



Ratings Review Decision Notice

Panel members: [REDACTED]
[REDACTED]
[REDACTED]

Panel date: [REDACTED] 2020

Applicant: [REDACTED]
[REDACTED]

Regulatory Authority: Early Childhood Education and Care Directorate, Department of Education, New South Wales Government

Decision:

That the Ratings Review Panel (the Panel) by consensus decided to confirm the rating for Quality Area 3, Standard 3.1.

Issues under review

1. The approved provider (provider) sought a review of the rating for the above standard 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.



2. After the initial assessment and rating, the overall rating for the service was Meeting NQS. Ratings specific to each standard were detailed in the Final Rating Outcome Summary as follows:
 - Quality Area 1: Meeting NQS
 - Standard 1.1: Meeting NQS
 - Not demonstrating Exceeding themes 1, 2 & 3
 - Standard 1.2: Meeting NQS
 - Demonstrating Exceeding theme 1
 - Not demonstrating Exceeding themes 2 & 3
 - Standard 1.3: Meeting NQS
 - Not demonstrating Exceeding themes 1, 2 & 3
 - Quality Area 2: Meeting NQS
 - Standard 2.1: Meeting NQS
 - Not demonstrating Exceeding themes 1, 2 & 3
 - Standard 2.2: Meeting NQS
 - Not demonstrating Exceeding themes 1, 2 & 3
 - Quality Area 3: Meeting NQS
 - Standard 3.1: Meeting NQS
 - Demonstrating Exceeding theme 1
 - Not demonstrating Exceeding themes 2 & 3
 - Standard 3.2: Exceeding NQS
 - Quality Area 4: Meeting NQS
 - Standard 4.1: Meeting QS
 - Demonstrating Exceeding themes 1 & 2
 - Not demonstrating Exceeding theme 3
 - Standard 4.2: Exceeding NQS
 - Quality Area 5: Exceeding NQS
 - Standard 5.1: Exceeding NQS
 - Standard 5.2: Exceeding NQS
 - Quality Area 6: Exceeding NQS
 - Standard 6.1: Exceeding NQS
 - Standard 6.2: Exceeding NQS
 - Quality Area 7: Meeting NQS
 - Standard 7.1: Meeting NQS
 - Not demonstrating Exceeding themes 1, 2 & 3
 - Standard 7.2: Meeting NQS
 - Not demonstrating Exceeding themes 1, 2 & 3



3. The provider applied for first tier review in relation to the following Quality Areas, as detailed in their First Tier Application Form:
 - Quality Area 3: Physical environment
 - Quality Area 4: Staffing arrangements.
4. The provider specified the following grounds for review:
 - *We would like to apply for a review of QA3 and QA4 as we feel that sufficient weight has not been given to the evidence provided. We have included further evidence to support an exceeding rating in QA3 and QA4 and have attached this for your perusal. Please note that we have highlighted any additional evidence in yellow for easy reference.*
5. The ratings review panel amended one of two standards at first tier review as recorded in First Tier Review Decision Notice. Standard 3.1 was confirmed as Meeting NQS and Standard 4.1 was amended to Exceeding NQS.
6. A summary of the findings per Quality Area is detailed in the Final Decision Notice and provided below:
 - Quality Area 1 was not under review and remains at Meeting NQS
 - Quality Area 2 was not under review and remains at Meeting NQS
 - Quality Area 3 remains at Meeting NQS
 - Quality Area 4 is amended to Exceeding NQS
 - Quality Area 5 was not under review and remains at Exceeding NQS
 - Quality Area 6 was not under review and remains at Exceeding NQS
 - Quality Area 7 was not under review and remains at Meeting NQS.
7. As a result of the first tier review, the service's overall rating remained at Meeting NQS.
8. In their application for second tier review, the provider sought a review of Quality Area 3: Standard 3.1.

Evidence before the panel

9. The Panel considered all the evidence submitted by the provider and the regulatory authority. This includes:
 - 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.



The Law

10. 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.'

Service context

11. [REDACTED] is a centre based long day care service with [REDACTED] approved places. The service is located in [REDACTED] NSW.
12. The service's previous quality rating was finalised in [REDACTED] 2015, with an overall rating of Meeting NQS.

The facts

13. The assessment and rating visit took place on [REDACTED] 2019 by one authorised officer.
14. The provider was sent the draft report on [REDACTED] 2019 and submitted feedback on the draft report on [REDACTED] 2019. The final report was sent to the provider on [REDACTED] 2020.
15. The provider applied for first tier review on [REDACTED] 2020. The regulatory authority made a decision on the review on [REDACTED] 2020. The decision notice was sent to the provider on [REDACTED] 2020.
16. The provider applied for second tier review on [REDACTED] 2020.

