



'Approved provider' and NSW Department of Education and Communities [2013] ACECQARRPstr0004 (21 November 2013)

Applicant:	'Approved provider'
Regulatory authority:	NSW Department of Education and Communities
Decision date:	21 November 2013
Application reference:	STR0004

Decision

The Ratings Review Panel (the Panel) by consensus decided to confirm the assessment of elements 1.1.1, 1.2.1 and 2.3.3 as 'not met'. As a result, the Panel confirmed the rating level for standards 1.1, 1.2 and 2.3 remain unchanged as 'Working Towards NQS'.

The Panel by consensus decided to amend the assessment of element 1.1.3 from 'not met' to 'met'. However, as element 1.1.1 remains as 'not met', the change in assessment for element 1.1.3 did not affect the rating for standard 1.1.

The Panel by consensus confirmed the rating level for standards 3.1, 3.3, 4.1, 4.2, 6.1, 6.2, 6.3, 7.1 and 7.2 remain as 'Meeting NQS'.

The Panel by consensus amended the rating level for standard 3.2 to 'Exceeding NQS'. However, as the rating level for standards 3.1 and 3.3 remain as 'Meeting NQS', the change in assessment for standard 3.2 did not affect the rating for Quality Area 3.

The Panel by consensus confirmed the rating level for Quality Areas 1 and 2 remain unchanged as 'Working Towards NQS', and the rating level for Quality Areas 3, 4, 5, 6 and 7 remain unchanged as 'Meeting NQS'.

The panel confirmed the overall rating for the service is 'Working Towards NQS'.

Issues under review

1. The approved provider (the provider) requested that all rating levels be reviewed by the Panel at second tier review. However, section 144 of *the Education and Care Services National Law* (National Law) limits a second tier review to the rating levels confirmed or amended by the regulatory authority at first tier review.

2. The regulatory authority actively confirmed or amended the following standards at first tier review: 1.1, 1.2, 3.1, 3.2, 3.3, 4.1, 4.2, 6.1, 6.2, 6.3, 7.1, 7.2 and 7.3. As such, the Panel reviewed these rating levels at second tier review.
3. In addition to these standards, the approved provider explicitly requested a first tier review of the rating for element 2.3.3. However, the regulatory authority did not consider this element at first tier review. Given the provider's clear intention that the regulatory authority review the rating at first tier review, and on the basis that the regulatory authority can be taken to have confirmed this rating, the Panel also reviewed the rating level for standard 2.3.
4. Therefore the Panel reviewed the following:
 - Quality Area 1, standard 1.1, (elements 1.1.1, 1.1.3), standard 1.2 (element 1.2.1)
 - Quality Area 2, standard 2.3, (element 2.3.3)
 - Quality Area 3, standards 3.1, 3.2 and 3.3
 - Quality Area 4, standards 4.1 and 4.2
 - Quality Area 6, standards 6.1, 6.2 and 6.3
 - Quality Area 7, standards 7.1 and 7.2.
5. The provider sought a review on the grounds that the regulatory authority failed to take into account or give sufficient weight to facts existing at the time of the rating assessment (section 144(3)(b) National Law).

Regulatory authority's view

6. After the initial assessment, the service was rated as 'Working Towards NQS' for standards 1.1, 1.2, 2.3, 3.3 and 6.3.
7. At first tier review, the regulatory authority amended the rating levels for standards 3.3 and 6.3 to 'Meeting NQS'. The rating levels for standards 1.1, 1.2 and 2.3 remained unchanged at 'Working Towards NQS'.

Applicant's view

8. The provider claimed in its application for second tier review that the assessing authorised officer (the assessor) did not consider all evidence available on the day of the assessment and rating visit. The provider also claims that the assessor failed to appropriately record positive verbal comments made by the assessor during the assessment and rating visit.

