

[REDACTED] **2021**

Ratings Review Decision Notice

Panel members

[REDACTED]
[REDACTED]
[REDACTED]

Panel date

[REDACTED] 2021

Applicant

[REDACTED] on behalf of
[REDACTED]

Regulatory Authority NSW Department of Education

Decision

The Ratings Review Panel (the panel) by consensus, decided to confirm the ratings for the standards under review as follows:

- Standard 2.1 remains as Meeting NQS
- Standard 2.2 remains as Meeting NQS
- Standard 4.1 remains as Meeting NQS
- Standard 6.1 remains as Meeting NQS
- Standard 6.2 remains as Meeting NQS.

The service's overall rating remains as Exceeding NQS.

Issues

1. The approved provider (the provider) sought a review of the ratings for the above standards on the grounds that the regulatory authority did not appropriately apply the prescribed process for determining a rating level.

Overview

2. After initial assessment, the draft ratings outcome summary recorded the service's overall rating as Meeting NQS. Six standards were rated as Exceeding NQS, and nine standards were rated as Meeting NQS.
3. After considering the service's feedback on the draft rating outcome summary, the final ratings outcome summary recorded the service's overall rating as Exceeding NQS. Ten standards were rated as Exceeding NQS and five were rated as Meeting NQS.
4. The provider sought a first tier review for Quality Areas 2, 4 and 6 and, specifically, Standards 2.1, 2.2, 4.1, 6.1 and 6.2, which were rated as Meeting NQS.
5. After first tier review, the service's overall rating remained at Exceeding NQS, with no further changes to the ratings under review.
6. At second tier review, the provider sought a review of the ratings for Standards 2.1, 2.2, 4.1, 6.1 and 6.2, aiming to have these standards amended to Exceeding 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 and attachments
 - 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 service's response to reviewing submissions provided by the regulatory authority.
8. The panel also considered Exceeding theme guidance from the *Guide to the National Quality Framework*. This included Exceeding guidance specific to the standards under review, as well as questions used by authorised officers to establish Exceeding NQS practice.

The law

9. 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

10. [REDACTED] is a long day care service located [REDACTED]
[REDACTED]
11. The service's previous assessment and rating took place on [REDACTED] 2016. All quality areas were rated as Exceeding NQS. The service's overall rating was Exceeding NQS.
12. The current assessment and rating [REDACTED] took place on [REDACTED] 2021 by [REDACTED]
[REDACTED]
13. The draft report was sent to the provider on [REDACTED] 2021, with feedback submitted to the regulatory authority on [REDACTED] 2021.
14. The final report was approved and sent to the provider on [REDACTED] 2021.
15. The provider applied for first tier review by the regulatory authority on [REDACTED] 2021.
16. The regulatory authority decided on the provider's first tier review application on [REDACTED]
[REDACTED] 2021. The decision notice was sent to the provider on [REDACTED] 2021.
17. The provider applied for second tier review on [REDACTED] 2021.

Review of ratings

Standard 2.1

18. Standard 2.1 is:
Each child's health and physical activity is supported and promoted.
19. Exceeding theme 2 is:
Practice is informed by critical reflection.

Panel considerations

20. In deliberating on whether the service demonstrated Exceeding theme 2 for Standard 2.1, the panel noted evidence of the service reflecting on practice specific to supporting children's health and physical activity. From their assessment of all the available evidence, however, these reflections were, in their view, more descriptive in nature, highlighting what worked and what didn't, rather than evidence of critical reflection, or evidence of how this critical reflection had informed practice.

21. The panel noted that critical reflection, as required for this exceeding theme, requires a deeper level of thinking, examination, and analysis, involving robust discussion and debate, links to theorists or current research, and/or social justice considerations. They added that the theme also requires that critical reflection validates and builds on current practice and/or shapes changes or improvements to ongoing practice.
22. The panel highlighted examples of sound practice specific to supporting children's health and physical activity. For example, they noted the service team's reflections on and reframing of children's rough play, referencing the thinking of [REDACTED] and [REDACTED] in their analysis, and resulting in educators offering children more stimulating and challenging physical play experiences.
23. Other examples included the service team adapting their educational program specific to the provision of physical activity due to COVID-19 by creating a [REDACTED] video that was shared with families, and extended discussions with children about healthy eating, inspired by a child bringing a [REDACTED] to the service.
24. The panel remarked that there were examples of individuals reflecting on practice and in some instances of small groups of educators reflecting together. However, from their assessment of the evidence provided, the panel were unable to find clear, relevant, and substantive evidence of all educators systematically and regularly reflecting together on practice, or evidence of how this led to ongoing changes in supporting each child's health and physical activity.
25. The panel concluded that there was insufficient evidence to determine that Exceeding theme 2 should be amended to Yes to support an overall higher rating for Standard 2.1.

