



## VCOSS response to the *Education and Care Services National Law Amendment Bill 2017*

March 2017

### Introduction

The Victorian Council of Social Service (VCOSS) welcomes the opportunity to provide a response to the *Education and Care Services National Law Amendment Bill 2017* (the Bill).

VCOSS is the peak body of the social and community sector in Victoria. VCOSS members reflect the diversity of the sector and include large charities, peak organisations, small community services, advocacy groups, and individuals interested in social policy. In addition to supporting the sector, VCOSS represents the interests of vulnerable and disadvantaged Victorians, including children and families, in policy debates and advocates for the development of a sustainable, fair and equitable society.

The Bill amends the *Education and Care Services National Law* (the National Law) in the Schedule to the *Education and Care Services National Law Act 2010*. The amendments to the National Law forms part of the reforms to the National Quality Framework (NQF) identified as part of the 2014 Review of the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care. Key proposed amendments to the National Law include:

- Removing supervisor certificate requirements for education and care services and making approved providers responsible for ensuring that only fit and proper person are appointed nominated supervisors
- Strengthening National Law as it applies to family day care services
- Strengthening eligibility requirements for the National Quality Standards highest rating
- Modifying some administrative processes for education and care services and increasing the powers and flexibility of the Regulatory Authority.

Overall VCOSS support the intent of strengthening the national law and making practical changes to simplify processes for education and care services, particularly where these changes will improve outcomes for children's health, wellbeing and development.

The NQF commenced operation in January 2012, and aims to ensure children in early childhood education and care services, incorporating long day care, family day care, preschool and kindergarten, and outside schools hours care services, receive a high quality of care and education. VCOSS strongly supports the continuation of the NQF including the requirement for higher level qualifications for educators and lower educator-to-child ratios. These standards help to ensure all early childhood services meet the individual educational, health and wellbeing needs of children.

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We also believe it is crucial to assist early childhood services to meet or exceed the National Quality Standards (NQS), particularly in Victoria's socioeconomically disadvantaged communities. High quality ECEC programs yield more positive benefits than those of lesser quality, especially for children from disadvantaged backgrounds.<sup>1</sup>

## Feedback on specific elements of the Amendment Bill

### Supervisor requirements

VCOSS supports the removal of the supervisor certificate requirements from the National Law, so decisions about the suitability of nominated supervisors can be made at the local level by approved providers. However, it is crucial staff responsible for managing the service have adequate experience in early childhood experience and hold relevant early childhood qualifications. Having qualified educators improves outcomes for children,<sup>2</sup> as qualified educators have a greater understanding of child development and are better equipped to lead activities that foster children's learning and development.

We note the concept of a 'responsible person' will remain, and it will be an offence for nominated supervisor to not meet prescribed minimum requirements (s.33). Minimum requirements will be prescribed in the *Education and Care Services National Regulations* (National Regulations). We recommend this includes clear parameters about appointing supervisors with the appropriate level of qualifications, skills and experience. VCOSS members also suggest providers should be supported to determine who would be suitable to take day-to-day charge of the services and provide a template for services to complete for each person they are using in this role.

### Oversight of family day care

VCOSS supports measures to increase the oversight of family day care (FDC) to help ensure high quality services are being provided to children. For example requiring approved providers of family day care services to hold a service approval in each jurisdiction where their educators operate, and permitting authorised officers to enter a FDC residence during usual operating hours or if the authorised officer reasonably believes the service is operating.

### Eligibility requirements for the highest NQS rating

VCOSS supports the proposed amendment (s.30) to require services to be assessed as 'exceeding the NQS' (the second highest rating level) in all seven quality areas before they can apply to the Australian Children's Education and Care Quality Authority (ACECQA) to be assessed at the highest rating level 'Excellent'. Currently Education and Care Service can apply for, and may be awarded, an 'Excellent rating' if the service has only attained an overall rating of 'exceeding', and not attained this rating in all seven NQS quality areas (National Regulations, Regulation 62). We believe limiting applications to services rated as exceeding NQS in all quality areas will help strengthen quality standards.

