



# **The National Quality Framework for ECE**

## **AEU Issues Paper**

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## Overview

The key features of the new framework are:

- A National Quality Standard encompassing seven quality areas
- A new ratings system to complement the NQS
- A new regulatory system
- A new early years curriculum, the Early Years Learning Framework
- A new governing body, the Australian Children's Early Childhood Quality Authority (ACECQA) reporting to the Ministerial Council (MCEECDYA)

From 1 January 2012, services will be assessed and rated against the new National Quality Standard. The standard aims to provide the basis for quality early childhood education and care through the implementation of national standards and the publication of information about individual services. Its stated purpose is to "give services and families confidence in understanding what distinguishes high quality or excellent services".

The National Quality Standard is divided into seven areas that contribute to the quality of early childhood education and care:

1. Educational program and practice
2. Children's health and safety
3. Physical environment
4. Staffing arrangements (including the number of staff looking after children)
5. Relationships with children
6. Collaborative partnerships with families and communities
7. Leadership and service management

The standards will be accompanied by new regulated child to staff ratios and a commitment to provision of Early Childhood Education by four year tertiary educated teachers.

### **The new national rating system and the My Child website**

Under the National Partnership Agreement on Early Childhood Education a new rating system is being introduced with each service being rated on their performance across the seven quality areas that make up the new National Quality Standard, as well as being given one overall rating. This overall rating is determined by the rating for each of the seven quality areas. This aims to provide an overall picture of the quality of a service.

All services will need to display their approval and rating information. Most significantly, ratings will also be published on the My Child website. Although discussions and consultations on the ratings system are still underway at present, it is proposed that there be five levels against which services across Australia will be assessed based on the National Quality Standard. As they are presently proposed they are:

- **Unsatisfactory:** indicates that a service is not meeting the standard and the regulator is working closely with the service to immediately improve its quality. If there is no improvement the centre will be closed.
- **Operating Level (Foundation):** indicates that a service is working towards meeting the standard. All new services will commence operation with an Operating Level rating.
- **National Quality Standard:** indicates that a service is meeting the standard.

- **High Quality:** indicates that a service is exceeding the National Quality Standard.
- **Excellent:** indicates that a service demonstrates excellence and is recognised as a leader in the sector. Services will need to apply to be assessed against this rating.

The Excellent level is accessible by application after a service has achieved a High Quality rating.

The assessment and rating process is based on the notion of ‘earned autonomy’. It will include a Quality Improvement Plan submitted by the service, observations of the service through a visit, consideration of information held by the regulator regarding compliance history and discussion with the Director/ Supervisor and/or the provider of the service.

A consultation process has recently taken place in regard to the National Quality Framework and the National Law and National Regulations which will underpin them.

## Concerns

### **The Quality Ratings System, resources, workload and industrial implications**

The AEU is concerned that the Quality Rating System and the Quality Improvement Plan may generate additional workloads for members. The resourcing implications of this process are yet to be addressed.

For example, applying for the ‘excellent’ rating as it is currently envisaged will require considerable resources, including the preparation of a submission. The rating also has a fee structure attached to it significant enough to prove a considerable burden to some centres. Both these factors may mean centres serving disadvantaged cohorts or with fewer resources may have more difficulty in gaining higher ratings, despite providing comparable levels of service.

The AEU believes that governments should further investigate the workload issues arising from these processes and provide a framework to address them. This should take into account time allowances, face to face teaching workloads and rest and meal breaks to be determined through industrial agreements negotiated with unions. Governments have a responsibility to ensure that conditions exist to facilitate the realistic implementation of the system, including to monitor the situation to ensure workload issues are addressed.

In regard to public ECE services, the AEU believes it is the responsibility of governments to ensure there are sufficient funds to meet the full requirements of the NQF.

The AEU believes that the implementation of the Quality Improvement Plan must be accompanied by professional development, meeting times and time allowances for its preparation.

### **The implications of the publication of ratings on the My Child website**

The AEU agrees with the process to improve the overall quality of ECE for Australian children. However, we recognise there is potential for the rating system to create misunderstandings and damage relationships with parents. This includes perceptions

concerning the ‘excellent’ rating. Parents may expect an ‘excellent’ rating, even though only a small percentage of centres and schools will achieve it.

The AEU believes that departments must supply sufficient information to parents and the community explaining the ratings system. This information must accompany any public display of ratings, whether online, on display at centres schools or elsewhere.