Evidence before the Panel

9. The Panel considered all the evidence provided by the provider and the regulatory authority. This included:
 - the application for second tier review and its attachments, including the service's feedback on the draft assessment and rating report
 - the Assessment and Rating Instrument and the final Assessment and Rating Report
 - the regulatory authority's findings at first tier review
 - the response from the provider to the regulatory authority's submissions for second tier review, including the additional evidence submitted.
10. The Panel was also provided with advice from ACECQA on the elements, standards and Quality Areas under review.

The law

11. Section 151 of the National Law states 'Following a review, the Rating Review Panel may:
 - (a) confirm the rating levels determined by the Regulatory Authority; or
 - (b) amend the rating levels.'
12. Information on the application of the National Quality Standard is available in the Guide to the National Law and Regulations and the Guide to the National Quality Standard available on ACECQA's website.

The facts

13. The service is a stand-alone, centre-based long day care service caring for children from birth to over preschool age. This service is approved for a maximum of 45 places in total.
14. The assessment and rating visit took place on 12 March 2013.
15. The regulatory authority advised that the assessment and rating decision was sent to the provider on 2 May 2013. However, the provider claims that the assessment and rating decision was not received until 14 June 2013.

16. The provider applied for first tier review on 24 June 2013, and while there were discrepancies over the date the decision was received by the provider, the regulatory authority accepted the application for first tier review.
17. The provider received the first tier review decision on 23 September 2013.

Review of rating levels

18. The Panel considered each standard and elements under review in turn.

Standard 1.1

19. Standard 1.1 is that:
An approved learning framework informs the development of a curriculum that enhances each child's learning and development.
20. It is made up of six separate elements, two of which were under review.

Element 1.1.1

21. Element 1.1.1 requires that:
Curriculum decision making contributes to each child's learning and development outcomes in relation to their identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators.
22. The regulatory authority states that the service's program is linked to the five 'Early Years Learning Framework' (EYLF) outcomes, and educators are able to describe how they use learning outcomes. However, the regulatory authority concluded that the service has before and after school hours care children, but it does not use the 'My Time, Our Place' (MTO) framework to inform curriculum decision making for these children.
23. In its application for second tier review, the provider advised it has three school age children attending the service. The provider claims it documents their interactions, interests and outcomes, which is included in their curriculum planning. It also submits that the service has a good knowledge of "My Time, My Place" [sic], and has documented the connection between "My Time, My place" [sic] and the EYLF, and that this document was available on the day of the assessment. The provider claims that in its view, it is not necessary to separate the two frameworks as they are interconnected.

24. The Panel agreed that element 1.1.1 requires that an approved learning framework for school age children, such as MTOP, be used to inform curriculum decision making for school age children attending the service.
25. The Panel noted that while the provider claims that it has documented the connection between “My Time, My Place” [sic] and the EYLF, that this document was not submitted by the provider with its application for second tier review. The Panel also noted the specific curriculum sheet referred to for a child with additional needs was also not submitted by the provider in support of its claims.
26. The Panel agreed that it is difficult to find that curriculum decision making for school age children at the service is informed by MTOP, given MTOP is not referenced in the service’s planning and evaluation documentation. The Panel agreed that if a particular framework was being used to inform curriculum decision making, then it would expect to see the framework referenced in the service’s curriculum.
27. The Panel discussed the connection between MTOP and the EYLF, and noted that while there are many similarities between the two, there are also important differences. The Panel agreed that while MTOP and the EYLF may be interconnected, they are two separate frameworks, and there are parts of MTOP that are specifically designed to address the needs of school age children.
28. The Panel agreed that the evidence submitted by the approved provider did not establish that curriculum decision making contributes to each child’s learning and development outcomes at the service. For this reason, the Panel confirmed that the element is assessed as ‘not met’.

Element 1.1.3

29. Element 1.1.3 requires that:
The program, including routines, is organised in ways that maximise opportunities for each child’s learning.

