



**SJIEC Response to:**

# **The Education and Care Services National Law and Proposed National Regulations**

**April 2011**

Marianne Fenech, Miriam Giugni and Kathryn Bown

## ABOUT SJIEC

Social Justice In Early Childhood is a not for profit, politically active organisation working for social justice issues pertaining to the lives of children. Its members consist of early childhood teachers and educators, consultants, academics, researchers, managers, community people, and those generally interested in the rights of children. Although the group is Sydney based, there are both national and international members and supporters. The Social Justice In Early Childhood (SJIEC) group hosts an annual conference titled “Throwing the baby out with the bathwater”, as well as other affordable professional development opportunities. Our activist work includes a range of political campaigns. Lobbying across political parties is central to the group’s effectiveness.

The vision that SJIEC has for children stems from our core values of equity and social justice. We believe that all children, irrespective of the state or suburb they live, have the right to a high quality early childhood education. We believe that all families, irrespective of socio-economic status, ought to have access to high quality early childhood education and care. We believe in quality education and care for all children, not just children who attend school. We believe that quality early childhood education costs, and that this cost needs to be, in the very least, consistent with primary and high school provision and funded by government (however overall, SJIEC believes all education sectors are currently underfunded). Quality early childhood education ought to be a free, universal entitlement, provided only by a not-for-profit sector that comprises a qualified, stable, and professionally recognised workforce. Quality early childhood education ought to be regarded as a public good, its value recognised by governments, parents, and the broader community.

Our reading of and response to the National Law and exposure draft of the National Regulations has been guided by one question: what impact will the proposed changes have on this vision SJIEC has for children and early childhood education?

In this submission we first provide a general response to the draft Regulations (Introduction). Then, we focus specifically on staff requirements (Section 1); the rating system (Section 2); access and equity (Section 3); and other points of note (Section 4). Throughout the document, we make recommendations for change (blue boxes), and we also ask questions for further information and/or clarity (green boxes).



## INTRODUCTION

We commend COAG for its commitment to giving young children the best possible start in life, and to this end, seeking to improve the quality of early childhood education and care across Australia.

However, we believe that the proposed changes will be limited in their capacity to progress the vision that both COAG and the SJIEC have for young children. This is because the proposed regulations appear in many respects to be the result of compromises emanating from three contextual factors: the inherent tension between quality, affordability, and for-profit provision of EC services; the inclusion of disparate service types in the same regulatory framework; and the move to develop national standards while significant workforce issues – notably the attracting and retaining of qualified staff – remain. All three factors work against the development of robust national regulations. As a result, for long day care and preschool centres in NSW we believe that the resulting regulatory standards are national regulatory minimums, not national quality standards.

We believe that the proposed national quality standards are not consistent with national and international research about what constitutes quality, and is not good enough for children. It is disappointing that we cannot promote the proposed NQF as illustrative of Australia taking a leadership role in the international early childhood community and implementing reforms that are visionary and will make significant changes in the provision of quality early childhood education. We are also concerned that the NQF, in its present form, will mislead parents and the general community. This is because the system is being promoted as assuring quality. We do not believe it does this. The system supports minimum standards that we do not consider constitute quality.

The proposed regulations do not support the equitable provision of quality ECEC for all children across the country. In particular, staffing requirements are variable depending on the number of places a service is licensed for. Why is it that some children will have more access to an early childhood teacher than others? There is even scope in the current regulations for some children not to have access to a teacher at all. Consistent with primary education, DEEWR needs to ensure equitable access for all children to an early childhood education provided by a university qualified teacher.

The emphasis on quality improvement is important. However, there is little incentive for centres to operate beyond the minimum regulatory standards. Apart from public access to a centre's quality rating on the government website, what would entice centres to operate above these minimums, given that there is little compulsion to do so? It is difficult to imagine that demand from parents will provide such an impetus, given parents' limited understandings of what constitutes quality child care (Sumsion & Goodfellow, 2009) and the potential for fees at centres rated as Advanced or Excellent to be high enough to preclude real choice for families. We would prefer to see a system that *requires* and financially supports centres to demonstrate, through their annual improvement plan, a cumulative increase in the number of standards that meet the advanced/excellent level.

Quality improvement will occur when a core of stable, qualified and committed staff are employed and retained in the sector. We reiterate our concern that NQS reforms needs to be implemented in conjunction with, and not prior to, the implementation of workforce reforms aimed at retaining educators, university qualified teachers in particular, in the sector. In particular, we call for reforms that will ensure pay parity and improved status and working conditions for early childhood teachers.



Having scope to meet a standard in ways specific to a centre's philosophy and cultural context is important. However, that the proposed Regulations refers to only five pieces of legislation (see p. 12) compared to 86 in the previous NSW Children's Services Regulation and QIAS presents a situation where services, particularly those with inexperienced staff, will not be equipped to develop centre policies that are mindful of relevant legislation, regulations and standards. It is critical that these be incorporated into the impending Service Guidelines, referred to in the Information paper. Given that these will provide a key platform from which centres will strive to meet the regulations and standards, it will be essential that a draft of these Guidelines be made available to the sector. What will be included in the guidelines and when are they likely to be released?

