

[REDACTED] 2021

Ratings Review Decision Notice

Panel members [REDACTED] (Chair)

[REDACTED]

[REDACTED]

Panel date [REDACTED] 2021

Applicant [REDACTED] on behalf of [REDACTED]

[REDACTED]

Regulatory Authority NSW Department of Education

Decision:

The Ratings Review Panel decided by consensus:

- To confirm the rating of Element 3.2.2 as not met
- To confirm the rating of Element 3.2.3 as not met
- Standard 3.2, and the overall rating of the service were confirmed as Working Towards NQS

Issues

1. The approved provider (the provider) seeks a review of the ratings for the above Standards on the grounds that the regulatory authority:
 - (a) Did not appropriately apply the prescribed process for determining a rating level
 - (b) Failed to take into account or give sufficient weight to special circumstances or facts existing at the time of the assessment and rating

Overview

2. After initial assessment, the draft report recorded the service's rating as Working Towards NQS. Elements 3.2.2 and 3.2.3 were not met.
3. The regulatory authority considered the provider's feedback on the draft report, but declined to make any amendments to ratings. The overall rating of the service remained Working Towards NQS.
4. No amendments were made at first tier review, where the provider again sought to have Elements 3.2.2 and 3.2.3 amended to met.
5. At second tier review, the provider again seeks to have Elements 3.2.2 and 3.2.3 amended to met, and the overall rating of the service amended to Meeting NQS.

Evidence summary

6. 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 application for first tier review and its attachments
 - The regulatory authority's submissions to second tier review
 - The regulatory authority's decision at first tier review
 - The assessment and rating instruments and the draft and final reports
 - The service's feedback to the draft report

The panel was also provided with advice from ACECQA on the areas under review.

The law

7. 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

8. [REDACTED] is an outside school hours care service with [REDACTED] approved places based in [REDACTED] NSW.
9. The assessment and rating visit took place on [REDACTED] 2021.
10. The provider received the draft report on [REDACTED] 2021.
11. The provider submitted their feedback on the draft report to the regulatory authority on [REDACTED] 2021.
12. The provider received the final report on [REDACTED] 2021.
13. The provider applied for first tier review by the regulatory authority on [REDACTED] 2021. The regulatory authority declined to make any changes to the rating at first tier review.
14. The provider received the first tier review decision on [REDACTED] 2021.
15. The provider applied for second tier review on [REDACTED] 2021.

General submissions by the provider at second tier review

16. The provider made the following general submission on page 5 of their second tier review application form:

“We feel that the current outcome is not the true reflection of our [REDACTED] service. We feel that the service environment is always kept inclusive, promotes competence and supports exploration and play-based learning. The service is always finding different ways to include and help the environment and have embedded practices into place.”

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

Standard 3.2

17. Standard 3.2 is:

The service environment is inclusive, promotes competence and supports exploration and play-based learning.

18. Element 3.2.2 is:

Resources, materials and equipment allow for multiple uses, are sufficient in number, and enable every child to engage in play-based learning.

19. Element 3.2.3 is:

The service cares for the environment and supports children to become environmentally responsible.

Standard 3.2: Assessment and rating

20. The regulatory authority assessed the service as Working Towards NQS in relation to Standard 3.2.
21. In the assessment and rating evidence summary, the authorised officer set out the following observed evidence of practice in relation to Standard 3.2:

"The educator states, "depending on the day, I sometimes get the children to set up the classroom. We share the approved indoor space, sometimes there are children in the classroom right up until [REDACTED] pm." The OOSH program operates from [REDACTED] pm. The indoor learning space is located in the school's [REDACTED]. The officer observed the school's [REDACTED] [REDACTED] while the after school session is operating. The children and educator do not use or access the [REDACTED] that the teacher works from.

The educator places a picnic mat on the carpet and says, [REDACTED] so the children sit on the mat for a picnic and I take the mat home at the end of the week." The authorised officer inquires to [REDACTED]. The educator responds, "I don't know. [REDACTED]." The educator did not demonstrate any purchase orders [REDACTED].