Panel decision

26. The panel decided, by consensus, to confirm the rating for Standard 2.1 as Meeting NQS.

Standard 2.2

27. Standard 2.2 is:
Each child is protected.
28. Exceeding theme 2 is:
Practice is informed by critical reflection.

Panel considerations

29. In deliberating on whether the service demonstrated Exceeding theme 2 for Standard 2.2, the panel highlighted some examples of sound practice. For example, the panel noted the service incorporating [REDACTED] into the design of a [REDACTED] following a conversation with a child [REDACTED]. The panel also noted the service's [REDACTED] signage in the car park, supporting families to keep children safe. The panel added that, in their view, these examples were more closely aligned with Meeting NQS practice and did not demonstrate critical reflection at the level required for this exceeding theme and standard.

30. The panel remarked that while the provider made statements that educators were critically reflecting, this was not, in their view, supported by the evidence provided. For example, the provider stated that the service has an embedded practice of critically reflecting after each emergency drill. The panel noted, however, that the supporting evidence was more descriptive in nature and lacked the deeper level of questioning and analysis required for critical reflection.
31. Citing another submission, the panel commented on the example of children throwing [REDACTED] which was highlighted as a safety/supervision issue, with the educators' solution being to replace the [REDACTED] with [REDACTED]. The panel added that, in their view, this was a missed opportunity to engage children in discussions about their responsibilities in treating people and equipment respectfully and involving children in decision-making about how to respond to this issue.
32. The panel noted and agreed with the authorised officer's analysis note in the final rating outcome summary, that the service team was 'developing an understanding of how to reflect on their practices to inform changes within the service.' The panel commented that, from their assessment of the available evidence, they were unable to determine how all educators and management systematically and regularly reflect, individually and as a team, at the level required for this standard and exceeding theme. The panel added that they were also unable to find clear and relevant evidence of how changes in practice linked back to critical reflection.
33. The panel concluded that there was insufficient evidence to determine that Exceeding theme 2 should be amended to Yes to support an overall higher rating for Standard 2.2.

Panel decision

34. The panel decided, by consensus, to confirm the rating for Standard 2.2 as Meeting NQS.

Standard 4.1

35. Standard 4.1 is:
Staffing arrangements enhance children's learning and development.
36. Exceeding theme 2 is:
Practice is informed by critical reflection.
37. Exceeding theme 3 is:
Practice is shaped by meaningful engagement with families and/or the community.

Panel considerations

38. In deliberating on whether the service demonstrated Exceeding theme 2 for Standard 4.1, the panel highlighted the service's high staff retention rates, noting the positive impact of this on continuity of care.
39. The panel noted that the service was [REDACTED], with [REDACTED] represented in the service team, and that it was evident that the service team had established positive relationships with families. The panel also commented on the

provider's claims in the self-assessment summary that the service uses an experienced pool of relief staff.

40. The panel added, however, that they were unable to locate evidence of how this practice was informed by critical reflection, for example, how the service team was engaging in regular and continuous thinking, analysis, and questioning, and how their critical reflection informed decision-making specific to staffing arrangements.
41. The panel remarked on the service leveraging an individual educator's strengths, skills and interests when considering staffing arrangements to enhance children's learning and development. For example, during the COVID-19 pandemic, the service created a role for a [REDACTED] educator [REDACTED], to provide virtual mat sessions and maintain connections with families using social media. The panel also noted the service drawing on this educator's relationships with children to support a positive transition from home when they returned to the service.
42. The panel commented on the provider's claims that this decision was informed by critical reflection between management and senior staff. They were unable to locate clear and relevant evidence of this to substantiate their claims. For example, the panel were unable to find evidence of all educators and management systematically engaging in robust discussion and debate and critically reflecting, individually and together, and how this critical reflection informed practice. The panel also noted that this practice was a response to a specific situation, i.e., the COVID-19 pandemic, and did not, in their view, demonstrate continuous and systematic reflection impacting changes in practice over time.
43. The panel also commented on the example of the educational leader providing leadership opportunities for an educator by supporting them to take on the role of room leader for increasing blocks of time. The panel noted that while the provider referred to critical reflection in this example, it was not substantiated by the evidence provided. They added that, in their view, distributed leadership was an example of sound practice that aligned more closely with Meeting NQS practice.
44. The panel concluded that there was insufficient evidence to determine that Exceeding theme 2 should be amended to Yes to support an overall higher rating for Standard 4.1.
45. In deliberating on whether the service demonstrated Exceeding theme 3 for Standard 4.1, the panel noted the provider's claims about the service's meaningful engagement with families and/or the community. They were, however, unable to find clear and relevant evidence to demonstrate how the service actively engaged with families and communities in a meaningful way to seek their input, guidance, and feedback, and to include them in problem solving and decision-making specific to staffing arrangements.
46. The panel noted that not all evidence provided supported the provider's submission that the service's practice specific to staffing arrangements was shaped by meaningful engagement with families and/or the community. For example, the panel noted the example of an educator offering to [REDACTED] for a child's older sibling. While noting the educator's positive intention, this example, in their view, did not demonstrate meaningful engagement with families and or show how that engagement shaped practice.