Given the significance of the NQF, public accountability and transparency, via internal and external research and analysis, will be required. For example: What types of centres are rated as Advanced/Excellent (including for-profit or not-for-profit status) and how does the frequency of these rated centres vary from state to state? Are there any concerning patterns arising in the types of centres, or the geographical areas of centres, applying for waivers, which may be of detriment to children and/or early childhood educators, and the quality of early childhood education? In Australia there is limited data about how a market approach to the provision of early childhood education impacts on quality. Data generated from the assessment and rating process should be used to inform understandings on this question.

Information disseminated to the public must include but extend beyond each centre's respective and overall quality ratings. Does DEEWR intend to regularly and consistently analyse data about the impact of the NQS? Will this data be publicly available? How will DEEWR respond to data that indicate concerning patterns, such as the type of centre, profit status, or geographical area of centres applying for waivers?

***Questions for response:***

*Why is it that some children will have more access to an early childhood teacher than others?*

*What will be included in the Service Guidelines and when are they likely to be released?*

*Does DEEWR intend to regularly and consistently analyse data about the impact of the NQS?*

*Will DEEWR commit to making this data publicly available? If not, why not?*

*How will DEEWR respond to data that indicate concerning patterns, such as the type of centre, profit status, or geographical area of centres applying for waivers?*

## SECTION 1 - STAFFING REQUIREMENTS

We consider this section of the draft regulations to be weakest. Research clearly shows that teacher qualifications and robust staff:child ratios (Huntsman, 2008) are critical to the provision of quality early childhood education and optimal developmental outcomes for children. We consider that the clauses highlighted below compromise quality and are at odds with the Government's Quality Agenda.

### 1.1 Qualifications

We do not consider the standards pertaining to early childhood teachers to be robust enough, given evidence that clearly demonstrates the value added benefit of teaching staff to quality and children's developmental outcomes (Fenech, 2010).

While it is commendable that Division 4—Educational qualifications for educators sets a schedule for staff working in education and care services to have minimum qualifications, specifically clause 145 that sets out a requirement for an early childhood teacher to be working in a center based service, SJIEC questions the extent to which '20 percent of the time' is either effective or equitable in terms of providing or striving toward high quality education and care. Along with Australian and international research, the Government's own EYLF and Educator's Guide stress the importance of significant relationships for early childhood education to be effective. This is also evident in the Approved frameworks (Division 8, pp, 178-179).

Table 1 highlights the dissonance between teacher requirements in the NQS and what is stipulated in current NSW regulations. As per ratios, proposed early childhood teacher standards do not support high quality and it is concerning that above NQS ratios are not a criterion for an Advanced rating.

These 'second educator' stipulations are contrary to contributors of quality early childhood education and seemingly go against the intent of COAG's quality agenda. They belittle the pedagogical leadership university qualified teachers provide (Siraj-Blatchford & Manni, 2007) and in doing so, quell the status of early childhood teachers. Findings from six high quality case studies (Fenech, Harrison, Press & Sumsion, 2010) highlight the value of having more than one university qualified early childhood teacher at the one centre. A critical mass of teachers enhances pedagogy and curriculum, provides mentoring for untrained and Diploma or Cert III trained staff, fosters a community of thinkers and active learners, and enhances job satisfaction and staff retention. We believe all centres should have an early childhood teacher in every room and this trajectory ought to be built into the regulations.

Table 1: National Quality Standards for Early Childhood Teachers

No. of children in attendance	No. ECTs required by the NSW Children's Services Regulation	No. ECTs required by the NQS
< 25	0	1 20% of the time, from 1 Jan 2014
25 – 29	0	1 6hrs/day if $\geq 50$ hrs/wk OR 60% of operating hrs if $< 50$ hrs/wk from 1 Jan 2014
30 – 39	1	1 6hrs/day if $\geq 50$ hrs/wk OR 60% of operating hrs if $< 50$ hrs/wk from 1 Jan 2014
40 – 59	2	1 6hrs/day if $\geq 50$ hrs/wk OR 60% of operating hrs if $< 50$ hrs/wk from 1 Jan 2014
60 – 79	3	1* 6hrs/day if $\geq 50$ hrs/wk OR 60% of operating hrs if $< 50$ hrs/wk from 1 Jan 2014
80	4	1* 6hrs/day if $\geq 50$ hrs/wk OR 60% of operating hrs if $< 50$ hrs/wk from 1 Jan 2014
> 80	4	1* 6hrs/day if $\geq 50$ hrs/wk OR 60% of operating hrs if $< 50$ hrs/wk from 1 Jan 2014

\* The NQS stipulates that from 1 January 2020 a second educator be in attendance when 60 or more children are in attendance. This however may, *but need not be*, a teacher, as 'another suitably qualified leader' (p. 19) is deemed to be acceptable. The Information Paper (422) states that this second educator must have an ACECQA approved degree qualification. Moreover, for centres licensed for 60 or more children this second educator is not required to be in attendance the whole day. For example, in centres licensed for 60-80 children, this second staff member is only required to be in attendance for either 30% of the operating hours (if this is less than 50 hours/wk) or at least 3 hours (if operating  $\geq 50$  hours/wk). This increases to 60% of the operating hours (if this is less than 50 hours/wk) or at least 6 hours (if operating  $\geq 50$  hours/wk).