The educator states, "Last week we did the [REDACTED] planting. We also have a paper bin. I do want to [REDACTED] for our own compost bin, [REDACTED] has their own [REDACTED] [REDACTED] that I want to ask if we can contribute to."

The educator states, "We use the staff room compost bin for the scraps. I put the scraps in there later." The authorised officer later observed children placing their scraps in the general waste bin, as directed by the educator.

One trestle table and two mats are available for the children to access during their play period. An additional mat is made available for afternoon tea. The educator has access to an additional trestle table, however it is not made available to the children as it is folded and located in the corner. There are no [REDACTED] available for the children to [REDACTED]. This is a breach of regulation 105.

A small beach shelter is made available as part of the reading space with cushions. Four books are placed nearby the shelter.

Children do not have access to natural features including natural materials in the indoor learning environment.

Children have access to natural environments in the outdoor space which consists of trees and gardens.

The indoor environment does not have a range of materials or equipment to challenge children or allow children the opportunity to take risks. The outdoor environment is not used or set up for the day.

The educator states, "We won't be able to go outside today. There are children we need to wait here for as they come back from their extra-curricular activities."

There are limited resources available to stimulate sensory experiences.

22. In the draft report, the authorised officer included the following analysis note in relation to Standard 3.2:

“Some areas of the environment are organised in ways that support children’s learning and involvement. The resources, materials and equipment enable some opportunities for children to engage in play based learning, however the resources made available to the children are limited. The service has some understanding of sustainable practices and is planning to improve sustainability practice within the program, however opportunities to engage children in becoming environmentally responsible are currently limited. The children have limited access to furniture and materials that are developmentally suitable, this includes no access to [REDACTED]”.

Standard 3.2: Provider’s feedback on the draft report

23. The provider submitted a response to the draft report in relation to Elements 3.2.2 and 3.2.3.

24. In relation to Element 3.2.2, the provider submitted:

“The resources that are accessible to children at our after-school care are materials and equipment in the indoor and outdoor environment that children can explore and use freely in their play, which are sufficient in variety and number to meet the range of interests, ages and abilities of children, this was evident at time of visit. Educators choose resources, materials and equipment with children and use them in ways that supports children’s sense of belonging, relationships, creativity and learning.

Resources are organised in ways that ensure appropriate and effective implementation of the program, this is easily accessible at after school care and children are reminded during the afternoon that they are free to access various resources. This was viewed by the assessor on the day. The cupboard is laid out to be familiar to children, with an art shelf, board games shelf, construction and imagination play shelf and sport equipment shelf.

Resources are also rotated to give variety and children collaborate with educators to ensure their interests are being met and revisited with a discussion taking place at the end or beginning of the week. Children also use a range of equipment and resources to engage in physical experiences that assist them to develop movement, coordination, balance, flexibility and strength, this was also evidence and viewed during the authorised officers’ visit where the cricket sets, balls, skipping ropes and hula hoops were in the outdoor resource container. There is multiple sporting equipment made available for the children in both the outdoor and indoor environment, in collaboration with the school we are able to use the equipment in the gym as well and senior outdoor environment.

For past activities the children have engaged in obstacle courses, both indoor and outdoor and group games such as musical statues, red light green light and what’s the time Mr Fox? We also have regular [REDACTED] sessions in our program.

At our afterschool care we structure the environment so that it is flexible to allow children to move resources and equipment to extend learning opportunities.

██████████ the use of round cushions have been embedded into the program, the tables are quite low for the children which makes it easier for children to enjoy their activity.

The table offers both sitting and standing height with the children being given the option, per example of the children standing at the table whilst doing an art activity.

25. In relation to Element 3.2.3, the provider submitted:

“Children in our afterschool care are being supported to appreciate and care for natural and constructed environments. Children participate in environmentally sustainable practices that support their engagement with and respect for the natural environment, increase their awareness of the impact of human activity.

Examples of past activities in 2020 that have taken place within the after-school care and vacation care programs are collaborations with families and teachers to create environmental robots, the aim of this activity is to bring awareness to environmental impacts.

The service has also been collecting bottles in collaboration with families and staff at ██████████ these bottles will be recycled at recycle containers and the money will be used to make a donation to a local charity, with the children having input into which charity that would like this was evident during the authorised officer’s visit.