General submissions from the provider

17. The provider outlined their rationale for seeking a review of the decision of the regulatory authority in their second tier review application, stating:
 - *The staff, families and community that [REDACTED] is part of wishes for you to consider overturning Theme 2 and Theme 3 within standard 3.1 from meeting to exceeding. We are extremely passionate about the continuous improvement for both our indoor and outdoor environments. This is an area that we are regularly reaching out to families to assist us with, using their skills and knowledge to benefit the centre and the children's engagement within their own space.*
 - *The previous evidence demonstrates that our family unit has not only made resources to be installed within the centre, but also how their input is valued, respected and reflected upon.*
 - *Previous evidence shows how educator reflections are meaningful and relevant to Quality Area 3, standard 3.1, as they discuss:*
 - *Changes in room layouts, depending on how the children are utilizing the spaces*



- *When children transition from one room to another, the educators discuss children's strengths, interests and areas where they will require further support. This helps the transition process to be as smooth and efficient for the individual in their new environment*
- *Our supervision zones are continuously being reflected on as the children develop varying interests.*
- *We feel that these reflections are robust and ongoing, therefore; promote an inclusive environment for all of the children and should be used as evidence to have this area overturned.*
- *To further support the decision being overturned new pieces of evidence have been uploaded and attached as a separate document titled "Evidence Table".*
- *With the new pieces of evidence along with all the original evidence provided, we hope to demonstrate how [REDACTED] believe we are an exceptional service who admire our environments and the families that belong within it. How we foster a culture of inclusiveness within our spaces, to ensure each child feels safe, respected and that their decisions matter. That our spaces are age appropriate, maintained to the highest standards and that our policies and procedures put in place consistently ensure the children have an environment that supports their growth and development.*
- *We truly believe we have provided evidence that demonstrates this and is valid information for Theme 2 and 3 within standard 3.1 to be overturned to exceeding.*

Standard 3.1

18. Standard 3.1 is that:
The design of the facilities is appropriate for the operation of a service.
19. The regulatory authority found the service to be demonstrating Exceeding theme 1, but not demonstrating Exceeding themes 2 and 3 for Standard 3.1.
20. Exceeding theme 2 is that:
Practice is informed by critical reflection.
21. Exceeding theme 3 is that:
Practice is shaped by meaningful engagement with families and/or the community.

Regulatory Authority's view

Assessment and rating

22. Evidence collected by the regulatory authority in relation to Standard 3.1 is documented in the Assessment Evidence Summary.



23. With reference to the service's Quality Improvement Plan (QIP), the following notes were documented in the Evidence Summary:
- *Maintenance issues are recorded and forwarded to the maintenance person to ensure they are promptly addressed.*
 - *Multiple systems are in place to ensure children have access to environments that are safe and stimulating. Systems include, playground check, cleaning checks, maintenance schedules, electrical tagging, and specific [REDACTED] assessments relating directly to the service.*
 - *Equipment and resources are purchased that comply with Australian Safety Standards.*
 - *Hygiene facilities are accessible to the children as they flow through the flexible routine.*
24. Other items recorded by the authorised officer and documented in the Evidence Summary included:
- *Space is accessible for educators and families to hold private conversations.*
 - *Space is available to support the preparation of children's bottles and food requirements in line with their individual routines.*
25. Evidence of Practice specific to Standard 3.1 included:
- *The service is connected directly to the school with their back door leading directly into school grounds.*
 - *The ground is artificial grass and covered primarily with permanent shade sails. A number of gum trees are located on the service grounds and have created undulations across the yard for the children to have to navigate their way around.*
 - *All play spaces are open and provide the children with an abundance of room to explore and play both with peers and by themselves if they choose.*
 - *Hygiene facilities are directly accessible to children in each space with additional nappy change and sleep rooms created to support children in the younger rooms.*
 - *The outdoor area has been divided to provide children with a space that is specifically designed to provide them with developmentally appropriate challenges and areas to explore and experiment.*
26. In the draft Rating Outcome Summary, Standard 3.1 was rated as Meeting NQS with Exceeding theme 1 confirmed as demonstrated but not Exceeding themes 2 and 3. Analysis notes provided in relation to this standard state:
- *A number of processes have been developed to ensure all areas accessible to child are safe clean and well maintained. Areas are intentionally designed*



and arranged to support children and educators in providing quality care and educational experiences.

