

Ms Judy Hebblethwaite
Chair
Australian Children's Education and Care Quality Authority Board
PO Box A292
Sydney NSW 1235

Dear Ms Hebblethwaite

**Australian Children's Education and Care Quality Authority (ACECQA)
Interim Letter of Expectation (LoE)**

I am writing to set out the Education Council's priorities and expectations for the ACECQA interim period commencing 1 July 2020.

This interim LoE replaces the previous LoE issued to ACECQA on 18 December 2018, which expired on 30 June 2020.

Under normal circumstances, a new LoE would have been issued to ACECQA for implementation from 1 July 2020. However, as a result of the COVID-19 pandemic and the subsequent impact on the Early Childhood Education and Care (ECEC) sector, there has been no opportunity for the Council to progress a new LoE.

The Council has therefore decided to issue an interim LoE which will remain in operation for a limited period, depending primarily on the time required for recovery from the COVID-19 pandemic and the recovery actions required to support the ECEC sector going forward. It is anticipated that this period will not extend beyond 12 months. The Council will subsequently provide a longer-term LoE, taking into account matters such as ACECQA's greater level of maturity, any endorsed recommendations arising from the ACECQA Review, and other issues which the Council considers relevant.

This LoE acknowledges key current activities while providing flexibility to accommodate the uncertainty surrounding the course of the COVID-19 pandemic. As with the previous LoE, this LoE aligns with the provisions of the *Education and Care Services National Law Act 2010* (National Law) and associated regulations, and commitments for the ECEC sector identified by the Council.

Purpose

The Council is responsible for overseeing the implementation and administration of the National Quality Framework (NQF) as per s220 of the National Law.

ACECQA is an independent statutory authority established under part 11 of the National Law, with its functions largely detailed under s225.

This LoE sets the Council's key priorities for ACECQA for the anticipated duration of the COVID-19 pandemic, and recognises that the ACECQA Board and Chief Executive Officer are responsible for ACECQA's implementation of these priorities.

Context

This LoE is developed in the context of evidence demonstrating that engagement in quality education and care, particularly in the early years, leads to better health, education and employment outcomes in later life.

It is for this reason jurisdictions have demonstrated commitment to the NQF as a consistent national regulatory system for the ECEC sector.

This LoE reflects the current position of the NQF operating within the context of the COVID-19 pandemic. The success of the NQF will continue to be highly influenced by the quality of collaborative efforts between ACECQA and key stakeholders, particularly during this challenging period.

Funding

This LoE also acknowledges the Australian Government's funding announcement of December 2019 which provides ACECQA with ongoing operational funding to progress its functions under the National Law, with \$46 million provided over a three year period from June 2020 to 30 June 2023.

This funding decision was informed by the 2019 independent Review of ACECQA, which found that ACECQA played a unique and critical role in the ECEC ecosystem. The Council will consider a formal response to recommendations from the ACECQA Review noting that, in the interim, many recommendations and opportunities for improvement have been implemented.

ACECQA is expected to continue to seek opportunities for commissioned work and to provide new programs, services and resources through cost recovery and commercially, consistent with its statutory functions, the unique needs of Regulatory Authorities (RAs) and stakeholders, and the strategic priorities in this LoE.

Term

As noted above, this LoE outlines the Council's expectations for ACECQA from 1 July 2020 to 30 June 2021 or until the Council provides a longer-term LoE for ACECQA, the timing of which will depend primarily on the course of the COVID-19 pandemic and the recovery actions required to support the ECEC sector going forward.

The ECEC sector is changing, with an evolving and complex service profile and sustained expansion. As such, the efficacy and regulatory system underpinning the NQF is regularly reviewed by jurisdictions. This process of review will influence future decisions regarding the NQF and future LoEs will reflect resultant changes in the strategic directions of the Council.

Note this LoE will be subject to ongoing review, in the context of any new arrangements arising from National Federation Reform with respect to Education Council.

Principles

The health, safety and wellbeing of children is the paramount consideration of the strategic directions articulated in this LoE and these are the critical foundations to improved outcomes for lifelong learning through quality education and care experiences. As envisaged in the development of the NQF, the achievement of this objective and all objectives of the National Law is dependent on consistent and sustained collaboration between all stakeholders.

ACECQA in undertaking its statutory role and functions will contribute to the following core values:

- a transparent, fair, accountable, efficient and effective national system
- streamlined governance arrangements and clearly defined accountabilities

- collaboration with stakeholders in achieving NQF objectives
- nationally consistent implementation of the NQF, including the National Law, National Regulations and National Quality Standard
- ongoing support of quality research and evaluation, reflecting sector priorities and providing an evidence base for national decision making, and
- a continuous focus on quality improvement.