The ██████████ garden activities are on ongoing program within after school care and vacation care. This was also another project the service did last year when they first came out in ██████████ ██████████ This is also in the program now. There was a total of sixteen herbs planted with six remaining on school campus to continue this learning cycle, this was evidence on time of visit and authorised officer viewed this. They have all successfully grown and will continue to be watered during vacation care. Once they have outgrown their original pots they will be planted in the ██████████ outdoor environment in collaboration with ██████████.

Standard 3.2: Final report

26. The regulatory authority declined to make any changes to either Element 3.2.2 or Element 3.2.3 following the provider’s feedback on the draft report. The regulatory authority noted:

Evidence was already considered when developing your draft report, no change to rating

27. The service’s rating remained Working Towards NQS.

Standard 3.2: First tier review

28. The provider applied for first tier review, seeking again to have Elements 3.2.2 and 3.2.3 amended to met, and the overall rating amended to Meeting NQS.

29. At first tier review, the panel considered evidence gathered by the authorised officer at the assessment and rating visit (set out above at **paragraphs 21 and 22**). The panel also considered the provider’s submissions in feedback to the draft report (set out above at **paragraphs 24 and 25**).

30. The panel declined to amend the rating of Element 3.2.2 to met, and set out the following reasons:

“The panel considered the information contained within the assessment and rating report including the analysis notes for this standard which outlined that the materials and equipment available to support play based learning were limited. The panel cited evidence recorded within the report that included insufficient number of resources available for the seven children in attendance and that use of outdoor equipment that promoted physical activity was not observed. The evidence also showed concerns regarding the appropriateness of the equipment for the ages and stages of the children in attendance.

The panel reviewed the approved providers submission which claimed that children have free access to a range of equipment and that sufficient and age appropriate equipment was available at the service at the time of the visit. The panel considered the annexures provided which included photographs of the environment showing soft play items, a book corner and art items. Receipts were also provided but were dated 2019 so the panel felt that these did not support the actual materials that were available at the time of the assessment and rating visit. The panel also sighted the program plan however found this to show limited information as to what resources and equipment were available to children each day of how the environment was designed to promote engagement and leisure.

The panel concluded that there was insufficient evidence to support that the element is met and decided to confirm the assessment of Element 3.2.2 as Not Met.”

31. The panel declined to amend the rating of Element 3.2.3 to met, and set out the following reasons:

The panel considered the information contained within the report and found that the analysis notes summarised that the service is planning to improve practices [in] relation to sustainability however opportunities available to children regarding environmental responsibility were limited. The panel found the evidence recorded by the officer as part of the assessment and rating visit to further support this statement as the only examples relevant to this element included the recent use of [REDACTED] garden pots’ and that a paper bin and reusable paper tray are made available to children. The educator at the service stated plans for increasing the work linking to this element to include accessing the [REDACTED] compost bin.

The panel reviewed the submission from the approved provider which included claims that children in the afterschool care program are being supported to appreciate and care for natural and constructed environments. Examples of this included photographic evidence of box construction using recycled materials and some more examples of use of the [REDACTED] seedlings. The panel acknowledges that the submission from the approved provider does add some further context to the evidence which was included in the service’s assessment and rating report however is not satisfied that they provide enough evidence to support the requirements of this element.

The panel consulted the guide to the NQS document which states “Environments and resources can emphasise accountability and advocacy for a sustainable future and promote children’s understanding about their responsibility to care for the environment on a day to

day and long-term basis (Framework for School Age Care, p. 15). This is particularly relevant for school age care environments as children's depth of understanding of these concepts develops." *The panel felt that these isolated and limited opportunities did not demonstrate purposeful and intentional inclusion of environmental topics or experiences that support school age children to develop environmental awareness.*

The panel concluded that there was insufficient evidence to support that the element is met and decided to confirm the assessment of Element 3.2.3 as Not Met."

32. Following first tier review, the rating for Standard 3.2 remained Working Towards NQS as Elements 3.2.2 and 3.2.3 were not met.