### **Supervisor certificates and Nominated Supervisors**

The National Law requires that at all times approved providers must have a responsible person in day to day charge of a service. The purpose of a Supervisor Certificate is to identify those persons who can be put in day to day charge of an approved education and care service. This is similar to the legislative responsibilities under current state and territory laws. It is likely that possession of a supervisor certificate will effectively become a job requirement for ECE teachers and desirable for other staff. There are a number of concerns that arise from this process.

#### Fees

The \$30 fee is attached to the certificate, although under the proposed regulations in their present draft a number of classes of people will be automatically granted them. These include principals, a person in charge of a campus and a preschool director for an education and care service provided by a school. The AEU believes that in the case of individuals, fees attached to the framework, such as supervisor certificates, should be paid by the employer (which in most instances will be the relevant department).

That said, the situation may become more complicated for individuals qualified and looking for work for whom attainment of a supervisor certificate becomes an imperative. There should be provisions for compensatory arrangements once individuals have found employment and in the case of casuals.

#### Nominated supervisors

Acceptance of the position of a nominated supervisor is in theory voluntary. The information paper states that, “A person who holds a Supervisor Certificate is only in charge of a service if they have consented to act as the nominated supervisor” (paragraph 211). Whilst this is largely a positive development, there is a danger that this could cause some difficulties.

The draft regulations state that in transitioning to the new system the principal will be the nominated supervisor in school-based ECEC centres and an ECE teacher in stand-alone kindergartens/preschools. However, there is a risk that in some jurisdictions and centres taking the role of a nominated supervisor may become a requirement for a position and people may be put under pressure to take such roles. Given the varying employment structures within and across the States and Territories, this may be more a risk in some jurisdictions and services than others. Nevertheless it raises the question of what constitutes genuine consent.

The notion of ‘consent’ must be made clear, particularly as the role of nominated supervisor involves liability.

## Responsibilities

Whilst it may appear that the nature and scope of the responsibilities of educators and nominated supervisors under the Offences in the National Law (Attachment C of the information paper) are largely not additional to present responsibilities of teachers and supervisors, the weight of those responsibilities will be increased by the proposed monetary penalties in the draft regulations.

The capacity of the nominated supervisor to ensure they meet all regulatory requirements will be impacted by the time provided to them to interact with and observe the practice of other staff within the service and the authority and resources provided to them by the service provider to respond as appropriate.

Regulations should ensure that liabilities should not be transferred to employees in situations when it should be the responsibility of the approved provider. The regulations need to ensure that processes of natural justice are paramount, and that people are not held responsible for matters beyond their control. An individual's supervisory responsibility must be matched by real authority and individuals should not be pursued if they have acted in accordance with their responsibilities.

There needs to be protection for employees who act in accordance with their responsibilities against the wishes or perceived wishes of the approved provider or employer, and may fear retribution for doing so.

## Relief teachers

Under the draft regulations relief teachers with supervising certificates may be hired for the day to take responsibility for that role in a centre. However, casual or relief teachers may not be in a position to influence some of the factors to which they would be held responsible for under the Offences in the National Law (Attachment C of the information paper). Their roles and responsibilities must by necessity be temporary in nature, and their duties and liabilities made explicitly clear.

## Suspension and cancellation of supervisor certificate

Given that possession of a supervisor's certificate is likely to become a requirement for a career in the sector, suspension of that supervisor's certificate should be treated as a high stakes process. The present proposal for what appears to be a written process only, is in our view insufficient. Procedures relating to suspension or cancellation of a certificate must be accompanied by due processes with a proper hearing, advocacy and representation of parties, supported by an effective appeals process.

## **Child to educator ratios**

AEU policy supports staff student ratios of 2:20 for all preschool education programs for 4 year old children<sup>1</sup>, including at least one qualified early childhood teacher. The AEU believes this should form the basis of the ratio for this age group in the regulations, rather than the 1:11 ratio proposed at present. Furthermore, where the minimum staff student ratio comprises one

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<sup>1</sup> AEU (2007) Early Childhood Education Policy, clause 9.4.

qualified early childhood teacher and one assistant, group sizes for 4 year olds programs must be restricted to a maximum of 20.<sup>2</sup>

Group sizes and staff-children ratios must be adjusted in special settings and/or where children with special needs are included, to ensure that children's special educational needs are met. Further research needs to be conducted with the view to producing a formula to include in the regulations regarding this matter.