In performing its functions, ACECQA will:

- ensure it acts in accordance with the decisions of the Council, and
- progress advice to the Council in accordance with protocols, procedures and/or arrangements agreed to by the Council, or the Australian Education Senior Officials Committee (AESOC) on behalf of the Council.

Key Activities

The key activities outlined below acknowledge the commitment to ensuring the NQF is an integrated and consistent national system. ACECQA will prioritise these activities and detail key deliverables, timeframes and budgets for approval by the Council through a new forward work plan to be considered by Council in the third quarter of 2020.

ECPG is entrusted by the Council to provide high-level strategic policy advice on all early childhood matters, therefore ACECQA must consult with ECPG prior to progressing any policy matters to the Council. Within this context, the relationship between ACECQA and the ECPG is vital to successful administration of the National Quality Agenda (NQA). This LoE stipulates a specific role for ECPG in supporting ACECQA in developing the new forward work plan.

The COVID-19 pandemic is necessarily leading to a reprioritisation of activities and to the flexible application of regulation under the National Law. ECPG has been closely involved in discussions of promoting national consistency in the context of this flexibility, supported by ACECQA, and has also focussed on issues such as maintaining the viability of services and scenario planning.

Against this backdrop, ACECQA is delivering the following activities in support of the sector through COVID-19:

- supporting governments and the sector by collectively working through the implications of COVID-19 for ECEC services, including: pandemic; scenario planning; and during the recovery phase, including health advice and relevant government funding responses
- managing the Regulatory Practice Committee (RPC) to support regulatory practice that is responsive to the unique circumstances of jurisdictions, harmonised in accordance with national objectives and risk based for the efficient use of resources
- establishing a national 1800 helpline to assist families, including essential workers and those with vulnerable children, to find available ECEC services in their area during the pandemic
- developing new National Quality Agenda Information Technology System (NQA ITS) functionality to capture critical ECEC sector data, such as notification of service closures and reductions in number of children attending
- providing advice and new resources on the health and safety of children and educators during the pandemic, in accordance with advice from the Australian Health Protection Principal Committee; and

- developing information for parents and carers about activities for children learning at home and sharing quality resources for their development through Starting Blocks.

In addition, it is expected that ACECQA will continue to deliver, or assist in delivering, the following activities endorsed by Education Council:

- contribute to the 2019 Review of the NQF which is being led by the NQF Review Subgroup chaired by NSW. In particular, support the Consultation Regulation Impact Statement stakeholder consultations and develop communications
- investigate and provide advice on the possibility of extending the Disability Standards for Education to child care providers
- lead the Approved Learning Frameworks (ALFs) Update Scoping Working Group to:
 - develop Terms of Reference, a timeline, a process for determining who will conduct the update, an engagement strategy and address funding
 - participate in the proposed ALFs Update steering committee
 - provide support as needed for communications and engagement
- in collaboration with the Australian Institute for Teaching and School Leadership (AITSL), progress work in relation to recommendations 5 and 6 of the National Review of Teacher Registration related to registration of Early Childhood Teachers and professional standards, to align with the Education Council's decision of December 2019
- maintain its role as the assessing authority for the Child Care Centre Manager and Child Care Worker (group leaders only) occupations under the Skilled Migration Program. It is ACECQA's responsibility to set the Assessment Standards and complete skills assessments for applicants applying for a skilled migration visa under these occupations
- participate in the Joined up Approvals Working Group, including to undertake additional analysis to clarify implementation considerations, including governance matters, refined costings and a suitable delivery mode, and
- participate in the Children's Education and Care National Workforce Strategy Working Group to develop a Strategy and Action Plan for Education Council.

Governance

Working collaboratively with the Australian, State and Territory governments

The Council expects ACECQA to continue to work collaboratively and maintain strong working relationships with AESOC, ECPG and jurisdictions, including Regulatory Authorities (RAs), to ensure effective implementation of the NQF.

Importantly, in a changing early childhood sector, ACECQA will continue to collaborate with RAs through the RPC and working groups, to support better practice and consistent regulation of the ECEC sector.

Planning and Reporting

ACECQA will provide a written progress report against its forward work plan to the Council at least once per year. The progress report should outline ACECQA's performance in relation to its functions specified in the National Law and the priorities identified in this LoE.

ACECQA will also provide a budget update in its progress report, identifying any proposed changes to the forward work plan that may be required to ensure it is able to deliver on Council priorities. Timeframes for the submission of reports to Ministers will be guided by Council meeting dates. It is expected that ECPG will

support ACECQA in delivering Council's priorities and that ACECQA will engage with ECPG in preparing its progress report to Council.

Conclusion

On behalf of the Council, I look forward to continuing to work with you to improve the quality of ECEC and promoting children's development, health, safety and well-being.

Yours sincerely

A handwritten signature in blue ink that reads "James Merlino". The signature is written in a cursive style with a large initial 'J'.

The Hon James Merlino
Chair

30 September 2020