

## Ratings Review Decision Notice

**Panel members**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Panel date**

[REDACTED] 2022

**Applicant**

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

**Regulatory Authority** Education Standards Board SA

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

- Standard 1.2 was confirmed as Meeting NQS (Exceeding theme 3 was not identified)
- Standard 2.2 was confirmed as Meeting NQS (Exceeding theme 3 was not identified)
- Standard 5.1 was confirmed as Meeting NQS (Exceeding theme 1 was not identified)
- Standard 7.2 was confirmed as Meeting NQS (Exceeding theme 2 was not identified)

The service's overall rating remains as Meeting 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:
  - (a) did not appropriately apply the prescribed process for determining a rating level; and
  - (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 assessment and rating report recorded the service's overall rating as Meeting NQS. The service was rated as Exceeding NQS in Quality Area 3 and Meeting NQS for all other quality areas.
3. The service's ratings in the final assessment and rating report remained unchanged from those recorded in the draft document.
4. The provider sought a first tier review of Quality Areas 1, 2, 4, 5, 6 and 7, and specifically, Standards 1.2, 2.2, 4.1, 5.1, 6.1, 6.2, 7.1 and 7.2.
5. The regulatory authority considered the submissions provided. They amended the ratings for Standards 4.1, 6.1, 6.2, and 7.1 to Exceeding NQS and confirmed the ratings for Standard 1.2, 2.2, 5.1 and 7.2 as Meeting NQS.
6. Following first tier review, the service's rating for Quality Areas 3, 4, and 6 was amended to Exceeding NQS and remained as Meeting NQS for all other quality areas. The service's overall rating remained as Meeting NQS.
7. The provider sought a (second tier) ratings review of Standards 1.2, 2.2, 5.1 and 7.2.

## Evidence before the panel

8. The panel considered all the available 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 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, and
  - the provider's response to reviewing the regulatory authority's submission.
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 and regulatory authorities 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 with [REDACTED] approved places. The service is located on the lands of [REDACTED], in [REDACTED] [REDACTED] South Australia.
12. The service's previous assessment and rating [REDACTED] took place in [REDACTED] 2017. The service's overall rating was Exceeding NQS.
13. The service's most recent assessment and rating [REDACTED] took place on [REDACTED] [REDACTED] 2022 by [REDACTED].
14. The draft assessment and rating report was sent to the provider on [REDACTED] 2022, with feedback submitted to the regulatory authority on [REDACTED] 2022.
15. The final assessment and rating report was sent to the provider on [REDACTED] 2022. The service's overall rating was Meeting NQS.
16. The provider applied for first tier review by the regulatory authority on [REDACTED] 2022. The decision timeframe was extended by agreement between the regulatory authority and the provider.
17. The regulatory authority decided on the provider's first tier review application on [REDACTED] [REDACTED] 2022. The decision notice was sent to the provider on [REDACTED] 2022.
18. Following first tier review, the service's rating for Quality Areas 3, 4, and 6 was amended to Exceeding NQS and remained as Meeting NQS for all other quality areas. The service's overall rating remained as Meeting NQS.
19. The provider applied for second tier review on [REDACTED] 2022, seeking to have Standards 1.2, 2.2, 5.1 and 7.2 amended to Exceeding NQS.

## Review of ratings

### Standard 1.2

20. Standard 1.2 is:

*Educators facilitate and extend each child's learning and development*

21. Exceeding theme 3 is:

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

## Panel deliberations

22. In deliberating on whether the service demonstrated Exceeding theme 3 for Standard 1.2, the panel remarked that the examples submitted as evidence aligned more strongly with Meeting NQS practice and did not, in their view, demonstrate meaningful engagement with families and/or the community specific to pedagogical practice at the level required for this standard and Exceeding theme.
23. The panel commented on images of artwork and displays reflecting the cultural backgrounds of families attending the service. This included displays specific to [REDACTED] celebrations, as well as displays reflecting Aboriginal and Torres Strait Islander culture and perspectives, and experiences planned for [REDACTED]. The panel noted the aesthetic value of these displays and experiences. They were, however, unable to ascertain how the service meaningfully engaged with families and/or the local community, community organisations, or Aboriginal and Torres Strait Islander communities, to inform these decisions and actions. They added that the displays and experiences were, in their view, more representative of Meeting NQS practice.
24. With reference to the above example, the panel noted a letter received from the [REDACTED] of a child attending the service, expressing their appreciation to the service for their efforts in celebrating [REDACTED] and the sense of belonging this created for them. The panel noted that this was clearly meaningful for the family. However, it did not, in their view, demonstrate meaningful engagement or genuine partnerships with this family (or with other families) at the level required for this standard and Exceeding theme. The panel remarked that they were unable to see clear and substantive evidence of how the service actively engaged with families and/or the community in a meaningful way to seek their views and priorities or demonstrate how they had shifted their thinking or shaped their pedagogical practice because of this engagement.
25. The panel commented on the example of educators setting up [REDACTED] as an indoor play space for a child with additional needs, also noting the email communication between the service and the child's family provided as evidence. The panel remarked that while this was evidence of a communication exchange between the service and family, it did not demonstrate consistent and ongoing engagement with the family or show how the service actively involved the family in shared decision making and problem solving specific to their approach to facilitating and extending the child's learning and development. The panel were also unable to ascertain, from the evidence provided, how the service continued to engage with the family following the family's request to [REDACTED] and how they collaborated with them to ensure their program planning and implementation for the child continued to be responsive to their strengths, interests and abilities.
26. The panel commented on the service's use of [REDACTED] as a way of documenting children's learning, an approach that was introduced after educators attended a professional learning day, submitted as evidence of meaningful engagement with their professional community. The panel were unable to determine, from the available evidence, the extent to which this engagement was consistent and ongoing, or how the professional community was integral in the decision making process specific to the introduction of this approach.

