

## Decision Notice

Panel members

[REDACTED]  
[REDACTED]  
[REDACTED]

Panel date

[REDACTED] 2022

Applicant

[REDACTED] on behalf of [REDACTED]  
[REDACTED]

Regulatory Authority

NSW Department of Education

### Decision:

The Ratings Review Panel identified three additional Exceeding themes resulting in the amendment of the rating for one Standard. The panel decided by consensus to:

- Confirm the rating for Standard 1.3 as Meeting NQS (Exceeding theme 2 was not identified)
- Confirm the rating for Standard 2.1 as Meeting NQS (Exceeding theme 2 was not identified)
- Confirm the rating for Standard 2.2 as Meeting NQS (Exceeding theme 3 was identified, but not Exceeding theme 2)
- Confirm the rating for Standard 3.1 as Meeting NQS (no Exceeding themes were identified)
- Amend the rating for Standard 3.2 to Exceeding NQS (Exceeding theme 2 was identified)
- Confirm the rating for Standard 4.1 as Meeting NQS (Exceeding themes 2 and 3 were not identified)
- Confirm the rating for Standard 4.2 as Meeting NQS (Exceeding theme 3 was identified, but not Exceeding theme 2)



- Confirm the rating for Standard 5.1 as Meeting NQS (Exceeding theme 2 was not identified)
- Confirm the rating for Standard 6.1 as Meeting NQS (Exceeding theme 2 was not identified)
- Confirm the rating for Standard 6.2 as Meeting NQS (Exceeding theme 2 was not identified)
- Confirm the rating for Standard 7.1 as Meeting NQS (Exceeding theme 2 was not identified)
- Confirm the rating for Standard 7.2 as Meeting NQS (Exceeding themes 2 and 3 were not identified)

## Issues

1. The approved provider (the provider) sought a review of the ratings for the above standards on the grounds that:
  - (a) The regulatory authority did not appropriately apply the prescribed process for determining a rating level; and
  - (b) The regulatory authority 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 the initial assessment, the draft report recorded the service's rating as Meeting NQS. Some Exceeding themes were identified.
3. Small changes were made to the Exceeding themes at both the draft report feedback stage and at first tier review, however the service's overall rating remained as Meeting NQS.
4. At second tier review, the provider sought recognition of all outstanding Exceeding themes, and therefore an amendment of the overall rating to Exceeding NQS. A total of 18 Exceeding themes across 12 standards were sought.

## Evidence summary

5. 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
6. 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

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 a long day care service with [REDACTED] approved places. The service is located in [REDACTED]
9. The service was previously assessed in 2016 under the 2012 NQS and received a rating of Exceeding NQS across all seven quality areas.
10. The latest 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 NSW regulatory authority on [REDACTED] 2021 (additional time to submit feedback was granted by the regulatory authority).
13. The provider received the final report on [REDACTED] 2021. Some additional Exceeding themes were identified and Standard 1.1 was amended to Exceeding NQS, however the overall rating for the service remained as Meeting NQS.
14. The provider applied to the regulatory authority for first tier review on [REDACTED] 2021.
15. The provider received the first tier review decision notice on [REDACTED] 2021 (the decision timeframe was extended by agreement between the regulatory authority and the provider).
16. The provider applied to ACECQA for second tier review by a Ratings Review Panel on [REDACTED] [REDACTED] 2021.
17. By agreement between the provider and the panel Chair, the 60-day decision timeframe was extended due to Christmas/New Year office closures, and to ensure adequate time for the panel to prepare.

## Review of ratings

### Standard 1.3

18. Standard 1.3 is:

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

19. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

### Panel deliberations

20. The panel began with a discussion of the positive points in the service's evidence, including the independent and collaborative analysis of learning, identification of further areas of

development, transition reports, and handover notes. The panel agreed these were evidence of sound practice, but not yet evidence of Exceeding NQS practice on its own. The panellists discussed what they would need to see to be confident in allocating a rating of Exceeding NQS, including more evidence of reflective discussions, analysis, debate, and testing and evaluating different approaches with the educator team. The panel cited an example from the service's QIP [REDACTED] and felt that this was a great example of something that could have been extended further into critical reflection.

