



INSTRUCTIONS FOR

Written Submission for the NQF Review Consultation Regulation Impact Statement (CRIS)

Name and/or organisation	<i>Community Child Care Association (CCC)</i>
In which state(s) are you based?	<i>Victoria</i>
What is your role in the Children's Education and Care Sector?	<i>Peak body</i>

Community Child Care Association (CCC) works to ensure that children and families have access to quality education and care services which meet their individual needs. We believe non-profit community owned education and care services provide a benchmark for quality service provision.

We are the Peak Body for community owned, not-for-profit early childhood and outside school hours care in Victoria, and advocate on behalf of all community owned and managed education and care services.

We are also recognised for the high level resources, training and professional development we provide across the whole of the Victorian children's education and care services sector.

Title of the section to which you are referring: 3.1 Safety of children during transitions between services (including school)

Preferred options: Options C, D and E

Feedback in response to the CRIS prompts

From a legal perspective services and schools should hold/activate their Duty of Care to children in transition periods – this would be the expectation from families when booking their child into an Outside of School Hours Care (OSHC) service. Families are paying for a service where they expect children will be safe and supported. Children are **not** safe until they have been delivered to the OSHC service and duty of care is signed over to the service. In the current transition loophole, risk is increased for younger children (getting lost or going home with another school parent), and children with additional needs. It is vital that policies and procedures are in place to oversee duty for children to guarantee safe arrival at the service.

Larger OSHC services develop procedures to guarantee safe arrival of children especially when the venue is located separately on/from the school grounds. OSHC staff should be responsible for the safe delivery of children to school, school staff should be responsible for the safe delivery of children to the OSHC program in the afternoon. Often there are a number of 'missing children' at services. They are not reported until educators have contacted parents to check they have not made other plans. The checking occurs immediately once the roll is completed and cross checked against the school roll (not an automatic process), then OSHC staff do a 'final sweep', the program play areas are

checked thoroughly, then parents are called to check (85% of absences are due to parents forgetting to inform the OSHC program that plans had changed). If the child cannot be located, they are deemed missing and Police and Licensing Authority are notified. This incident places a great deal of stress upon the parent, child and educator. In these cases the OSHC service is often blamed by the school, thus placing further pressure on the service.

Other general feedback regarding this issue

Additional requirements to help to reduce risk of children missing during transition periods could include collaboration and agreement of procedures between the school and OSHC provider, for transitions to and from school and OSHC. There is an expectation that the school office would notify the service if a child was absent from school, or that families will communicate if there was a change to the booked place at a service (this is a daily occurrence). Many schools now have an SMS notification system to communicate with parents/families – the same notification system could be accessed at the OSHC service. Enhanced communication, and additional regulations so that children were safe during transitions will greatly benefit child wellbeing and safety, and will benefit the sector, educators and families. These simple amendments would be low cost and easy to implement for services to lessen the risk of children going missing between school and OSHC, and reduce the risk/stress of a missing child on both the parents and educators.

Title of the section to which you are referring: 3.2 Sleep and rest requirements

Preferred options: Option B and D

Feedback in response to the CRIS prompts:

Compulsory sleep training could be provided online at no cost to services. Similar to the online Child Protection and Safe Food Handling modules that are currently provided by the State government in Victoria, these are kept up-to-date by DET/DHHS and provide clear, current, detailed information, and conclude with an assessment test and a certificate of completion for staff records. Safe Sleep training could then easily be incorporated into the suite of training that should be updated by all educators annually without it becoming financially burdensome for services.

Information to be included in policy and procedures:

- Approach to sleep and rest in the service for different cohorts of children
- For babies sleeping in separate spaces – regularity of checking and documenting checks

Title of the section to which you are referring: 3.3 Improving children's safety during regular transportation

Preferred options: C, E and F

Feedback in response to the CRIS prompts:

Non-educator drivers should be required to have Working with Children Checks, First Aid, asthma management and anaphylaxis certification for early childhood age children. This would be the safest way to ensure that those responsible for the transport of children are adequately trained to respond to adverse events. Dedicated policy (including risk assessment) encourages services and educators to be reflective about transportation of children, and to allow deeper understanding of the issues about safe transportation at their particular service. This also means that they are better able to make informed and thoughtful decisions about practice and procedures. Victoria now requires a specific policy about, and parental consent for, transportation of children (even for services that do not transport children except as part of excursions – when separate consent is already required). This approach could perhaps be looked at for national application.