27. The panel commented on evidence submitted by the provider at first tier review, including the [REDACTED] forms, [REDACTED] surveys, and [REDACTED] feedback forms. The panel noted that while this was evidence of the service seeking input from families to inform program planning and implementation, it did not demonstrate meaningful engagement at the level required to warrant a higher rating. The panel was looking for, for example, evidence of the ongoing and consistent nature of the service's engagement with families and how they actively involved families in problem solving and decision making to facilitate and extend each child's learning and development.
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 1.2.

### Panel decision

29. The panel decided, by consensus, to confirm the rating for Standard 1.2 as Meeting NQS.

### Standard 2.2

30. Standard 2.2 is:  
*Each child is protected.*
31. Exceeding theme 3 is:  
*Practice is shaped by meaningful engagement with families and/or the community.*

### Panel deliberations

32. In deliberating on whether the service demonstrated Exceeding theme 3 for Standard 2.2, the panel concurred that the evidence provided was more indicative of Meeting NQS practice and did not demonstrate exceeding practice specific to children's safety at the level required for this standard and Exceeding theme.
33. The panel noted surveys seeking to determine families' satisfaction with the service's COVID-19 response. While noting the high level of satisfaction in the survey responses, this was, in the panel's view, an example of the service seeking feedback from families rather than of meaningful engagement, where families are actively involved in decision making processes. Further, it was not clear from the evidence provided, how the service had changed or adapted their thinking and/or practice as a result of this engagement.
34. The panel commented on the service's emergency evacuation plans and evaluations of emergency evacuation drills, which again, in their view, was more indicative of Meeting NQS practice. The panel noted that families were informed when an emergency drill occurred. They also noted that families involved with the [REDACTED] and [REDACTED], as well [REDACTED] and [REDACTED], have attended the service to share aspects of their role with children. The panel added, however, that they were unable to see clear and substantive evidence of how the service made families and/or the community integral in the decision making process specific to emergency management including, for example, how they actively engaged with families about their concerns and priorities for children's safety.

35. The panel commented on the example of the service's engagement with families regarding [REDACTED] collecting children from the service [REDACTED], which the service identified as a safety risk. The panel noted the service's actions in response to this incident in speaking with the families involved, including [REDACTED]. They also noted a subsequent email to the families requesting they refrain from this practice. The panel added, however, that they were unable to determine, from the available evidence, how the service enquired about and responded respectfully to the circumstances and [REDACTED] contexts of these families, and how they actively involved the families in problem solving and decision making regarding the safe collection of the children.
36. The panel noted the provider's request for a review of the wording for Standard 2.2 in their feedback on the draft and final assessment and rating reports relating to the service's safety requirements for [REDACTED]. The panel remarked that it is beyond the remit of rating review panels to comment on or engage in discussion regarding the processes undertaken by the authorised officer or the regulatory authority, including the wording of assessment and rating reports. The legislation only permits rating review panels to confirm or amend the ratings under review, based on the evidence provided.
37. 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 2.2.

### Panel decision

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

### Standard 5.1

39. Standard 5.1 is:  
*Respectful and equitable relationships are maintained with each child.*
40. Exceeding theme 1 is:  
*Practice is embedded in service operations.*

### Panel deliberations

41. In deliberating on whether the service demonstrated Exceeding theme 1 for Standard 5.1, the panel agreed there was evidence that highlighted sound practice that met the high standards required to achieve Meeting NQS specific to relationships between educators and children. Examples included educators' use of the [REDACTED] approach to build attachments with children, the service's practice of using [REDACTED] to build trusting relationships with children, and their engagement with [REDACTED] to support responsive and inclusive interactions with children. The panel added, however, that overall, the available evidence did not demonstrate that practice specific to relationships with children was embedded in service operations to warrant a higher rating.