21. The panel discussed the difference between evidence of structures or systems that might facilitate critical reflection (for example, the service's critical reflection book), and critical reflection itself. The panel agreed that it was obvious why Exceeding theme 1 had already been identified for this standard but noted that the critical reflection book was not in itself evidence of critical reflection without more information about how it is consistently used, who uses it, and how its use results in changes or enhancements to decisions about practice. The panel agreed that an important part of Exceeding theme 2 is the ability on the part of all team members to engage in dialogue about and articulate reasons for decisions at the service and explain how these decisions were based on critical reflection. There was no clear evidence that this was in place in relation to the development of the program for each child.
22. The panel discussed the service's use of [REDACTED], noting that this platform could be used to document critically reflective practices. The panel acknowledged that the service uses [REDACTED] to document children's participation in the program and shares this documentation with children and families but agreed that critical reflection on that process was limited or evidence of such reflection was not supplied.
23. The panel referred to specific parts of the service's evidence, such as page 31 of a compilation of evidence items submitted to the panel. The panel highlighted that this was an example of information sharing rather than of critical reflection, although it was submitted to show how the service critically reflects on each aspect of their educational program. Though information sharing is important, the panel noted that there are important differences between the sharing of operational or functional information about a service's activities and critical reflection, which requires processes such as asking questions, interrogating practices, and considerations of practice and philosophy. The panel again acknowledged that the evidence made it clear that the service was deserving of Exceeding theme 1 under this standard and agreed that there are sound processes in place which are consistent across the service. The panel looked for examples of the service asking bigger, more abstract questions of their practice decisions, such as 'who is advantaged or disadvantaged by this choice?'<sup>1</sup>, 'what would happen if we changed something?', 'what are our reasons for doing things this way?'<sup>2</sup>, but were unable to find clear evidence of this occurring. The panel also noted guidance on critical reflection in *Belonging, Being and Becoming, The Early Years Learning Framework for Australia*, which states:

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<sup>1</sup> Australian Children's Education and Care Quality Authority, *Guide to the NQF* (2018), 135

<sup>2</sup> *Ibid* 95

*“Critical reflection involves closely examining all aspects of events and experiences from different perspectives. Educators often frame their reflective practice within a set of overarching questions, developing more specific questions for particular areas of enquiry.*

*Overarching questions to guide reflection include:*

- *What are my understandings of each child?*
- *What theories, philosophies and understandings shape and assist my work?*
- *Who is advantaged when I work in this way? Who is disadvantaged?*
- *What questions do I have about my work? What am I challenged by? What am I curious about? What am I confronted by?*
- *What aspects of my work are not helped by the theories and guidance that I usually draw on to make sense of what I do?*
- *Are there other theories or knowledge that could help me to understand better what I have observed or experienced? What are they? How might those theories and that knowledge affect my practice?”<sup>3</sup>*

The panel stated that the service’s practice showed a clear grasp of the functionality of the quality area under review, but it was unclear from the evidence provided that the service had engaged in discussion or debate at a deeper level and considered the differing beliefs of all staff, history or underpinnings of practice in this area that inform the decisions of educators.

24. Similarly, the *Guide to the NQF* sets out guidance in relation to Exceeding theme 2, both generally and specifically in relation to Standard 1.3. For example, the *Guide to the NQF* states that *“critical reflection means continually thinking about, questioning, analysing and re-evaluating practice to identify where further improvements could be made”*.<sup>4</sup> The *Guide to the NQF* also includes further questions which service teams can use to prompt critical reflection.
25. The panel looked for examples of practice that they felt could be easily built upon into more critically reflective opportunities that would assist the service, such as the information about a child whose parent had recently been overseas and how this led to learning about other countries. The panel agreed that if this experience had been continued, interrogated, and extended upon, it could have been a good opportunity for the service to demonstrate critical reflection and how critical reflection had informed practice. The panel noted that some small changes could lead to the identification of Exceeding theme 2 for this standard at the service’s next assessment and rating.
26. In general, the panel agreed that evidence submitted by the provider intended to demonstrate critical reflection was more evidence of operational and process matters, or review or reflection without it being ‘critical’ in nature.

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<sup>3</sup> Department of Education and Training, *Belonging, Being & Becoming – The Early Years Learning Framework for Australia* (2009), 14-15

<sup>4</sup> Australian Children’s Education and Care Quality Authority, *Guide to the NQF* (2018), 95

## Panel decision

27. The panel agreed by consensus to confirm the rating for Standard 1.3 as Meeting NQS, as Exceeding theme 2 was not present.

