



Australian Education Union

Submission

to the

COAG Consultation on the Regulation Impact Statement for Early Childhood Education and Care Quality Reforms

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Introduction

In 2006, the AEU produced a discussion paper, *Where there's a will – it's child play*, which noted:

In Australia, early childhood education and care are divided by history, structures, funding mechanisms, staffing levels and qualifications. Since 1985, the Commonwealth has provided no funding for preschool education, focusing on provision of childcare within a framework largely about labour force participation rather than the developmental needs – or educational rights - of children. Preschool education has to date been seen as a responsibility solely of the states and territories since the abolition of Commonwealth funding.¹

The paper called for a national vision and plan for Early Childhood Education and Care and for a partnership approach by the Commonwealth, State and Territory Governments in order to “fund, support, and guarantee access to high quality, free early childhood education for all children”(p 4). In this context, the AEU commends the Rudd Labor Government for its vision and leadership in the ECEC area, and its move to facilitate intergovernmental agreement and action on such a national plan, through the Council of Australian Governments.

¹ Kronemann, M (2006) *Where there's a will – it's child's play* Australian Education Union, Melbourne <http://www.aeufederal.org.au/Publications/ECdispap2006.pdf> (accessed 25 August 2009)

In the context of this consultation on the RIS it is worth noting that whilst the AEU considers access to a high quality ECEC system to be an important aspect of women's labour force participation, we also view high quality Early Childhood Education and Care as crucial to the rights of the child. In particular, we view comprehensive implementation of these reforms through the lens of Australia's obligations as a signatory to the International Convention on the Rights of the Child² (ICRC), and associated resolutions and statements made by the UN Committee on the Rights of the Child and/or adopted by the UN General Assembly.

Consistent with Australia's ICRC obligations, the AEU believes that the promotion and protection of children's rights must be central to any process of reform. AEU policy states unequivocally that universal access to high quality public Early Childhood Education and Care is integral to the educational, social, physical, moral and emotional development of children. It is therefore commendable that the new *National Early Childhood Development Strategy – Investing in the Early Years*³, of which this consultation on the Regulation Impact Statement is a part, encompasses a child-centred, holistic approach to the reform of the system. However, evidence suggests that holistic policy development and holistic implementation of reform processes are not the same things.

There are a range of challenges in ensuring that reforms do not produce unintended negative consequences, particularly when working across a multi-dimensional and multi-faceted system such as early childhood education and care. Research on the New Zealand experience of reform in the sector is particularly instructive. Duncan⁴, for example, contends that reforms in the sector in New Zealand were characterized by:

- incompatible policy approaches;
- insufficient funding; and
- contradictory regulatory environments.

The result was a range of unintended consequences of policy implementation, including a levelling down of teacher-child ratios in some centres, as a consequence of the implementation of new minimum standards. Duncan's⁵ research also illustrated that the nature and pace of reforms in that country placed incredible demand on teachers and other workers in the field.

In addition, recent research for the European Union by the Network of Experts in Social Sciences of Education and Training⁶ concludes that addressing ECEC reform is a complex task, particularly because effective reform requires policy approaches that "cut across traditional administrative ways of understanding and organizing education services in most European countries" and "(the) need(s) to span a number of policy arenas."

² UNESCO, 1989

³ COAG

⁴ Duncan, J (2004) *Misplacing the teacher? New Zealand Early Childhood Teachers and Early Childhood Education Policy Reform, 1984 – 96*

⁵ Ibid

⁶ Penn, H and NESSE Network of Experts, (2009) *Early Childhood Education and Care Key Lessons from Research for Policy Makers, An independent report submitted to the European Commission by the NESSE networks of experts*

<http://www.nesse.fr/nesse/activities/reports/ecec-report-pdf> (pp 6 & 7) accessed 27 August 2009

Whilst the conclusions of this significant research may appear to be self-evident, they need to be kept in mind at all stages of the reform process if unintended consequences are to be avoided. As the NESSE report found:

Even with a systemic approach and an integrated policy framework, the services on the ground have to be of a sufficient standard to achieve the policy aims and objectives. It is a commonplace of policy research that policy talk or discourse, policy implementation and actual practice are separate, and often contradictory, and do not automatically lead into one another. There are many instances in the field of education of the policy talk being grandiose whilst the implementation is botched and the practice remains unchanged (Steiner-Khamsi, 2004).⁷

The AEU advocates the position that high quality, universal, free, secular provision of Early Childhood Education and Care is a public good and should be seen as such by governments. Investment in ***quality public early childhood education*** (our bold and italic) reaps significant long term benefits for children, their families and the community. We commend the Rudd Labor Government and the Federal Department of Education, Employment and Workplace Relations on the consultative processes undertaken to date in the roll-out of these reforms. In doing so we also recognize that a significant body of work, by ECEC peak bodies, professional and industrial organizations (including trade unions) and researchers, has been undertaken in the lead-up to these historic reforms of the sector, now driven by COAG.

