

Ratings Review Decision Notice

Panel members

[REDACTED]
[REDACTED]
[REDACTED]

Panel date

[REDACTED] 2022

Applicant

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

Regulatory Authority NSW Department of Education

Decision

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

- Standard 3.1 was confirmed as Meeting NQS
- Standard 7.2 was confirmed 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 the initial assessment, the draft ratings outcome summary recorded the service's overall rating as Exceeding NQS. Four quality areas were rated as Exceeding NQS and three were rated as Meeting NQS.
3. After considering the service's feedback on the draft rating outcome summary, the final rating outcome summary recorded the service's overall rating as Exceeding NQS. Five quality areas were rated as Exceeding NQS and two were rated as Meeting NQS.
4. The provider sought a first tier review for Quality Areas 3 and 7 and, specifically, Standards 3.1 and 7.2, which were rated as Meeting NQS.
5. After first tier review, the regulatory authority determined that Exceeding themes 1 and 2 for Standard 3.1 were demonstrated, but not Exceeding theme 3. The regulatory authority also determined that Exceeding theme 1 for Standard 7.2 was demonstrated, but not Exceeding theme 3.
6. Following first tier review, Quality Area 3 and Quality Area 7 remained as Meeting NQS. The service's overall rating remained as Exceeding NQS.
7. At second tier review, the provider sought a review of the ratings for Standards 3.1 and 7.2, aiming to have these standards amended to Exceeding NQS.

Evidence before the panel

8. 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
 - 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.
9. 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

10. 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

11. [REDACTED] is a long day care service [REDACTED].
12. The service's previous assessment and rating took place on [REDACTED] 2019. The service's overall rating was Working Towards NQS.
13. The service's most recent assessment and rating took place on [REDACTED] 2021 [REDACTED].
14. The draft rating outcome summary was sent to the provider on [REDACTED] 2021, with feedback submitted to the regulatory authority on [REDACTED] 2021.
15. The final rating outcome summary was sent to the provider on [REDACTED] 2022. The service's overall rating was Exceeding NQS.
16. The provider applied for first tier review by the regulatory authority on [REDACTED] 2022.
17. The regulatory authority decided on the provider's first tier review application on [REDACTED] 2022. The decision notice was sent to the provider on [REDACTED] 2022. Following first tier review, the service's overall rating remained as Exceeding NQS.
18. The provider applied for second tier review on [REDACTED] 2022, seeking to have Standards 3.1 and 7.2 amended to Exceeding NQS.

Review of ratings

Standard 3.1

19. Standard 3.1 is:

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

20. Exceeding theme 3 is:

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

Panel considerations

21. In deliberating on whether the service demonstrated Exceeding theme 3 for Standard 3.1, the panel noted that the provider made several statements arguing that they were, in their view, meeting the requirements for an Exceeding NQS rating. The panel added, however, that in their view there was a lack of clear, relevant, and substantive evidence to

demonstrate how the service's practice specific to designing and making changes to the physical environment was shaped by meaningful engagement with families and/or the community.

