

1 November 2019

The Hon Sarah Mitchell MLC
NSW Minister for Education and Early Childhood Learning
Parliament of New South Wales
52 Martin Place
SYDNEY NSW 2000

Dear Minister Mitchell,

**Re: Inconsistent assessment and rating process and
the proposed use of ACECQA's Self-Assessment Tool**

As you know, the Australian Childcare Alliance (ACA) NSW members operate about 1,600 childcare services, employ over 25,000 employees, and are committed to providing excellence in early childhood education and care for the more than 125,000 children and their families.

The second round of the NSW Department of Education's 12 roadshows were conducted during 14-28 October 2019. During this round, the Department has admitted that they have received an amount of feedback about how they conduct assessment and rating of services such that they will now be introducing new measures and services in order to more positively support the 5,500 early childhood education and care services.

The tone and new proposals are certainly a most welcomed change compared to the previously adversarial approach that the NSW Department of Education has been known for. Time will tell if the proposed improvements will help improve the aspired outcomes as well as the needed working relationships between the Department and service providers.

As the only peak body that attends the most of each round of roadshows, we have done so because we have noticed there has been some inconsistencies in the presentations during each round of roadshows in 2019.

During the October 2019 round of roadshows, the NSW Department of Education did not consistently conveyed their intentions to introduce the Australian Children's Education and Care Quality Authority (ACECQA)'s Self-Assessment Tool (see <https://www.acecqa.gov.au/assessment/quality-improvement-plans#SAT>) in relation to upcoming assessments and ratings of services as an option and mandatory from February 2020 onwards.

In all but one of the sessions ACA NSW attended, the Department communicated that the use of ACECQA's Self-Assessment Tool would be for services to integrate their answers from the Self-Assessment Tool into the Quality Improvement Plan (QIP) submission. However, the session on 24 October 2019 in Coffs Harbour explained that the use of ACECQA's Self-Assessment Tool would be as a replacement of the QIP submission.

It is already inexplicable as to why NSW has the highest percentages of services that are rated Working Towards the National Quality Standards (NQS) (at 43.65% of the national total) as well as Significant Improvement Required (at 80% of the national total).

ACA NSW is significantly concerned that:

- (a) the introduction and mandatory use of ACECQA's Self-Assessment Tool from February 2020 would further increase the ability for well-resourced services to "game" the system in order to achieve a higher rating;

- (b) a higher if not exclusive reliance on the Self-Assessment Tool and self-reporting may provide false confidences of those rated services; and
- (c) the integration or exclusive use of ACECQA's Self-Assessment Tool would make NSW even more unique and our ratings arguably inconsistent to all the other Australian jurisdictions.

We have been told by the NSW Department of Education that other states and territories are considering emulating their use of ACECQA's Self-Assessment Tool, but as yet none have.

Your Department staff have been noted to also publicly confirm they too have heard from the early childhood education and care sector quoting some Authorised Officers as saying, for example "*don't expect to get the same rating again*" and "*in private centres no one gets the higher rating under my watch*". Moreover, our members have had assessment and rating experiences with your Department officers where they did not know or misinterpreted the National Law or National Regulations.

Early childhood consultant Lisa Bryant (with a specialisation in community and not-for-profit services) wrote in June 2019 (see enclosed) that assessment and rating in NSW has increasingly become a work health and safety issue with educators and teachers suffering from insomnia, confusion, disillusion and burnout when facing a process so many are finding increasingly demoralising.

And to add salt to injury, both ACECQA and the NSW Department of Education have confirmed that parents do not know of the existence of the now 7-year-old rating system, or they place the service's rating toward the bottom of their priorities.

Even though the NSW Department of Education in July 2018 (see enclosed) sought to assure the sector that it "*remains committed to a nationally consistent approach to quality in the early childhood education and care sector*", there appears to now be near universal concern across the different types of early childhood education and care services about NSW's version of assessment and rating. Since late 2016, ACA NSW had been and continues to be overtly alarmed and have attempted to bring this to the Department as well as your attention.

We remain open to having a robust discussion with you and your Department on how we can have a trusted, consistent, effective and reliable assessment and rating regime in NSW that is not overly onerous on the over 5,500 early childhood education and care services.

Looking forward to your response. And thanking you in anticipation.

