

[REDACTED] 2021

Ratings Review Decision Notice

Panel members [REDACTED] (Chair)

[REDACTED]

[REDACTED]

Panel date [REDACTED] 2021

Applicant [REDACTED]

Regulatory Authority NSW Department of Education

Decision:

That the Ratings Review Panel decided by consensus:

- To confirm the rating of Standard 5.1 as Meeting NQS
- To confirm the rating of Standard 5.2 as Meeting NQS

The overall rating for the service was therefore confirmed as Meeting 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:
 - (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 Meeting NQS. Standards 1.1, 1.2, 1.3, 2.1, 2.2, 6.1 and 6.2 were rated Exceeding NQS, however the service's overall rating was Meeting NQS.
3. The regulatory authority considered the provider's feedback on the draft report. Although some additional isolated Exceeding themes were identified, there was no change to the service's rating of Meeting NQS.
4. At first tier review, the provider sought recognition of a further 5 Exceeding themes, across 4 Standards: 5.1, 5.2, 7.1, and 7.2.
5. At second tier review, the provider has narrowed their focus and is seeking to have only Standard 5.1 and Standard 5.2 amended to Exceeding NQS. This requires the identification of Exceeding theme 3 under each Standard (Exceeding themes 1 and 2 were identified at assessment and rating).

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
7. The panel was also provided with advice from ACECQA on the areas under 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 based in [REDACTED] NSW.
10. The assessment and rating visit took place on [REDACTED] 2021.
11. The provider received the draft report on [REDACTED] 2021.
12. The provider submitted their feedback on the draft report to the regulatory authority on [REDACTED] 2021.
13. The provider received the final report on [REDACTED] 2021.
14. 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, although additional isolated Exceeding themes were identified.
15. The provider received the first tier review decision on [REDACTED] 2021.
16. The provider applied for second tier review on [REDACTED] 2021.

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

Standard 5.1

17. Standard 5.1 is:

Respectful and equitable relationships are maintained with each child.

Standard 5.1: Assessment and rating

18. The regulatory authority assessed the service as Meeting NQS in relation to Standard 5.1. Exceeding themes 1 and 2 were identified, but not Exceeding theme 3.
19. In the assessment and rating evidence summary, the authorised officer set out the following observed evidence of practice in relation to Standard 5.1:

"The educational leader explains that the [REDACTED] families program was implemented when the service first began operation and then it faded out. Through reflection at the end of last year, this program was reintroduced as the team felt that they had lost the connection with families and wanted this engagement to support the relationships between [REDACTED] leaders and children. The [REDACTED] families program was implemented at the beginning of the year and they have received positive feedback from families and staff that the program is working well, it also gives the [REDACTED] leaders additional responsibility.

The nominated supervisor explains that they have recently sent out a survey [REDACTED] to their [REDACTED] seeking feedback on the impact of their teaching and learning post [REDACTED] He

explains that they have emailed families and it is a way to improve the way they interact and program for children. He explains that this has come about as they have reflected on the interaction and learning of children who are introverted. They want to make sure that they are inclusive of all children and see this as a way of reflecting of how they could improve their practice.

A child takes their jacket off and attempts to place it in their locker. A [REDACTED] leader who is standing next to the child asks if the child needs help and encourages them to ask for help. The child responds "help please" and together they complete the task.

A [REDACTED] leader asks a child if they are still eating, when the child responds, "yes", the [REDACTED] leader replies, "take your time my friend."

There are under construction signs for children to place on their creation that they want to come back to at a later time

A child's parents arrive to collect their child and the child explains to her peers that she is going bowling. When a child inquires about the experience, the [REDACTED] leader asks the child, "can you explain what bowling is and what you will do?" The [REDACTED] leader extends that child's explanation by asking further questions.

A [REDACTED] leader asks a child to climb the stairs for their nappy change. When the child refuses, the [REDACTED] leader asks if the child is ready, when the child responds "No", she responds "Ok, I will help you later". The child moves back to the play environment.

There is a display with the quote, [REDACTED] This is surrounded by photos of families and Indigenous symbols for people.

The nominated supervisor explains that they often have discussion around best practice and biases during staff meetings. During a recent conference the team had a discussion about their thoughts and practices when dealing with a child with challenging behaviour and how do their interactions draw out and lead in relation to their core skills. Through this discussion they were able to address any biases and concerns and offer suggestions to guide practice.

The educational leader explains that they are currently in the process of forming a [REDACTED] [REDACTED] for the children. This has involved a three step discussion process, first being how they can help each other and the preschool. The [REDACTED] will be made of a small group of representatives from both groups and represent all walks of life. The representatives will take ideas for change to the nominated supervisors. This practice has come from another service and caters to all core skills, in particular agency.