Other general feedback regarding this issue:

Further guidance and risk assessment regarding the safe transportation of children would also be valuable. The cost of undertaking training for a non-educator driver could be subsidised, to ensure financial burden was not significant, particularly on smaller services.

Title of the section to which you are referring: 3.4 Improving children’s safety during emergency evacuations from multistorey buildings

Preferred options: B, C, D and E

Feedback in response to the CRIS prompts:

Strengthening the approval process for the design and construction of multi-storey buildings intended for education and care services, must ensure child safety and wellbeing is prioritised. Increased requirements for evacuation policies and procedures must also be considered. As suggested, a pre-approval application process for service premises to be located in multistorey buildings would provide an opportunity for the regulatory authority to identify noncompliant proposals before construction, and ensure that plans are adequate to meet regulatory requirements, including protecting the safety of young children in emergency evacuations.

In Victoria, having regulatory pre-approval before construction (option D) is strongly encouraged. The involvement of fire safety experts at the point of planning and design would be crucial to ensuring optimal safety for children in the event of an emergency, as would having site-specific emergency evacuation plans. This would be beneficial in the long term, so that there were strict protocols are in place for any proposed multistorey service sites. Combining these proposed options would significantly reduce the risk to children in the event of an emergency evacuation from a multistorey building. Government grants could be available to existing small provider services to ensure that existing spaces could be made safer.

Other general feedback regarding this issue:

CCC would also like to comment that with an increasing number of early education and care services now being housed in multistorey buildings, there is concern about the growth of services with no 'real' outside space. Balconies and artificial grass should not be substitutes for exposure to nature. Children should have access to the real ground, or at least weekly excursions to a nature space should be provided for all children.

Title of the section to which you are referring: 4.1 Embedding the National Child Safe Principles

Preferred option: D

Feedback in response to the CRIS prompts:

Amendment of the National Regulations, and associated guidance to address identified gaps between the Child Safe Principles and the NQF, would ensure consistency and reduce confusion for children's services. Victoria has already introduced policy and procedural requirements about Child Safe Standards that could be applied nationally.

Other general feedback regarding this issue:

Implementing child safe standards across a service does incur additional costs in policy development, staff training and development and monitoring of implementation. However the benefits outweigh the initial expenditure, and are worth the investment. A slight rise in fees particularly for stand-alone services that carry the burden individually, rather than the collective could be possible. A similar cost could be applied for large providers.

Title of the section to which you are referring: 4.2 updating record keeping requirements Preferred option: C

Feedback in response to the CRIS prompts:

Guidance about best practice record keeping would be useful for small stand-alone services who do not have the resources to research best practice in this area.

Forty five years is the preferred length of time for services to retain records, given the time typically taken between an incident and reporting. However, there should be a mechanism for ensuring that community owned and smaller services are not financially burdened by this requirement. This change would see ongoing benefits to support survivors of abuse, and should be brought into line with the Royal Commission's recommendations.

Other general feedback regarding this issue:

There could be a requirement for all records relating to incidents and/or allegations of potential child abuse to be provided to The Commission for Children and Young People (or similar organisation in other States/Territories) for long term storage. It might be that all records for a child/educator involved in any such incident are provided and stored together – that is, not just the records of the incident but also enrolment records, employment records etc.

Title of the section to which you are referring: 5.2 Family Day Care (FDC) exceptional circumstances

Preferred option: B

Feedback in response to the CRIS prompts:

Increased visits from the FDC co-ordinator should be conducted to ensure that the educator is supported, and that children's health and wellbeing is maintained. This requirement will be an additional administrative burden on FDC schemes, however the benefits of ensuring the safety of children make it a crucial amendment.

Title of the section to which you are referring: 5.4 Safety of glass used by services in Family Day Care

Preferred option: E

Feedback in response to the CRIS prompts:

Glass safety regulations in Family Day Care should maintain the necessity for the installation of safety film to all glass lower than 1m, and additional guidance and resources regarding glass safety should be a requirement for FDC. Compliance to glass not lower than 0.75 would have a significant and detrimental financial impact on the sector. Requirement for compliance would be difficult, as the age of a FDC home does not equate to when they become an FDC educator.