Much of this work focuses on the ECEC policy implementation of the Howard Government, which extended the unfettered, deregulated growth of private provision in the industry. It highlights an important historical lesson as it relates to the nature of the sector. In particular, the consequences of such a policy approach are demonstrated through the rise and fall of ABC Learning. The AEU believes that it is relevant to draw on these lessons as they relate to the implementation of the proposed regulatory changes outlined in the RIS, particularly as the nature of the regulations base a number of assumptions on the capacity of the ‘market’ to, for example, “augment improvement”, as stated in the Analysis of Options section in the RIS (p 31). Current debate in the Federal Parliament illustrates the impact that the ‘fall’ of ABC Learning has had on the communities that it served/profited from. As Senator Marise Payne argued in the recent parliamentary debate⁸ on the final legislative amendments to deal with the fall-out from the collapse of ABC Learning:

It was clear from the uncertainty and distress that was experienced by thousands of parents, carers, children and staff following the collapse of ABC learning just how important this amendment is. The sudden closure of a childcare centre is more than just a business decision; it can mean unemployment for the centre’s workers, stress and work difficulties for both parents and carers, and of course instability for the children, who are disrupted in that process. All of that is made worse by ongoing uncertainty. In the case of ABC Learning, for months many of the centres have been standing on the brink of closure

⁷ Ibid

⁸ Payne, M. (2009) Senator for South Australia, *Family Assistance Legislation Amendment (Child Care) Bill 2009 Second Reading Speech*, Hansard, Australian Government, Parliament House, Canberra, Thursday 20 August 2009 from <http://www.aph.gov.au/hansard/reps/latesthansard/rhansard.pdf> (accessed 29 August 2009)

with parents, carers and staff waiting for information—any information, in fact—that might tell them once and for all what was going to happen. After months of waiting, it is unacceptable for people in those circumstances to be told that a centre will close within days.

Notwithstanding the fact that Senator Payne’s party, whilst in Government, facilitated the occurrence of this crisis with the introduction of the Child Care Benefit in 2000⁹, the issues she raises are pertinent to the impact of the corporatization of the ECEC industry by governments, in the name of financial efficiencies. In particular, Senator Payne’s speech illustrates the human impacts on the three primary groups of stakeholders in the ECEC system, and outlines how they were affected by the closures. These include the prospect of unemployment for child care workers and the resulting uncertainty and distress; stress and work difficulties for parents; and, most importantly, the stress and instability for children.

In a policy environment which advocates the importance of evidence-based reform, the collapse of ABC Learning needs to be situated within a growing body of research internationally and within Australia which questions the notion that ‘opening up’ the ECEC market has led to improved quality, and argues that ‘quality childcare and the pursuit of profits are incompatible goals’¹⁰. ABC Learning had a comprehensive strategy for lowering costs and maximizing profits¹¹, which eventually impacted on certainty of provision and potentially impacted on the quality of provision. This strategy involved keeping labour costs low through:

- high occupancy rates;
- high child to staff ratios;
- centralizing functions such as standardising curriculum development, recruitment and training of staff, coordination of menus and interior design; and
- the provision of playground material through the exclusive provision of a company which ABC Learning once owned¹².

The recent NESSE report¹³ which reviewed international research across a number of countries for the European Commission found that:

Private for profit ECEC services are variable but tend to offer the lowest quality services in all countries where they have been investigated. Private for profit provision may exacerbate social stratification.

⁹ Newberry, S and Brennan, D (2008) Economic and Social Policy Tensions: Early Childhood Education and Care in a Marketised Environment, Submission to the Senate Inquiry into Child Care <https://senate.aph.gov.au/submissions/committees/viewdocument.aspx?id=c87002fe-90e8-4296-aaa8-93efd2c6ceaa> (accessed 27 August 2009)

¹⁰ Harris, N (2008) *Women’s Reflections on choosing quality long day care in a regional community; in Australian Journal of Early Childhood* http://www.earlychildhoodaustralia.org.au/australian_journal_of_early_childhood/ajec_index_abstracts/womens_reflections_on_choosing_quality_long_day_care_in_a_regional_community.html (accessed 25 August 2009)

¹¹ Brown, T. (2008) *Easy as ABC? Learning to Organise Private Child Care Workers* in *Labour Studies Journal* 2009. From <http://lsj.sagepub.com/cgi/cpntent/abstract/34/2/235> (accessed 27 August 2009)

¹² Ibid

¹³ Penn, H and NESSE Network of Experts, (2009) *Early Childhood Education and Care Key Lessons from Research for Policy Makers, An independent report submitted to the European Commission by the NESSE networks of experts* <http://www.nesse.fr/nesse/activities/reports/ecec-report-pdf> (accessed 27 August 2009)

Governments must draw lessons from the collapse of ABC learning and the most recent European research. Marketisation of the industry in Australia has not lead to higher quality or greater affordability. In fact, the cost of childcare in Australia has been significantly inflated. Brennan and Newberry's¹⁴ research, citing information from the Australian Bureau of Statistics, determined that:

In the last five years, the cost of child care has grown much faster than the price of other goods and services. For example, in the 12 months to June 2007, child care costs rose by 12.8% - the fifth successive year that costs had risen 10 percent or more.

The AEU believes that governments at all levels must extend their responsibility to planning provision of services to the community through a high quality Early Childhood Education and Care industry, and that governments have a responsibility to fund Early Childhood Education and Care as a vital and necessary contribution to the future of our country. We note that there is currently a Senate Inquiry¹⁵ underway in to the provision of child care, and await with interest the outcomes.

