

## Ratings Review Decision Notice STR0081 [REDACTED]

[REDACTED] 2021

### Ratings Review Decision Notice

Panel members [REDACTED] (Chair)

[REDACTED]

[REDACTED]

Panel date [REDACTED] 2021

Applicant

[REDACTED]

[REDACTED]

Regulatory Authority NSW Department of Education

**Decision:** The ratings review panel, by consensus, decided to confirm the rating for Element 1.3.1 as not met. The service's rating for Standard 1.3 remains as Working Towards National Quality Standard, as does their overall rating.

## Issues

1. The approved provider (the provider) sought a review of the ratings for the above Element on the grounds that the regulatory authority:  
  
145(3)(a): did not appropriately apply the prescribed process for determining a rating level; or  
  
145(3)(b): failed to take into account or give sufficient weight to special circumstances existing or facts existing at the time of the rating assessment.

## Overview

2. After initial assessment, the draft report recorded the service's rating as Working Towards NQS. All Elements were met except Element 1.3.1. Standard 2.2 was rated Exceeding NQS, however the service's overall rating was Working Towards NQS. No changes were made between the draft and final report.
3. No changes were made at first tier review.

At second tier review, the provider sought to have Element 1.3.1 amended to met, which would result in Standard 1.3 and the service's overall rating being amended to Meeting NQS.

### Quality Area 1: Working Towards NQS

*Standard 1.1: Meeting NQS*

*Standard 1.2: Meeting NQS*

*Standard 1.3: Working Towards NQS*

*Element 1.3.1 not met*

### Quality Area 2: Meeting NQS

*Standard 2.2 rated Exceeding NQS*

### Quality Area 3: Meeting NQS

### Quality Area 4: Meeting NQS

### Quality Area 5: Meeting NQS

### Quality Area 6: Meeting NQS

### Quality Area 7: Meeting NQS

## Evidence before the panel

4. 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

5. 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

6. [REDACTED] is a long day care service with [REDACTED] approved places. The service is based in [REDACTED] NSW.
7. The assessment and rating visit took place on [REDACTED] 2020.
8. The provider received the draft report on [REDACTED] 2020, with a draft rating of Working Towards NQS. The provider supplied feedback on [REDACTED] 2020.
9. The provider received the final report on [REDACTED] 2020. The overall rating for the service remained Working NQS.
10. The provider applied for first tier review by the regulatory authority on [REDACTED] 2020. The regulatory authority declined to make any changes to ratings and the rating following first tier review remained Working Towards NQS. The provider received the first tier review decision on [REDACTED] 2021.
11. The provider applied for second tier review on [REDACTED] 2021.

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

### Standard 1.3

12. Standard 1.3 is:

*Educators and co-ordinators take a planned and reflective approach to implementing the program for each child.*

13. Element 1.3.1 is:

*Each child's learning and development is assessed or evaluated as part of an ongoing cycle of observation, analysing learning, documentation, planning, implementation and reflection.*

**Standard 1.3: Assessment and rating**

14. The regulatory authority assessed the service as Working Towards NQS in relation to Standard 1.3, with Element 1.3.1 rated as not met.

15. The following evidence of practice was collected by the authorised officer on the day of the assessment and rating visit in relation to Standard 1.3:

*"The weekly planner has specific learning areas including 'literacy', 'environment/sustainability', 'yarning circle', dramatic', 'music/movement', 'STEAM', 'outdoor program', 'children's voices', 'parent input', 'reflections - philosophy, theorists, UN convention on rights of the child' and 'learning outcomes'.*

*[0-2 room] An educator reflected on how families are unable to view the displays throughout the room as a result of the COVID-19 policy stopping their access to the room. Photos of displays were taken and this was posted to ██████ in ██████ 2020*

*[0-2 room] An educator's reflection journal captures a variety of reflection types including their 'own observation', 'curriculum', 'learning story', 'own reflections' or 'conversation with parent'. Based on a conversation with a parent, additional craft experiences were planned in the program as a result of a child enjoying taking their creations home.*

*[4-5 room] The room leader completed developmental milestone check-lists for ██████ children on ██████ 2020*

*[4-5 room] The nominated supervisor and room leader are asked about the same observations being entered into multiple children's portfolios. The nominated supervisor explains that the educators have a maximum of three children they are allowed to use the same observation for. The nominated supervisor is aware of this practice and has plans to alter how observations are documented in 2021. The intention of this change is to ensure group observations reflect individual children. At this stage, group observations do not have a different analysis of learning completed according to how the child participated.*

*[3-4 room] The room leader has completed four observations in ██████ 2020. The room cares for ██████ children each day and the nominated supervisor confirms they are at capacity. Portfolios for the rest of the children have not had any entries since ██████ 2020. Developmental check-lists have not been completed for any children.*

*[4-5 room] A 'book week' group observation in ██████ 2020 is present in multiple children's portfolios. The observations have not been altered to reflect individual children's development. The follow up is noted down as 'Book week', there are no further entries in these portfolios after ██████ 2020. The service did not cease operating as a result of COVID-*

19 and there are no further notes in these portfolios in relation to the children's attendances.