30. The regulatory authority states that routines did not always maximise children's learning or run smoothly. The example provided by the regulatory authority was the transition to morning tea observed on the day of the assessment and rating visit. At first tier review, the regulatory authority concluded that transitioning children in a whole group and requiring all of them to wait for their meal to be served until the hand washing routine has been completed is inappropriate, particularly for babies and toddlers.
31. In its application for second tier review, the provider challenges the claim made by the assessor that children were waiting for a period of 10 minutes for morning tea to be brought out from the kitchen. The provider advised that on the day of the assessment 15 children were at the service. Children were sent to wash their hands in two groups with two educators supervising to wash hands while two educators were sitting with six children on the mat. Educators sent the children to wash their hands by singing songs to maximise children's learning about seeds, which built upon previous learning experiences about seeds/wheat.
32. The Panel discussed the regulatory authority's concern regarding the appropriateness of transitioning babies and toddlers as a group. The Panel also discussed the discrepancies between the Assessment and Rating Instrument and the Assessment and Rating Report. In particular, the Panel discussed the absence of the assessor specifically referring to children waiting for a period of 10 minutes for morning tea to be served in their notes, and the Report omitting the assessor's notes that children were transitioned to wash their hands with a song.
33. The Panel noted the provider's submissions, and agreed that in the circumstances, the routine of transitioning children with a song may have been appropriate to maximise opportunities for each child's learning. The Panel noted the educators were making attempts to engage the children, and that the song was not isolated but built upon previous learning experiences, demonstrating an attempt to maximise opportunities for learning during the transition.
34. The Panel agreed that the regulatory authority's concerns regarding the transition to morning tea appear to be an isolated incident, and it does not establish that the service has 'not met' element 1.1.3. The Panel noted that all other evidence in the Assessment and Rating Report under this element demonstrates that the element was met.

35. Therefore, the Panel concluded that the assessment for element 1.1.3 should be amended to 'met'. However, as the assessment of element 1.1.1 remains unchanged as 'not met', the Panel confirmed the rating level for standard 1.1 is 'Working Towards NQS'.

Standard 1.2

36. Standard 1.2 is that:
Educators and co-ordinators are focused, active and reflective in designing and delivering the program for each child.
37. It is made up of three separate elements, one of which was under review.

Element 1.2.1

38. Element 1.2.1 requires that:
Each child's learning and development is assessed as part of an ongoing cycle of planning, documenting and evaluation.
39. The regulatory authority states that the service has a daily program/curriculum that is linked to the five learning outcomes of the EYLF. The assessor notes that observations are recorded as activities occur, and while extensions are later recorded and follow up activities listed, there is no real evaluation that takes place. The final Assessment and Rating Report states that observations on children are completed monthly and placed in a folder, and while outcomes are listed and further experience planned for the child, there is no analysis of learning and no evaluation of planned experiences are recorded.
40. At first tier review, the regulatory authority noted that while observations detail what educators said or did during experiences, there are very few references to individual children. Furthermore, the analysis of what children are learning from their experiences is often limited to numbered references to the EYLF learning outcomes and little, if any, evaluation is recorded.
41. In its application for second tier review, the provider claims that educator's document and analyse the outcomes that children achieved on the left column of the 'curriculum sheet'. The provider also claims that in its daily curriculum it documents individual and group observations and by reflecting on these it

plans and extends children's learning. The provider challenges the first tier review finding that there are very few references to individual children. The provider also claims that the documentation the assessor was referring to was only for January, February and March 2013. In its additional evidence for second tier review the provider submitted individual planning sheets for 2012, which contain individual names of children at the service.