Funding for ECEC

The AEU believes that a model of publicly funded, supply-driven ECEC should be developed in Australia. A priority feature of this model should be the co-location of pre-schools and other ECEC sites with local public schools. Whilst we welcome the Rudd Government's initiative, particularly in the planned creation of 260 new centres on school sites and community owned land, we also believe that the current development of the RIS is a missed opportunity to shape a system which is truly focused on the rights of the child, and by extension, the responsibilities of governments to properly and appropriately fund and plan for certainty. The aim of seamless transitions and, where appropriate, the development of better pathways of provision between care, early education and school-based education is integral to such a model. This highlights the need for greater exploration of the funding required to enable local public schools to have the capacity to provide a 'one-stop-shop' for families.

The OECD *Education at a Glance* report for 2008¹⁶ states that Australia spends only 0.1% of GDP on ECEC, just a quarter of the OECD average of 0.4%. This places Australia at equal last in expenditure for OECD countries in ECEC. The OECD report *Starting Strong II* (2006)¹⁷ makes similar findings. In this context, the AEU questions the basis of consultation question 9 of the RIS – *Do you think that integrating the existing regulatory arrangements will reduce costs for the industry and for governments? Do you think that this approach will be sufficient to ensure ECEC provided is high quality?*

¹⁴ Newberry, S and Brennan, D (2008) Economic and Social Policy Tensions: Early Childhood Education and Care in a Marketised Environment, Submission to the Senate Inquiry in to Child Care <https://senate.aph.gov.au/submissions/committees/viewdocument.aspx?id=c87002fe-90e8-4296-aaa8-93efd2c6ceaa> (accessed 27 August 2009)

¹⁵ Senate Inquiry in to the Provision of Childcare, Senate Education, Employment and Workplace Relations Committee, Canberra

¹⁶ OECD (2008). *Education at a Glance 2008: OECD Indicators*.

http://www.oecd.org/document/9/0,3343,en_2649_39263238_41266761_1_1_1_1,00.html

¹⁷ OECD (2006). *Starting Strong II: Early Childhood Education and Care*.

http://www.oecd.org/document/63/0,3343,en_2649_39263231_37416703_1_1_1_1,00.html

The basis for the integration of existing regulatory arrangements should not be the reduction of costs to government or the industry. As argued previously, the goal of reduced costs through extension of the ‘market’ has, in the AEU’s view, led to an increase in costs to parents and a subsequent reduction in quality. Whilst we agree with the integration of regulatory arrangements, we believe that the process of integration should begin with the premise: *What is required to provide high quality, universal ECEC services to all Australian children?*

It is the AEU’s view that integration of existing arrangements will reduce the regulatory burden on teachers, thus freeing up much needed time for the provision of educational leadership and teaching. However, this arrangement alone will not be sufficient to ensure that the ECEC provided is high quality. Early childhood education teachers and non-teaching professionals working in the industry require further access to professional support, including regulated release time for professional learning.

The *Starting Strong II*¹⁸ found that workers in the sector in Australia are amongst the lowest paid and least qualified in the countries studied. The AEU believes that the basis of quality provision of ECEC is the development of a high quality workforce. This is characterized by:

- quality wages and working conditions, including, (as mentioned above) appropriate staff to child ratios; and
- access to professional release time, job security and opportunities for staff to develop career pathways and progressions, from recognized minimum qualifications, through to VET and University qualifications.

In this context, we welcome the Government’s announcements to invest \$126.6 million over the next four years to train and retain a high quality early childhood education workforce.¹⁹ We believe these measures should be expanded and extended in the development of the National Early Years Workforce Strategy. As the OECD report states: “Without that investment, a shortage of good quality programs, unequal access, and segregation of children according to income follows”²⁰.

National Quality Standard

The AEU agrees with the premise that there should be one national standard to replace the current complex licensing and quality assurance arrangements in the industry. As the Report of the Expert Advisory Panel on Quality Early Childhood Education and Care²¹ noted, ‘Australia has a multilayered approach to quality assurance in child care, spanning minimum quality standards through to a national quality assurance system promoting continuous quality

¹⁸ Ibid

¹⁹ <http://www.mychild.gov.au/nationalearlyyears.htm>

²⁰ Ibid p. 102.

²¹ DEEWR (2009) *Towards a National Quality Framework for Early Childhood Education and Care – Report of the Expert Advisory Panel* http://www.deewr.gov.au/EarlyChildhood/Policy_Agenda/Quality/Documents/Expert%20Advisory%20Panel%20Report.pdf (p.7) (accessed 25 August 2009)

improvement’ and ‘there is no similar national quality assurance/accreditation system for preschool/kindergarten’.

In agreeing with the premise, we also note that there is a body of evidence which questions whether quality can be objectively defined and measured²² within the industry; and indeed that attempting to do so shifts priorities away from the provision of quality education and care to meeting minimum accountability requirements²³. In addition, there is concern as to whether the development of such standards is capable of accommodating the needs of culturally diverse groups, in particular, Indigenous-specific providers of ECEC services²⁴.