[3-4 room] The developmental milestones at the front of a child's portfolio are incomplete. There is no observation completed in [REDACTED] 2020, it is noted that the child did not attend the service in [REDACTED] 2020 as a result of COVID-19. A date marker has been added to the child's file in [REDACTED] 2020 with no further entries in the child's portfolio. The room leader explains that she has not had a chance to document further observations on the child from [REDACTED] to present. This is a breach of Regulation 74.

[3-4 room] A portfolio captures an observation in [REDACTED] 2020 for a [REDACTED] experience. The child did not attend in [REDACTED] 2020 due to COVID-19. The observations for [REDACTED] and [REDACTED] are a daily journal from that month with the child engaging in a range of experiences. There is limited evidence of critical reflection on the child's individual learning. The new room leader has documented an [REDACTED] observation which analysis the child's learning as, 'Enhancing their gross motor skills'. There is no forward planning noted on this observation and there are no further entries in the child's portfolio. A developmental milestone check-list has not been completed for this child. This is a breach of Regulation 74.

[3-4 room] A child's portfolio does not have developmental milestones marked off. An observation has been completed in [REDACTED] 2020 in relation to shape recognition, it is noted that the child did not attend in [REDACTED] or [REDACTED] 2020 due to COVID-19. A 'holistic approach' observation in [REDACTED] 2020 captures the child's participation in a yarning circle, spring craft and Munch & Move. The follow up is for 'Seasons literacy and building construction'. An observation in [REDACTED] 2020 captures experiences on offer to children including shapes, school readiness and threading buttons. There is limited reference to the child throughout the observation or her individual engagement in the experiences. The documentation does not evaluate or identify further learning areas for the child. There are no further observations in the child's portfolio. This is a breach of Regulation 74.

[3-4 room] All portfolios sighted by the authorised officer in the room do not have developmental milestones marked off for the children. The room leader confirms that no developmental milestone checklists have been completed for any of the children. There is a plan to complete this within the month of [REDACTED] 2020.

[0-2 room] The room leader is asked how families are provided with information on the program. Families are not entering the service currently due to COVID-19. The weekly program is displayed in the room and is currently not available on [REDACTED]. The room leader explains although this is not on [REDACTED] yet, they do receive daily journals, photos from the day and monthly observations.

[4-5 room] An observation documented in multiple children's portfolios in [REDACTED] 2020 are identical. The group observation has not been altered to reflect the individual learning of children based on their participation.

[4-5 room] *Two children's portfolios have their most recent observation documented in ██████████ 2020. There are no further entries of their ongoing development or participation in the program.*

[3-4 room] *A learning observation included in two children's individual portfolios is identical. The learning analysis states, 'Through this experience (child) was able to use and enhance her social and emotional skills, her communication skills, her listening skills, her knowledge of the seasons, her overall physical health and wellbeing, and also her ability to work and play with and alongside others in a positive and constructive manner.' The only changes in this analysis are the child's name.*

[3-4 room] *A child's portfolio captures one observation in ██████████ 2020 with a 'name collage' experience. A note has been added to the child's portfolio for the months of ██████████ and ██████████ 2020 stating the child did not attend due to COVID-19. In ██████████ 2020 a 'Colour recognition' observation was completed. There are no further entries in this child's portfolio.*

[0-2 room] *An observation completed in ██████████ 2019 captures three children at a hand painting experience. Eight follow up experiences were planned based on this observation that directly link to outdoor activities. Dates are noted next to each of these experiences according to when they were completed. The educational leader provided feedback that this was too much to complete. One follow up experience is not completed for each observation.*

[0-2 room] *Families have input in goals set for their child. This is not documented and is achieved through verbal discussions. The room leader explains 'pronunciation' was added to the program based on a family suggestion. Suggestions from families are implemented for all children.*

[3-4 room] *An emotions project in ██████████ 2020 documents a child enhancing their social and emotional skills. The educator documents that she intends to provide other opportunities to learn about feelings in the program.*

[3-4 room] *The four observations completed by the new room leader are individual and specific to the children. These are a photo sequence observation with an analysis of learning, Early Years Learning Framework link and theorist reference. The room leader has not been able to complete these observations for all children in her room at this stage.*