## Standard 2.1

28. Standard 2.1 is:

*Each child's health and physical activity is supported and promoted.*

29. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

## Panel deliberations

30. The panel noted that the service engages various professionals to support children, and that there was evidence of plenty of email correspondence back and forth regarding these various offerings. However, the panel felt that this was indicative of good practice meeting the high expectations set by the NQS, and not necessarily an indicator of Exceeding practice. Additionally, this evidence did not support the theme being sought under this standard (Exceeding theme 2) and was more relevant to Exceeding theme 3, which was already attained at an earlier stage.
31. The panel acknowledged that the service's sleep and rest policy referred to a gross motor program practiced in [REDACTED] and noted that this was an indicator of some consideration of early childhood theory, and a sense of considering not just what the service does every day, but what other practitioners might do.
32. The panel looked closely at evidence submitted regarding a family of the [REDACTED] faith, and how the service catered to the particular needs of the child during their attendance at the service. The panel felt that this evidence indicated good support of Exceeding theme 3, which the service had already attained. The evidence showed the service communicating with the child's family about [REDACTED] and the intersection of these [REDACTED] with potential [REDACTED] decisions that may arise while the child is at the service. The evidence also showed the service providing information to the service team about the family's faith, and that communication with the family influenced practice decisions at the service.
33. The panel felt that this evidence did not demonstrate critical reflection on the implications of the decisions made and the response of educators. The panel agreed that the service had managed the practical and operational aspects of this situation very well, and met the family's expectations, but the evidence did not demonstrate critical reflection at the level required for this Exceeding theme and standard. Critical reflection in this context might include posing questions about how the child in question would be supported to remain connected in different ways [REDACTED] [REDACTED] or how educators might understand their own reactions and sensitively respond to questions from other children which may arise. In particular, the panel did not see any information about broader policy changes or reflection

on practice going forward. They noted that the guidance for Exceeding theme 2 under this standard from the *Guide to the NQF* specifically refers to the ability of educators to explain *how* reflection on children's health and safety needs influences the design and delivery of the educational program.<sup>5</sup> The panel remarked that this might include educator dialogue and thinking visible through documentation in order to support decisions going forward, and considering and discussing social justice and equity implications of practice decisions to ensure every child's needs are taken into account.

### Panel decision

34. The panel decided by consensus to confirm the rating for Standard 2.1 as Meeting NQS, as Exceeding theme 2 was not identified.

### Standard 2.2

35. Standard 2.2 is:

*Each child is protected.*

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 community.*

### Panel deliberations

38. The panel observed that there were examples of sound practice under this standard but questioned whether practice reflected the Exceeding themes being sought. The panel cited evidence of meeting minutes where staff discussed the issue of determining who is authorised to collect children from the service. The panel also referred to a similar piece of staff meeting evidence where the service team discussed supervision and safety and promoting risky play. The panel agreed that, as with Standard 1.3, the service was engaging in the review and assessment of practice in an operational or functional way – e.g., resolving to contact a handyman to repair a [REDACTED] that posed a risk to safety and supervision. The panel agreed there was little to show the critical element of reflection required to achieve Exceeding theme 2. The panel also agreed that the careful minute taking was very positive and clearly evidence as to why Exceeding theme 1 was previously identified, but noted it was not enough evidence on its own to support Exceeding theme 2.
39. In relation to Exceeding theme 3, the panel viewed a large quantity of evidence, and particularly focussed on evidence around a policy change in relation to food products potentially containing traces of nuts. The panel agreed that this evidence showcased the service's good relationships with families and noted that there appeared to be a history of positive relationships. Additionally, the evidence showed that the service had received parent feedback around the difficulty of finding products to include in children's lunches that did not carry a warning regarding traces of nuts. The service had taken this feedback on

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<sup>5</sup> Australian Children's Education and Care Quality Authority, *Guide to the NQF* (2018), 164



board over a period of time and consulted parents of children with nut allergies to clarify whether it was known that such products would pose a risk to their children with nut allergies. By doing so, the service identified that products labelled as potentially containing traces of nuts were not a risk to children with anaphylaxis and could be permitted at the service. Although the panel agreed that the evidence around the change to the service's nut policy demonstrated practice being shaped by meaningful engagement with families, there was a robust discussion between panellists as to whether *additional* similar examples would be required to enable the Exceeding theme to be identified. On balance, however, the panel's decision was that there was sufficient evidence to demonstrate Exceeding theme 3.