The view of the Secretariat of National Aboriginal and Islander Child Care (SNAICC), the peak body for Aboriginal and Torres Strait Islander services within the industry, is that Aboriginal and Torres Strait Islander ECEC providers must ‘be assisted by the federal government to define the quality standards that relate to their specialist area of service provision; be supported through enhanced funding, support for staff training and long term professional development to meet and exceed those measurable quality standards; and operate within a broad national quality framework alongside other child care services.’²⁵

Whilst recognising that Indigenous-specific providers currently sit outside the scope of the timetable for implementation in the RIS, the SNAICC submission raises a number of pertinent issues relating to the reforms, and argues that the Quality Standard (framework):

“has to be enabling and support other reform priorities rather than being constraining and regulating practice back to a fixed and centralised view of quality. Unless we make progress on issues such as workforce development, expanding the availability of services and reforming service models the framework will merely be a new set of words on paper.”²⁶

The AEU agrees with this proposition, and consequently believes that the RIS is restrictive in its nature, scope and definitions of a National Quality Standard.

The AEU believes that ‘quality development’ and ‘quality assurance’ are value-laden concepts, the attainment of which is dependent on many variables, including access to appropriate government resources, and the development of worker-friendly environments. Thus we propose that the scope of the National Quality Standard be broadened beyond one which targets only the

²² Fenech, M (2006) *The Impact of Regulatory Environments on Early Childhood Professional Practice and Job Satisfaction: A Review of Conflicting Discourses*, Macquarie University, in Australian Journal of Early Childhood—http://www.earlychildhoodaustralia.org.au/australian_journal_of_early_childhood/ajec_index_abstracts/the_impact_of_regulatory_environments_on_early_childhood_professional_practice_and_job_satisfaction.html (accessed 25 August 2009); and Penn, H and NESSE Network of Experts, (2009) *Early Childhood Education and Care Key Lessons from Research for Policy Makers, An independent report submitted to the European Commission by the NESSE networks of experts* <http://www.nesse.fr/nesse/activities/reports/ecec-report-pdf> (accessed 27 August 2009)

²³ Grieshaber (2002) *Regulating the Early Childhood Field*. Australian Journal of Early Childhood, in Fenech, M (2007)op.cit

²⁴ Hutchins, T, Sagers, S and Frances, K (2009) Australian Indigenous Perspectives on Quality Assurance in Children’s Services in Australian Journal of Early Childhood

http://www.earlychildhoodaustralia.org.au/australian_journal_of_early_childhood/ajec_index_abstracts/australian_indigenous_perspectives_on_q_quality_assurance_in_childrens_services.html (accessed 25 August 2009)

²⁵ SNAICC (2008) *Submission September 2008 - National Quality Framework for Early Childhood* <http://www.snaicc.asn.au/uploads/rsfil/00210.pdf> (accessed 25 August 2009)

²⁶ *ibid* (p. 2)

provider and employees. It should include the establishment of standards for governments for example, in funding and planning; and employers, for example, in the context of the early strategy of ABC learning to create a non-unionised workforce. The AEU believes that the scope of the standards must be expanded to include the right of all employees to join a Trade Union. This could be based on the Fair Work Act, 2009. An instructive model on a broader scope of standards can be found in the NESSE report²⁷.

Quality Rating System

The RIS outlines only 2 options for consideration in relation to the notion of continual quality improvement, namely, adopt the Quality Rating System or maintain the status quo. Thus, the options proposed in the RIS limit both the choice of the respondents to the consultation and the scope of the debate in relation to defining and measuring ‘quality’ within the industry and community more broadly.

As outlined above, there is ample evidence to show that the notion of defining and measuring quality within the industry is, at best, contested and may quite possibly limit and restrict the capacity of the community to define and measure quality in ways that best suit its needs, resulting in social exclusion²⁸. Balageur, Mestres and Penn state that:

*“Any definition of quality is to an extent transitory; understanding quality and arriving at quality indicators is a dynamic and continuous process of reconciling the emphases of different interest groups. It is not a prescriptive exercise. On the other hand it needs to be a detailed exercise which is of direct practical use to those working with young children.”*²⁹

The AEU believes that the measures currently proposed in the RIS Appendix B – Draft National Quality Standard and Rating Framework are overly definitive and static by nature, and would restrict the process of continual quality improvement, which is the ultimate stated goal of the process. This particularly relates to the ‘excellent’ standard, as the very notion of ‘excellence’ implies reaching a pinnacle of achievement and could be interpreted as no further improvement needing to be made. Where do providers go once they have reached an ‘excellent’ rating? One could interpret this rating level as being contradictory to the objective of *continual* quality improvement.

²⁷ Penn, H and NESSE Network of Experts, (2009) *Early Childhood Education and Care Key Lessons from Research for Policy Makers, An independent report submitted to the European Commission by the NESSE networks of experts* <http://www.nesse.fr/nesse/activities/reports/ecec-report-pdf> (p. 52) (accessed 27 August 2009)

²⁸ Ibid

²⁹ Balageur, I, Mestres, J and Penn, H (2006) *Quality in Services for Young Children A Discussion Paper* Commission Of The European Communities Directorate-General For Employment, Industrial Relations And Social Affairs. European Commission Childcare Network <http://www.childcarecanada.org/pubs/other/quality/Qualitypapertwo.pdf> (accessed 25 August 2009)

In addition, the ‘Excellent’ standard has as its first criterion the ‘fostering of innovation through ECEC integration, social inclusion, or community engagement’³⁰, when there is no explicit mention of ‘social inclusion’ as a base-level criterion. This is curious on two levels, the first being the omission of the explicit indicator itself, given the current Government’s stated policy commitment to social inclusion; the second being that ‘social inclusion’ is seen as a criterion over and above the core business of centres.

