



## Issues

1. The approved provider (the provider) sought a review of the ratings 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.

## Overview

2. After the initial assessment, the overall rating for the service was Meeting NQS. Ratings specific to each Standard were as follows:

### **Quality Area 1: Exceeding NQS**

Standard 1.1: Exceeding NQS

Standard 1.2: Exceeding NQS

Standard 1.3: Exceeding NQS

### **Quality Area 2: Meeting NQS**

Standard 2.1: Meeting NQS

*(Demonstrating Exceeding themes 1 and 3 at final report)*

Standard 2.2: Meeting NQS

*(Demonstrating Exceeding themes 1 and 3 at final report)*

### **Quality Area 3: Meeting NQS**

Standard 3.1: Meeting NQS

Standard 3.2: Meeting NQS

### **Quality Area 4: Meeting NQS**

Standard 4.1: Meeting NQS

Standard 4.2: Meeting NQS

*(Demonstrating Exceeding themes 1 and 2 at final report)*

### **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

*(Demonstrating Exceeding theme 1 at final report)*

Standard 7.2: Exceeding NQS

3. The provider applied for first tier review in relation to Quality Area 7: Governance and leadership. Specifically, the provider was seeking a review of Standard 7.1 (Exceeding themes 2 and 3).
4. The ratings review panel at first tier review determined that Exceeding theme 3 for Standard 7.1 was demonstrated at the required level to support a higher rating, but not Exceeding theme 2.
5. As a result of the first tier review, the overall service rating remained at Meeting NQS.
6. A summary of the service's ratings, as documented in the first tier decision, is as follows:
  - Quality Area 1 was not under review and remains at Exceeding NQS
  - Quality Area 2 was not under review and remains at Meeting NQS
  - Quality Area 3 was not under review and remains at Meeting NQS
  - Quality Area 4 was not under review and remains at Meeting 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 remains at Meeting NQS.

## Evidence before the panel

7. The panel considered all the evidence submitted by the provider and the regulatory authority. This included:
  - the application for second tier review and its attachments
  - the assessment and rating instruments and the final assessment and rating report
  - the service's feedback to the draft report
  - the 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 law

8. Section 151(1) of the *Education and Care Services National Law Act 2020* (the National Law) 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

9. [REDACTED] is a long day care service with [REDACTED] approved places. The service is located in [REDACTED] New South Wales.
10. The service's last assessment and rating was [REDACTED] 2016. The service's overall rating was Meeting NQS.
11. The most current assessment and rating visit [REDACTED] took place on [REDACTED] 2020 by one authorised officer.
12. The provider was sent the draft report on [REDACTED] 2020 and supplied feedback to the regulatory authority on [REDACTED] 2020.
13. The final report was sent to the provider on [REDACTED] 2020.
14. The provider applied for first tier review by the regulatory authority on [REDACTED] 2020.
15. The regulatory authority made a decision on the provider's first tier review application on [REDACTED] 2020.
16. The regulatory authority sent the first tier decision notice to the provider on [REDACTED] 2020.
17. The provider applied for second tier review on [REDACTED] 2020.

## Items for review by Ratings Review Panel at second tier review

### General submissions by the provider at second tier review

18. The provider submitted a statement with their application for second tier review, stating:

*We are seeking a review as we feel that the evidence that was previously shared during the Draft result and Tier 1 was not taken into consideration and therefore this has been explained further to show how the service meets the Exceeding Standard of the National Quality Standards for 7.1, theme 2.*
19. The provider supplied a detailed submission in support of their second tier review application, with supporting evidence.

### Standard 7.1

20. Standard 7.1 is:

*Governance supports the operation of a quality service.*
21. Exceeding theme 2 is that:

*Practice is informed by critical reflection.*

### Standard 7.1: Assessment and rating

22. Evidence collected by the regulatory authority in relation to Standard 7.1 is documented in the assessment evidence summary.

23. With reference to the service's Quality Improvement Plan (QIP), the following evidence was observed, sighted and/or discussed specific to Standard 7.1 and recorded in the assessment evidence summary:

- *The centre has a strong philosophy that links back to our curriculum and daily practices and underpins decisions made throughout the centre.*
- *The philosophy is reviewed annually or as required where changes need to be addressed, with contributions and feedback provided by families, staff and children.*
- *Each educator has a personal philosophy that supports and complements the centre's beliefs and values. These are displayed in the foyer with the staff photos and service philosophy.*
- *The centre and management team are supported by a network of professionals including, human resources, payroll, facilities, operations and legal, quality advisors along with area and state managers who provide information, training and guidance for a range of purposes. These include, but are not limited to, recruitment, payroll, maintenance, performance management, legislation and regulations, compliance and general management support.*
- *Contact details for the centre manager and [REDACTED] are always available within our foyer, as well as a complaint form for families. Any feedback given by a family is communicated with the relevant educators of the room whilst maintain sensitivity and confidentiality. Any provision for improvement is discussed with the educators and documented if required.*
- *A range of internal online systems are in place to support the centre management and educators to perform their duties. These include, [REDACTED]*
- *There is a thorough orientation checklist in place that both the new employee and employer will work through together. At the end of the orientation process, the new employee fills out a short questionnaire to ensure that they have a clear understanding of the roles and responsibilities within their role.*
- *New employees receive an induction pack which contains paper copies of key documents describing their position and roles.*
- *When staff are employed, they are invited into the service before they begin their first shift to participate in a thorough orientation process with the centre manager and other members of the [REDACTED] team including the educational leader. They are given access to [REDACTED] policies, procedures and staff handbook. New staff participate in induction training online through the staff portal which covers mandatory modules including OHS, child protection and emergency procedures. The new staff member has introductory training for our main databases including [REDACTED] and [REDACTED]*
- *We are supported by our [REDACTED] who contacts us daily and visits regularly. Our [REDACTED] assists us in our self-assessment, goal setting and improvement plans.*

- *Our approved provider, [REDACTED] support us with specialist teams, online portals and robust systems.*
  - *Educators, co-ordinators and those with management responsibilities, actively support families and the community to meaningfully engage with our philosophy, policies and procedures, and to provide feedback and contribute to regular reviews.*
  - *The nominated supervisor discusses opportunities for community visitors and families to provide feedback through surveys.*
24. Evidence of practice observed, sighted and/or discussed at the assessment visit specific to Standard 7.1 was recorded in the assessment evidence summary as follows:
- *The social media platform, [REDACTED] is available.*
  - *The organisation uses the web-based app, [REDACTED] to develop and share policies and procedures.*
  - *[REDACTED] is used by the [REDACTED] to conduct audits on the service. These include health and hygiene audits developed in response to COVID-19.*
  - *[REDACTED] is used to report staff related incidents or injuries that occur at the service.*
25. In the draft rating outcome summary, the authorised officer included the following analysis note specific to Standard 7.1:

*Well established governance arrangements and administrative systems are in place which consistently support the operation of high quality care. The values stated in the service philosophy are reflected in the service's environment, policies and procedures and provided to key stakeholders. The service has clear processes in place to manage risks and ensure all staff are aware of their roles and responsibilities*

### **Standard 7.1: Provider's feedback on the draft rating outcome summary**

26. The provider submitted a response to the draft rating outcome summary specific to Standard 7.1 in the assessment and rating feedback form.
27. Specific to Exceeding theme 2, the provider stated:

*We believe, through regular reflection, we exceed the standards. One example was when we received a parent concern around mosquitoes, the team alongside the family, critically reflected on our current practices, best practice and how we would rectify the concern. This prompted us to seek professional advice and consult our pest control services. We deemed that treating the area with chemicals, nontoxic or otherwise, would not be effective and may cause harm to our native bees in our yard. The team reflected on the morning opening shift to ensure that there was no pools of water anywhere on the premises and service surrounds that would attract mosquitoes. From here we purchased mosquito repellent to prevent the children from being bitten by the mosquitoes with the support from the family.*

28. Specific to Exceeding theme 3, the provider stated:

*Parent feedback by the way of complaints or concerns are always welcome and considered extremely important for us providing opportunities to improve our practice and relationships. We regularly seek out feedback and reflect on the best possible solution in order to improve the service we provide. An example of this is a family emailed the centre on the [REDACTED] 2020 with concerns regarding mosquitoes in the backyard biting children. Working through solutions, we adapted our practices to provide insect repellent in consultation with the families seeking out their expertise.*

*We understood that not all families may like us using certain brands or types, so we then asked for feedback from the families and an agreed brand was selected. Through following up with parent concerns, we are able to build a stronger relationship with families and provide reassurance that they are always able to contribute to the centre decisions, make changes and have a voice.*

### **Standard 7.1: Final rating outcome summary**

29. The analysis note in the final rating outcome summary specific to Standard 7.1 was as recorded in the draft rating outcome summary, with no change to the rating.
30. Comments specific to evidence submitted by the provider specific to Exceeding theme 2, as recorded in the assessment and rating feedback form with officer comments, stated:

*Theme 2 no change. The service has provided evidence to demonstrate how they have responded proactively to a stakeholder's complaint however this does not support exceeding theme 2 in relation to 7.1.*
31. Comments specific to evidence submitted by the provider specific to Exceeding theme 3, as recorded in the assessment and rating feedback form with officer comments, stated:

*Theme 3 no change.*

### **Standard 7.1: First tier review**

32. The provider applied for first tier review seeking a review of Quality Area 7: Governance and Leadership. In their first tier review application form, the provider stated:

*We are requesting a review of Quality Area 7. Specifically, 7.1, Exceeding themes 2 and 3. We are requesting a review based on additional background information available at the time of the assessment. We feel the authorised officer did not take into account all of the relevant evidence available at the time.*
33. The panel concluded that there was sufficient evidence to support attainment of Exceeding theme 3 and decided to amend the assessment of this theme to Yes, but not Exceeding theme 2.
34. In support of their first tier review application, the provider submitted evidence specific to Exceeding theme 2 in their first tier review application form. This included evidence specific to engaging with stakeholders, including children, families and community, in the review of the service's QIP and philosophy, as well as how philosophical values are reflected in service operations. It also included examples of how the service considers and acts on family feedback and concerns.

35. The panel considered evidence gathered at assessment and rating and first tier review and offered the following conclusion in the first tier review decision notice:

*The panel considered the evidence included in the report and made comment on the well-established governance and administrative systems in place at the service. The panel agreed, that despite strong practice embedded within the service, the evidence recorded by the officer did not specifically reflect any critical reflection for this standard.*

*The panel considered the evidence submitted by the approved provider and found that the supporting evidence did not engage with the theme. The submission claims that critical reflection is used to ensure children's voices are included in the philosophy and that educators use critical reflection to shape practice; however, there is no evidence to support this claim and show the critical reflection that has occurred.*

36. The panel concluded that there was insufficient evidence to support attainment of the theme and decided to confirm the assessment of Exceeding theme 2 to as No.

### **Standard 7.1: Second tier review**

37. At second tier review, the provider sought a review of Standard 7.1 and, specifically, Exceeding theme 2. The provider made a number of submissions in support of their application, with supporting evidence.

38. Specific to family and community feedback on the philosophy, the provider stated:

*Our service undergoes regular review of the philosophy to ensure that it aligns with the family, children, community and our own vision. Not only annually, but throughout the year, such as during staff meetings where the educators, educational leader and [REDACTED] team engage in robust discussions on our philosophy and how it aligns with our quality improvement plan by asking questions such as "What are our priorities?", "Can we describe our approach to practice?", and "How does our philosophy shape our practice?". During these regular reviews we reflected on the children and community involvement into our centre philosophy. For example, during one of these meetings, the educational leader critically reflected in conversations with both [REDACTED] and educators by asking "what part of our philosophy reflects the children's perspectives? How is this described in our service philosophy?" The educators identified opportunity to include more child input gathered through our daily yarning circles. Educators began asking, "Why do we have a centre philosophy?" and suggested "perhaps we can have a 'child philosophy' that reads directly from the child's voices in a similar format to that of the UN Convention of the Rights of the Child?" The educational leader suggested that the children were asked "why do you like school" to initiate reflective conversations with the children. We asked a variety of children, as the nominated supervisor reflected on why we would only ask the older children and leave out children of younger age group, recognising the importance for all children to have a voice. We then displayed the children's voices in our centre foyer for families, visitors and children to engage with to encourage further reflection on what the service provides. We have continued to display and record children's voices in an ongoing manner. This is achieved through monthly yarning circle to collate the records and use in*



*our annual philosophy review, as required, and when significant change occurs in the service.*

*In the same token, we researched as a team in 2019 as to how we could incorporate community feedback into our philosophy, questioning how we would gather feedback in a meaningful and constructive manner that would allow our philosophy to continue to evolve. We discussed what our role is within our community, identifying how we are different to other centres in the area including the unique opportunities that are provided for families and children such as a focus on risk play and our inclusive programs of [REDACTED] and [REDACTED]. We expressed our aspiration to have our philosophy reflect the community. We asked, "How can we capture voices of our community?", collaborating on whether a survey could be sent electronically or through paper surveys that could be letter box dropped. This then caused us to reflect on the relevance of input from the general community that may not know of our centre, "What if they do not know what we do, what if they do not understand our practices?" were the questions that were raised. After discussing this over the course of many informal and set staff meetings, we decided to start our community feedback journey by surveying the community visitors at the centre, such as [REDACTED] and [REDACTED]. We broke down our philosophy into key areas of importance and asked community members to rate our philosophy points from what they felt was important to least important. We also added an area for them to comment what they loved about us and where they thought we could improve. Through this we were able to gather expertise of others from various occupational backgrounds and their reflection on our philosophy. This allowed us to further understand what was important to members of our community, with many stating that our inclusive approach was the most important part of our philosophy. We continue to collate this information, using the same method, to new community members including family tours and [REDACTED] visits to ensure our ongoing cycle of reflection is maintained and addresses the changing needs of our environment.*

