

Background information

Education and care services are assessed and rated against the National Quality Standard by state and territory regulatory authorities. If an approved provider of an education and care service disagrees with the rating levels awarded by its regulatory authority, the provider may apply to have the rating levels reviewed.

Providers must first apply to the regulatory authority for a review (a 'first tier review'). Providers can then apply to ACECQA for a second tier review. The second review is undertaken by a Ratings Review Panel.

Role of the Review Panels

Ratings Review Panels are responsible for confirming or amending the rating levels given to education and care services by regulatory authorities. The panel decides what rating levels will apply to the service based on the information before it. The panel cannot review the conduct of a regulatory authority or authorised officer.

Ratings Review Panel Pool

ACECQA maintains a pool of persons who may be called upon to serve on panels.

Before appointing members to the pool, ACECQA seeks nominations from a range of sources, including sector peak bodies, state and territory regulatory authorities and the Australian Government.

The review panel pool comprises individuals with expertise or expert knowledge in one or more of the following areas:

- early learning and development research or practice
- law
- the assessment of quality in education and care services or other relevant services
- best practice regulation.

In addition, the ACECQA Board has endeavoured to ensure the pool includes:

- persons from different geographic locations within Australia,
- persons from diverse cultural backgrounds, including Aboriginal and Torres Strait Islander backgrounds, and
- a mixture of men and women.

The pool includes representatives from ACECQA.

Establishment of Review Panels

Each Ratings Review Panel consists of three members from the pool. The Ratings Review Panel pool includes members with relevant expertise across the children's education and care sector, state and territory regulatory authorities and ACECQA. A chairperson for each panel is appointed but will not be an employee of ACECQA.

Conduct of Review Panels

The chairperson of a panel convenes the review. Panel members are not required to meet face-to-face and generally conduct their reviews via telephone or video conference.

Panels must seek to make decisions by consensus. If consensus cannot be reached, a decision of the majority of members is the decision. If a majority decision cannot be reached, the panel is taken to confirm the rating levels determined by the regulatory authority.

Panel members are required to act in all proceedings with fairness, equity and impartiality. They are required to adhere to the Education and Care Services National Law and processes determined by ACECQA.

Panels are supported by a secretariat provided by ACECQA. Following a decision, ACECQA gives the approved provider and regulatory authority written notice of the panel's decision and reasons.

Membership of Review Panel Pool

Panel pool members complete training in quality assessment and the principles of good administrative decision making.

Members of the pool are generally appointed for an initial period of three years, with the possibility of extension.

Ratings Review Panel positions are paid positions.