Moreover, proposed requirements are inequitable because children's access to an early childhood teacher is dependent on the number of places the centre is licensed for. This presents as an example where cost concerns appear to have outweighed quality concerns. All children should have access to an early childhood teacher *the entire period the centre is open*, and irrespective of the number of children who attend on a given day. To this end, it is not appropriate that children in centres with less than 25 children could only have access to an early childhood teacher "by means of information communication technology" (Clause 145.2). This is additionally the case given that centres are able to calculate access to an early childhood teacher in block periods e.g., two day blocks per fortnight (Information Paper, 416). This option is not conducive to quality relationships or quality education for children. Should these two days be consistent, children not attending those days will miss out. Conversely, rotating these days will compromise stability of staff and the learning and care experiences that will be available for children. These scenarios provide further support for all children to have access to an early childhood teacher at all times. In addition, these scenarios starkly contrast with the pedagogical and curriculum approaches outlined in the EYLF (Commonwealth of Australia, 2009); the Educators Guide (Commonwealth of Australia, 2010) and the recent nationally distributed Reflect Respect Relate (South Australian Government, 2011), all of which clearly argue that relationships are central to early childhood education. Each of these government approved documents draw from Australian and international research to illustrate this point.

***Recommendation 1.1.1*** *SJIEC proposes that all children should have access to a 4 year university qualified early childhood teacher (specialised in birth to five years). In other words, all services should be required to employ a 4 year qualified teacher in every room for 100% of its operating hours. At a minimum, these teachers should be supported by staff with at least a TAFE Diploma in Children's Services. We believe that a system that expects and supports such workforce requirements will lead to quality improvements across the country.*

We also consider that the staffing requirements for an Advanced rating need to be more robust (see recommendation 2.3). The definition of an "educational leader" (Clause 132) is too broad.

***Recommendation 1.1.2.*** *For the purposes of long day care and preschools, SJIEC recommends that an educational leader should hold university teaching qualifications and have at least two years' experience practising in an early childhood education setting.*

The clause (134) that allows educators under 18 years of age to be supervised by either a diploma qualified educator or a staff member working towards a diploma does not support quality practice. Given anecdotal evidence that suggests it is not uncommon for students to be left unsupervised it is difficult to see that young educators would also not be left unsupervised. The focus of staff should be on the children, not their colleagues. The supervision of students and staff (Clause 135) needs to be more stringent.

***Recommendation 1.1.3.*** *SJIEC recommends that only staff members 18 years of age or older are to be considered an educator and counted in staff:child ratios.*

**Recommendation 1.1.4.** *SJIEC recommends that Diploma students should be supervised by Diploma graduates (at a minimum) with at least two years' experience. Similarly, early childhood teacher students should be supervised by early childhood teacher graduates with at least two years' teaching experience in an early childhood setting.*

Finally, the replacement of an early childhood teacher in cases of short-term illness or annual leave is problematic. The use of the term “short term” is vague and open to exploitation. For example, teachers may be pressured to take annual leave in short periods. Diploma and primary qualified educators should not be used as replacements, even in the short term that exceeds 1 – 2 days.

**Recommendation 1.1.5.** *SJIEC recommends that a university quality teacher should be present at the centre and included in the staff:child ratios at all times*

## 1.2 Ratios

Table 2 shows that there is still considerable dissonance between proposed standards and sector recommendations, which are based on international research. This is the case for babies up to 12 months of age, and preschool aged children from three years of age. Irrespective of which state they live, all children should have access to robust staff:child ratios that support quality education. Current standards do not support high quality and it is concerning that above NQS ratios are not a criterion for an Advanced rating.

Age of Child	Proposed Standards	Grandfathered Standards	Early Childhood Australia's Evidence-based Recommendations
Birth - 12 mths	1:4 Jan 1, 2012	N/A	1:3
13–24 mths	1:4 Jan 1, 2012	N/A	1:4
25–35 mths	1:5 Jan 1, 2016	VIC = 1:4	1:5
3 years	1:11 Jan 1, 2016	NSW, SA, TAS, WA = 1:10	1:8
≥ 4 years	1:11 Jan 1, 2016	NSW, SA, TAS, WA = 1:10	1:10

Table 2: Comparison of proposed, grandfathered and Early Childhood Australia's recommended staff:child ratios

**Recommendation 1.2.1.** *SJIEC recommends that ratios comply with Early Childhood Australia’s evidence-based recommendations illustrated in Table 2*

**Recommendation 1.2.2.** *SJIEC recommends that educator:child ratios should be met at all times, including during staff breaks.*

Ensuring minimum required ratios are met at all times is in the interests of children (e.g., responsive interactions; safety – as outlined in the EYLF) and educators (minimises stress levels and enhances job satisfaction). Accordingly, the Regulatory Authority should be given scope to take enforcement action during such periods.