42. The Panel discussed the information provided by the regulatory authority in the Assessment and Rating Instrument and the Assessment and Rating Report. The Panel noted that while the Instrument states that the service has a daily program, the Report provides that observations on children are completed monthly.
43. The Panel noted that the provider did not submit any reasons as to why the regulatory authority should not have considered the period January 2013 to March 2013 as reflective of the service's normal practice.
44. The Panel agreed that the documents submitted by the provider support the regulatory authority's findings as set out in the final Assessment and Rating Report. In particular, the Panel noted that based on the documents provided, there did not appear to be critical reflection of learning that was then followed up, to form an ongoing cycle of planning, documenting and evaluation. The Panel also noted that analysis of learning was missing.
45. The Panel agreed that while the provider has demonstrated an ongoing cycle of observation and planning, it has not clearly demonstrated that evaluation occurs for each child at the service. Therefore, the Panel concluded that the assessment of this element should remain unchanged as 'not met'.
46. The Panel concluded that as the assessment of element 1.2.1 remains unchanged as 'not met', the rating level for standard 1.2 is confirmed as 'Working Towards NQS'.

Standard 2.3

47. Standard 2.3 is that:
Each child is protected.

48. It is made up of four separate elements, one of which was under review.

Element 2.3.3

49. Element 2.3.3 requires that:

Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.

50. The regulatory authority reports that equipment such as fire extinguishers and fire blankets are tested by relevant authorities. However, the provider confirmed that the emergency procedures have not been developed or reviewed in consultation with relevant authorities. The Assessment and Rating Report states that the service conducts regular emergency fire evacuations, although other types of emergency evacuations such as lockdown are not practised.

51. In its application for second tier review, the provider confirms that the emergency procedures have not been developed in consultation with relevant authorities. The provider refers to the regulations, in support of its claim that there is no requirement to have fire evacuation plans certified or developed in formal consultation with relevant authorities. The provider cites ACECQA's Operational Policy Manual (OPM) for Regulatory Authorities in support of this view. Under Regulation 97, the OPM states that 'if the approved provider needs advice about evacuation plans and emergency exits, authorised officers may suggest they seek advice from their local fire brigade or emergency services'.

52. The provider submitted a copy of its 'Emergency and Evacuation Procedure Policy' and records of fire drills. The Policy discusses obligations of management and employees in managing emergencies, and also discusses proactive risk control measures in regards to unwelcome intruders, robberies, general security and snakes, insect bites and stings.

53. The Panel noted that the OPM appears to suggest that it is not always necessary to seek advice of local fire brigades or emergency services in regards to evacuation plans and emergency exits. However, the Panel agreed that element 2.2.3 clearly requires services to develop plans in consultation with relevant authorities.

54. The Panel agreed that element 2.3.3 does not require consultation to be documented.
55. The Panel noted that as the service's fire equipment had been tested by relevant authorities, it may be implied that consultation regarding its fire evacuation plan had occurred. However, the Panel agreed that as the provider confirmed that the emergency procedures have not been developed in consultation with relevant authorities that it was of the view that consultation had not occurred.
56. The Panel noted that while the service has an 'Emergency and Evacuation Procedure Policy' that covers a number of incidents and emergencies, there was no evidence submitted that demonstrates that the policies are implemented and practised at the service. In particular, the Panel noted that while fire evacuation procedures are practised and documented, the same could not be said of other procedures, such as a threat that requires a service to be locked down.
57. The Panel noted feedback that it had previously received from some services that young children have been frightened by lock down practicing. The Panel noted that lock down procedures would not need to be practiced often, and the service could make a decision not to include toddlers, for example, if the service recorded the reasons for this decision.
58. The Panel concluded that the assessment of element 2.3.3 should remain unchanged as 'not met'. As a result, the rating level for standard 2.3 is confirmed as 'Working Towards NQS'.

Other ratings under review

59. In addition to review of the above ratings, the approved provider has requested review of the following standards: 3.1, 3.2, 3.3, 4.1, 4.2, 6.1, 6.2, 6.3, 7.1 and 7.2. The approved provider submits there is evidence to support ratings of Exceeding NQS for each of these standards.

60. The approved provider submitted limited additional evidence for each of these standards and addressed their claims at the element level, rather than the standard level. Ratings of 'Exceeding NQS' can only be given at the standard, Quality Area and overall rating level.