Title of the section to which you are referring: 6.1 Assessment and rating of OSHC services

Preferred option: C

Feedback in response to the CRIS prompts:

Current assessment and rating does not truly marry with the OSHC sectors main objectives. OSHC services have had to comply with a system which reflects an early years focus rather than school age focus. OSHC services have a play and leisure based program which aims to build children's social connections, independence and emotional resilience. Services that are usually deemed successful or rated highly in this current system have financial, administrative and human resources which allow them to 'perfect' the program. Smaller programs where the Co-ordinator may be working part time or casually are not granted the additional hours/resources. If the program is not able to bring in a profit, many schools consider outsourcing to a private OSHC company. A program is only as good as the educators working in it. There is then a problem with consistency of educators and many schools report a decrease in quality. Whilst it is important to note that OSHC and early education and care have more commonalities than differences, we still need to acknowledge that there are fundamental differences that need to be attended to in regards to how the NQF is enacted. OSHC is indeed play and leisure focused in a way that is fundamentally different to ECEC, and additionally services do their work in makeshift spaces that limit the scope of programs. Greater acknowledgement needs to be given to the ages of children and safety procedures around matters like toileting and supervision. Assessors need to see children as capable.

CCC does not believe that removing any of the quality standards would benefit the children attending OSHC services and would undervalue the importance of assessment and planning, critical reflection and information for families in OSHC.

Other general feedback regarding this issue:

A suggestion to fund sector based mentor programs (Exceeding Co-ordinators being funded to visit local Working Towards and Meeting programs to increase outcomes) or engagement and attendance at local network support meetings.

OSHC Assessment and rating modules should be compulsory for all AOs – as they assess both OSHC services and OSHC in Long Day Care, and currently this is only an optional module.

Title of the section to which you are referring: 7.1 Restrictions on short term relief for early childhood educators

Preferred option: C

Feedback in response to the CRIS prompts:

While workforce issues (especially to do with staff recruitment and retention) continue to be problematic, some flexibility for short term relieving is reasonable. Extending this option to 80 days, is not reasonable - that would represent almost four months of a year without appropriately qualified teachers/educators. However, also allowing Diploma qualified staff to be replaced by a Primary qualified teacher or Certificate III would be useful while workforce issues continue.

Other general feedback regarding this issue:

CCC believes that adding a requirement that services must notify their regulatory authority whenever ECTs are replaced by diploma or primary qualified relievers would be useful – with an explanation about what steps have been taken to find a fully qualified ECT and/or any mitigating circumstances that might be relevant (eg. in the case of a sudden illness or injury, there may be no time to find someone who fully qualified).

The ability to use an underqualified person should be a stop-gap measure, maybe only until 2025 when the workforce issues will be hopefully be resolved , as this will nearly always impact on the quality of service being delivered to children and families. The real issue is addressing the fundamental workforce issues that have made this compromise necessary.

Title of the section to which you are referring: 7.2 Educators who are ‘actively working towards’ a qualification

Preferred options: B

Feedback in response to the CRIS prompts:

Providing guidance and support to services to ensure that staff are actively working towards their qualification is essential to support the completion of qualifications.

Staff who are actively working towards should be managed by their RTO, however this system does not necessarily utilise and monitor their required strategies, such as a training plan being developed and monitored for each student.

Other general feedback regarding this issue:

Separate consideration is required for OSHC as there is not a national minimum qualification requirement. CCC believes there should be such a requirement developed for OSHC and that government resources need to be invested in the consequential upskilling of the sector that will be required.

Title of the section to which you are referring: 7.3 Minimum qualification requirements for educators in FDC

Preferred options: B and D

Feedback in response to the CRIS prompts:

Due to FDC educators being largely unsupervised, all educators should at least hold a Certificate III. This is to ensure they are adequately trained to provide quality care for children. The child protection component of their qualification should be successfully completed before their service is operational. The benefits of having fully trained and confident FDC educators will only strengthen their contribution to the sector, rather than risk damage done by allowing an under skilled workforce.