27. The regulatory authority considered feedback submitted by the provider in the Assessment and Rating Feedback Form.
28. Specific to Standard 3.1 and Exceeding themes 2 and 3, the provider highlighted the analysis notes documented previously and made the following submission as part of feedback on the draft report:
 - *We would love for you to consider overturning Theme 2 and Theme 3 from meeting to exceeding. We are very passionate about the engagement from families we receive and believe it is truly meaningful as we have built such beautiful partnerships with the families within our service.*
 - *These partnerships are evident in all aspects of our service and are continuously critically reflected on through verbal and non-verbal communications, reflective journals and learning stories, always considering the children's voices and parent aspirations.*

Theme 2 & 3:

- *At [REDACTED] we are extremely passionate about the continuous improvement of our outdoor environments. This is an area that we are regularly reaching out to families to assist with, this is done via weekly emails, [REDACTED] conversations and face to face discussions. Through these interactions educators critically reflect on the upkeep of our environments and how our family connections can assist.*
- *These critical reflections are documented in a number of ways to suit each individual room and educator. Educators use daily diaries, reflective journals and [REDACTED] as an avenue for critical reflection as well as daily engagement with one another to brainstorm, discuss and implement new ideas.*
- *The Centre Director also uses a personal diary to document her critical reflections when arranging parent involvement for the service.*
- *Thanks to these parent connections, critical reflection avenues and the involvement from our families, we are able to continuously improve our physical environments to reflect the needs and interests of all involved.*
- *Through our verbal communications and [REDACTED] documentation of our garden upkeep families have continuously told us of the positive impact these gardens create and how pleased they are to see the improvements across the service.*
- *Our [REDACTED] and [REDACTED] evidence is the perfect example of this. [REDACTED] is an ongoing project that has been established for the whole service. It is continuously implemented with the assistance from families as they bring in their empty bottles for us to transfer into money. This money is then used purely for our service's goal of garden upkeep from family input.*



*Educators and the Centre Director use verbal interactions, emails and [REDACTED] to communicate our success and ask advice on seasonal flora that we should purchase for our gardens. From these interactions we have also had families with landscaping businesses offer donations (please see [REDACTED] **Tree** evidence).*

- *The [REDACTED] have a property maintenance company and emailed the Centre Director to offer a donation of a [REDACTED] tree. This family involvement saw us reach our service goal of purchasing a [REDACTED] tree much quicker than we anticipated, which then allowed us to continue raising money for our garden upkeep to put towards other seasonal flora. It also assisted in establishing a relationship with the family that fostered continuous involvement towards our garden upkeep. This is evident as we discussed and implemented a small gardening project driven by the Dad and his knowledge on caring for our gardens. These actions greatly assisted and continue to support our strong centre vision and philosophy on the outdoor environment as a third teacher and as another really important learning environment.*
- *Throughout this partnership with the [REDACTED] family the Centre Director critically reflected on their relationship and how we can utilise them for continuous upkeep of our environments that meets the needs and interests of all. These reflections are included in the [REDACTED] **Tree** evidence.*
- *Along with the ongoing [REDACTED] project we also began requesting and receiving family input with the [REDACTED] [REDACTED] (See [REDACTED] evidence), which was actually a parent-initiated project. The families all responded fantastically to these requests and were donating regularly to the service. The family input from this generated an immense increase in garden upkeep for all ages that saw the entire service dedicated to continuous improvement for our physical environments.*
- *Critical reflection ensured the educators were continuously discussing and reflecting on how the project was aiding learning and development with the children. These reflections were again completed in various ways including within [REDACTED] stories, daily reflections and reflective journals.*
- *Our service's commitment to our environments as a third teacher also includes ensuring they are kept to a certain standard, that also encourages holistic use of the natural resources readily available to us. The [REDACTED] and [REDACTED] evidence is the perfect example of this. Critical reflections within these learning stories show clear evidence of how the children's voices have been heard and acted on to improve our physical environments.*
- *As seen in our [REDACTED] and [REDACTED] evidence, our service has encouraged family and community input on numerous occasions. This has been done mainly through the Centre Director's weekly emails and verbal conversations which has then aided our service's partnerships with families. Again, displaying an example of critical reflection recognising the*



children's and families' voices, when ensuring consistent upkeep based on the current needs and interests of our service.