Standard 3.1

61. Standard 3.1 is that:
The design and location of the premises is appropriate for the operation of a service.
62. The provider claims that the assessor failed to consider, and take photos of, its stimulating indoor and outdoor environment. The provider gives the example of the assessor taking a photograph of the sandpit in the morning with the cover on, rather than later in the day when the sandpit was uncovered. The provider also states that the assessor failed to consider that children had placed strawberry plants in a cut log in the outdoor environment.
63. The provider also noted that the assessor commented that a particular door handle was very high. The provider explains that the height of the handle was modified as a child with additional needs was continuously playing with it.
64. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating level of 'Exceeding NQS' for standard 3.1, the provider would need to demonstrate that all spaces and environments provide a stimulating learning and care environment, that all furniture and equipment enhance the learning environment for children, and that facilities ensure active participation by every child in the service and promote flexible use and interaction between indoor and outdoor space at all times.
65. The Panel agreed that the information submitted by the provider does not demonstrate Exceeding practice. Therefore, the Panel concluded that the rating level for standard 3.1 should remain unchanged as 'Meeting NQS'.

Standard 3.2

66. Standard 3.2 is that:

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

67. The provider claims that information in the final Assessment and Rating Report supports a rating of 'Exceeding NQS'. The provider states that evidence in the Report demonstrates that children are constantly involved in stimulating and valuable experiences, such as planting and harvesting vegetables, and preparing food with vegetables grown at the centre.
68. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating of 'Exceeding NQS' for standard 3.2, the provider would need to demonstrate that outdoor and indoor spaces are effectively organised, and the spaces provide the flexibility to respond to children's individual needs, development, self-initiated play and exploration. The provider would also need to demonstrate that resources, materials and equipment are organised in ways that extend every child's participation in the program and are consistently used in numerous ways.
69. The Panel discussed the statements used by the regulatory authority in its final Assessment and Rating Report, and agreed that the language used supports a rating of Exceeding practice.
70. The Panel noted that no additional information was provided by the regulatory authority in its discussions at first tier review.
71. The Panel agreed that based on the assessor's notes and the descriptions provided in the final Assessment and Rating Report, that the rating for standard 3.2 should be amended to 'Exceeding NQS'.

Standard 3.3

72. Standard 3.3 is that:
The service takes an active role in caring for its environment and contributes to a sustainable future.
73. The provider claims that first tier review findings and the photos it provided support a rating of 'Exceeding NQS'. At first tier review, the regulatory authority noted that although the service does not have a sustainability strategy to guide

its practice, it is apparent that educators have been influenced by the publication 'Climbing the little green steps'. For example, by introducing chemical free cleaning processes. The regulatory authority also considered that the service's investment in introducing and maintaining natural elements, such as herb and vegetable gardens and a sensory walk, is evidence that educators actively care for the environment.

74. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating level of 'Exceeding NQS' for standard 3.3, the provider would need to demonstrate that sustainable practices are consistently promoted in the service's everyday program through the use of a sustainability strategy, and children are actively involved in being environmentally responsible and supported to continue this involvement within the program and in the broader community.
75. The Panel agreed that the information submitted by the provider does not demonstrate Exceeding practice. In particular, the service does not have a sustainability strategy which would be expected at a service that is rated as 'Exceeding NQS'.
76. The Panel concluded that the rating level for standard 3.3 should remain unchanged as 'Meeting NQS'.

Standard 4.1

77. Standard 4.1 is that:
Staffing arrangements enhance children's learning and development and ensure their safety and wellbeing.
78. The provider claims that the assessor failed to document the following information that demonstrates the service is exceeding the standard: the cultural background of two educators, an educator is studying towards a Bachelor of Early Childhood, and the educational leader has 25 years of experience in child care.
79. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating level of 'Exceeding NQS' for standard 4.1, the provider would need to demonstrate that educator-to-child ratios and

qualification requirements are maintained at all times, and the organisation of educators contributes to a high quality learning and care environment for children.