Yours sincerely,



Chiang Lim
CEO

- encl 1. "What is happening with Assessment and Rating?" by Lisa Bryant (June 2019)
- 2. Letter from Nancy Chang, Relieving Executive Director, NSW Department of Education (June 2018)

- cc 1. Jodie Harrison MP, NSW Shadow Minister for Early Childhood Education
- 2. The Hon Kevin Conolly MP, NSW Parliamentary Secretary for Education
- 3. The Hon Mark Latham MLC, Chair, NSW Legislative Council's Standing Committee on Education
- 4. The Hon Matthew Mason-Cox MLC, Deputy Chair, NSW Legislative Council's Standing Committee on Education
- 5. The Hon David Shoebridge MLC, Member, NSW Legislative Council's Standing Committee on Education

EARLY CHILDHOOD EDUCATION AND CARE SERVICES WHO HAVE BEEN ASSESSED AND RATED UNDER THE NATIONAL QUALITY STANDARDS (NQS)

Ratings	NSW	VIC	QLD	SA	WA	ACT	NT	Total
Excellent	14	10	10	9	0	2	1	46
Exceeding the NQS	1,346	1,297	862	546	216	156	38	4,461
Meeting the NQS	2,464	2,056	1,541	387	569	93	116	7,226
Working Toward the NQS	1,330	631	426	197	325	76	62	3,047
Significant Improvement Required	8	0	2	0	0	0	0	10
	5,162	3,994	2,841	1,139	1,110	327	217	14,790

%age of Each Rating Nationally	NSW	VIC	QLD	SA	WA	ACT	NT	Total
Excellent	30.43%	21.74%	21.74%	19.57%	0.0%	4.35%	2.17%	100%
Exceeding the NQS	30.17%	29.07%	19.32%	12.24%	4.84%	3.50%	0.85%	100%
Meeting the NQS	34.10%	28.48%	21.33%	5.36%	7.87%	1.29%	1.61%	100%
Working Toward the NQS	43.65%	20.71%	13.98%	6.47%	10.67%	2.49%	2.03%	100%
80.00%	80.00%	0.0%	20.00%	0.0%	0.0%	0.0%	0.0%	100%

SOURCE: The Australian Children's Education and Care Quality Authority (ACECQA)'s National Register as of 1 November 2019 (<https://www.acecqa.gov.au/resources/national-registers>)

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What is happening with Assessment and Rating?

“ It is increasingly becoming a work health and safety issue with members suffering from insomnia, confusion, disillusion and burnout when facing a process so many are finding increasingly demoralising. ”

Is there something rotten happening with the assessment and rating system for education and care services or is it just bad policy implementation, communication, and training after a change to the system, Early Childhood Consultant Lisa Bryant asks.

Directors and Approved Providers, especially those from NSW where the changes have hit the hardest, are pretty much convinced that there is something rotten happening.

How, they ask, could 57% of services that were previously assessed as Exceeding the National Quality Framework prior



Your questions
answered

Giveaways

to 2018, have been downgraded to Meeting the NQS – or even worse – Working Towards?

Gabe Connell, a Vice President of the IEUA NSW/ACT Branch said she is “hearing a lot of horror stories in regard to the Assessment and Ratings Process ranging from the sublime to the ridiculous”.

NSW Organiser Lisa James tells of members, especially those who are NSW service directors, being “stressed and deflated after putting so much work into preparing for Assessment and Rating.”

She said it is increasingly becoming a work health and safety issue with members suffering from “insomnia, confusion, disillusion and burnout when facing a process so many are finding increasingly demoralising”.

In NSW and in Victoria just over 300 services have been re-rated in 2018 and in 2019 so far in each state.

In Victoria 56% of those who were re-rated retained their Exceeding rating compared to just 43% of the NSW services. 36% dropped to Meeting (47% in NSW) and 7% dropped to Working Towards (compared to 10% in NSW). In comparison 54% of ACT services previously rated as Exceeding lost their Exceeding rating. Lots of services are clearly finding it harder to retain their Exceeding ratings, but NSW services seem to be more likely to lose theirs.

So what has happened?

In 2017 the Education Council determined that there would be a new National Quality Standard from February 2018 and that simultaneously a new way of calculating Exceeding ratings would be implemented. To be rated as Exceeding, a service has always had to have all quality areas rated as at least Meeting the NQS, with four or more Quality Areas rated as Exceeding NQS, with at least two of these being Quality Areas 1, 5, 6, or 7. Complex though it is, this has not changed.