22. The panel noted evidence supplied by the provider of the service seeking feedback from families in different ways. Examples included asking families about the skills they can contribute to the service in their enrolment form, communicating their intent to seek feedback from families about the outdoor environment [REDACTED], and seeking families' opinions about the [REDACTED] outdoor yard and supervision plans. The panel added that, in their view, feedback from families in these examples was typically sought once changes had been made, rather than families being actively engaged, and having opportunities to collaborate on ideas and solutions from the outset.
23. The panel remarked that, in their view, the examples provided in support of the provider's application aligned more strongly with the requirements for Meeting NQS. They added that, while they were examples of the service seeking feedback from families, they did not constitute meaningful engagement at the level required for this exceeding theme. For example, they were unable to determine from the evidence provided how the service had given careful consideration to the priorities and perspectives of families, and how they actively engaged with families in shared decision-making and problem solving to guide practice specific to the design of the physical environment.
24. The panel commented on the service's submission that the design of the physical environment reflected the unique geographical, cultural and community context of the service, noting specific examples of the creation of the community garden and the street library. They also noted the service's use of an [REDACTED] community profile and [REDACTED] data specific to their local community to support their understanding of the strengths, priorities and needs of the community.
25. The panel remarked that they were unable to locate clear and relevant evidence to demonstrate how the service used this data to inform conversations and collaboration with families and/or the community, how they considered the voices and priorities of families and/or the community within this dialogue, and how this influenced changes made to the design of the physical environment.
26. The panel acknowledged the service's efforts to reflect and incorporate Aboriginal and Torres Strait islander perspectives, histories, and cultures in the service. Examples noted included their connections with local Aboriginal Elders, their Acknowledgement of Country, the use of Aboriginal words [REDACTED], and the provision of resources and displays in the service environment. They added, however, that in their view, this evidence was more strongly aligned to other standards that were not under review.
27. The panel commented on the service seeking guidance from external consultants, for example seeking feedback from [REDACTED] about the outdoor program specific to promoting children's physical activity, and reflections from a [REDACTED] session with [REDACTED] regarding environmental changes. The panel noted that this demonstrated that the service sought feedback from local community organisations. They added, however, that the evidence provided did not demonstrate how these organisations (and/or families) were integral to the problem solving and decision-making process specific to changes made to the design of the physical environment.

28. 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 3.1.

Panel decision

29. The panel decided, by consensus, to confirm the rating for Standard 3.1 as Meeting NQS.

Standard 7.2

30. Standard 7.2 is:

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

31. Exceeding theme 3 is:

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

Panel considerations

32. In deliberating on whether the service demonstrated Exceeding theme 3 for Standard 7.2, the panel commented that, in their view, the examples submitted aligned more strongly with the requirements for Meeting NQS.
33. The panel highlighted examples of the service's efforts to seek feedback from families to support continuous improvement, for example the use of 'voting jars' for families to respond with a 'yes' or 'no' to questions asked, the philosophy feedback survey, [REDACTED] feedback from families about what they love about the service, and the [REDACTED] survey for new parents/carers.
34. The panel noted that these examples demonstrate that the service uses different strategies to seek feedback from families and that this feedback (from the evidence provided) indicates a high level of satisfaction. They added, however, that they were unable to determine how these strategies reflected meaningful engagement with families and/or communities, or how this engagement shaped practice in relation to how effective leadership builds and promotes a positive organisational culture and professional learning community.
35. For example, the panel were unable to determine from the available evidence, how families were actively engaged in opportunities to discuss their feedback and meaningfully participate in service decisions about how they might improve or build on current processes to support effective leadership. The panel also noted that, in their view, some of this evidence was more strongly aligned to other standards that were not under review.
36. The panel commented on the [REDACTED] session held with service staff, families, and community members, [REDACTED] about the service's QIP. They noted that this was an example of the service's efforts to keep families and the community informed about the service's quality improvement processes. They added, however, that they were unable to ascertain, from the evidence provided, how families and community members had been actively involved in the development of the QIP. This included how their feedback had been carefully considered, and how they were integral to decision-making in relation to the service's continuous improvement.

37. Using the same example, the panel commented that they were unable to determine, on the evidence provided, how and where diverse views were noted in this meeting, including where participants may have disagreed with aspects of the QIP, or what changes were made as a consequence of any disagreements or differing perspectives that were shared.
38. The panel commented on the use of the [REDACTED] platform to seek feedback from families about the service's policies and procedures and acknowledged their efforts to gain families' input in this way. They added that, in their view, this did not consistent meaningful engagement and did not demonstrate how the service had carefully considered the feedback received or how this resulted in shared decision-making about making changes to the policies and procedures being reviewed.
39. The panel commented on the position description of the service's Aboriginal [REDACTED] Advisor, submitted as evidence for this standard and exceeding theme. They also remarked on the service's efforts to promote a deep understanding and appreciation of Aboriginal histories, cultures, and perspectives within the service community, as noted previously. They added that, in their view, this evidence aligned more strongly with other standards. They also remarked that while they saw potential in how this role might shape practice in relation to effective leadership, they were unable to find clear and relevant evidence of this in the provider's submissions.
40. 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 7.2

Panel decision

41. The panel decided, by consensus, to confirm the rating for Standard 7.2 as Meeting NQS.