### Panel decision

40. The panel decided by consensus to confirm the rating for Standard 2.2 as Meeting NQS. Although the panel identified Exceeding theme 3, the evidence did not support the identification of Exceeding theme 2.

### Standard 3.1

41. Standard 3.1 is:

*The design of the facilities is appropriate for the operation of a service.*

42. Exceeding theme 1 is:

*Practice is embedded in service operations.*

43. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

44. Exceeding theme 3 is:

*Practice is shaped by meaningful engagement with families and/or community.*

### Panel deliberations

45. The panel began by discussing Exceeding theme 1 and again discussed examples of the service's sound practice, noting that practices such as daily environmental checks are an example of safe practice and not likely to support a rating of Exceeding NQS. The panel referred to the Exceeding theme guidance specific to this standard contained in the *Guide to the NQF*, and looked for evidence that would show, for example, how the service environment is supportive of the full access and participation of every child, or how the service environment contributes to a flexible and stimulating environment that enhances each child's development and learning.<sup>6</sup> Additionally, it was not clear from the evidence provided that all educators are able to articulate how the design of the physical environment, including the selection of furniture, equipment and resources, supports safe and inclusive access by all children and promotes full engagement with the program by each child, or how these considerations lead to the revision of approaches that are more equitable. The panel also discussed the *Early Years Learning Framework for Australia* and considered that the evidence did not show, for example, how the approach to the design

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<sup>6</sup> Ibid 190

and maintenance of the service's physical spaces demonstrated a commitment to the principles and practices outlined in the framework, or to the service's philosophy, for example.<sup>7</sup>

46. The panel noted that although [REDACTED] evidence showed children and staff in a playroom, and an outdoor space, the [REDACTED] did not demonstrate or explain how these spaces are arranged or planned in an intentional way that demonstrates the Exceeding themes being reviewed.
47. In relation to Exceeding theme 2, as with earlier standards in relation to this theme, the panel felt that information provided by the service was operational in nature and did not demonstrate the deeper level of thinking, examination and analysis required for critical reflection. Further, the panel were unable to find clear, relevant and substantive evidence that the service's approach to the design of the physical environment was informed by current recognised guidance on creating inclusive, safe environments that strengthen children's learning and developmental outcomes, and enhance participation.<sup>8</sup>
48. In relation to Exceeding theme 3, the panel considered whether information was being shared with families, or whether reciprocal meaningful engagement was taking place in relation to practices under this standard. The panel looked for evidence that the service was reflecting the unique geographical, cultural and community context, and welcoming the strengths and voices of children and families, while working creatively within the limitations of a physical setting.<sup>9</sup> The panel also noted the service's submission that the design of the environment was not able to be the subject of family engagement or reflection as it had been approved by Council and licenced for use as a [REDACTED]. However, the panel disagreed with the conflation of operational approval and the kind of design, purpose, and upkeep matters contemplated by Standard 3.1, all of which are able to be the subject of practices reflecting the Exceeding themes.

### Panel decision

49. The panel decided by consensus that no Exceeding themes were identified and confirmed the rating for Standard 3.1 as Meeting NQS.

### Standard 3.2

50. Standard 3.2 is:

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

51. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

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<sup>7</sup> Department of Education and Training, *Belonging, Being & Becoming – The Early Years Learning Framework for Australia* (2009), 13-21

<sup>8</sup> Australian Children's Education and Care Quality Authority, *Guide to the NQF* (2018), 191

<sup>9</sup> Ibid

## Panel deliberations

52. The panel began by discussing a particular piece of evidence in relation to Exceeding theme 2, regarding a staff meeting where the service team discussed the use of the environment as the third teacher, drawing on the principles of the infant-toddler centres and preschools in Reggio Emilia. The panel agreed that this piece of evidence was less operational or functional than other examples of meeting minutes submitted and did show a level of critical reflection. The majority of the panel felt that the evidence showed a trajectory from a conversation that explored ideas and concepts and how they are understood locally to practice decisions that deliver more equitable and positive outcomes. There was also some conversation around the role of research, and the practice possibilities and decisions stemming from this. The majority of the panel felt that the service team had engaged in an examination of what 'the environment as the third teacher' meant for them during the meeting documented in the evidence, and that this was a good example of a reflective discussion.
53. The panel then discussed whether, despite the quality of the evidence in question, they required more to be in place to identify the Exceeding theme. The panel agreed they would like to see more inclusive and collaborative discussion, rather than one-way questions seemingly posed only by the Educational Leader, as well as evidence of further reciprocal discussion or debate, clearly connected to subsequent decisions or changes to practice.<sup>10</sup> However, on balance, the panel felt that there was sufficient evidence provided to warrant identification of this Exceeding theme.