80. The Panel agreed that the information submitted by the provider does not demonstrate Exceeding practice. In particular, the Panel noted that the years of experience of the educational leader and the cultural background of educators does not automatically equate to high quality care. Furthermore, the Panel noted that no evidence was provided that demonstrates that the organisation of educators contributes to a high quality learning and care environment for children.
81. The Panel concluded that the rating level for standard 4.1 should remain unchanged as 'Meeting NQS'.

Standard 4.2

82. Standard 4.2 is that:
Educators, co-ordinators and staff members are respectful and ethical.
83. The provider disputes the assessor's comments that there are not many resources, magazines and articles available for educators. The provider claims that there is a large cabinet of resources available for children and educators. The provider submitted photographs of this area of the service, and of some resources that are available.
84. The provider claims that information in the final Assessment and Rating Report supports a rating of 'Exceeding NQS'. The Report states that interactions convey mutual respect, equity and recognition of each other's strengths and skills. Educators are friendly towards each other which creates a calm and relaxed atmosphere. Throughout the day educators engage in sustained conversations about the program and individual children. Educators recognise each other's strengths and skills as some speak other languages and are able to translate information to families. Educators also network with other educators in the local area to help build on their skills.
85. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating level of 'Exceeding NQS' for standard 4.2,

the provider would need to demonstrate that professional standards are embedded at the service and that this promotes positive relationships, and a safe and predictable environment both for children and adults. The provider would also need to demonstrate that educators and staff are highly collaborative and continually improve skills to enhance practice and relationships and promote a positive atmosphere within the service.

86. The Panel agreed that the information submitted by the approved provider does not demonstrate Exceeding practice. The Panel noted the service has demonstrated that it is clearly meeting the standard by sharing tasks, supporting each other, sharing information and ensuring positive interactions. The Panel also noted that staff are respectful and the service is a happy place for children. However, there was no evidence provided of higher level conversations taking place nor was there evidence of discussions about theory or reflective practice. The Panel also noted that details of the resources at the service were not provided.
87. The Panel concluded that the rating level for standard 4.2 should remain unchanged as 'Meeting NQS'.

Standard 6.1

88. Standard 6.1 is that:
Respectful supportive relationships with families are developed and maintained.
89. In making its claim for a rating of 'Exceeding NQS', the provider refers to a suggestion box that encourages families to comment in home languages and posters, and an air balloon that encourage parents who speak languages other than English to share with educators a story of an experience outside of the centre. The provider also points out that there are two digital frames in the foyer for parents to see what happens daily at the service.
90. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating level of 'Exceeding NQS' for standard 6.1, the provider would need to demonstrate that it provides comprehensive information to families and a range of opportunities to not only be involved with the service, but to significantly contribute to the service's decisions and

communication, consultation and collaboration that actively direct the enrolment and orientation process.

91. The Panel agreed that the additional information submitted by the provider does not demonstrate Exceeding practice.
92. The Panel noted that no information was provided regarding the suggestions that are made, and whether the service acts upon feedback provided through the suggestion box. The Panel also noted that while families are invited to be involved with the service, there is no evidence of them being involved in the decision making process.
93. The Panel concluded that the rating level for standard 6.1 should remain unchanged as 'Meeting NQS'.

Standard 6.2

94. Standard 6.2 is that:
Families are supported in their parenting role and their values and beliefs about child rearing are respected.
95. In making its claim for a rating of Exceeding the NQS, the provider refers to having a parents' communication book in which the educational leader discusses issues with families, a range of communications including pamphlets and photos of a parent making Greek biscuits, Arabic eggplant dip and a photo of parents celebrating their child's birthday.
96. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating level of 'Exceeding NQS' for standard 6.2, the provider would need to demonstrate that information about community services and resources is available to families in a variety of accessible forms, and the expertise of families is actively sought.
97. The Panel agreed that the information submitted by the provider does not demonstrate Exceeding practice. Therefore, the Panel concluded that the rating level for standard 6.2 should remain unchanged as 'Meeting NQS'.