29. Evidence submitted in support of their submission for Standard 3.1 and Exceeding themes 2 and 3 include:
- **3.1.1 & 3.1.2** – [REDACTED]
 - **3.1.1 & 3.1.2** – [REDACTED]
30. In the final Rating Outcome Summary, Standard 3.1 was rated as Meeting NQS with Exceeding theme 1 confirmed as demonstrated, but not Exceeding themes 2 and 3. Analysis notes provided in relation to this Standard state:
- *A number of processes have been developed to ensure all areas accessible to child are safe clean and well maintained. Areas are intentionally designed and arranged to support children and educators in providing quality care and educational experiences. Feedback was considered for 3.1, the rating has not been changed.*

First tier review

31. The provider submitted a First Tier Review Application seeking a review of Exceeding themes 2 and 3 for Standard 3.1. The provider's grounds for review have been stated previously.
32. In support of their application, the provider resubmitted the Assessment and Rating Feedback Form and supporting evidence described previously.
33. The provider also provided an additional submission highlighted in yellow in the First Tier Review Application, along with supporting evidence. The provider stated:
- *We would love for you to consider overturning Theme 2 and Theme 3 from meeting to exceeding. We are very passionate about the engagement from families we receive and believe it is truly meaningful as we have built such beautiful partnerships with the families within our service.*
 - *These partnerships are evident in all aspects of our service and are continuously critically reflected on through verbal and non-verbal communications, reflective journals and learning stories, always considering the children's voices and parent aspirations.*
 - *Within [REDACTED], we build collaborative and meaningful partnerships with our families and the community. Building on these*



35. In the First Tier Review Decision Notice, the panel cited the analysis notes in the final Rating Outcome Summary as evidence from assessment and rating.
36. The panel noted that, '*Evidence points which reflect Theme 2 or Theme 3 for this Standard were not recorded by the officer as part of the report.*'
37. The panel also remarked that '*the approved provider's feedback on the draft report was considered in its entirety to support the review process.*'
38. The panel noted the additional submissions submitted as part of the First Tier Review Application as described previously.
39. The panel's response to evidence submitted specific to Exceeding theme 2 and Standard 3.1 is detailed in the First Tier Review Decision Notice. It states:
 - *The panel considered the notes recorded by the authorised officer alongside the claims submitted by the approved provider. The panel acknowledges the number of learning projects the educators and children have undertaken in relation to gardening and exploring natural elements through gardening. The panel decided that the work in this space was recognised through the attainment of Exceeding in Standard 3.2. The panel feels that evidence for this Theme which related to this Standard was limited and did not adequately demonstrate that all educators engage in robust and ongoing reflection which leads to changes of practice over time in relation to the design, maintenance safety and accessibility of the indoor and outdoor environments.*
40. The panel concluded that there was insufficient evidence to determine that Exceeding theme 2 should be amended to Yes to support an overall higher rating for Standard 3.1.
41. The panel's response to evidence submitted specific to Exceeding theme 3 and Standard 3.1 is detailed in the First Tier Review Decision Notice. It states:
 - *The panel discussed the analysis notes recorded by the officer within the services report and reflected on the documents submitted by the approved provider. The panel highlighted the work being done with ██████ and his family and the donations from families of the ██████ and ██████ tree. The panel reviewed the indicators for this Theme for this Standard in the Guide to NQS document and decided that the examples of practice submitted to the provider were limited to these events and did not demonstrate how the design of the environment reflects the unique geographical context of the service or how the service regularly draws on the voices of its community to influence practice in this space.*
42. The panel concluded that there was insufficient evidence to determine that Exceeding theme 3 should be amended to Yes to support an overall higher rating for Standard 3.1.



43. In the Feedback for Region form, the review panel provided the following feedback:
- *The officer may consider typing the internal feedback notes on the feedback form to provide further insight to their decision making process. The officer may also consider collecting a greater number of evidence notes that relate to the services practice and what is or isn't occurring to meet the themes or utilising the analysis notes to be clear as to why certain themes are met or not met.*
 - *The service provided additional evidence at 1st tier review and when reviewed in partnership with the report and the feedback provided at draft stage resulted in Theme 3 4.1 being changed to Yes.*

Approved Provider's view

Assessment and rating

44. Provider feedback specific to Standard 3.1 and Exceeding themes 2 and 3 has been described previously in the Assessment and Rating Feedback Form and supporting evidence.

First tier review

45. Provider feedback specific to Standard 3.1 Exceeding themes 2 and 3 has been described previously in the First Tier Application Form and supporting evidence.

Second tier review

46. The provider's rationale for seeking a review of the decision of the regulatory authority, as stated in their Second Tier Review Application, has been described previously.
47. In their Second Tier Review Application, the provider highlighted five separate submissions specific to Exceeding themes 2 and 3 in their Evidence Table. Supporting evidence for each submission was included in their Physical Evidence document.