Given that services have four years from the implementation of the NQS to meet ratio requirements for children over two years, how will services that have yet to meet these ratio standards be rated? For example, will a service that is assessed in 2014 and not yet meeting all stipulated ratios be eligible for an NQS rating? Given that the Regulations represent minimum regulatory standards, we believe that such services should only be rated as Foundational for this Quality Area.

**Questions for response:**

*Given that services have four years from the implementation of the NQS to meet ratio requirements for children over two years, how will services that have yet to meet these ratio standards be rated?*

*When will Schedule 8 be released and what consultation period will the sector have to provide feedback?*

*Will the national regulations stipulate maximum group sizes?*

### 1.3 Group size

The NQS states that “group sizes do not exceed three times the ratio that pertains to the relevant age group” (p. 17) while the Information Paper states “the proposed regulations do not place any specific restrictions on group size” (paragraph 441). Clearly there is a discrepancy between government documents and this issue needs to be clarified.

The benefits of small groups are well documented (e.g., Arthur, Beecher, Death, Dockett & Farmer, 2008; Huntsman, 2008) and include enhanced learning opportunities for ‘sustained shared thinking’ (Sylva, Melhuish, Sammons, Siraj-Blatchford & Taggart, 2004) and more positive social interactions and greater social competence for children (Harrison, 2008). Flexible groupings provide children with opportunities to participate in whole of centre activities, and spend time with siblings and other older/younger children.

**Recommendation 1.3.1** SJIEC would like the NQS to stipulate that while the indoor or outdoor group size may be up to 3 times the minimum required ratio, this does not equate to a single activity for the children in groups 3 times the ratio. For extended periods, the group size should not exceed the ratio for that age group. If the centre staff bring larger groups of children together for shorter periods, the minimum ratios must still be maintained.

**Recommendation 1.3.2** SJIEC recommends that the following group sizes be mandated as National Regulatory Standard (NRS):

Birth to 12 months = 6 children

13 to 24 months = 8 children

25 months to 3 years = 10 children

3 to 5 years = 16 children

To enable flexibility a clause to the effect of larger or whole centre groupings could be used for 20% of the day.

Ratios and group sizes are critical to the 'quality' of the everyday experiences of children as well as early childhood educators. The 'risks' for children and early childhood educators when ratios are minimal and group sizes are too big, make the regulations around health and safety unattainable and inequitable.

**Questions for response:**

*Given that services have four years from the implementation of the NQS to meet ratio requirements for children over two years, how will services that have yet to meet these ratio standards be rated?*

*When will Schedule 8 be released and what consultation period will the sector have to provide feedback?*

*Will the national regulations stipulate maximum group sizes?*

## SECTION 2 – THE RATINGS SYSTEM

### 2.1 The National Quality Standard rating

SJIEC does not consider it appropriate for the baseline quality rating to be National Quality Standard. This term is confusing given the NQS document and the use of it as an umbrella term for the NQF standards. But far more importantly, they represent minimum standards and the rating should be very clear about this. Given that one of the outcomes of the NQF is to provide parents with more information that will enable them to make a decision about the centre they enrol their child in, the information they are provided with must not be misleading.

**Recommendation 2.1** *SJIEC recommends that the rating ‘National Quality Standard’ be replaced by NRS – National Regulatory Standard. A ‘NRS’ rating is a more accurate reflection of the standards presently included in the NQS rating.*

### 2.2 Replace the Foundation rating (Clause 56) with two Provisional ratings

‘Foundation’ suggests that centres have an established basis for quality. Given that the rating system is intended to enable parents to make more informed decisions about the centre they enrol their child in, this term is confusing and misleading.

**Recommendation 2.2** *SJIEC recommends that centres working towards meeting the NRS be classed as “Provisional: Working to National Regulatory Standards”. Centres yet to be assessed should also not be rated as foundational. Instead, they should be given a “Provisional: Awaiting Assessment” rating.*

### 2.3 High Quality/Advanced (we prefer Advanced)

The criteria for High Quality/Advanced (we prefer Advanced) need to be stronger. A minimum of 60% of standards in each area for an Advanced rating is not robust enough. As is, there is a risk that like the current accreditation system, most centres will be rated as Advanced, thus rendering the system meaningless. Further, given the integral role university qualified teachers and robust ratios play in the provision of high quality (See for example Sylva et al, 2004), Staffing Arrangements *must* be met at an Advanced level. Currently, from January 1, 2014 services must have at least 50% of educators with or currently working towards a Diploma ECEC qualification, and all remaining educators having or currently working towards a relevant Certificate III. Potentially, this means that even in three years’ time, a service could get an Advanced rating with none of its staff holding a Diploma or Cert III qualification. Clearly this situation is not conducive to quality ECEC. Educator qualifications need to be more robust (see Recommendation 1.1.1).