Standard 6.3

98. Standard 6.3 is that:
The service collaborates with other organisations and service providers to enhance children's learning and wellbeing.
99. The provider claims the Assessment and Rating Report supports a rating of 'Exceeding NQS'.
100. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating level of 'Exceeding NQS' for standard 7.2, the provider would need to demonstrate continuity of learning and transitions for each child are systematically promoted by sharing relevant information, clarifying responsibilities and building collaborative strategies with relevant stakeholders. Additionally, the provider would need to demonstrate that inclusion and support assistance is consistently facilitated, ensuring each child is able to participate fully in the program.
101. The Panel noted that there is evidence of some involvement in the local community that would support a rating of 'Meeting NQS'. However, the Panel agreed that the information in the Assessment and Rating Report does not support a rating of 'Exceeding NQS'. Therefore, the Panel concluded that the rating level for standard 6.1 should remain unchanged as 'Meeting NQS'.

Standard 7.1

102. Standard 7.1 is that:
Effective leadership promotes a positive organisational culture and builds a professional learning community.
103. The provider claims the Assessment and Rating Report supports a rating of 'Exceeding NQS'. The provider also points out that the nominated supervisor and educational leader has 25 years' experience rather than 15 as written by the regulatory authority.
104. The Panel acknowledged the error made by the regulatory authority in recording the years of experience of the educational leader. The panel noted that the educational leader meets the requirement for the position, being a suitably qualified and experienced educator. However, the Panel noted that this in itself was not evidence of exceeding leadership.

105. The Panel agreed that there are aspects of the standard that could be evidence of Exceeding practice. However, overall the approved provider has not demonstrated that it is 'Exceeding NQS' for this standard. Therefore, the Panel concluded that the rating level for standard 7.1 should remain unchanged as 'Meeting NQS'.

Standard 7.2

106. Standard 7.2 is that:

There is a commitment to continuous improvement.

107. The provider claims the Assessment and Rating Report supports a rating of Exceeding NQS. The approved provider refutes comments that the service's Quality Improvement Plan (QIP) had not been updated since it was first formulated. The provider claims that the QIP had been updated in June, September and December. The provider states that the QIP was not developed by the approved provider/nominated supervisor who then discussed each quality area during meetings. Instead, the approved provider claims that weekly questionnaires and readings were undertaken and then the approved provider collated and discussed these during meetings.

108. The regulatory authority rated this standard as 'Meeting NQS'. The Panel considered that to achieve a rating level of 'Exceeding NQS' for standard 7.2, the provider would need to demonstrate that a statement of philosophy is regularly reviewed by educators and staff and is consistently evident in all aspects of the service's operations. Additionally, the provider would need to demonstrate that all educators, co-ordinators, staff members, and where possible, families and children contribute to an effective self-assessment and quality improvement process that promotes ongoing service improvement.

109. The Panel agreed that while there may be more to the Quality Improvement process than was captured by the regulatory authority in the final Assessment and Rating Report, the 'collaborative' approach taken by the approved provider would not support a rating of 'Exceeding NQS'. The Panel noted there was no evidence of families and children being involved in the quality improvement process which would be expected for a service to be rated 'Exceeding NQS' for standard 7.2.

Other considerations

110. In regards to the provider's claims that the assessor failed to appropriately record positive verbal comments made by the assessor during the assessment and rating visit, the Panel noted that the assessor's notes will not always include every detail of a service's operation and practice. Rather, the Assessment and Rating Report should focus on key evidence for and against whether an element is met, or whether a standard is 'Meeting NQS' or 'Exceeding NQS'.
111. The Panel noted the large submissions made by the provider and agreed that it may have been more effective for the provider to only provide information that was directly relevant to the issues under review. The Panel also noted that its role is to review evidence that was available at the time of the visit. The Panel agreed that it may be helpful for ACECQA to provide general advice about evidence that should be submitted for second tier reviews, including what may establish or support a provider's claims.