The [REDACTED] explains that their pet [REDACTED] and [REDACTED] are also seen as a settling point for new children.

The nominated supervisor explains that they are looking at creating a tool to capture children's stories from birth, including their strengths and the people in their life before joining [REDACTED] They will use this evidence to look at how this will guide interactions.

20. In the draft report, the authorised officer included the following analysis note in relation to Standard 5.1:

“Each [redacted] leader demonstrates they are consistently positive, responsive and engage in meaningful interactions with each child at all times. [redacted] leaders through their practice of the service philosophy, program model and engagement in critical reflection show that they understand the importance of ensuring that children are made to feel they belong, are safe, confident and have an active role in decisions that affect their learning and relationships in the environment. It is also evidence that the dignity and rights of the children is maintained as this is respected through individual interactions, strategies and choices made by the children.”

Standard 5.1: Provider’s feedback on the draft report

21. The provider submitted a response to the draft report in relation to Standard 5.1:

“The evidence in this document demonstrates recent and dated materials how [redacted] builds and maintains respectful and equitable relationships with our children shaped by meaningful engagement with families and or the community. The evidence covers our unique cultural community, how we reflect and draw on the voices, priorities and strengths of the children and families at [redacted]. It also provides evidence of cultural inclusiveness and how we build a sense of belonging for children and families. The documents also provide evidence of how we strengthen meaningful relationships with families and the input that we have received from families to inform our interactions with children policy and practise.

Overlooked examples include:

- *The [redacted] Project – incorporating inclusive cultural practices*
- *[redacted] celebrations – showing parent involvement in cultural practices*
- *[redacted] – showing parent engagement in the children’s learning*
- *[redacted] emails welcoming families and informing them of social events or reminders – bringing voice of the families*
- *Parent email samples of their gratitude on how well their children have settled and are thriving in our environment*
- *Staff/parent communication around inclusiveness of a child with additional needs, English as a second language*
- *Information from a [redacted] event for the parents around Agency – strengthening relationships and creating a sense of belonging*
- *Samples of correspondence between teachers, families, and outside contributors to ensure we are creating an inclusive environment*
- *Samples of parents reviews of the interactions with Children Policy – seeking, valuing and considering family input*

22. ‘5.1 Exceeding Theme 3 evidence’ was cited as evidence for the above feedback.

23. The regulatory authority considered the service’s feedback and noted that the evidence had been considered in conjunction with the draft report and there had been no change to the rating.

Standard 5.1: Final report

24. The regulatory authority declined to make any changes to Standard 5.1 following the provider's feedback on the draft report.
25. The service's rating remained Meeting NQS.

Standard 5.1: First tier review

26. The provider applied for first tier review of Standard 5.1, seeking to have Exceeding theme 3 identified and the rating for Standard 5.1 amended to Exceeding NQS.
27. At first tier review, the panel considered evidence gathered by the authorised officer at the assessment and rating visit (set out above at **paragraphs 19-20**). The panel also considered the provider's submissions in feedback to the draft report (set out above at **paragraph 21**).
28. The panel declined to identify Exceeding theme 3 in order to amend the rating of Standard 5.1 and set out the following reasons:

"The panel reviewed the contents of the assessment and rating report noting that the analysis notes for this standard outline that [REDACTED] leaders understand the importance of ensuring that children are made to feel they belong and have an active role in decision that affect their learning and relationships. The panel also acknowledged the officer's evidence regarding the reintroduction of the [REDACTED] family's program and the recent survey [REDACTED] however the evidence did not show how the responses from families have been used to influence educator's relationships with children. Overall, the panel found that the evidence did not strongly demonstrate that engagement with families is guiding practice for this standard.

The panel reviewed the submission from the approved provider acknowledging the several evidence pieces that demonstrated strong practice regarding developing relationships with families which has been recognised under the exceeding rating of Quality Area 6. The panel found though, that evidence which specifically linked to the component elements of Standard 5.1 was limited.

The panel did place weight on the evidence showing that through emails educators had engaged in conversations with families in order to support them within their learning environments. This included assisting children to settle into the environment and the inclusion of home language through the implementation of the [REDACTED] program. The panel also acknowledged that the service has developed the RAP which does have one point that touches on reflection on racism, however evidence was limited to show that this has influenced engagement with the children. Overall, the panel felt that evidence was largely more suited to other areas with no clear links to demonstrate that engagement with families had been used to influence practice relating to relationships with children.