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<sup>1</sup> M McDonald, T Moore and R Robinson, *Policy Brief No. 26: The future of early childhood education and care services in Australia*, Murdoch Childrens Research Institute, Centre for Community Child Health, 2014.

<sup>2</sup> OECD, *How do early childhood education and care (ECEC) policies, systems and quality vary across OECD countries?*, 2013, <http://www.oecd.org/education/skills-beyond-school/EDIF11.pdf>.

## Changes to notification of complaints

Under the Amendment Bill services will no longer be required to notify the Regulatory Authority “of any complaints alleging that the safety, health or wellbeing or a child is being compromised while the child is being educated and care for”. Instead, they are only required to notify the relevant authority if a “serious incident has occurred or is occurring” or “the national law has been contravened”. Some members expressed concerns about this change, stating the current reporting requirement provides increased accountability and transparency for services, particularly those that may not meeting National Quality Standards. However, other members noted some services were not using the existing system effectively and reported minor complaints that did not compromise the safety, health and wellbeing of the child.

## Revised National Quality Standards

As part of the changes to the NQF, the NQS were revised in an attempt to provide greater clarity and simplify the standards. While outside the scope of changes under the legislation, we take this opportunity to raise some concerns about the revised standards. In particular, we note explicit requirements contained under existing Quality Area 7: Leadership and Service Management, are not fully reflected in the new standards. This include the removal of:

- The induction of educators, co-ordinators and staff members, including relief educators, is comprehensive.
- Provision is made to ensuring a suitably qualified and experienced education or coordination leads the development of the curriculum
- Adults working with children and those engaged in management of the services or residing on the premises are fit and proper
- Records and information are stored appropriately to ensure confidentiality and in accordance with legislation.
- Service practices are based on effectively documented policies and procedures that are available at the service and reviewed regularly.

The new standards intended to capture this are: ‘Systems are in place to manage risk and enable the effective management and operation of a quality services’ and ‘roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.’ VCOSS members suggest it would be better to retain this original level of detail in the standards, to ensure providers comply with these requirements, particularly in relation to a proper staff induction.

The new standards remove several references to supporting children’s inclusion and participation in early childhood education and care (1.1.5, 3.2, 6.3.3) and instead reflect this element under Quality Area 6 (6.2.2) – ‘effective partnerships support children’s access, inclusion and participation in the program’. VCOSS members want to ensure these changes do not result in a reduced focus on inclusion for all children, particularly those with additional needs. Providing educators and assessors with clear guidance on best practice, along with professional development can help promote inclusion and participation by all children. VCOSS members report the existing guidelines effectively do this and recommend amended guidelines for the new standards retain a strong focus on how to services can fully support children’s inclusion and participation.

VCOSS members also state the replacement of standard 1.1.5 with 6.2.2 may lead services to regard partnerships as the primary method of helping children to access and participate in early childhood education and care, decreasing the onus on services to actively support children. VCOSS want to ensure services actively support children's participation, particularly those experiencing disadvantage and who are marginalised. We welcome the emphasis on creating and maintaining partnerships, as one part of this process.

The amendment to existing standard 3.3.1 'sustainable practices are embedded in the service operations' to 'the service cares for the environment...' weakens this standard. VCOSS members recommend retaining a focus on 'sustainable practices' in the NQS.

The revised NQS also remove explicit reference to 'educator to child ratios and qualification requirements', instead including new standard 4.1.1 - 'the organisation of educators across the service supports children's learning and development'. We note the standards will be assessed in accordance with the National Regulations, including child ratios and qualifications, and we reinforce our support to preserve these elements. Lower staff-child ratios in early learning services can enhance the quality of ECEC and provide better learning developmental outcomes for children.<sup>3</sup> It can allow staff to give greater attention to the learning and developmental needs of children and foster more meaningful interactions with children.<sup>4</sup>

It is crucial changes to the NQF, NDS and changes enacted through the *Education and Care Services National Law Amendment Bill* do not compromise the quality of services or result in negative unintended consequences for children and families, particularly those experiencing disadvantage.

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<sup>3</sup> OECD, Encouraging quality in early childhood education and care (ECEC): research brief: working conditions matter.

<sup>4</sup> Ibid.