42. The panel noted, for example, an educator's [REDACTED] practice [REDACTED] [REDACTED] in the [REDACTED] room, which was a focus of the provider's second tier review submission. The panel remarked on the provider's acknowledgement that this was a one-off incident and not consistent with usual practice. The panel also noted the provider's reference to a flow chat in the Guide to the National Quality Framework, providing guidance to authorised officers in assessing inconsistent quality.
43. The panel were, however, unable to see clear and substantive evidence, particularly in the [REDACTED] room, of any new or additional examples of [REDACTED] or [REDACTED] demonstrating the dignity and rights of every child being maintained as part of their consistent and ongoing high-quality practice, regardless of the staffing or situation on any given day.
44. The panel also commented on additional submissions supplied by the provider at second tier review regarding the service's policies and procedures about toileting and nappy change. This included [REDACTED] [REDACTED]. As part of their deliberations, the panel commented on the balance between maintaining children's dignity and rights and ensuring children's safety. They added that, in their view, how educators ensured the dignity and rights of every child is maintained in nappy change and/or toileting routines was not substantiated in the available evidence.
45. The panel noted the provider's request for a review of the wording for Standard 5.1 in their feedback on the draft and final assessment and rating reports relating to the [REDACTED] [REDACTED] in the [REDACTED] room. The panel noted that it is beyond the remit of rating review panels to comment on or engage in discussion regarding the processes undertaken by the authorised officer or the regulatory authority, including the wording of assessment and rating reports. The legislation only permits rating review panels to confirm or amend the ratings under review, based on an assessment of the available evidence.
46. The panel concluded that there was insufficient evidence to determine that Exceeding theme 1 should be amended to Yes to support an overall higher rating for Standard 5.1.

### **Panel decision**

47. The panel decided, by consensus, to confirm the rating for Standard 5.1 as Meeting NQS.

### **Standard 7.2**

48. Standard 7.2 is:  
*Effective leadership builds and promotes a positive organisational culture and professional learning community.*
49. Exceeding theme 2 is:  
*Practice is informed by critical reflection.*

## Panel deliberations

50. In deliberating on whether the service demonstrated Exceeding theme 2 for Standard 7.2, the panel commented that they were unable to see clear, relevant and substantive evidence specific to this Exceeding theme and standard to warrant a higher rating.
51. The panel commented on some of the work undertaken by the service as evidence of quality practice supported through leadership. This included, for example, their efforts to [REDACTED] support their LGBTQIA+ community members, including staff and families. They noted the provider's submission that this initiative was developed through critical discussions between service leadership initially and then with LGBTQIA+ staff members. The panel added, however, that they were unable to see clear and substantive evidence specific to this example of service leaders and educators engaging in the deeper level of thinking, questioning and analysis required of critical reflection, to inform this decision.
52. The panel commented on a goal in the service's QIP specific to having a more streamlined way of documenting their reflective discussions. They also remarked on video discussion [REDACTED] with the provider commenting that while they engaged in regular and ongoing critical reflection, these conversations were not always recorded and/or documented. The panel agreed with the provider's assessment of current practice, adding that while the provider made statements that practice specific to the effective leadership of the service was informed by critical reflection, this was not supported in the available evidence.
53. The panel remarked that the current educational leader had only recently taken on this role, noting the provider's rationale in introducing this change being to allow the previous educational leader to [REDACTED] in the [REDACTED] room, while also creating a professional development and leadership opportunity for the new educational leader, [REDACTED]. The panel added, however, that they were unable to see evidence of how this change in practice had been informed by critical reflection, including robust debate and discussion, and opportunities for input by all educators.
54. The panel commented on the documented examples of critical reflection from the educational leader supplied by the provider at assessment and rating. This included reflection notes, completed [REDACTED] reflection templates, and educator's responses to reflective questions. The panel noted that, in their view, much of this reflection involved a description or review of events. The panel remarked that while reviewing or documenting an event or experience may be reflective, the essential element of critical interrogation and robust discussion was absent in the evidence submitted. They also added that it was not clear in the available evidence how educator discussions and/or reflections shaped practice specific to the leadership of the service.
55. The panel noted, as an example, documented educator reflections about [REDACTED] [REDACTED] expectations, which included remarks that some [REDACTED] staff were not familiar with the service's routines and procedures. After reviewing the available evidence, the panel were unable to ascertain how this reflection led to a shift in thinking or a change in



practice to support ongoing continuous improvement and quality practice by ensuring all educators, [REDACTED] are aware of and understand their roles and responsibilities.

56. 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 7.2.

### Panel decision

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

### General comments

58. The panel noted the importance of providers being more fully acquainted with [Exceeding guidance](#) to deepen their understanding of what each of the Exceeding themes might look like in practice specific to each standard. This includes the importance of examining the Exceeding themes in their entirety, which was not demonstrated in the panel's assessment of the evidence provided for the standards under review.
59. For example, a provider seeking to demonstrate that their practice reflects *Exceeding theme 3* must provide examples of meaningful engagement with families and/or the community as well as evidence of how this engagement resulted in shifts in thinking and/or shaped changes to or improvements in practice.
60. Similarly, *Exceeding theme 2* requires a provider to submit evidence of a deeper level of analysis, examination and thinking than simply describing or reviewing a situation or event. Evidence for this Exceeding theme also needs to demonstrate how critical reflection has informed ongoing practice not just that critical reflection has occurred.