47. The panel also commented on the educator's engagement with the child's parent about a younger child's learning and development, which led to the family accessing [REDACTED] [REDACTED] for the child. While this was noted as a positive example, the panel were unable to ascertain, from the information provided, the extent to which the service's engagement with families was consistent and ongoing, and involved families being key to the decision-making process.
48. The panel commented on the service's use of surveys, after orientation and at the end of the year, to gain feedback from families. They noted the largely positive feedback reflected in the survey responses. They were, however, unable to ascertain, from the evidence provided, how the service team analysed this feedback or how it informed practice specific to this standard.
49. The panel concluded that there was insufficient evidence to determine that Exceeding theme 3 should be amended to Yes to support an overall higher rating for Standard 4.1.

Panel decision

50. The panel decided, by consensus, to confirm the rating for Standard 4.1 as Meeting NQS.

Standard 6.1

51. Standard 6.1 is:
Respectful relationships with families are developed and maintained and families are supported in their parenting role.
52. Exceeding theme 2 is:
Practice is informed by critical reflection.

Panel considerations

53. In deliberating on whether the service demonstrated Exceeding theme 2 for Standard 6.1, the panel commented on the examples submitted as evidence. This included educators greeting families in their home language, an educator supporting a grandparent [REDACTED], family events held throughout the year, the [REDACTED] banner displayed in the car park, and the service working with a parent and [REDACTED] to develop a strategic inclusion plan for a child with additional needs.
54. The panel noted that, in their view, these examples were statements about or descriptions of practice rather than evidence of how the service team was critically reflecting on their practice specific to building and sustaining supportive relationships with families. They added that they were unable to establish clear links between the statements made and the evidence provided specific to how staffing arrangements to enhance children's learning and development are informed by critical reflection.
55. The panel noted the example of educators' reactions to a family deciding to [REDACTED] [REDACTED]. Drawing on this example, the panel questioned the extent to which *all* educators respected the expertise, values and beliefs of all families and recognised families as their child's first and most influential teachers. Further, the panel

noted that while the provider referenced reflective conversations and critical reflections specific to this example in their submission, it was not supported by the available evidence.

56. The panel also commented on the various mechanisms for connecting with and communicating with families, including the service's enrolment processes and orientation program and documentation, regular newsletters, group emails to families, and the service's communication app. The panel noted that while this was sound practice and is evidence of the service keeping families informed, it did not, in their view, demonstrate how this practice had been informed by critical reflection to develop and maintain respectful relationships with families.
57. The panel reiterated that critical reflection specific to Exceeding theme 2 requires regular and systematic analysis, examination and re-evaluation that involves robust debate, discussion, and opportunities for input by all educators. They also noted that this exceeding theme requires that critical reflection validates and builds on current practice and/or informs changes or improvements to ongoing practice. The panel determined that the evidence provided did not demonstrate practice being informed by critical reflection at the level required for this standard and exceeding theme.
58. The panel concluded that there was insufficient evidence to determine that Exceeding theme 2 should be amended to Yes to support an overall higher rating for Standard 6.1.

Panel decision

59. The panel decided, by consensus, to confirm the rating for Standard 6.1 as Meeting NQS.

Standard 6.2

60. Standard 6.2 is:
Collaborative relationships enhance children's inclusion, learning and wellbeing.
61. Exceeding theme 2 is:
Practice is informed by critical reflection.