**Recommendation 2.3.1.** *SJIEC recommends that centres must achieve at least 75% of standards (as stipulated in this submission, not in the proposed NQF) in all quality areas to achieve an Advanced rating.*

**Recommendation 2.3.2.** *Given the integral role university qualified teachers and robust ratios play in the provision of high quality (See for example Sylva et al, 2004) SJIEC recommends that Staffing Arrangements must be met at an Advanced level for a centre to be eligible for an overall Advanced rating.*

**Recommendation 2.3.3.** *SJIEC proposes that a new schedule be developed that mandates the Diploma as the minimum qualification for staff working in ECEC centres and that this be stipulated in what is required for an Advanced rating.*

## 2.4 Centres of Excellence

### 2.4.1 Assessment of Centres of Excellence applications

SJIEC concurs with the notion of exemplary practice being recognised in a Centers of Excellence rating. Our experience in the field (across Australia) and in research with teachers and educators in prior to school settings (e.g. Campbell, 2001; Davis, 2004; Giugni, 2010; Skattebol, 2006; Smith, 2003) suggests that the scope of teachers' and educators' everyday practice is not captured in regulations and standards. SJIEC believes that the concept of Centres of Excellence is an opportunity for this unrecognised work to become validated and legitimated. We maintain that the practices of the Centers of Excellence should be drawn upon to inform further developments in the development of quality in early childhood education in Australia. This kind of engagement with the field and learning from what matters to early childhood educators from their perspectives will help build more robust and relevant standards.

While we support the concept of Centres of Excellence there appears to be no information available on who will assess these applications.

**Recommendation 2.4.1.** *SJIEC proposes that only assessors with a minimum 4 year university early childhood teaching qualification, at least 15 years' experience in the sector, a demonstrated up to date working knowledge of current research, and who has an established reputation in the field promoting high quality early childhood education, be eligible for this important role.*

## 2.4.2 Development of criteria to be used to assess Centres of Excellence Applications

At the Sydney ‘consultation’ on the exposure draft of the National Regulations and Law, Joan ten Brummelaar (Public Communication DEEWR 14.3.2011) explained that the content of how centres of excellence would be applied for and assessed was yet to be developed.

### ***Question for response:***

*When will the criteria for Centres of Excellence be available for genuine consultation?*

***Recommendation 2.4.2.*** *SJIEC recommends that further genuine consultation with the sector is needed to establish what criteria are to be used (Clause 4d Schedule 3) to assess applications for an Excellent rating*

SJIEC believes that a rating of Excellent should be preserved for lighthouse centres who are leaders in the field in all aspects of quality ECEC.

***Recommendation 2.4.3.*** *SJIEC recommends that centres can only be eligible for an Excellent rating if:*

- (i) they are Advanced in ALL 7 quality areas (with standards stipulated in this submission, not in the proposed NQF). Note that centres applying for an Excellent rating can only be rated as Advanced if its Staffing Requirements meet those stipulated in section 1 of this submission; AND*
- (ii) at least eight of the criteria listed below are met (Giugni, Bown & Fenech, 2007).*

### **Criteria for Excellent rating:**

#### ***1. Demonstrated reconciliation with and learning from Indigenous Australians***

- a) *(non-Indigenous/ mainstream centers):* Centres show the methods by which learning between Indigenous and non-Indigenous ideas about teaching and learning are being sought and implemented in the daily living in a children’s centre. This should be via local protocols and building relationships with local elders and communities;
- b) *Reconciliation with and learning from Indigenous Australians (Indigenous centres):* Aboriginal and Torres Straight Islander Centres should have the scope to identify and practice teaching and learning that is culturally relevant. Opportunities should be provided for networking between Indigenous centres across Indigenous communities and where possible be paid by the Government to mentor the non-Indigenous community.

**2. Research participation:** The centre participates in research conducted in collaboration with a recognised university, college or research institute that seeks to investigate curriculum, quality, cultural practices, teacher research, or educator research. Staff would be required to demonstrate how their participation enabled professional development and quality improvement.

**3. Research-based Post Graduate Study:** At least one (1) staff member has completed or is undertaking postgraduate research, and uses this expertise to inform practice within the centre and more broadly in the sector (eg., through publication and presentation of research findings; consultancy work).**4. Low turnover of staff:** The centre adopts innovative workplace policies and practices that have led to at least 50% of staff having worked at the children's centre for at least 5 years (this must include the centre director) and 75% of staff have worked at the children's centre for at least 3 years. Policies and practices must include a minimum of 80% of the centre's budget being directed to wages, work conditions and professional development of staff.

**5. Use of theories and theorists:** This criterion requires that *all* early childhood educators in an early childhood setting engage with *all* the theoretical perspectives outlined in the EYLF (Commonwealth of Australia, 2009, p.11) on an ongoing basis and that these engagements inform pedagogy and curriculum. Specifically, educators will engage with these theories and theorists to both rationalise and question educational thinking, rethink current practice, and contribute to quality improvement and the professional development of staff in early and middle childhood education and care.