Standard 3.2: Second tier review

33. At second tier review, the provider sought again to have Element 3.2.2 and 3.2.3 amended to met, which would result in the rating for Standard 3.2 and the service's overall rating being amended to Meeting NQS.
34. In addition to the general submission set out at **paragraph 16** the provider made a number of specific submissions, set out below.
35. In relation to Element 3.2.2 the provider submitted:

"The resources that are accessible to the children at our after-school care are materials and equipment in the indoor and outdoor environment that children can explore and use freely in their play, which are sufficient in variety and number to meet the range of interests, ages and abilities of children, this was evident at time of visit. Educators choose resources, materials and equipment with children and use them in ways that supports children's sense of belonging, relationships, creativity and learning

Resources are organised in ways that ensure appropriate and effective implementation of the program, this is easily accessible at after school care and children are reminded during the afternoon that they are free to access various resources, this was viewed by the assessor on the day. The cupboard is laid out to be familiar to children, with an art shelf, board games shelf, construction and imagination play shelf and sport equipment shelf.

Please see: Attachment 1 – Photo of activity

Resources are also rotated to give variety and children collaborate with educators to ensure their interests are being met and revisited with a discussion taking place at the end or beginning of the week. Children also use a range of equipment and resources to engage in physical experiences that assist them to develop movement, coordination balance, flexibility and strength, this was also evident and viewed during the Authorised officers visit where the cricket sets, balls, skipping ropes and hula hoops were in the outdoor resource container. There is multiple sporting equipment made available for the children in both the outdoor and indoor environment, in collaboration with [REDACTED] we are able to use the equipment in the [REDACTED] as well and [REDACTED] outdoor environment.

For past activities the children have engaged in obstacle courses, both indoor and outdoor and group games such as musical statues, red light green light and what's the time Mr Fox? We also have regular [REDACTED] sessions in our program.

At our afterschool care we structure the environment so that it is flexible to allow children to move resources and equipment to extend learning opportunities

Please see: Attachment 4 (Photo of cushions)

██████████ the use of round cushions have been embedded into the program, the tables are quite low for the children which makes it easier for children to enjoy their activity. The table offers both sitting and standing height with the children being given the option, per example of the children standing at the table whilst doing an art activity.

Attachment 4 (Photo of cushions)

36. In relation to Element 3.2.3 the provider submitted:

Children in our afterschool care are being supported to appreciate and care for natural and constructed environments. Children participate in environmentally sustainable practices that support their engagement with and respect for the natural environment, increase their awareness of the impact of human activity. Examples of past activities in 2020 that have taken place within the after-school care and vacation care programs are collaborations with families and teachers to create environmental robots, the aim of this activity is to bring awareness to environmental impacts.

Please see: Attachment 8 - Photo of Activities with recyclables

The service has also been collecting bottles in collaboration with families and staff at ██████████ these bottles will be recycled at recycle containers and the money will be used to make a donation to a local charity, with the children having input into which charity that would like this was evident during the Authorised Officers visit.

Please see: Attachment 6,7 - Photo of Bottle collection

Attachment 4 (Photo of cushions)

The ██████████ garden activities are on ongoing program within after school care and vacation care. This was also another project the service did last year ██████████ ██████████ This is also in the program now. There was a total of sixteen herbs planted with six remaining on ██████████ to continue this learning cycle, this was evident on time of visit and Authorised officer viewed this. They have all successfully grown and will continue to be watered during vacation care. Once they have outgrown their original pots they will be planted in the ██████████ outdoor environment in collaboration with ██████████.

Please see: Attachment 5 Photo ██████████

Standard 3.2: Panel considerations

37. The panel began by discussing Element 3.2.2. They noted that this Element requires that a service provides resources, materials and equipment that allow for multiple uses, are sufficient in number, and which enable every child to engage in play-based learning.
38. The panel noted that, at the time of the authorised officer's visit, there did not appear to be many examples of materials and equipment available to children. The panel acknowledged that the service had provided equipment purchase receipts to the regulatory authority at

first tier review but noted that it is necessary to show the materials being provided to children in a way that enables every child to engage in play-based learning.