## Panel decision

54. The panel decided by consensus to amend the rating of Standard 3.2 to Exceeding NQS, as Exceeding theme 2 was identified.

## Standard 4.1

55. Standard 4.1 is:

*Staffing arrangements enhance children's learning and development.*

56. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

57. Exceeding theme 3 is:

*Practice is shaped by meaningful engagement with families and/or community.*

## Panel deliberations

58. The panel discussed that evidence provided for the Exceeding themes for this standard again included materials they would expect at a service engaging in sound practice that is Meeting NQS, such as job advertisements, rosters, and an induction pack. The panel noted

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<sup>10</sup> Australian Children's Education and Care Quality Authority, *Guide to the NQF* (2018), 204-205

that there was no reflection on, for example, how recruitment practices or goals are linked to the service philosophy or to early childhood theory.

59. The panel considered the guidance on Exceeding theme 2 in relation to Standard 4.1 and discussed whether the evidence showed that the service's approach to the organisation and continuity of educators was reflective of debate, discussion and opportunities for input by all, or informed by current recognised guidance and the qualifications, strengths, priorities and professional goals of educators.<sup>11</sup> They also looked for evidence on how the service team reflects together on opportunities to further enhance children's wellbeing, learning and development through possible change to the organisation of educators working with children,<sup>12</sup> and were unable to find sufficient evidence of this to warrant a higher rating.
60. In relation to Exceeding theme 3, the panel acknowledged that there is a level of complexity in this area as a commitment to transparency with families is required about what are partly business decisions. The panel noted that the service's practice under this standard appeared to be sound, and clearly met the high bar set by the NQS for Meeting NQS. It was evident to the panel from evidence provided for other quality areas that the service does have good relationships with families, but it was difficult to see how they were bringing these relationships into the context of Standard 4.1. It was clear to the panel that practice in this area is consistent and ongoing, and that the identification of Exceeding theme 1 was well deserved. However, the panel could not see how the organisation of educators reflects and draws on the voices and strengths of children and families, or how opportunities for collaboration with family and community partners are built into the service approach for this standard.<sup>13</sup> Drawing on the evidence submitted, the panel was unable to clearly answer questions like '*how does the service's approach to organisation and continuity of educators support all children to participate fully in the service program at all times?*'<sup>14</sup>

### Panel decision

61. The panel decided by consensus to confirm the rating for Standard 4.1 as Meeting NQS, as Exceeding themes 2 and 3 were not identified.

### Standard 4.2

62. Standard 4.2 is:

*Management, educators and staff are collaborative, respectful and ethical.*

63. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

64. Exceeding theme 3 is:

*Practice is shaped by meaningful engagement with families and/or community.*

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<sup>11</sup> Ibid 218

<sup>12</sup> Ibid

<sup>13</sup> Ibid 218

<sup>14</sup> Ibid

## Panel deliberations

65. The panel began by considering Exceeding theme 2 and noted that evidence was provided about a staff conversation about the Early Childhood Australia Code of Ethics. The panel added that, in their view, this example did not clearly demonstrate critical reflection as contemplated by this Exceeding theme – for example, the document noted that as part of critical reflection, the Educational Leader and Room Leaders would ‘revisit the Code of Ethics’ to ensure positive relationships with children, however this was not elaborated on, nor were ideas for future plans documented. The panel acknowledged the positive feedback from families and noted the systems the service had in place to receive this feedback, all of which supported the attainment of Exceeding theme 1, which was already in place. The panel again looked for evidence in line with the Exceeding theme guidance in the *Guide to the NQF*, specifically in relation to Exceeding theme 2 under Standard 4.2, but could not find clear and substantive evidence of, for example, how the service reflects together on ethical issues that may arise in the service, or on consistently identifying and implementing opportunities to strengthen ethical practice.<sup>15</sup> The panel considered that the work being done by the service in relation to a particular family’s [REDACTED] presented a good opportunity for deep critical reflection that was not fully explored, although operational changes made in relation to this matter were well executed and served the family’s needs.
66. In relation to Exceeding theme 3, the panel discussed whether it was evident that practice under Standard 4.2 reflected the Exceeding NQS indicators and guidance in the *Guide to the NQF*. They considered whether issues or questions raised by families resulted in a change to practice, and how these changes were navigated. The panel felt that the evidence given about requests from a family regarding the [REDACTED] of their religion and the intersection of those [REDACTED] with [REDACTED] at the service were a good example of how the service engaged in a meaningful way to learn something new from the service community, to share this information with the service team, and ultimately to make a change in practice in relation to one child. Overall, they felt this was sufficiently indicative of the kinds of relationships the service has with families, which enables them to engage with families on issues leading to changes in practice and agreed that Exceeding theme 3 was present.