48. These are detailed below:

Evidence 1:

- *This proving how the team communicate with families when incidents to the physical environment occur. Demonstrating what they implement to keep children and families, staff and communities safe during these times.*
- *The [REDACTED] form shows how the team reflected on the incident to put strategies in place for the future.*



- *Ongoing reflections are done throughout the centre, using various methods as seen in previous evidence submitted.*

Evidence 2:

- *This evidence highlights team reflections after they had made changes to the room layout, along with parent feedback on the change of the physical environment. The educators adjusted the classroom when the nursery children transitioned into the toddler room, to ensure the layout suited the needs of the new group of children and their specific interests.*
- *The educators discuss supervision zones for the safety of every child, promoting an inclusive environment along with strategies to implement this.*

Evidence 3:

- *The team has designated areas within the classroom to set up learning experiences, so they can cater to the needs of each child. This also ensures each outcome can be touched on, with the various resources used within that area. The team document the learning taking place in this zone and reflect on it to continue striving for improvement. The parents/carers can visually see what learning can be achieved in each area, as displays and children's work is presented within the environment.*
- *The staff member is responsible for the upkeep of their space, to "keep our spaces tidy and well resourced" and to follow the planning cycle which is then printed for display.*

Evidence 4:

- *This story demonstrates how physical environments are set up with the needs and interests of the children in mind. The educators reflect on their surroundings and make changes according to this reflection. This story discusses how one of the rooms in the centre adapts and evolves to suit the needs of all the children and how it promotes an inclusive environment. The space displays children's work and families are encouraged to look through the project book that is developing in that area.*
- *The children take ownership of their space, with mind maps used as a method to understand what they desire to learn and questions that arise that they wish to unpack.*

Evidence 5:

- *The educators discuss how different areas within the room are working well and why they think these strengths occur. They also discuss the challenges within the environment and how they have reflected and made changes to their routine to cater to the interests of the children.*



Panel considerations

49. In considering whether the service demonstrated Exceeding theme 2 for Standard 3.1, the panel gave careful consideration to the evidence before them, in particular evidence submitted by the provider.
50. The panel noted examples of the service's approach to the design and maintenance of the physical environment, which included seeking input from all educators. They also noted evidence of critical reflection and past incidents influencing practice and shaping changes made to the physical environment. Examples cited by the panel included repositioning the [REDACTED] [REDACTED] donated by a parent, changing the craft room into a STEM area, and changes made to the room layout when transitioning children to the toddler room.
51. The panel also noted the example of the service changing the layout of tables and chairs in the outdoor space to support a child with additional needs to engage with peers at meal times and, in doing so, strengthen inclusion and participation.
52. The panel commented on evidence of reflective conversations occurring between educators and of there being systems in place to capture and share these conversations with each other and with families. Examples noted included reflective journals, daily reflections and [REDACTED].
53. The panel remarked that, in their view, some of the examples submitted specific to this standard aligned more strongly to the use of the physical environment than to design, for example the [REDACTED] and [REDACTED] tree evidence. They noted, however, the correlation between the two, and the learning opportunities this created for children, as evident in the examples provided.
54. The panel considered that, on balance, there was sufficient evidence to determine the service was demonstrating Exceeding theme 2 specific to Standard 3.1. They encouraged the service to continue to strive to build on and extend their capacity to promote continuous practice improvement specific to this standard through ongoing critical reflection.
55. In considering whether the service demonstrated Exceeding theme 3 for Standard 3.1, the panel noted there was some evidence of the service's engagement, communication and collaboration with families and/or community. They added, however, that there was an overall lack of clear evidence of the service undertaking a systematic approach to the design of the physical environment through ongoing, continuous and meaningful engagement and collaboration with families and/or community partners.
56. The panel commented that it was unclear from the evidence provided the extent to which some examples were initiated by families and/or community rather than by the service / educators. For example, the [REDACTED] / [REDACTED] tree project and the [REDACTED] [REDACTED] [REDACTED]. They noted, however, evidence of families responding to the service's ideas and requests. The panel also commented on families' contributions to the enhancement of the physical environment and the positive outcomes for children that resulted.



57. Drawing on another example, the panel remarked on the service informing families of changes being made to the physical environment, for instance the craft room evolving into a STEM area. They added that it was unclear from the evidence provided the extent to which families and/or community were involved in or contributed to this decision, or how that engagement had shaped the service's practice.
58. The panel considered that, on balance, there was a lack of clear, relevant evidence to determine the service was demonstrating Exceeding theme 3 at the required level to support an overall higher rating for Standard 3.1.
59. The panel commended the service for their efforts to shape practice specific to the design of the facilities through engagement with families and/or community. They encouraged the service to extend on current practice by embedding opportunities for continuous collaboration with families and community partners into their approach to designing and making changes to the physical environment.

Panel decision

The Panel by consensus decided to confirm the rating for Standard 3.1 as Meeting NQS.