Other general feedback regarding this issue:

Title of the section to which you are referring: 8.1 The quality ratings system

Impacts of the proposed options: Preferred options: C and D

Feedback in response to the CRIS prompts:

Families are increasingly aware of the quality rating system and what the different ratings mean. Modification of the current terminology, especially if this means 'dumbing down' or over simplifying the existing system, will cause confusion about the quality ratings. There is however a good opportunity for better informing families and the wider community about the ratings, and what they mean when choosing a service for their child. Visual representations that are easily recognisable and easily understood would have the most impact in this space. However, the star rating is not a good option – further use of the ACECQA ticks are a better option.

If a service changes providers then they should receive a rating 'not yet rated' as the change of provider can bring enormous change, especially in the OSHC sector.

Other general feedback regarding this issue:

A national marketing campaign could be developed and implemented (which has not been done before) that provides collateral and resources for services to use with families. These could be circulated through traditional and non-traditional media channels to explain the value of high quality education and care – both in early childhood and OSHC - and what the rating system can tell families about quality of service provision.

Title of the section to which you are referring: 9.1 Changes in fees for regulatory authorities

Preferred option: The current and proposed application and notification fees are potentially disadvantaging small centre based providers. It would be better for larger providers that have the capacity to pay more. However, CCC believes this is a cost shifting exercise from Government to service providers that fundamentally shouldn't occur.

Title of the section to which you are referring: 10.1 Assessing suitability of individuals to work directly or indirectly with children

Preferred option: B and C

Feedback in response to the CRIS prompts:

The strengthening of requirements should go hand in hand with adequate support including providing guidance to providers on investment in board, governance, and management capability.

Other general feedback regarding this issue:

CCC does not believe that every PMC needs to have an in depth knowledge of the NQF – this would include parent committee members of small not for profit services. Certainly any person with operational responsibility for a service needs a very sound knowledge of the NQF but not all PMCs.

Title of the section to which you are referring: 10.2 Cancellation of provider approval under Family Assistance Law

Preferred options: B and C

Feedback in response to the CRIS prompts:

CCC believes cancellation or refusal of provider approval should be aligned across legislative instruments. Jurisdiction should be required to provide support, particularly where there are limited other options for families when an approval is cancelled. It is also anticipated that prior to cancellation there has been considerable support for the service to comply with particular requirements. Particularly, for example, to small stand-alone services whom may not have appropriate governance mechanisms in place.

Other general feedback regarding this issue: Adequate support in the event of approved provider cancellation would see the benefit of continuity of care for families, many of whom may be disadvantaged and adversely effected under these circumstances.

Title of the section to which you are referring: 10.3 Arrangements to transfer a service to another approved provider

Preferred options: B, C and D

Feedback in response to the CRIS prompts:

CCC believes that increasing the notice requirements, particularly for families, gives them a little more time to try to rearrange their care and education if that is what they desire. For parents using OSHC this is often not an option as they have chosen a school for their child to attend and often have to accept the OSHC service that is offered at that school. Any extra time for families is a good option.

Unfortunately there is no incentive for the relinquishing provider to inform the regulatory authority, therefore CCC believes it is better if transfer is deemed to have occurred based on advice of receiving provider only – right to occupy.

Other general feedback regarding this issue:

Title of the section to which you are referring: 10.4 Maintaining current information about service delivery

Preferred options: C – Reg Authority can administer questions

Feedback in response to the CRIS prompts:

CCC believes that changing the age groups of service delivery can mean a big shift in required knowledge and resources to provide high quality services and therefore it is necessary to inform Reg. Authority of any changes.

Title of the section to which you are referring: Section 11 – Technical amendments

11.1 - Notice of transport in NQA ITS – CCC is supportive of amend the regulation to improve notice requirements during periods of transport using the NQA ITS.

11.2 - Implementing physical activity guidelines – CCC is supportive of amending the curriculum frameworks to ensure physical activity is part of every service’s everyday activities and learning opportunities offered to all children.

11.3 - FDC: Display in venue/ residence – (Jason –FDC)

11.5 - Excellent ratings – No extension of excellent rating CCC’s preference would be that services are rated at least every three years, so that excellent rating is in line with assessment cycle.

11.6 - Death of an approved provider – CCC agrees that provider approval should be cancelled upon notification of a death of the approved provider if they were a sole trader (or a partnership of two persons where one is deceased)