capability and work on identified need for skill development. The EL will implement professional development based on skills and knowledge required to lead to an effective planning cycle, use of the ELYF, systems, planning and reflection.*
 - *Mentoring and coaching play a BIG part in her role to support the implementation of planning cycle. As well as what is listed above I refer to the Educational Leader Resource, published by ACECQA - Page 40.*
 - *“The planning cycle is often a source of concern for educators, who misinterpret it as a focus on paperwork and recording data rather than spending time with children. Educational leaders can play a part in reassuring educators that the planning cycle supports curriculum decision-making in meaningful ways. Taking time to explore the assessment and planning cycle with educators will help them understand the benefits of the process and help to alleviate undue stress. For educational leaders, it’s important to be mindful that their role in leading the development and implementation of the educational program is primarily to support educators in the implementation of the planning cycle. Educational leaders are not expected to assume the role of compliance officer or monitor educators’ work. A more accurate approach would be to guide, mentor and encourage educators to understand the expectations of the planning cycle, and develop their capabilities.”*
21. The provider also submitted evidence to accompany their feedback on the draft report.

Provider submissions at First Tier Review

22. The provider submitted the following at first tier review:



- *We are applying for a first tier review based on the fact that we disagree with the final report rating and the refusal form the Regulator to review the feedback provided.*
- *We would like the previous evidence provided during the draft report feedback to be considered along with our previous response letter to the Regulator.*
- *As a centre we strongly believe that we must put our best foot forward during the review process and whilst we understand this will not overturn our overall rating, we strongly believe that we are meeting the QA7 element.*
- *We have provided a variety of evidence to prove that the EL at the centre uses a suite of documentation to guide the educators with implementation of the planning cycle. The variety of evidence demonstrates that the EL meets the needs of all educators as they all have different learning styles and differing entry levels into the early learning sector ie: they may be new or recently trained , new to centre, the role or the company.*
- *There are individual meetings, curriculum checklists, critical reflections, tools, professional development and [REDACTED] classrooms which are utilised to identify trends with the educators' knowledge, times of struggle or gaps in the planning cycle. The documentation ensures that goals are then set to meet expectations and requirements as well as clear and concise actions with clear timelines.*
- *As you can see the evidence is used to motivate and inspire the educators through conversation, meetings, professional development and reflective tools.*
- *The EL has been a part of the leadership team consisting of the ECT, CD, and AD. She promotes empowerment amongst our team of senior educators and has lead them to development self-assessment tools to critically reflect on their own planning cycles and practice across the classrooms. We are endeavouring to create a team of leaders on a continuous quality improvement journey.*
- *Professional development for practice and programming is conducted to build educator capability and work on any identified need for skill development. The EL will implement professional development based on skills and knowledge required to lead to an effective planning cycle, use of the ELYF, systems, planning and reflection.*
- *Mentoring and coaching, play a significant part in her role to support the implementation of planning cycle. Evidence of this is also provided.*

Second Tier Review

23. The provider made the following submission in relation to element 7.2.2 at second tier review:



- *We are requesting a review of element 7.2.2 as we disagree with the Regulatory Authority's findings that rated us as not met. We are asking that you review all evidence that was provided to the Regulator throughout the draft report feedback and first tier review processes. If you require us to re-send any of this information please do not hesitate to ask. An additional statement was submitted during the first tier review process.*
- *During the draft report feedback process, the Regulator refused to look at our feedback evidence as they felt that it wasn't succinct. Whilst we respect their opinion, we chose not to remove any of the evidence as we felt that it all assisted in painting a picture that we were meeting the element. It is also very difficult to know what an assessor did or didn't observe during a visit as not everything is recorded in the report. We are not asking for QA1 as we are aware that the [REDACTED] had some issues with their programming and this was discussed with the Assessor during the visit. QA7, however we feel is meeting regardless of the QA1 result. We were aware that the Nursery 2 room had some issues and the Educational Leader had identified this and was working with the Educators to make improvements. She was mentoring and leading the program which is what the element is about. This is supported in ACECQA's educational leader tool which states:*
 - *"The planning cycle is often a source of concern for educators, who misinterpret it as a focus on paperwork and recording data rather than spending time with children. Educational leaders can play a part in reassuring educators that the planning cycle supports curriculum decision-making in meaningful ways. Taking time to explore the assessment and planning cycle with educators will help them understand the benefits of the process and help to alleviate undue stress. For educational leaders, it's important to be mindful that their role in leading the development and implementation of the educational program is primarily to support educators in the implementation of the planning cycle. Educational leaders are not expected to assume the role of compliance officer or monitor educators' work. A more accurate approach would be to guide, mentor and encourage educators to understand the expectations of the planning cycle, and develop their capabilities."*

Panel considerations

24. The panel acknowledged that the service's draft report feedback was reviewed by the First Tier Review panel and this information was again reviewed by the Second Tier Review panel.
25. In determining whether the service has been demonstrating Element 7.2.2, the panel considered what strategies and processes the educational leader uses to lead the development of effective educational programs within the service and to support educators to ensure that the planning cycle is implemented effectively.



26. The panel acknowledged that evidence appeared to demonstrate that the educational leader works with educators to build capacity and understanding of pedagogy and practice – including through mentoring and coaching educators.
27. However, the panel considered there to be evidence demonstrating that the assessment and cycle of planning was not being adequately and consistently applied to each child, including an absence of linking activities within the educational program to relevant learning outcomes. The panel subsequently considered there to be a lack of evidence about how the educational leader uses strategies to lead the development of effective programs and ensure the planning cycle is implemented effectively.
28. The panel noted the service's citing of the ACECQA *Educational Leader Resource* in their evidence, which states that “educational leaders are not expected to assume the role of compliance officer or monitor educators’ work”. The panel considered that, while the educational leader is not expected to serve as a compliance officer, the role of the educational leader requires guiding educators’ understanding of the expectations of the planning cycle. This is in line with page 305 of the *Guide to the National Quality Framework* which states that, “the Educational Leader plays a pivotal role in the assessment and planning cycle process, including: ensuring that the assessment and planning cycle is applied to each child and the program as a whole (see Element 1.3.1)”. This would therefore include developing effective systems that ensure planning cycles are in place for each child, and following up any identified discrepancies.
29. The panel noted evidence regarding a ‘monthly program check’ being in place, however the panel questioned whether such a system had been *effective* in light of planning cycles not being sufficiently recorded for some children over an extended period without the knowledge of the educational leader.
30. In reviewing the evidence submitted by the service and the regulatory authority, the panel agreed there to be insufficient evidence to confirm the educational leader is effectively leading the implementation of the educational program and assessment and planning cycle for each child, as referenced on page 303 of the *Guide to the National Quality Framework* that states, “The role of the educational leader is primarily to: support educators to effectively implement the cycle of planning to enhance programs and practices”.

Panel decision

31. The panel by consensus confirmed the rating for Element 7.2.2 as Not Met. The Panel subsequently confirmed Quality Area 7 and Standard 7.2 as Working Towards NQS.