The ‘High Quality’ criterion is also problematic. ‘Building respectful partnerships and sharing decision making with families’, for example, is contentious given that it is dependent on the capacity and ability of families to engage and ‘share in decision-making’. This is particularly so when one of the stated aims of reform of the system is to increase women’s participation in the workforce, which may subsequently reduce their capacity to ‘share decision-making’ with their ECEC centre.

In addition, there is the issue of managing providers which do not meet the standards. Whilst the AEU does not advocate the registration of sub or poor quality providers, the lessons of ABC Learning must be heeded, particularly as they relate to the provision of certainty for children, families and communities. The AEU believes that the data which is already collected within the National Childcare Accreditation Council QA system should be interrogated to determine and manage the scope of the risk from providers which may not meet the new standards. Capacity building and forward planning must be built in to the system in order to provide certainty for children and their families. If existing private or other non-government providers are continually unable to meet the standards, it is the responsibility of governments to provide quality public provision to replace them.

Further to this, the basis of the analysis in the RIS (section 4.2 – Insufficient information on quality systems) is that of parental ‘choice’, a fundamental aspect of the ‘marketisation’ agenda within the industry, which this submission has argued is a flawed assumption on the basis of existing research.. It is unclear as to how the information created by the publication of quality rating data on web-sites or by any other means will be used. Recent experiences in relation to the release of school data, for example, have seen the media use this information in the creation of ‘school league tables’. It would be most unfortunate if this were to be replicated in the ECEC industry, as the long-term effects of school rankings in international experience have lead to what the OECD³¹ describes as a ‘vicious circle’, with ‘negative consequences’ favouring the ‘already advantaged’. This ‘vicious circle’ leads to further deterioration in quality, through:

“bad reputation, worsening school atmosphere, decreasing identification of the pupils with their school, decreasing number of pupils, reduction of resources, decreasing job satisfaction and motivation among staff, lack of applications of well-qualified teachers for this school, worse quality of lessons, decreasing pupil achievement, worse results in the league tables.”

³⁰ Regulation Impact Statement, p 64.

³¹ Pont, B, Nusche, D, Moorman, H. 2008. *Improving School Leadership*. OECD. Vol. II p. 115.

As argued earlier, there are many unintended consequences which have arisen from large scale reforms in the ECEC sector, and there are lessons to be drawn from the schools sector in relation to the proposed implementation of the 'Quality Rating System'.

Globally, there is definitive research on the drivers of 'quality' within the ECEC sector. These are good adult-child ratios; well trained staff and good pedagogical practice³². The RIS specifically proposes the regulation of adult-child ratios and minimum qualifications levels for all staff. The AEU supports these propositions. In improving the qualifications of staff, the AEU believes that it is fair to extrapolate that there will also be improvements to pedagogical practice.

However, paid study leave (or a similar paid time-release provision) must be appropriately funded by governments to enable existing staff to undertake formal processes of either study, or Recognition of Prior Learning. Any process of 'deeming' a person to have met qualifications through Recognition of Prior Learning or Recognition of Current Competency must ensure confidence throughout the sector by applying processes which are rigorous and valid.

In addition to this, funding must be allocated to provide fee-relief for university and TAFE study, with appropriate teacher/worker relief processes to be implemented. We await with interest the release of the Early Years Workforce Development strategy, which we are hopeful will include costed models to enable existing staff in the industry to upgrade their qualifications.

An alternative to the Quality Rating System is to establish a provider-community-based benchmarking system, where targets for quality improvement are established locally and assessed collaboratively, every 3 – 4 years, or in lesser increments where providers are at risk. As stated previously, where there are ongoing issues with quality improvement or failure to comply with minimum standards, governments must ensure they meet local demand with quality public provision.

Registration of ECEC teachers

The AEU believes that the registration of ECEC teachers must be undertaken by the appropriate state or territory teacher registration bodies, as the creation of a new system of teacher registration for ECEC teachers would have a number of ramifications. Firstly, most state and territory teacher registration authorities currently have the legislative authority and capacity to register ECEC teachers (and do so). Secondly ECEC graduates exit their university studies with a dual qualification, enabling them to teach in both the ECEC and school sectors – the creation of a separate registration authority for ECEC teachers would mean that teachers working across sectors would have to apply for two separate types of registration, duplicating processes and payments. Thirdly, the creation of a separate registration authority would have ramifications for the university sector in the development and structure of courses, as they would have to ensure

³² NICDH Early Child Care Research Network (2005) *Study of Early Child Care and Development*, Guildford Press, New York; Penn, H and NESSE Network of Experts, (2009) *Early Childhood Education and Care Key Lessons from Research for Policy Makers, An independent report submitted to the European Commission by the NESSE networks of experts*
<http://www.nesse.fr/nesse/activities/reports/ecec-report-pdf> (accessed 27 August 2009)

that they worked across two (or in some cases many) authorities to meet registration requirements. Fourthly, in moves to create seamlessness between the Education and Care sectors, it is not logical to establish separate bureaucratic structures, which have the potential to create a professional divide between teachers.

Finally, the AEU is aware that discussions about the national accreditation of teacher education courses are currently occurring, also under the auspices of COAG. Establishing a separate course and teacher registration process for ECEC teachers would thus potentially duplicate existing COAG processes.