## Panel decision

67. The panel decided by consensus to confirm the rating for Standard 4.2 as Meeting NQS. While Exceeding theme 3 was identified, Exceeding theme 2 was not.

## Standard 5.1

68. Standard 5.1 is:

*Respectful and equitable relationships are maintained with each child.*

69. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

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<sup>15</sup> Ibid 226-227

### Panel deliberations

70. The panel began by discussing the emphasis placed on orientation and arrivals processes in the evidence submitted for this standard and noted that the service again appeared to have submitted information relating to operations and functional aspects of practice, rather than of critical reflection. █████ transition books were cited, however there was little evidence of critical reflection or consideration of the impact of these books, or robust debate or discussion about their use. The panel acknowledged that reviewing and modifying operational processes is important and can inform practice, but felt these activities are distinctly different from a process of critical reflection, which requires a deeper level of questioning and analysis.

### Panel decision

71. The panel agreed by consensus to confirm the rating for Standard 5.1 as Meeting NQS, as Exceeding theme 2 was not identified.

### Standard 6.1

72. Standard 6.1 is:

*Respectful relationships with families are developed and maintained and families are supported in their parenting role.*

73. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

### Panel deliberations

74. The panel agreed that some evidence for this standard was more relevant to Exceeding theme 3 rather than Exceeding theme 2, although they noted that Exceeding theme 3 had already been identified. The evidence showed that the service has strong relationships with families and is working hard to be compliant, with consistent systems and processes in place. Again, the panel observed that the evidence showed strong operational communication, however this was not carried through into robust critically reflective practice. The panel considered Exceeding NQS guidance for this theme and standard in the *Guide to the NQF* such as questions like “are changes to the service’s approach to supportive relationships with families understood by all and implemented appropriately?”, and “how do educators, coordinators and the educational leader intentionally consider alternate ways of engaging with families and supporting their participation at the service”.<sup>16</sup> The panel referred to previous comments in relation to Exceeding theme 2 under other standards.

### Panel decision

75. The panel agreed by consensus to confirm the rating for Standard 6.1 as Meeting NQS, as Exceeding theme 2 was not identified.

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<sup>16</sup> Ibid 267

## Standard 6.2

76. Standard 6.2 is:

*Collaborative relationships enhance children's inclusion, learning and wellbeing.*

77. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

### Panel deliberations

78. The panel observed that the evidence submitted showed that the service is connected with the community, engages in activities that provide links to the service, and regularly has various visitors engaging with children at the service. However, there was limited clear and relevant evidence of the extent to which these activities are drawn into opportunities for critical reflection. Again, operations and systems were very sound and being executed well, and practice under the standard was clearly reflective of Exceeding theme 1. However, it was unclear from the evidence submitted how the service's approach to collaborative partnerships is, for example, reflective of robust debate and discussion, or informed by current recognised guidance on collaborative partnerships in early childhood contexts.<sup>17</sup>
79. The panel discussed a Strategic Inclusion Plan included in the evidence and found it to be well prepared and an example of sound practice. The panel agreed that such plans demonstrate that the service is meeting the standard however, the plans in and of themselves do not provide evidence of practice that exceeds the NQS. The panel noted that the next step in Exceeding practice requires a closer analysis and consideration of questions of the type set out in the *Guide to the NQF*<sup>18</sup> in relation to Exceeding theme 2 in the context of Standard 6.2. These may include considering how educators and the Educational Leader consider and discuss the social justice and equity implications of their approach to inclusion support and supporting transitions for all children, including self-awareness of their own biases and how these may impact on child and family outcomes.