**6. Innovative and democratic leadership and management practices:** Innovation in leadership and management is clearly reflected in a range of ways. Such practices could include but are not limited to: the creative/innovative use of resources, sustainable practices in all aspects of running an early childhood setting, careful consideration of environmental impact and protection, and visionary strategic planning that promotes social justice and children's rights.

**7. Activism to improve the status and standing of ECEC:** The centre significantly contributes to raising the status and standing of high quality ECEC through advocacy and activism in the general community e.g., community outreach, liaison with politicians and government policy advisors, articles/letters in the media, leadership when working with allied health professionals and other potential collaborators. This advocacy/activism should be integral to the centre's ongoing work and should be practiced directly by centre staff and not solely by their governing organisation. Children can and should be invited to be involved in activism work.

**8. Contribution to knowledge generation of professional practice:** Early childhood educators share their struggles and successes in engaging in aspirational and innovative practices with the wider early childhood community. This may include dialogue between different service types, publication in professional journals, and philosophical and pedagogical debate at professional workshops and conferences. This enables peer learning communities (Taylor, Fasoli & Giugni, 2009, forthcoming) where knowledge is shared between peers, rather than the sole reliance on external expertise.

**9. Developing sustained critical curriculum communities:** Teachers actively seek out colleagues in local areas or from diverse regions and engage in rigorous debate about the issues faced in the daily enactment of the profession. These could include reading groups, teleconferences, or policy oriented discussions. Information from the groups could be an ongoing feed to the sector and to Government, to enable ongoing aspirational and innovative practice. Teachers from aspiring centres of excellence take a leadership role in establishing and developing these forums.



**10. Support and guidance for a provisional rated centre:** Teachers provide regular support and ongoing mentoring to one ‘Provisional: Working to National Quality Standards’ centre within their regional area.

**11. Inclusion and access for children from backgrounds / with additional needs who experience discrimination and disadvantage because of the way society is structured.** Centres demonstrate a strong commitment to social justice. This commitment is actively practiced through the establishing of authentic relationships and partnerships with families and children who for physical, socio-economic, cultural or health reasons, are unlikely to access quality ECEC. Staff knowledge and skills support proactive policies and practices that enable the effective inclusion of otherwise marginalised children and families.

**12. Self-nominated criterion:** An alternative indicator not listed here but self-nominated which the centre believes constitutes exemplary and innovative practice and which contributes to their provision of high quality ECEC.

Our rationale for establishing these criteria has emerged from debate and discussion by many in early childhood, that what constitutes high quality practice is difficult to define (Dahlberg, Moss, & Pence, 2007; Moss & Petrie, 2002). We believe that by deliberately creating opportunities for centres operating in aspirational ways to ‘self nominate’ practices for ‘Assessment’, makes possible recognition of the work that many early childhood educators do that sits outside a ‘one size fits all’ assessment.

SCIEC also considers that there is currently no incentive or imperative for centres to progress beyond what we consider to be the minimum National Regulatory Standard. We do not consider this acceptable for children, all of whom should have access to high quality ECEC, in other words, centres operating at the very least to an Advanced rating (as stipulated in this submission, not in the proposed NQF). A system where most centres are operating to minimum standards will not give children the best possible start in life.

**Recommendation 2.4.4** *Following the phase-in period of the NQF, i.e. from the 2016 when it will be mandatory for centres to be operating at stipulated ratio and qualifications requirements, centres should be required to demonstrate ongoing improvement. This requirement could be an addition made to the Leadership and Management Quality Area. The aim here would be for centres to continually improve their practices and have a trajectory to achieve an Advanced rating (as per this submission). Centres that do not demonstrate any cumulative improvement in practice from their preceding assessment should be demoted to a lower stage status.*

## **2.5 Feedback on assessment process**

### **2.5.1 Use of a centre’s Quality Improvement Plan**

The assessment should not just take into account the centre’s current quality improvement plan.

**Recommendation 2.5.1.** *The extent to which the current plan demonstrates progression from the previous plan, and how it is informed by an evaluation of the previous plan, needs also be considered in both the assessment and rating process.*

**Recommendation 2.5.2** *Given that the rating system is intended to enable parents to make more informed decisions about the centre they enrol their child in, SJIEC recommends higher penalties for offences in relation to giving false or misleading statements (Clause 71) i.e. \$20,000*

### 2.5.3 Spot checks

Paragraph 239 of the Information paper is ambiguous (“The National Law allows for a regulatory Authority to re-assess and re-rate an approved education and care service, or any element of an approved service, at any time”).

#### **Questions for response**

*Is paragraph 239 of the Information paper referring to Spot Checks?*

*Does this mean centres will not be given notice as to when they will be assessed? Further clarification on these points is needed.*

Our respective networks suggest that non-compliance with structural requirements, ratios and qualifications in particular, is not uncommon.