The panel concluded that there was insufficient evidence to support attainment of the theme and decided to confirm the assessment of Theme 3 as No.

29. Following first tier review, the rating for Standard 5.1 remained Meeting NQS as Exceeding theme 3 was not identified.

Standard 5.1: Second tier review

30. At second tier review, the provider sought to have Standard 5.1 amended to Exceeding NQS, which requires the identification of Exceeding theme 3.

Panel deliberations

31. The panel's view was that much of the evidence submitted to illustrate Exceeding theme 3 under Standard 5.1 was better suited to other Quality Areas. They identified 12 specific evidence items (numbered by ACECQA: 01, 02, 3.1, 3.5, 04, 06, 07, 8.2, 11, 12, 13, 14) more relevant to Quality Area 6 than Quality Area 5 or Standard 5.1. They also observed some evidence that they believed to be more relevant to Standard 1.3 rather than Standards 5.1 or 5.2.
32. The panel noted that the evidence relating to the children [REDACTED] and [REDACTED] was relevant, and that the evidence on [REDACTED] mentioned relationships and showed email exchanges between the service and families. The evidence concerning [REDACTED] also showed positive relationships, although family input was not evident.
33. However, the panel noted that the evidence did not clearly indicate the ongoing partnership between the service and families which is required for Exceeding theme 3. They suggested that this could be shown through regular communications over a period of time, the setting of goals established as a result of the relationship, and the monitoring of progress towards achieving those goals.
34. Although the evidence, particularly regarding [REDACTED] was useful, it constituted one small example making it difficult to see how relationships such as those demonstrated in that piece of evidence were influencing and shaping practice under Standard 5.1.
35. The panel acknowledged that the service is operating at a high level and demonstrating great quality. The panel also agreed that the service clearly has good relationships with families, seen in the rating of Exceeding NQS received for Quality Area 6. However, especially considering the number of items which were more relevant to other Quality Areas, the panel felt there was not enough evidence to justify a rating of Exceeding for Standard 5.1.

Panel decision

36. The panel agreed by consensus to confirm the rating of Standard 5.1 as Meeting NQS.

Standard 5.2

37. Standard 5.2 is:

Respectful and equitable relationships are maintained with each child.

Standard 5.2: Assessment and rating

38. The regulatory authority assessed the service as Meeting NQS in relation to Standard 5.2

39. In the assessment and rating evidence summary, the authorised officer set out the following observed evidence of practice in relation to Standard 5.2:

"The behavioural management [redacted] project was initiated to support [redacted] leaders with challenging behaviours. The [redacted] leaders topics that they researched and collated information related to different images of the child can impact behaviour such as a child being gifted and talented, introverted and has English as a second language. This has helped all educators build an understanding and inform practice.

A [redacted] leader explains to a child who calls out in frustration, "I know that you want to hug, but sometimes our friends don't want to be hugged. Can you please ask her before you hug her, we need to respect our friends space." The child acknowledges what the educator has said and moves onto another experience.

A [redacted] leader asks the children to find their own space and asks "Do we swing our hands constantly?" The children respond, "No, we keep our hands still." The children carry out their yoga and breathing exercises. The [redacted] leader asks the children, "If we can't touch our toes, what do we touch?" The children respond, "Our ankles."

The [redacted] leader explain the purpose for the yoga and breathing exercise is to help the children with self-regulation and self-wellbeing. It is also to bring them back down to a calm state for lunch and rest time.

At the morning huddle, a [redacted] leader reminds the children about the 5 L's, which are listening, hands in lap, eyes looking at teacher, legs crossed and lips zipped.

Children asks [redacted] leaders, "Please can I leave the table?" When they finish their meals.

A child throws a book at the [redacted] leader who responds by saying, "Please don't through books, I don't appreciate it." They then have a discussion about how to treat the books.

During the bingo group huddle, the children are divided into pairs to work with one bingo card. When the children argue over the card. The [redacted] leader asks the children to put their hands on their heads. She then explains that they are not listening and the children need to turn their listening ears on. "We are sharing the boards." The children then work in pairs to complete the experience.

The officer asks a [redacted] leader about the purpose for the masking tape shape on the floor. She explains that it's self-regulation tape, the children are encouraged to walk along the table to help self-regulate. She changes the design every three weeks.

The nominated supervisor believes that they see [redacted] as the sixth learning outcome of the EYLF. They explain that one of their favourite things is to practice [redacted] on a poster. Once a year, for two weeks in a month, the service will display the [redacted] poster where families with their children will write down what they are [redacted] for. This is sighted by the officer.