39. Balls, ropes and hoops were quoted as being owned by the service, but the panel noted the authorised officer did not actually sight these items. The evidence showed that these items were kept in a cupboard. As resources were stored in a cupboard not readily accessible by children, the panel was concerned that children did not have the opportunity to make their own decisions about what to engage in while at the service.
40. Further, the panel noted that there was evidence that on the day of the visit the outdoor area was not in use. In the panel's view this suggested that outdoor resources such as the balls, ropes and hoops referred to by the service were not able to be used by children.
41. The panel noted that the authorised officer only observed three areas in the service where resources were set up and available for children to use – a drawing table, dramatic play area, and a reading area – and noted that no evidence of other areas being available to the children was provided.
42. The panel also discussed that the service's submission that resources were adaptable to a variety of age groups was contradicted by the authorised officer's observation of some infant resources despite the age range of children at the service being K-6.
43. The panel observed that some evidence provided did not relate to the submissions it was cited in support of, including a photograph of a child painting provided to support a submission that the resources accessible to children were able to be freely used and explored, were sufficient in number, and met a range of interests.
44. Another example of evidence which in the panel's view did not sufficiently connect to or support submissions was photos of floor cushions provided in support of the service's statements around the after school care environment being intentionally flexible. The panel felt that more evidence was needed of the kinds of practices in place, and the space created, as well as information on why and how these decisions were made.
45. The panel discussed the service's decision not to include ██████ in their environment, and reached a view that there was no strong argument given for this decision, and that ██████ are a necessary part of an OSHC environment.
46. The panel acknowledged that OSHC services often operate in difficult circumstances, in spaces shared with schools, and are also often required to share resources. They noted that in these circumstances it is important for the service to cultivate a strong relationship with the school.
47. Overall, the panel felt that there was not adequate evidence of sufficient provision of basic equipment, nor evidence of children always being able to access and self-select equipment, and some materials were not appropriate to the space and the ages of children attending the service.
48. In its discussion of Element 3.2.3 the panel noted that there was some evidence of attempts at encouraging children to think in an environmentally responsible way, and some experiences around this theme. However, there was also evidence that contradicted

environmentally responsible practice, such as the authorised officer's observation that a recycling bin was not available.

49. Generally, there was no documentary evidence showing children's learning opportunities in relation to sustainability and the natural environment provided. It was not clear how activities with an environmental focus, such as constructions using boxes and recycling of bottles, and children's use of the [REDACTED] seed growing kits, were incorporated into the educational program.
50. The panel noted the service's submission regarding recycling containers and donation of money to a local charity, however noted there was no further context or evidence of linkages back to program design or documentation of children's experiences. In the panel's view, clearer links between the service's practice and the educational program, as well as between the evidence provided and submissions made, would have strengthened their application.
51. The panel discussed the educational program for 2020 which was sighted by the authorised officer, and the program for the week during which the assessment and rating visit occurred, and noted the authorised officer's observation that there were no experiences planned with a sustainability focus despite an educator's statement that sustainability is a big focus of the service's program – nor was there any documentation about how sustainability had been included in the program. The panel noted the authorised officer's interaction with an educator where the educator said that the service planned to increase the focus on sustainability going forward.
52. The panel discussed some possible ways for the service to improve its practice in relation to this element, including:
 - a partnership with the school where the service is located, given the likelihood of [REDACTED] having access to [REDACTED], and the [REDACTED];
 - development of and reference to a sustainability or use of the environment policy;
 - use of the outdoor environment; and
 - inclusion of planned learning experiences for children that promote sustainability.

Standard 3.2: Panel decisions

53. The panel agreed by consensus to confirm the rating of Element 3.2.2 as not met.
54. The panel agreed by consensus that Element 3.2.3 was not met.
55. As a result, Standard 3.2, and the service's overall rating was confirmed as Working Towards NQS.

General comments

56. The panel hopes the service may be able to make use of the following hyperlinked resources in their quality improvement process for Quality Area 3:
 - [Quality Area 3 - Introduction](#)



- Quality Area 3 – The Environment as the Third Teacher
- Questions to guide reflection on practice for Standard 3.2 from the Guide to the NQF
- Sustainability Audit Tool