[0-2 room] *Each of the children's portfolios have a developmental milestone check-list at the back. Dates are written next to each of the milestones when they are assessed and achieved. Any milestones that have not been achieved inform future planning for that child or discussions with the family regarding their child's needs.*

[0-2 room] *The observations completed for children are predominantly group observations. The educator adapts documentation to reflect how the individual child participated in the experience. Planned follow up experiences are the same for all children and at this stage to not capture the intention behind the activity. An educator is able to articulate why experiences are occurring, this is not captured in documentation at this stage.*

[4-5 room] *Management and families are experiencing technical difficulties with their program software, [REDACTED] This includes families having challenges accessing the daily program post or updates about their child. The educators are able to show this to the family when they arrive if they have issues.*

[3-4 room] *There are observations in children's portfolios that are a daily journal with general information about where children played. The room leader explains that this was the practice of the previous room leader. The new room leader prefers to do learning stories for children to capture their individual learning.*

[2-3 room] *When the educational leader uses learning stories in children's portfolios, these have highlighted sections to capture where the children engaged in the experience. This practice of highlighting has not continued through with the new room leader.*

16. In the draft report, the authorised officer included the following analysis in relation to Standard 1.3:

*"There are different strategies used by educators in each room to document the program. Educators are able to articulate the individual learning goals for children and their learning in groups is captured in program documentation. The assessment and planning cycle is incomplete for multiple children currently in attendance. Families are informed of the program and strategies have been put in place to keep them updated during COVID-19 restrictions."*

### **Standard 1.3: Provider's feedback on the draft report**

17. The provider submitted feedback on various parts of the draft report, however the regulatory authority's response in all cases was that evidence cited had already been considered and there would be no change to the rating.

### **Standard 1.3: Final report**

18. The final report recorded an overall service rating of Working Towards NQS. Element 1.3.1 was rated as not met.

### **Standard 1.3: First tier review**

19. The provider applied for first tier review, seeking to have the rating for Element 1.3.1 amended to met.
20. At first tier review, the panel considered evidence gathered by the authorised officer at the assessment and rating visit, and submissions made by the provider. The first tier review decision notice sets out the considerations and reasons of the first tier review panel in relation to Standard 1.3 as follows:

#### ***"Element 1.3.1***

*Each child's learning and development is assessed or evaluated as part of an ongoing cycle of observation, analysing learning, documentation, planning, implementation and reflection.*

### ***The panel's view***

*The panel considered the information in the report. The report contained strong evidence indicating that there were missing documents on the day of the visit that were not available to the officer. The group observations completed by the room leader did not contain an analysis of learning and have not been completed since [REDACTED] 2020. The panel note that as there were only four observations that were completed in [REDACTED] 2020 with a focus on group observations, the evidence available on the day did not show a clear cycle of programming is in place for each child.*

*The panel reviewed the evidence submitted by the approved provider. The panel noted that the approved provider did not specifically address the review of this element in their claims and therefore was not clear in what evidence would be reviewed in relation to it. The evidence reviewed was that which was submitted for the whole of Standard 1.3. The panel reviewed the milestones chart provided and found that it does not represent an ongoing cycle of learning for each child. The panel note that minimal evidence was provided in relation to how programs are implemented for each child.*

*The panel concluded that there was **insufficient evidence to support that the element is met** and decided to confirm the assessment of Element 1.3.1 as not met.*

*The panel was unable to review the Exceeding themes for this standard due to Element 1.3.1 remaining as not met.”*

21. Following first tier review, the rating for Element 1.3.1 remained as not met, with Standard 1.3 and the overall service rating remaining Working Towards NQS.

### **Standard 1.3: Second tier review**

22. At second tier review, the provider sought to have Element 1.3.1 amended to met, and the overall rating amended to Meeting NQS.
23. The provider submitted a number of pieces of evidence in support of their application. In addition, the provider made the following statement in their second tier review application form:

*“On visit for assessment and rating, the assessor asked for 4 individual observations to be sent through as evidence that our service is assessing children's individual learning. We sent this evidence through and feel that these were thorough in showing individual learning as the ones she sited where not as of yet placed into the child's portfolios, which the educators do create at the end of the month. However we did communicate that the observations and individual child achievements have been sent to parents and are online.*

*We do create a hard copy portfolio as an additional platform for families to take home at the end of their time with us at [REDACTED], and all content is available to parents online through the years and on hard copy at the end of each month. We have changed our format from Child Achievement charts to Developmental milestones checklist which we have obtained from the ACECQA website. This allows educators to focus on each child as an individual in regards to their development and also*

*is clearly evident that majority of our program is Children's voices and catering for each child as an individual and what their interests are.*