What did change was that to be rated as Exceeding in any Quality Area a service must now receive Exceeding for all

the standards in that Quality Area. Obviously this change may lead to fewer services being rated as Exceeding, but given that a service still only need receive an Exceeding rating in four of the seven Quality Areas, one would not have thought the impact would be high on the number of services receiving an overall Exceeding rating.

The change came as a consequence of the first review of the NQF. The proposal was canvassed initially in the Consultation Regulatory Impact Statement (RIS) and later in the Decision Regulatory Impact Statement. At no time did ACECQA, any government or the Education Council declare publicly that was a need for fewer services to be rated as Exceeding. The initial consultation RIS only said that the change was designed to simplify the calculation of the Quality Area rating for Exceeding.

At the time the change took effect, ACECQA said that “governments and ACECQA had developed guidance that clarifies the difference between Meeting the National Quality Standard (NQS) and Exceeding the NQS at the standard level”. They talked about it as an “opportunity to make this higher quality benchmark more readily understood” and said that “feedback from the sector suggested a need for clearer guidance on the difference between Meeting NQS and Exceeding NQS rating levels.” They said that Exceeding meant going above and beyond meeting the NQS and they wanted to clearly explain what “above and beyond” means.

In came the three ‘Exceeding themes’ requiring practice to be embedded, informed by critical reflection and shaped by meaningful engagement with families and the community.

And here is where everything seems to have gone astray. Despite promises that Assessment Officers (AOs) would be retrained, it appears as if the message taken away from that training is that it should be harder for services to obtain an Exceeding rating.

Clearly this was not the intention – at least not the stated intention. So it looks like the sector needs some answers from

ACECQA.

- Was the intention to make Exceeding a harder rating to get? Why have so many services lost their Exceeding rating after the themes came in?
- Why have more NSW services lost their Exceeding rating than services in other states and territories?
- Is ACECQA aware that service directors and teachers are losing (have lost?) faith in the ratings system because of the wholesale loss of Exceeding ratings?
- Was there a communications failure – should ACECQA have informed the sector that the impact of the new themes coupled with the need to get Exceeding in all standards in order for a Quality Area to be rated as Exceeding meant that a substantial proportion of services would be downgraded?
- If reducing the number of services rated as Exceeding was not the intention, do AOs need retraining again?

If the sector loses faith in the assessment and rating system, the sector loses faith in the NQF. Surely none of us want that to happen?

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RML18/2042

Dear Ms Death

Thank you for your letter of 20 June 2018, to the Hon. Gladys Berejiklian, Premier of NSW, with representations from peak bodies and organisations across NSW regarding the National Quality Agenda. Your letter was forwarded to the Hon. Sarah Mitchell MLC, Minister for Early Childhood Education. I am responding on behalf of the Premier, Minister for Early Childhood Education, and Minister for Education, Minister Stokes.

Like the organisations represented in your letter, the NSW Government is committed to quality in early childhood education and is disappointed at this abrupt decision by the Australian Government to withdraw from the National Partnership on the National Quality Agenda.

I can advise that the Minister for Early Childhood Education has written to the Federal Minister for Education and Training, the Hon Simon Birmingham, to express concern about the implications of this decision and to seek clarity on the Australian Government's commitment to a national approach to quality in early childhood education.

The NSW Government has reallocated funding to ensure there will be no reduction in regulatory activity, and no loss of Department of Education staff. Assessment and rating visits, and engagement with the sector will continue, to ensure the ongoing safety and wellbeing of children attending services in NSW.

NSW has always sought to lead the nation in promoting quality. This is demonstrated by our strong record in exceeding assessment and rating targets, on compliance and enforcement, and our commitment to continuous improvement in the sector through consultation, education and support activities. For us, striving for high standards is, and will remain, business as usual.

NSW remains committed to a nationally consistent approach to quality in the early childhood education and care sector, and is a strong advocate of the current national arrangements. To this end, my colleagues in other jurisdictions and I have been working, and will continue to work, in national policy forums to seek the commitment of the Australian Government to the future of early childhood education and care.

Yours sincerely



Nancy Chang
R/Executive Director
Early Childhood Education

3 July 2018