Ratios will have implications for some providers. The ratios proposed in the discussion document will be an improvement in some jurisdictions, but not in others. In this regard the information paper states that, "Where there are jurisdiction-specific educator-to-child ratios, those must be maintained as a minimum" (paragraph 391). The AEU supports this position and believes provisions should be made in the final regulations to ensure this is the case.

### Staff ratios during breaks

The discussion paper raises the issue of maintaining ratios during staff rest and meal breaks (paragraph 389).

The AEU believes that staff breaks are essential to the quality of the working life of ECED educators, and that provisions must be put in place to ensure that such breaks should be able to continue without producing a breach of the regulatory requirements. Governments should pursue further research into this matter with a view to producing requirements and processes in the regulations to enable this to take place.

### **Minimum staffing requirements**

The draft regulations presently contain no minimum staffing requirement. There is a risk this could lead to safety implications in emergencies and may put teachers at risk in relation to their legal responsibilities as well as potentially leaving them vulnerable to allegations. In jurisdictions where services rely on parent fees and fundraising to supplement government funding for service provision, there is a danger services with small enrolments or attendance numbers (such as isolated/rural services) or unfunded programs (such as three year old preschool programs in Victoria) may for financial reasons elect to run these programs with one staff member. In addition to the issues referred to above, single staffed programs would face OHS issues such as the safety of staff alone in often isolated facilities and lifting of often heavy equipment alone. Further, programs would be impacted by the reduction and alteration of staff; child interactions, capacity for diversity in program structure, range of activities, etc. Having no minimum staffing requirement runs contrary to the new national law which stipulates that a centre must ensure that all children are adequately supervised.

A number of jurisdictions presently have minimum staffing requirements, such as those in Victoria, Queensland and the Australian Capital Territory which stipulate that at least two staff must be on duty when children are present. The national regulations should include similar provisions.

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<sup>2</sup> Ibid, clause 9.6.

## **Qualifications and training**

The AEU is in broad agreement with the requirements regarding qualifications and training specified in the draft regulations and discussion document, including transitional arrangements toward four year tertiary qualified teachers made necessary by the rollout of universal provision and the National Quality Framework.

The AEU believes that the requirement that services should be able to employ educators who are “working towards” a diploma level qualification (paragraph 413 of the discussion paper), rather than that they must possess a full qualification, should be regarded as a temporary measure during a transitional phase in the implementation of the regulations. The transitional period should be specified and a schedule for the requirement to be full possession of an appropriate qualification should be included in the regulations.

The AEU supports the approach taken to the introduction of the four year requirement for early childhood teachers with the provision of a transitional process for those holding three year teaching qualifications. Determining a set date after which a four year qualification is required, coupled with grand-parenting provisions for three year qualified teachers as described at paragraph 589 of the information paper ensures that the many such qualified teachers are not lost to the sector. This is particularly important in states such as Victoria where between 50% and 60% of early childhood teachers are three year qualified. The AEU notes however that without a parallel approach being taken in relation to the implementation of universal access the impact of this sound transition provision within the regulations will be lost.

The requirement that an early childhood teacher be in attendance “some of the time” whenever the service is being provided to less than 25 preschool aged children is unclear, and the 20% of the time children are present specified in the discussion document is insufficient (paragraph 415). A more substantial time ratio should be determined and included in the regulations.

The need to get a specific commitment from state and territory governments and other employers in regard to the four year qualification and its implications for experienced teachers with three year qualifications is an important issue.

## **Authorised officers, their qualifications and relationship with assessors**

The draft regulations state that, “a site visit must be conducted by an authorised officer” (clause 61, p. 33). Such officers will have a range of powers, including to enter care service premises and to inspect and remove documentation (paragraph 502). It is unclear in the draft regulations as to who would constitute an authorised person. At least one of these authorised people should be a qualified ECE teacher, and this should be mandated in the regulations. Overall, qualifications of authorised officers need to be made clear.

The relationship between authorised officers and the assessors in relation to compliance issues also needs clarification.

## **The need for information and resourced professional development provided by state and territory departments**

There has been little preparation provided by departments and employers to ECED educators about the NQF. Many ECEC educators are unaware of the full implications of the ECEC reform agenda and the impact it will have on their working lives. Considerably more attention must be put into communicating the changes and their implications to those working in the ECEC area. There is also a need for greater resourced professional development in this area.