Diversity and Equity

There is a range of evidence outlining the long term benefits of quality ECEC for all children but particularly those from disadvantaged backgrounds³³. The OECD report *No More Failures: Ten Steps to Equity in Education*³⁴ argues that the creation of equitable education systems (i.e. education that is both fair and inclusive) is advantageous on a number of levels. These include the promotion and protection of human rights; economic returns to society; and improved social cohesion. Where the report has used the term ‘school’ we have taken it to include early childhood education. The report argues that there are three policy domains which may bear on equity in education: “the design of education systems; practices in and out of school; and resourcing.”³⁵

It concludes by outlining a ten step plan to improve equity in education. Steps 6 – *Strengthen the links between school and home to help disadvantaged parents help their children learn*; 7 – *Respond to diversity and provide for the successful inclusion of migrants and minorities within mainstream education*; and 8 – *Provide strong education for all, giving priority to early childhood provision and basic schooling*, are particularly relevant to the ECEC sector.

The current picture of children’s participation in ECEC in Australia is incomplete, with significant implications for the equitable provision of ECEC.³⁶ It is expected that the range of reform initiatives being rolled out will assist in addressing some of these concerns, but without a complete picture of the issues and barriers confronting those with ‘cultural and diversity requirements and considerations’ in the sector, the suggestions that the ‘requirements and considerations’ of specific groups of the Australian population will not be met through the implementation of a national quality standard alone.

³³ Elliot, A (2006) *Early Childhood Education Pathways to Quality and Equity for all Children*, Australian Education Review, Australian Council for Education Research, Camberwell, Victoria; Penn, H and NESSE Network of Experts, (2009) *Early Childhood Education and Care Key Lessons from Research for Policy Makers, An independent report submitted to the European Commission by the NESSE networks of experts* <http://www.nesse.fr/nesse/activities/reports/ecec-report-pdf> (accessed 27 August 2009)

³⁴ OECD (2007) *No More Failures: Ten Steps to Equity in Education*, Organisation for Economic Development, from http://www.oecd.org/document/54/0,3343,en_2649_39263231_39676214_1_1_1_1,00.html (accessed 28 August 2009)

³⁵ Ibid (p.13)

³⁶ Op. cit.

The AEU believes that legitimate nationally standardised data collection mechanisms must be established in order to inform evidence-based policy development. Governments must plan and fund a program of research to collect data and map access and participation by all groups of children and, in particular, those groups of children which research demonstrates are clearly excluded from the system. This process must be given priority, for Aboriginal and Torres Strait Islander children, children with English as a Second Language, and children with a disability or other special needs.

Whilst any standards must be generic enough to encompass the diverse range and nature of providers within the sector, the current standards do not highlight specific aspects or the unique imperatives of groups which have cultural and diversity requirements. In addition, they do not make these requirements explicit and are therefore open to broad interpretation. For example, physical infrastructure requirements to cater for children with special needs is not specified; nor is the cultural requirements for children from diverse backgrounds; language considerations for children who do not speak English as a first language; or Indigenous parents' child-rearing aims for Aboriginal and Torres Strait Islander children. Further, the regulations omit the importance of the reduction in group sizes and teacher child ratios for each child who meets the criteria for special needs assistance.

Regulatory arrangements should also ensure that providers working within and with Aboriginal and Torres Strait Islander communities, families and children provide appropriate in-service programs for all staff on Aboriginal and Torres Strait Islander child rearing practices, cultural diversity, histories, pedagogies and the like. This should also be reflected in undergraduate programs, consistent with the AEU's long standing policy that standards such as these should be built in to the minimum requirements to gain a teaching qualification.

Appropriate delivery of qualifications to Aboriginal and Torres Strait Islander peoples across the VET and university sectors is essential in order to attract larger numbers of Aboriginal and Torres Strait Islander peoples in to ECEC teaching. There are a number of best practice delivery models which are particularly instructive in this area, including the potential to expand on the successful RATEP model of delivering ECEC qualifications in Queensland, and the Macquarie University model, which has produced successful outcomes through innovative delivery structures. Measures such as fully funded scholarships must be implemented.

Finally, there is the issue of the provision of cultural facilitators or mentors for Indigenous community-based providers, particularly, but not limited to, those in rural and remote areas, which struggle to find funds to upgrade facilities and service delivery³⁷ in order to meet the regulations.

³⁷ SNAICC (2009) *Guideline for responding to RIS consultation process*, Secretariat of National Aboriginal and Islander Child Care, from http://www.snaicc.asn.au/news/view_article.cfm?id=164&loadref=8 (accessed 25 August 2009)

Working in Rural and Remote Areas

The majority of teachers in Australia are trained and reside in capital cities or along the eastern seaboard, and experience shows that it is often difficult to recruit teachers (particularly those with experience) to work in rural and remote areas. The AEU and its Branches and Associated Bodies have conducted long and successful campaigns for improving the working conditions of, and incentives for, teachers recruited from outside of the local area to work in rural and remote communities. These provisions are now components of industrial agreements with employers.

They vary across states and territories, but include aspects such as access to departmental housing, additional cash incentives, travel arrangements, induction programmes, sabbatical leave, transfer preferences, electricity and emergent or additional leave provisions. Where these provisions have been implemented appropriately, they have largely contributed to greater consistency and stability of staffing.