*Our service is intentional in the way assessments of children's development is assessed based on parent feedback through the app, children's goal sheets, their interests which are gathered using their voices on the program and planning and mind maps. These are reflected on weekly and used to inform future practice by including in the following weeks program and setting up of the environment, activities and resources. Using the developmental milestones, educators use these to evaluate children's progress, document and extend their learning in future planning.*

*The families at our service have always recognised how we do respect and implement each child's interest and voice in our program which is why we are going through the second tier review as we do not believe that this rating is fair, as we are 100% Meeting Standard 1.3. As you are aware we did submit a First tier review requesting all our standards to be changed to Exceeding as we strongly believe we are exceeding. We have covered each theme and going above and beyond, however given the result we received, we are going to be reflecting on our exceeding themes and believe that we are meeting in Standard 1.3, given the evidence we have provided.*

*We also have flashcards that we use for our children that require visual aids, as well as children that are non-verbal in their communication. This was originally adapted for our children with additional needs but has been extended to all children within our service as a form of communication. We encourage families to send through routines for their child/ren to ensure we are meeting children's individual needs. We have even created a form that parents can access that allows them to write messages/notes (and hand over to the educator/s) as we had restrictions at the time with COVID-19 and families not being able to enter the service. Family input/children's voices forms which allowed educators to include these on their programs and implement input into experiences.*

*Implementing children's voices into everyday which was evident in our foyer where children involved in experiences are linked to many areas of the EYLF and their quotes are copied near the images of their involvement. This allowed parents to also see how the EYLF links to our children's voices.*

*We sent through cycles of programming previously and have re sent these through circled and highlighted so that the cycle is evident in each supporting"*

## **Panel considerations**

24. In deliberating on whether Element 1.3.1 was met or not met, the panel noted that the service was collecting a range of information about children's knowledge, strengths, interests and abilities in different ways, including learning stories and developmental checklists. They added, however, that the examples provided were predominately observations of groups of children, without clear evidence to indicate how each individual child's learning and development is assessed as part of an ongoing cycle, which is required for this Element to be confirmed as met.

25. The panel noted the different approaches of educators across the service in observing and documenting children's learning and development. They commented that, in their view, these different approaches highlighted inconsistencies and gaps in the service's approach to assessing and planning for each child as part of an ongoing planning cycle, impacting on the service's overall quality specific to this Element. They added that there was no evidence to confirm that these techniques delivered a planning approach for all children.
26. Specific to gaps in the service's overall approach to assessment and planning, the panel commented that they were unable to locate clear and relevant evidence of educators analysing individual children's learning and development or of educators reflecting as part of the assessment and planning cycle to inform ongoing planning.
27. The panel noted some evidence of the assessment and planning cycle in use for individual children, citing one child's engagement with dolls in the home corner as an example. They highlighted some evidence of analysis, including a reference to theorists and to the principles and practices of the approved learning framework, as well as evidence of future planning. The panel added that they were unable to ascertain how the experiences planned to extend this child's learning, i.e., identifying summer and winter clothing while dressing dolls, related specifically to their knowledge, interests, strengths and abilities. Further, they were unable to locate evidence of educators evaluating and reflecting on this experience, which is a critical component of the assessment and planning cycle, or evidence of this individualised approach being in place for all children.
28. The panel remarked that on the evidence provided, they were unable to see clear connections between information gathered about children's knowledge, skills, abilities and interests with other components of the planning cycle. For example, they were unable to locate evidence articulating the use of the developmental milestones for specific children to other observations of those children that then informed any analysis of this information, and the provisions made available to extend the children's learning and development.
29. The panel noted that the intention of the developmental milestones resource was as a source of information to be incorporated within the cycle of observation, analysing learning, documentation, planning, implementation and reflection, rather than as a checklist, which is how it appears to have been used in this example.
30. Similarly, the panel commented on the child achievement chart linked to the learning outcomes of the approved learning framework provided in relation to another child. They noted that they were unable to locate observations of this child specific to these examples, or other critical components of the planning cycle, including reflection and analysis, planning and evaluation.
31. The panel commended the service for exploring different approaches to observing and documenting children's learning and development. They added, however, that to meet the requirements of this Element, they would need to see evidence of the service's ongoing and consistent use of the assessment and planning cycle for *each child* across

the service. This evidence would also need to include all components of the planning cycle.

32. The panel concluded that on the basis of the evidence provided, the conditions for Element 1.3.1 were not met.

### **Panel decision**

33. The panel decided, by consensus, to confirm the rating for Element 1.3.1 as not met. The service's rating for Standard 1.3 remains as Working Towards National Quality Standard, as does their overall rating.

### **General comments**

34. The panel highlighted resources available to the sector that may assist the provider and this service as they relate to the requirements of Element 1.3.1. This includes resources on the [ACECQA website](#) relating to assessment and planning.