### Panel decision

80. The panel decided by consensus to confirm the rating for Standard 6.1 as Meeting NQS, as Exceeding theme 2 was not identified.

## Standard 7.1

81. Standard 7.1 is:

*Governance supports the operation of a quality service.*

82. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

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<sup>17</sup> Ibid 279-280

<sup>18</sup> Ibid

## Panel deliberations

83. The panel noted strong operational evidence and evidence of the service having engaged in professional learning and development. They added, however, that it was not clear how the service had engaged in critical reflective practice in relation to this. The panel agreed that records and certificates of completed professional development were evidence of a commitment to professional learning but not evidence of critically reflective processes and did not support the attainment of Exceeding theme 2. The evidence also showed that the service employs [REDACTED], but the panel agreed that this evidence was operational in nature, and there was no evidence of critical reflection on the engagement of these [REDACTED] professionals and how this enhances practice outcomes. The panel noted evidence of email communication between the service and [REDACTED] engaged by the service and noted that this improved day to day practice, but it did not appear that these engagements had been meaningfully and critically reflected upon, nor examined beyond their operational or functional purpose. The panel could not find clear answers to the types of questions set out in the *Guide to the NQF* in relation to Standard 7.1 and Exceeding theme 2. This included questions such as: 'how do educators discuss governance and decision-making processes and how these align with professional standards and contribute to continuous quality improvement?' and: 'how do educators, co-ordinators and those with management responsibilities critically reflect on the statement of philosophy, individually and together, to ensure it aligns with the service's current purpose, priorities and approach to practice, and make changes where required to strengthen alignment and drive continuous improvement'.<sup>19</sup>

## Panel decision

84. The panel decided by consensus to confirm the rating for Standard 7.1 as Meeting NQS, as Exceeding theme 2 was not identified.

## Standard 7.2

85. Standard 7.2 is:

*Effective leadership builds and promotes a positive organisational culture and professional learning community.*

86. Exceeding theme 2 is:

*Practice is informed by critical reflection.*

87. Exceeding theme 3 is:

*Practice is shaped by meaningful engagement with families and/or community.*

## Panel deliberations

88. In relation to Exceeding theme 2, the panel began by observing the service's clear commitment to professional learning and effective staffing, but once again it was not apparent from the evidence submitted how the service had engaged in critically reflective

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<sup>19</sup> Ibid 300



practice in relation to their organisational culture and leadership approach. Evidence around educator responsibilities were once again operational and functional – and indicative of the sound systems that the service has embedded in their practice – however, they did not speak to the involvement of all team members in the service’s approach to leadership, or the ways in which the service’s approach is informed by current recognised guidance on leadership in early childhood contexts.<sup>20</sup> The panel looked for evidence and discussion around how the service enables all members of the team to be able to provide feedback on the quality improvement process, or how changes are managed sensitively and collaboratively with all key stakeholders.<sup>21</sup>

89. In relation to Exceeding theme 3, the panel were unable to find clear and substantive examples about how practice under Standard 7.2 is shaped by meaningful engagement with families. For example, it was unclear how leadership practice and decisions at the service reflect the unique geographical, cultural and community context of the service, or how voices, priorities and strengths of children and families are welcomed and reflected upon.<sup>22</sup> Other questions such as how quality improvement processes contribute to a culture of inclusiveness and a sense of belonging at the service, while suiting the unique context of the service, could not be clearly answered based on the predominately functional and operational evidence provided.<sup>23</sup>

### Panel decision

90. The panel decided by consensus to confirm the rating for Standard 7.2 as Meeting NQS, as Exceeding themes 2 and 3 were not identified.

## Overall rating

91. The service’s overall rating was confirmed as Meeting NQS.

## General comments by the panel at second tier review

92. The panel discussed that it appeared that the service had not fully considered the impact of the change to the way services are assessed for the Exceeding NQS rating, which commenced on 1 February 2018 when the NQS was updated. The panel acknowledged that the service cited changes they had made since their 2016 assessment and rating, including [REDACTED] and [REDACTED]. Although such improvements are important and do provide a benefit to children and families, they are, without more information about how the service has utilised these developments to demonstrate Exceeding level practice, better described as operational in nature and relating to business decisions. They are not in and of themselves evidence of practice that exceeds the NQS or reflects the Exceeding NQS themes. To achieve an Exceeding NQS rating for a standard, all

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<sup>20</sup> Ibid 314

<sup>21</sup> Ibid

<sup>22</sup> Ibid 314-315

<sup>23</sup> Ibid

three Exceeding themes must be evident in practice under that standard. To achieve a rating of Exceeding NQS overall, four of the seven standards must be rated Exceeding NQS, with at least two of these being from Quality Areas 1, 5, 6 or 7.