39. Specific to risky play, the provider stated:

*Our child driven approach to learning aligns with our philosophy. We regularly reflect on the child-driven aspects listed in our philosophy and in particular how risky play is supported. The Nominated Supervisor reflected on the ways that the service could encourage children to explore risks in a safe environment, for example after observing the children's interest in splashing in puddles after rain. We shared ideas as a group on how we could extend the children's learning through rain play, how we could limit the risks of injury and explain to families about the low risk of catching a 'cold' from playing in wet weather. We asked questions such as 'why do we run inside when it rains?', 'what learning can be fostered by playing in the rain?' and 'how can we extend children learning through playing in the rain?' We shared our ideas with the families and the families both engaged in critical conversations with the educators and advised whether they were happy for their child to participate. We found a staggering number of families were excited to have [REDACTED] as part of the curriculum. The children responded well to [REDACTED] and look forward to engaging in activities during wet weather. We have*

*continued to gather feedback from children about the outdoor area and [REDACTED] during yarning circle and discussions with children.*

40. Specific to the meal area, the provider stated:

*The service considered our continuous approach to ensure we fostered a sense of belonging in an inclusive environment. The nominated supervisor reflected on how the service respects and supports all children's individual needs, beliefs and values and discussed this with the team during staff meetings. Researching the philosophy of Urie Bronfenbrenner the educators identified the importance of the link between home and school, and the effect that this has on children and families sense of belonging in the service. Educators observed children using items to role play, for example in the home-corner children used pencils to pick up food items, educators began discussing "why do we only provide spoons? Is this culturally inclusive of all children within the service?" The decision was made to add chopsticks, metal forks, knives and ceramic bowls as part of the meal area, as we identified many of the children may already be using this at home. We reflected on potential hazards and identified in order to support [REDACTED] and [REDACTED] as mentioned in our philosophy, we would manage this and document through a risk assessment addressing supervision and age-appropriate placement. The chef recommended the use of Melamine bowls and plates which are a safer alternative to ceramic as they are not easily broken. This was then purchased from IKEA as added to the meal area for children to use. The children and families expressed delight in seeing a variety of eating implements, with children who were confident in using chopsticks assisting others who were eager to try. Children were observed attempting the new challenges such as using the knife to cut sausages during mealtimes.*

41. Specific to yarning circles, the provider stated:

*The nominated supervisor critically reflected the service's current inclusion of Indigenous Culture. It was identified that the main Indigenous Culture was found through resources and celebrating specific events such as NAIDOC week. Through studying inclusive practices through her bachelor's degree, and reflecting on her own experiences with Aboriginal Culture. The Nominated Supervisor felt that the current practices were not embedded within the service and were more tokenistic. We embarked on a research project beginning with robust discussions and explored different websites and community connections. The educational leader and Nominated Supervisor shared articles from Narragunnawali, ACECQA and Early Childhood Australia with educators to further enhance their knowledge and understanding of the difference between inclusive cultural competency and tokenism. The nominated supervisor began to observe educators engaging in reflective discussions within their room including how their environment is inclusive and their pedagogical practice in relation to cultural competency. Through this, the service made the decision to incorporate a daily yarn circle and include the [REDACTED] into the curriculum. The Yarning Circle allowed children to reflect on their own learning and development by verbalizing what they wanted to learn and discuss areas of interest which was then embedded into the curriculum. More recently, the service educators and Nominated Supervisor have formed an ongoing relationship with a local Aboriginal artist who has taught the*

*children aboriginal art techniques. We have planned further programs next year alongside the artist and will be collaborating with [REDACTED] to embed further practices. Through the discussions held, the educators, children and families all developed greater understanding of Indigenous Culture and this was reflected in the service philosophy as a 'child-driven' and 'inclusive' approach.*