The [redacted] officers also oversee the [redacted] which was initiated by the nominated supervisors as part of the [redacted] program and seen as a way to connect with the community and incorporate the value of [redacted] at home. The nominated supervisor explains that there is a [redacted] [redacted] and the idea is for a family to [redacted] with

their children at home for another family. This is passed onto a family of the child's choice and continues throughout the year.

40. In the draft report, the authorised officer included the following analysis note in relation to Standard 5.2:

"The service environments and program experiences are designed to encourage individual, small and large group interactions, collaboration and connections. Educators consistently ensure they guide and support children's behaviour by acknowledging children's emotions, assisting them to find ways to resolve conflict and self-regulate. The core skill of [REDACTED] the [REDACTED] project and [REDACTED] [REDACTED] guides practice within the children's wider community. The staff continually carry out research ' [REDACTED] projects that guides critical reflection and informs practice related to building and maintaining sensitive relationships with children"

Standard 5.2: Provider's feedback on the draft report

41. The provider submitted a response to the draft report in relation to Standard 5.2:

"The evidence in this document demonstrates recent and dated materials how [REDACTED] builds and maintains sensitive relationships with children as shaped by meaningful engagement with families and our community. We have provided evidence of how as a community reflect specifically on our unique cultural and community, how we prioritise the strengths of children and families at [REDACTED] and work on building and maintaining an inclusive this and centre belonging. The evidence also provides how we include Aboriginal and Torres Strait Island histories and cultures with all children to build a deep understanding and appreciation of cultural diversity. The document also provides sample evidence of how all our educators draw on each family strength and priorities to support and partner with behaviour guidance approaches at home and [REDACTED] Evidence is also provided demonstrating how we to build and maintain sensitive and responsive relationships in response to input from families.

Overlooked examples include:

- *Sample of meeting minutes from a local school in which one of our enrolled children was to attend, this meeting was set up to assist with the transition to school for this child with additional needs*
- *Community correspondence to support the needs of our families, as required*
- *Samples of children's goals and the differing ways in which we collect this information to ensure no child is missed and to ensure we can communicate and discuss with all parents*
- *[REDACTED] communication to ensure children and families voices are heard*
- *Communication inviting parents to collaborate and join in our learning program throughout the year building an inclusive environment with a sense of belonging for families*
- *Samples of [REDACTED] evening information. Ensuring we create an opportunity to collaborate and draw on the parents needs and expertise when it comes to their children*

- *Sample communication with families and community support in order to we are building support networks for families*
 - *Sample communication with Inclusion Support agencies to ensure we have a deep understanding and appreciation of cultural diversity and inclusion across all areas of childhood development*
 - *Sample pages from our Reconciliation Action Plan, showing commitment to cultural diversity and understanding. As well as our poster from our Acknowledgement to Country, observed every afternoon during our 'yarning circle'*
 - *Parent communication, drawing on their knowledge and prioritise for their children's development*
 - *Samples of Parent Feedback with regards to their children's [REDACTED], to ensure we are building and maintaining sensitive and responsive relationships.*
42. '5.2 Exceeding Theme 3 evidence' was cited as evidence for the above feedback.
43. The regulatory authority considered the service's feedback and noted that the evidence had been considered in conjunction with the draft report and there had been no change to the rating.

Standard 5.2: Final report

44. The regulatory authority declined to make any changes to Standard 5.2 following the provider's feedback on the draft report.
45. The service's rating remained Meeting NQS.

Standard 5.2: First tier review

46. The provider applied for first tier review of Standard 5.1, seeking to have Exceeding theme 3 identified and the rating for Standard 5.1 amended to Exceeding NQS.
47. At first tier review, the panel considered evidence gathered by the authorised officer at the assessment and rating visit (set out above at **paragraphs 35-36**). The panel also considered the provider's submissions in feedback to the draft report (set out above at **paragraph 37**).
48. The panel declined to identify Exceeding theme 3 in order to amend the rating of Standard 5.1 and set out the following reasons:

"The panel reviewed the content of the report and again saw the value that is placed on children's contributions to the group particularly with the [REDACTED] tours for new children and children being collaborative members of their rooms. The authorised officer also confirmed that the service gathers information from the families about their children so that they can best help them to become involved in collaborative learning. The panel felt that although there are some general examples of educators collecting information from families, the panel found limited evidence within the report to show how the service had drawn influence from families or the community in shaping practice relating to relationships between children.