**Recommendation 2.5.3: SCIEC recommends that spot checks continue for all centres except those with an Excellent rating**

### 2.5.4 Assessment of early childhood educational knowledge

SJIEC commends ‘*Educational program and practice*’ (National Quality Standard, 2009, p.12) as the first Quality Area in the Standards. This underlines the significance of early childhood educational knowledge as central to Quality and Excellence. Whilst knowledge about children and childhood draws from a number of discipline areas (education, health, psychology, and welfare, these knowledges need to be contextualised into specific educational practices (such as those outlined in the EYLF and the Educator’s Guide). While there is perceived overlap, early childhood educational expertise is required for any kind of assessment of practice. This system has clearly been designed with Educational program and practice at the forefront (and throughout the subsequent Standards).

**Recommendation 2.5.4.** *SCIEC recommends that assessment of quality in this and subsequent areas must be undertaken by assessors with early childhood expertise. SIJEC strongly recommends that 'Assessors' require, at a minimum, a 4 year university degree specialising in early childhood education (birth to five years).*

2.5.5 Moreover, given the educational focus of the NQS we do not consider that Review panel members' expertise in "other relevant services" (Clause 68a) is sufficient to warrant membership. Expertise must be demonstrated in early childhood education.

2.5.6 More detail is needed as to how "observation of practice" (paragraph 229 of the Information paper) will be conducted. Assessors will need to have adequate time allocated to 'observe, discuss and cite' centre practices in a meaningful way.

2.5.7 Where an ECEC service operates in a multidisciplinary organisation, this organisation should always be led by an experienced university qualified early childhood teacher specializing in birth to five, as a minimum.

### SECTION 3 – ACCESS AND EQUITY

We reiterate our concern that the standards pertaining to Staff Qualifications are not robust enough and present a situation where not every child attending ECE will have equal access to a qualified early childhood teacher. We note that the NQF gives “due consideration ... to both improvements to quality and child care affordability for families” (Information Paper, p. 2). High quality costs. Affordability for families is obviously critical to children’s access to high quality early childhood education. This requires public investment into the sector that is substantial enough to support affordability and quality.

Further to the issues of affordability and equitable access, it is not clear whether from January 1, 2012 families utilising preschools will be able to access CCB and the Tax Rebate.

***Recommendation 3.1.*** *In the short-medium term SJIEC recommends that eligibility for these funding subsidies be extended to all services that are accountable to the NQF. However, we believe that an overhaul of the current funding model is needed and early childhood education be funded as a universal entitlement for all children, as per primary and high school education.*

Centres should be required to develop a policy pertaining to the inclusion of children with additional needs. References to this in the NQS (e.g., 1.2.2; 3.1.4; 4.2.2) appear to be confined to centres ‘dealing with’ a presenting child who has additional needs. As the NQS acknowledges, and as research has shown (Grace, Llewellyn, Wedgwood, Fenech, & McConnell, 2008) the successful inclusion of children with additional needs is a challenge for many services.

***Recommendation 3.2.*** *SJIEC recommends that centres should be required to develop a centre policy that demonstrates a positive proactive approach to inclusion, and is supported by reference to relevant areas of the NQS.*

## SECTION 4 – OTHER POINTS OF FEEDBACK

### 4.1 Approved frameworks

SJIEC acknowledges that the nationalisation of early childhood curriculum, regulation and quality is in its infancy. We are nonetheless concerned that the NQF makes reference to a number of Approved frameworks (Division 8, pp, 178-179).

#### *Questions for response:*

*Will the use of state based Approved frameworks be grandfathered into state acceptance of the national regulation and law? If so how will the claimed consistency be produced through the use of these frameworks and curriculum documents?*

*In addition, how will early childhood educators be held accountable in the event that there are two or more Approved frameworks?*

**Recommendation 4.1** *SJIEC recommends that the EYLF become the only mandatory framework and that all other state based approved frameworks be an optional extra*

### 4.2 Consultation with the sector

The ‘consultations’ that were offered to the sector on the exposure draft of the National Regulation and Law were insufficient. To only have 20 minutes of question time in a 2 hour session is not enough of an opportunity for the sector to raise questions and concerns. Moreover, our experience has been that despite repeated requests for responses to our feedback none is received. Respectful, ongoing dialogue is a hallmark of quality ECEC practice. It should also be a hallmark of the process that will lead to significant changes in the sector. Consultation processes are an ongoing issue and SJIEC has repeatedly raised this issue in previous submissions and letters. We hear at each ‘consultation’ session how seriously how feedback is taken. We would like to see more evidence of how this is the case.