Although some aspects of rural and remote area incentives are best left to the enterprise bargaining process, it is the AEU's view that regulatory provisions should ensure that all ECEC workers in rural and remote areas are provided with, at the very minimum, access to quality accommodation and travel arrangements, enabling them to enter and exit communities during specified periods of leave. These provisions should be built in to the regulations.

In relation to qualified Aboriginal and Torres Strait Islander teachers who live and work in their remote home communities, particularly, but not limited to, discrete Indigenous communities, access to quality housing has long been an issue³⁸. Departmental policies in states and territories deny them access to department provided housing which is an employment right for those recruited from outside of the community. In Queensland, for example, an employee must be transferred into the community and the employee or any household member must not own a private dwelling in that community³⁹. However, the poor standard of housing in remote communities, particularly overcrowding, means that Aboriginal and Torres Strait Islander teachers who are recruited from within their own communities have 'vastly different living conditions to that of their colleagues who have departmental housing'⁴⁰. These policies impact on the ability to recruit and retain teachers from within their own communities.

Consequently, the AEU believes that access to appropriate housing is a fundamental employment right for all teachers working in rural and remote communities. Governments must ensure that the housing provided to ECE teachers in rural and remote areas is of suitable quality and security. This is so for all teachers regardless of where they come from.

³⁸ AEU (2008) *Our Voices Our Vision, Newsletter for Aboriginal and Torres Strait Islander members*, Australian Education Union, Melbourne, from <http://www.aeufederal.org.au/Publications/ATSI/News/Winter2008.pdf> (accessed 25 August 2009)

³⁹ Queensland Government (October 2007) Education Queensland Employee Housing Management Policy. Second Edition Version 2.2. S5.1.5.4.b and c. p.10.

⁴⁰ Op. cit.

Options for implementation of the standards

In relation to the proposed options for implementation of the standards, the AEU supports Option 4 from table 5.1 for long day care and preschool, as this will deliver the same conditions as the other options to all children in the shortest timeframe, maximising the benefits of ECE for them. The AEU is particularly concerned with ensuring that effective standards, including teacher qualifications and staff-to-child ratios, are implemented in the shortest possible timeframe given that these reforms are already long overdue.

While this is the most expensive option it must be seen in the context of Australia's presently low spending on ECE. As previously noted, while OECD countries on average spend 0.4% of GDP on pre-primary education for 3 to 5 year olds, Australia, at 0.1% spends less than any other country in the OECD survey⁴¹. The overall national investment on Early Childhood Education must be substantially increased to ensure that all children in Australia have access to a high quality public preschool education which meets agreed national standards.

The AEU supports the proposal that such systems be administered by a jointly governed new national body to combine existing State and Territory accreditation bodies and the National Childcare Accreditation Council, on the basis of a National Quality Standard, in accordance with Option 2 of 5.4, proposed on page 28 of the consultation document.

Challenges of implementation

Whilst this submission has outlined a number of challenges in implementing the proposed reforms, there are a number of issues which need to be highlighted. Given the magnitude, community necessity and policy imperative of the reform agenda, it would be imprudent for Australia not to draw on both the broader lessons learned from a range of other countries and from critical research in our own country in relation to the positive and negative aspects of similar reforms and the impact of like reforms on other sectors (in particular schooling).

The AEU recognises and supports the broader implications of reform of the sector. In particular, we are hopeful that the consequences of an enforced regulatory requirement for higher qualifications include higher salaries for workers in the sector commensurate esteem in their communities; in short that a levelling up process occurs, particularly as "a lack of professional esteem has been identified in the literature as a contributing factor to the staffing shortage facing Australian children's services"⁴².

⁴¹ OECD (2008). *Education at a Glance 2008: OECD Indicators*.

http://www.oecd.org/document/9/0,3343,en_2649_39263238_41266761_1_1_1_1,00.html (accessed 25 August 2009)

⁴² Fenech, M (2006) *The Impact of Regulatory Environments on Early Childhood Professional Practice and Job Satisfaction: A Review of Conflicting Discourses*, Macquarie University, in Australian Journal of Early Childhood–

http://www.earlychildhoodaustralia.org.au/australian_journal_of_early_childhood/ajec_index_abstracts/the_impact_of_regulatory_environments_on_early_childhood_professional_practice_and_job_satisfaction.html (accessed 25 August 2009)

This applies equally to the notion of implementation other aspects of the National Quality Standard (taking in to account our critique of its limitations as currently proposed). The AEU believes that any regulatory framework developed must include a ‘grandfathering clause’ which recognises the superior nature of any state or territory regulation at the time of implementation of the proposed regulations. The purpose of this clause would be to produce an ante-up effect, rather than an ante-down. As argued earlier in this submission, the consequences of the implementation of a similar regulatory framework in New Zealand resulted in those providers above the minimum standard maintaining the status-quo due to lack of government funding, rather than continually striving to improve on the standards they had achieved; surely the antithesis of excellence. In the context of Australia, the ante-down effect may impact on states such as Victoria, where the proposed child-staff ratio may well be superior to that which is currently proposed as the national standard.