The panel considered the approved provider's submission acknowledging that the evidence demonstrated sound practice regarding developing relationships with families which has been recognised under the exceeding rating of Quality Area 6. The panel noted the many ways the service provides relevant and useful information to families about children's mental wellbeing and behaviour guidance strategies as supported through evidence on the [REDACTED]' seminars, supporting parenthood articles and the Facebook page. However, minimal evidence of actual feedback, input or requests from families were sighted as part of these initiatives. The panel also commented on the strong practices in relation to transitions to school and between rooms, however felt this was better placed in Standard 6.2 which is already rated at exceeding.

The panel concluded that there was insufficient evidence to support attainment of the theme and decided to confirm the assessment of Theme 3 as No.

49. Following first tier review, the rating for Standard 5.2 remained Meeting NQS as Exceeding theme 3 was not identified.

Standard 5.2: Second tier review

50. At second tier review, the provider sought to have Standard 5.2 amended to Exceeding NQS, which requires the identification of Exceeding theme 3.

Panel deliberations

51. The panel acknowledged that many examples of good practice were provided, such as regular meetings with families. However, they did not see evidence of how these meetings shaped practice. They commented that it would have been helpful to see consistent documentation of meeting outcomes and how these were used to inform practice decisions under the Standard. They noted the difference between evidence of conversations and of shared decision making, where decisions are reached and then incorporated into a feedback loop involving influenced or changed practice.
52. The panel referred to the language of the questions authorised officers use to establish Exceeding practice and noted while there was clear evidence of a positive culture of inclusiveness and belonging at the service, they could not clearly see that practice was specifically tailored and responsive to children's needs.
53. The panel acknowledged the service's engagement with the local [REDACTED] club which was reflective of some of the culture of the local area. However they agreed that, on its own, this was evidence in support of Quality Area 6 rather than Quality Area 5. To be relevant to Quality Area 5, the panel required evidence of how this engagement shapes practice specific to relationships between children at the service.
54. The panel agreed that many examples of very sound quality practice were provided, but that they did not reach the level of Exceeding NQS. They cited examples including letting a child finish their food in their own time, and providing signs for children to place on their block constructions if they wanted to return to them later.
55. Under Standard 5.2, the panel felt that evidence concerning a particular child showed a positive relationship with families, and that collaborative discussion relating to behavioural

challenges the child was experiencing lead to engagement with the family in order to support the child at the service.

56. The panel identified evidence concerning the establishment of a [REDACTED] leader' position, and evidence about a presentation on challenging behaviours. The panel felt these were good preliminary examples of the kind of evidence required for a rating of Exceeding NQS for this Standard. However, the examples lacked detail and context, and information about further progress and the impact on practice. For example, who developed the presentation on challenging behaviours, how it was developed, who the audience was, who presented it and what occurred afterwards.
57. As with Standard 5.1, the panel felt that much of the evidence provided for Standard 5.2 was not specific enough to the Standard. The panel felt that too much focus may have been given to the Exceeding theme 3 in isolation, rather than in the context of the Standard.

Panel decision

58. The panel decided by consensus to confirm the rating for Standard 5.2 as Meeting NQS.

General comments by the panel at second tier review

59. A general observation made by the panel in relation to this service, and other services seeking a rating of Exceeding NQS at second tier review, related to considering the totality of each of the Exceeding themes. In this case, the panel felt that the service focussed on the latter half of the Exceeding theme 3 – the part referring to 'meaningful engagement' – to the detriment of the key component which is that practice is *shaped by* that meaningful engagement. In the case of this service, the panel could see many examples of high quality practice, and evidence of good relationships with families. However, they could not find enough evidence showing how practice in relation to relationships with children under Standards 5.1 and 5.2 is *shaped by* family or community relationships.
60. The panel also felt that there was a focus on the words of Exceeding theme 3 in isolation from the Standards 5.1 and 5.2 themselves. The panel agreed that demonstrating attainment of the theme requires showing how the practice which demonstrates the theme is attached to practice under a particular Standard. In this case, more was needed to show how connection with families and communities impacted *practice under Standards 5.1 and 5.2*.
61. The panel felt that with more contextual information and targeted evidence, the service would likely be able to achieve their goal of an Exceeding NQS rating, and suggested the following resources to guide reflection and improvement:
 - (a) [Quality Area 5 – Exceeding NQS Case Studies](#)
 - (b) [Exceeding NQS Theme Guidance](#) including [specific questions used by authorised officers to establish Exceeding NQS practice \(theme 3\)](#)
 - (c) [Questions to guide reflection on practice for Standard 5.1](#)
 - (d) [Questions to guide reflection on practice for Standard 5.2](#)