#### *Questions for response:*

#### **4.3 Analysis and synthesis of submissions and consultations**

*SJIEC would like confirmation that the analysis and synthesis of data gathered from the consultation sessions and the verbal and written feedback gathered will be conducted by persons with a substantial knowledge of the early childhood field and ECEC knowledge.*

## References

- Arthur, L, Beecher, B. Death, E. Dockett, S. & Farmer, S. (2008). *Programming and planning in early childhood settings*. (4<sup>th</sup> Ed.). Victoria: Thomson
- Campbell, S. (2001). *The definition and description of social justice disposition in young children*. University of Melbourne: Unpublished PhD thesis.
- Commonwealth of Australia (2009). *Belonging, being & becoming: The early years learning framework for Australia*, Department of Education, Employment and Workplace Relations. Retrieved from:  
[http://www.deewr.gov.au/EarlyChildhood/Policy\\_Agenda/Quality/Pages/EarlyYearsLearningFramework.aspx](http://www.deewr.gov.au/EarlyChildhood/Policy_Agenda/Quality/Pages/EarlyYearsLearningFramework.aspx)
- Commonwealth of Australia (2010). *Educators Belonging, Being and Becoming: Educators' Guide to the Early Years Learning Framework for Australia*. Department of Education, Employment and Workplace Relations. Retrieved from:  
[http://www.deewr.gov.au/Earlychildhood/Policy\\_Agenda/Quality/Documents/EYLF\\_Ed\\_Guide\\_Dec2010.pdf](http://www.deewr.gov.au/Earlychildhood/Policy_Agenda/Quality/Documents/EYLF_Ed_Guide_Dec2010.pdf)
- Dahlberg, G., Moss, P., & Pence, A. (2007). *Beyond quality in early childhood education and care: Languages of evaluation* (2nd Ed.). London: Falmer Press.
- Davis, K. (2004). *Expeditions, travels and journeys: Reconceptualising teaching and learning about indigenous Australians in the early childhood curriculum*. The University of Melbourne: Unpublished PhD Thesis
- Fenech, M. (2010). New staffing requirements for early childhood services: The case for university qualified teachers. *Rattler*, 94(Winter), 18-22.
- Fenech, M., Harrison, L., Press, F., & Sumsion, J. (2010). *Contributors to quality long day care: Findings from six case study centres*. Bathurst: Charles Sturt University.
- Giugni, M. (2010). *Retheorising equity in everyday routines in early childhood: A poststructuralist action research story*. Unpublished PhD Dissertation, University of Melbourne.
- Giugni, M., K. Bown, Fenech, M. (2007). *Proposed model for accreditation system for long day care centres: Outline of standards and innovative practice*. Submission to FACSIA and NCAC for Social Justice in Early Childhood.
- Grace, R., Llewellyn, G., Wedgwood, N., Fenech, M., & McConnell, D. (2008). Far from ideal: Everyday experiences of mothers and early childhood professionals negotiating an inclusive early childhood experience in the Australian context. *Topics in Early Childhood Special Education*, 28(1), 18-30.
- Harrison, L. J. (2008). Does child care quality matter? *Family Matters*, 79, 14-25.
- Huntsman, L. (2008). *Determinants of quality in child care: A review of the research evidence*. Retrieved 02/06/08 from:  
[http://www.community.nsw.gov.au/docswr/assets/main/documents/research\\_qualitychildcare.pdf](http://www.community.nsw.gov.au/docswr/assets/main/documents/research_qualitychildcare.pdf).
- Moss, P. and Petrie, P. (2002) *From Children's Services to Children's Spaces: Public Policy, Children and Childhood*. London: Routledge Falmer.
- Siraj-Blatchford, I., & Manni, L. (2007). *Effective leadership in the early years sector: The ELEYS study*. London: Institute of Education, University of London.
- Skattebol, J. (2006). *(re)searching shared meanings of identity: Collaborations between teacher-researchers and children*. University of Western Sydney, Bankstown campus: Unpublished doctoral thesis
- Smith, K. (2003). *Reconceptualising the observation in early childhood curriculum*. University of Melbourne: Unpublished PhD thesis
- South Australian Government (2011). *Reflect, respect, relate*. Department of Education and Children's Services.



- Sumsion, J., & Goodfellow, J. (2009). Parents as consumers of early childhood education and care: The feasibility of demand-led improvements to quality. In D. King & G. Meagher (Eds.), *Paid care in Australia: Politics, profits, practices* (pp. 167-202). Sydney: Sydney University Press.
- Sylva, K., Melhuish, E. C., Sammons, P., Siraj-Blatchford, I., & Taggart, B. (2004). *The effective provision of pre-school education (EPPE) project: Technical paper 12 - The final report: Effective pre-school education*. London: DfES / Institute of Education, University of London.
- Taylor, A., Fasoli, L., & Giugni, M. (forthcoming). The Three Sisters: Early childhood educators share Indigenous knowledges. *Journal of Australian Indigenous Issues*.

## CONTACTS:

Dr Marianne Fenech  
[marianne.fenech@mq.edu.au](mailto:marianne.fenech@mq.edu.au)

Dr Miriam Giugni  
[miriam.giugni@canberra.edu.au](mailto:miriam.giugni@canberra.edu.au)  
Mobile - 0404852151

Kathryn Bown (PhD Candidate)  
[kborn@csu.edu.au](mailto:kborn@csu.edu.au)