42. Specific to sustainability, the provider stated:

*In 2019, through our sustainability journey, the management team identified our responsibility to ensure that the whole team was included in decision making and contributed to the continuous quality improvement. We began our journey by reflecting how we could include the community, families and children into our Centre garden which was in the back. Through discussions with staff and families, we decided to create a community garden out the front of the Centre to encourage interaction from members from our local community such as to gather herbs, vegetables and fruit, water, and plant plants on an ongoing basis. Families donated plants and children were involved in the maintenance of the garden. Over the years, our community garden kept needing to be replenished and this prompted us to ask, "why are we not successful in keeping plants alive?", "who amongst the team had extensive knowledge of plants?", "which families have occupation or talent in gardening?". We reflected on the children's responses when they came to the Centre, as they commented on the plants that were going "brown" and "dying", this prompted a discussion on whether we were role modelling and supporting sustainable practices in line with the early years learning framework and our Centre philosophy. We reflected together and decided to nominate a sustainability officer during a staff meeting. During this meeting, [REDACTED] mentioned that she would like to take on the responsibility as she had a thriving garden at home. We collaborated to define what the responsibilities were of being a sustainability officer. [REDACTED] knew a lot about growing plants from seeds and collaborated with families and children on how to keep plants alive. Families suggested coming by on weekends to do some watering during extremely hot days, with this information we purchased additional watering cans and kept this out the front of the Centre. The children made suggestions on what plants we should grow during mealtimes, they discussed what vegetables and fruits they liked best and this led to us using kitchen scraps to create compost used for cultivating with the children before planting in our community garden. We nominated a second sustainability officer to ensure that all plants were being looked after, after recognizing the time limitations and the importance of caring for the plants regularly. Our [REDACTED] [REDACTED] nominated herself as she extensive understanding for sustainable practices and was already responsible for caring for Centre worm farm. When both nominees accepted the position as sustainability officers, we communicated to the Centre community through displays and verbal communication. This allows opportunity for families, visitors, and children to continue to share their opinions and ideas on the community garden to foster continuous critical reflections.*

## Panel considerations

43. In considering whether the service demonstrated Exceeding theme 2 for Standard 7.1, the panel gave careful consideration to the evidence before them, in particular evidence submitted by the provider.
44. The panel remarked that they were unable to establish clear links between the evidence provided and the Standard and Exceeding theme under review, adding that many of the examples submitted as evidence aligned more strongly to other Standards. For example, the panel considered evidence specific to risky play and the introduction of [REDACTED] as well as the creation of the community garden, as not relevant to Standard 7.1, which relates to how governance supports the operation of a quality service.
45. The panel noted a potential misunderstanding of what is required for Exceeding theme 2 at the Standard 7.1 level as compared with engaging in critical reflection more broadly or critical reflection specific to Element 1.3.2, which is linked to the development and implementation of the educational program.
46. The panel commented that statements made about critical reflection were not clearly substantiated in the evidence provided. The example of the service's response to a family's concern about mosquitoes was seen as evidence of the service engaging with families and was more evaluative in nature rather than being evidence of critical reflection, which requires a deeper level of questioning, analysis and examination. The panel also noted that this example was, in their view, more about safety than governance. The example of the service's messaging to families during COVID was seen as evidence of communication with families rather than of critical reflection specific to the governance of the service.
47. The panel cited examples of the service seeking feedback from children, families and community on their philosophy, submitted as evidence. In their view, these examples did not demonstrate educators being involved in robust discussion and debate or engaging with theorists or current research. Nor was there evidence of how engaging with these ideas had informed or shaped changes in thinking or practice specific to the governance of the service. Examples noted included asking children why they liked school, the introduction of daily yarning circles, and commentary around the service's sustainable practices, including the appointment of the service's sustainability officer.
48. The panel commented on a response from an [REDACTED] in a feedback form that a quiet room be provided for therapy. They noted that it was unclear if and how this feedback, or other community feedback received through this process, had been used to guide critical reflection or inform practice in relation to Standard 7.1.
49. The panel determined that there was a lack of clear, substantive and relevant evidence to support the attainment of Exceeding theme 2 for Standard 7.1.

## General comments

50. The panel encouraged the service to view feedback received from the rating review processes – at both first and second tier review – as an opportunity to increase their understanding of Exceeding theme 2 and their capacity to demonstrating Exceeding level quality as it relates to specific quality Standards.

51. The panel highlighted resources available to the sector that may assist the service. This includes:

- New resources in the [Guide to the NQF](#), such as questions for authorised officers and ratings review panels to consider against evidence gathered during the quality rating process, to help determine if Exceeding themes are demonstrated for each quality Standard (see pages 93-99).
- The [Exceeding the NQS webpage](#), which includes a series of case studies providing practical and illustrative examples of what high quality practice might look like for each Standard, including Standard 7.1.
- A [critical reflection handout](#) describing what critical reflection is in broad terms and how it is different from evaluating, summarising or recording what educators are seeing or doing.

### **Panel decision**

52. The panel decided, by consensus, to confirm the rating for Standard 7.1 as Meeting NQS.