The Rudd Labour Government has made unequivocal policy commitments to ‘evidence-based reform’. Prime Minister Rudd has stated repeatedly, including in the following address to senior public servants in April 2008, that robust, evidence-based policy making processes were key elements of his Government’s agenda. “Policy design and policy evaluation,” he said, “should be driven by analysis of all the available options, and not by ideology ... the Government will not adopt overseas models uncritically. We’re interested in facts, not fads.”⁴³ On this basis, the AEU questions the slow movements within the apparatus of governments in relation to improving the national data set on ECEC. Whilst it is understandable that the design of data collection mechanisms take time, it is unfathomable that this reform is taking place in the absence of any nationally comparable or valid data-set on accessibility and provision within the sector, and therefore no valid baseline from which to measure the effects of government policy intervention.

Conclusion

The AEU recognises the realities of the current situation of ECEC in Australia. However, we believe that this is an historic opportunity for governments, through COAG, to re-think and re-vision ECEC as the foundation of a truly inclusive life-long-learning framework for Australia. There is overwhelming evidence outlining that an unwavering focus on the rights of the child is crucial for social cohesion, economic productivity and the promotion and protection of human rights... The fundamental realities of any reform process are that without consistent, long-term, government objectives accompanied by adequate resourcing, there are risks of failure. The imposition of reductionist frameworks, which discount the intellect and professional integrity of those working in the sector, merely serve to diminish the reform, and thus, those truly charged with implementing it – the workers in the sector.

In the current state of the ‘ECEC market’ governments cannot guarantee absolute and complete certainty of provision. However, they can plan to provide reasonable certainty to parents and the community, if they are willing invest the resources to do so. They must also be willing, where necessary, to take action to regulate or shut down ‘rogue providers’, such as ABC Learning,

⁴³ Kevin Rudd, *Address to Heads of Agencies and Members of Senior Executive Service*, Great Hall, Parliament House, Canberra 30 April 2008 http://www.pm.gov.au/media/Speech/2008/speech_0226.cfm (accessed 2 July 2009)

which profited dually from the Federal Government, through the CCB, and parents, through a 'corporate growth strategy' which was engineered to maximise profits through minimising qualified staff, maximising ratios, and centralising functions. As we know now, this eventually led to corporate collapse and uncertainty for children and their families. In the AEU's view, governments have a primary obligation to provide ECEC through government facilities in all communities, regardless of socio-economic status.

Perhaps as a consequence of the nature of the market, and an attempt to regulate it, the proposed RIS transfers all responsibility to providers and employees in the child-care system to meet government regulatory environments. The current RIS proposes no mechanisms which recognise that 'quality' does not exist in a 'provider vacuum'. Instead, the process as currently proposed is a values-based exercise as is, by logical extension, any attempt to rate quality against a standard set of criterion established by a regulatory body.

Whilst this brief analysis might be seen as being overly critical of a set of 'draft' standards which have not been appropriately workshopped and defined, it highlights some of the inconsistencies which might apply when implementing a quality ratings system that has been developed nationally and is imposed locally. Many of the criteria outlined in the rating framework in appendix B constitute real and important elements of quality provision. However, the AEU believes that quality processes are far more effectively facilitated through collaborative mechanisms between all stakeholders locally, including workers, parents, families and communities.

The AEU does support a National Quality Standard that should form the basis of all ECEC provision as a condition of initial and continued registration for providers. This should include the employment of properly qualified teachers and childcare workers, minimum specified child-to-staff ratios and the provision of suitable programs.

The AEU also supports appropriate evaluation and accountability systems which promote and foster collaborative efforts to drive improvement. One of the key purposes of these systems should be to guide improvement by offering constructive feedback and support. Safeguards should be put into place to ensure information gained by such evaluative and accountability systems are not misused.

The assumption or implication that regulation (and processes for measuring compliance to regulatory regimes) alone is an assurance of 'quality'⁴⁴ is a fallacy and defeats the ultimate goal of equality of access to high quality services for all children⁴⁵, regardless of where they live in Australia, or their cultural or socio-economic backgrounds.

⁴⁴ Harris, N (2008) *Women's Reflections on choosing quality long day care in a regional community*; in *Australian Journal of Early Childhood* http://www.earlychildhoodaustralia.org.au/australian_journal_of_early_childhood/ajec_index_abstracts/womens_reflections_on_choosing_quality_long_day_care_in_a_regional_community.html (accessed 25 August 2009)

⁴⁵ Ibid

The 2006 AEU discussion paper⁴⁶, *Where there's a will it's child's play*, outlined a range of strategies required for governments to work together with stakeholders to “develop a shared national vision and ten year strategy for early childhood education and care which is focussed on the educational needs and rights of every child.” The central premises of that paper were to:

1. Guarantee access to 20 hours of high quality, free preschool education for all three and four year olds in Australia.
2. Ensure that early childhood education is of high quality.
3. Give priority access to two years high quality, culturally appropriate early childhood education to all three and four year old Aboriginal and Torres Strait Islander children.
4. Improve equity of access for children with special needs and children from disadvantaged backgrounds.
5. Provide adequate levels of high quality early childhood education and care for 0 to 3 year olds to meet family and community needs.
6. Develop the links and coordination between early childhood services to provide more seamless continuum of education and care.

Whilst the AEU commends the Rudd Labor Government and COAG Chief Ministers on their fortitude and endeavors for reform in the industry, we believe that there is still a way to go before Australia's ECEC systems have sufficient capacity to achieve these goals. Perhaps the six objectives in this paper could be established as the next national benchmark?

⁴⁶ Kronemann, M (2006) *Where there's a will it's child's play* Australian Education Union, Melbourne from www.aeufederal.org.au accessed 2 September 2009