93. For more information on the 2018 changes to the way Exceeding NQS ratings are determined, the panel recommended the following resource:

[New Guidance on Determining Exceeding NQS for Standards](#)

94. Further guidance on the Exceeding NQS rating is also outlined in the following resource, which itself contains links to ACECQA's Exceeding NQS webpage:

[Demonstrating and Assessing Exceeding the National Quality Standard](#)

95. The panel acknowledged that the foundation of the service's submissions at second tier review seemed to relate to a dissatisfaction with the processes followed by the regulatory authority in NSW, which conducted the original assessment and rating and first tier review. This concern was also described in the video evidence. The panel noted that it is beyond the remit of second tier review panels to comment or engage in discussion regarding the processes undertaken by the authorised officer or the regulatory authority. The legislation only permits ratings review panels (also known as second tier review panels) to confirm or amend the ratings under review, based on evidence provided.
96. ACECQA notes that concerns about process cannot be addressed at second tier review and are more appropriately pursued through the complaints process of the relevant regulatory authority, or the Education and Care Services Ombudsman. It is also noted that it is not open to any panel member or officer at any level of assessment and rating or ratings review to confirm, reinstate or renew the service's 2016 rating.
97. A second observation made by the panel was the service's apparent confusion about the role and nature of critical reflection in early childhood practice, which led to evidence which was intended to show critical reflection instead demonstrating other matters. For example, one submission stated that the service's long waiting list was indicative of the fact that critical reflection must be occurring. However, the panel unanimously agreed that this was an incorrect assumption, noting that not only do services of all quality levels often maintain long waiting lists, but evidence of critical reflection must make visible educator dialogue, thought processes and discussions.
98. The panel emphasised that while simply reviewing or documenting an event or experience is certainly reflective, the essential element of critical interrogation and discussion was often absent in the evidence submitted. The panel cited the guidance in the [Guide to the NQF](#) on critical reflection, including the general guidance set out below<sup>24</sup>:
- At the Exceeding level for any Standard, members of the service team engage in ongoing critical reflection on their practice, as appropriate for their role and responsibilities within the service. Individually and as a team they:*

- *Ask why and how questions of themselves and each other, such as:*

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<sup>24</sup> Ibid 95

- *Why do we do that?*
  - *Why do we do it in this way?*
  - *How does this practice contribute to improved outcomes for all children and families?*
  - *Does this practice contribute to improved outcomes for all children and families?*
  - *Does this practice advantage some children and families and disadvantage others?*
  - *Does this practice include any stereotyping, bias or inequity?*
  - *Does this practice need to change?*
  - *How can we improve this practice?*
- *Consider the theoretical perspectives underpinning their actions and decision-making*
  - *Seek different views and opinions and are open to exploring possibilities that they may not have previously considered*
  - *Draw on various sources of knowledge and research evidence, and evaluate these sources for their credibility and relevance as well as their 'fit' to the context of the service*
  - *Consider the rationale behind new ideas and practices to assess if they align with the approved learning framework and the philosophy of the service.*

99. Importantly, the *Guide to the NQF* further provides assessment indicators for each of the Exceeding themes, suggestions for reflective questions to guide practice, and guidance on each of the themes in the context of each standard. The panel encourages the service to examine this material closely and make use of the significant amount of detailed advice on each standard contained in the *Guide to the NQF*.

100. Finally, the panel wished to note the importance of examining the Exceeding themes in their entirety and paying close attention to the words chosen. For example, although a service may establish meaningful relationships with families, to achieve Exceeding theme 3 for a standard it must be clear how practice decisions are *shaped* by those relationships. The same is true for critical reflection which must also *inform* practice.

101. Overall, the panel wished to acknowledge the work of the service in providing a service to the community that is clearly valued by families and which meets the high standards set by the NQS. To support continuous quality improvement, the panel encourages the service to make time for additional attention to the requirements of the current 2018 NQS, in particular in the context of the Exceeding themes, and to undertake further work to incorporate critical reflection in their early childhood practice.