Panel considerations

62. In deliberating on whether the service demonstrated Exceeding theme 2 for Standard 6.2, the panel noted that while the provider described several examples of practice, they did not, in their view, demonstrate critical reflection at the level required for Exceeding theme 2 specific to collaborative partnerships.
63. The panel commented that statements made about critical reflection were not clearly substantiated in the evidence provided. The panel highlighted the example of the service introducing a communication app to better connect with families during the COVID-19 pandemic. They noted the provider's submission that this idea had previously been met with mixed views from educators, and that the decision to move to an online platform was decided in partnership with families. They added that they were unable to locate clear and relevant evidence demonstrating how critical reflection informed ongoing engagement with families or how the decision to introduce the communication app linked back to critical reflection.

64. The panel remarked on the example of the service engaging with families and specialist services to support the inclusion of children with additional needs. Drawing on one example, they noted a conversation between the parent of a child with additional needs and educators in how to support the child's participation in the service and enhance opportunities to socialise and build relationships with other children. While it was noted that this conversation shifted educator's perspectives upon critical reflection, the panel was unable to locate relevant and substantive evidence to support this claim.
65. The panel noted the service's connections with the local Aboriginal and Torres Strait Islander community. Examples noted included a visit from [REDACTED] during NAIDOC week, being supported by an Aboriginal [REDACTED] to use the Narragunnawali Platform to develop the service's Reconciliation Action Plan, and the development of the service's Welcome to Country sign.
66. The panel noted these examples as sound practice in raising awareness of and cultivating respect for Aboriginal and Torres Strait Islander histories and cultures. They added, however, that the examples did not, in their view, demonstrate evidence of collaborative partnerships with community, nor did they demonstrate critical reflection by management and educators, including engaging in robust discussion and debate, and opportunities for input by all educators. The panel also remarked that they were unable to determine, on the evidence submitted, how critical reflection had shifted thinking and shaped ongoing practice specific to building and sustaining collaborative partnerships with its community, including their local Aboriginal and Torres Strait Islander community.
67. The panel noted the provider's reference to the service's [REDACTED] committee in deciding how to proceed with the service's [REDACTED] anniversary in a COVID safe way. They added that there was no detail provided specific to the roles and responsibilities of the [REDACTED] committee, or how collaborative partnerships with the committee informed ongoing practice specific to this standard.
68. The panel also noted the provider's submission that decision-making about proceeding with the service's anniversary was made in consultation with the [REDACTED] committee. They were, however, unable to determine what critical reflection had occurred specific to this decision, and how other educators at the service were involved in critically reflective discussions that may have occurred in relation to this decision.
69. The panel concluded that there was insufficient evidence to determine that Exceeding theme 2 should be amended to Yes to support an overall higher rating for Standard 6.2.

Panel decision

70. The panel decided, by consensus, to confirm the rating for Standard 6.2 as Meeting NQS.

General comments

71. The panel encouraged the service to broaden their understanding of Exceeding theme 2, which was pertinent to all standards under review. The panel noted that much of the evidence submitted was descriptive rather than evidence of critical reflection, which requires a deeper level of questioning, analysis, and examination by all educators,

individually and together, regularly, and consistently. Further, while the provider made statements about the service team 'critically reflecting' on practice, the panel were unable to locate clear, relevant, and substantive evidence to demonstrate exceeding practice specific to the standards under review to support a higher rating.

72. Additionally, the panel noted that Exceeding theme 2 requires that practice is *informed* by critical reflection. This requires that decisions about practice are linked back to critical reflection, and that all educators understand and can articulate shifts in thinking and/or changes in practice that have occurred through critical reflection. The panel reiterated that, after assessing all available evidence, practice being informed by critical reflection was not clearly apparent at the level required for the standards under review.
73. The panel highlighted resources available to the sector that may assist the service to deepen their knowledge, understanding and application of critical reflection. This includes:
- the reflective questions for exceeding practice at the standard level in the Guide to the NQF, as well as the [indicators of Exceeding practice](#) and [questions used by authorised officers and ratings review panels](#) to consider against evidence gathered during the quality rating process, to determine if exceeding themes are demonstrated for each quality standard.
 - 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.
 - a [critical reflection handout](#) describing what critical reflection is in broad terms and how it is different from evaluating, summarising or describing what educators are seeing or doing.