

# 2019 National Quality Framework Review

April, 2021

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## Introduction

The Queensland Catholic Education Commission (QCEC) provides this submission on the National Quality Framework Review, to inform the future regulation of quality education and care services in Australia to help governments consider the risks, benefits and costs of changing the National Quality Framework (NQF).

QCEC is the peak strategic body with state-wide responsibilities for Catholic schooling in Queensland. This submission is provided on behalf of the five Diocesan Catholic school authorities and 17 Religious Institutes and other incorporated bodies which, between them, operate a total of 309 Catholic schools that educate more than 156,000 students in Queensland.

QCEC is the Central Governing Body for 30 approved Queensland Catholic kindergarten services with approximately 50% of these services located in regional and remote locations. Since the National Early Childhood Education and Care Collection of data commenced in 2010 the number of Queensland Catholic kindergarten services and subsequent enrolments has increased from a total of 4 services with 50 enrolments in 2011 to 28 services with almost 1,000 enrolments in 2021.

QCEC is not an approved provider of early childhood education and care services rather it supports and distributes funding to Queensland Catholic approved providers who operate stand-alone kindergarten services with service approvals under the Education and Care Services National Law and Regulations. QCEC performs this role as the Central Governing Body for approved Catholic stand-alone kindergarten services.

QCEC considers the implementation of the NQF in 2009 has achieved what was intended: consistency in the regulation of early childhood services in Australia; it established the essential components for quality early childhood education and care; and introduced regulatory requirements to protect the safety, health and wellbeing of children at services. QCEC notes the key components of the NQF consisting of: the Education and Care Services Legislation; the National Quality Standard; Approved Learning Frameworks; and Assessment and Ratings are integral to how this has been achieved. The dual goal of providing quality early childhood education with safe care of children ensures all Australian children's development is supported outside of the family environment. The national approach to regulation and the quality ratings for approved services (generated through the assessment and rating process) can provide assurance and reliability about quality for parents when choosing a service. Workforce participation is also supported when parents, carers and families have confidence in the system.

The NQF is a valuable and important system for children, families, parents, carers and governments and QCEC supports the continued focus on driving the provision of high-quality care for children to get the

most benefit possible from participating in early childhood education and care. QCEC recognises the important value in the five yearly reviews of the NQF to consider the ongoing effectiveness of the NQF and assess if it continues to support contemporary best practice regulation.

This submission does not respond to every element of the 2019 Review of the NQF. Those issues which QCEC wishes to provide a response to are identified by the relevant heading.

### **Chapter 3 Safety, Health & Wellbeing**

#### ***3.1 Safety of children during transitions between services (including school)***

The Consultation Regulation Impact Statement (CRIS) raises the issue of the gap that currently exists in regard to duty of care during transition periods between schools and Outside School Hours Care (OSHC) services or OSHC services and preschool. QCEC considers the background information provided in the CRIS is concerning such that it indicates that children with additional needs (physical, mental, socio-emotional needs) were disproportionately represented in incidents involving a child missing during the transition from school to OSHC services, representing 38% of incidents reported, with an average of more than 100 children reported missing or unaccounted for each year during the transition from school to OSHC services. QCEC considers this highlights an area of risk that should be addressed and notes there is a national OSHC capability building project underway to upskill OSHC staff to support the inclusion of children with complex, high needs safely and professionally at OSHC services. A requirement for education and care services to have a policy and procedure to ensure children are safe during transitions between services, including school, would also respond to parents concerns around the safety of children with complex, high needs in OSHC services.

QCEC supports Options C and D as follows:

- Option C - Recommendation to state and territory school authorities and non-government school sector organisations to develop policies and procedures to safely transfer children between schools and education and care services.
- Option D - Require that where relevant, an education and care service has a policy and procedures for the transition period between education and care services (for example between school and OSHC, or OSHC and preschool), including a risk assessment process.

QCEC further recommends that any policies and procedures and risk assessments be applicable and relevant to the ages and needs of children.

#### ***3.3 Improving children's safety during regular transportation***

One Queensland Catholic kindergarten provides regular transport of children to and from the service but parents or a family member travel with their children. QCEC holds the view that regular transport of young children poses significant risk to children and strongly supports strengthening of regulatory requirements for regular transportation that is arranged and provided by an education and care service. QCEC notes the CRIS identifies that consultation on the NQF Review Issues Paper also revealed strong support from stakeholders regarding this issue with 63% of survey respondents supporting the need for supervision and educator to child ratios during regular transportation of children. Some steps have already been taken to strengthen regulatory requirements with an amendment to the Education and Care Services National Regulations commencing on 1 October 2020, to require an education and care service providing a regular transportation service to have a policy and procedure in place that addresses the additional risks that may arise when transporting children; to conduct risk assessments in situations where children are transported; and to obtain the required written authorisations for transporting children. These are important requirements but as the CRIS identifies there are other considerations to ensure the safety of young children being transported.

QCEC supports all options for changes to the national legislation presented in the CRIS which includes:

- the introduction of specific transport ratio requirements.
- specific provision to exclude the transport ratio requirements in the case of vehicles transporting only school age children however a risk assessment will still need to be undertaken.
- a requirement for a staff member to be present when children are embarking and disembarking from the vehicle at the service.
- A requirement for the driver of the vehicle (where the driver is not a staff member of the service) to hold a current working with children check, a current approved first aid qualification and to have undertaken anaphylaxis and emergency asthma management training.

QCEC also supports the option for change for further guidance to be developed around adequate supervision/risk assessment in relation to the transportation of children.

The CRIS proposes that in the case of vehicles carrying no more than 7 children at one time, only the driver of the vehicle is required to be in the vehicle in recognition that in a Family Day Care (FDC) service a ratio of 7 children to one educator at any one time applies. The CRIS proposes therefore that the same proposal should apply to centre-based education and care services. QCEC does not support this proposal and considers transport specific ratios be more carefully considered with respect to centre-based services who could be transporting 7 babies or toddlers, all of whom could be non-verbal.

QCEC also points out that the driver of a vehicle for a centre-based service may not be a staff member of the service and therefore a supervisor should always be present. Family day carers can provide education and care for children from birth to 12 years of age for up to 7 children, but they are limited to providing education and care for up to 4 children not yet in school. Family Day Carers are also required to hold or be working towards an approved certificate III level education and care qualification. To properly ensure the safety of children best practice would be for current educator-to-child ratios to apply and for the driver of the vehicle to not be included in the ratio calculations for centre-based services regularly transporting children depending on the number and ages of children being transported. QCEC also recommends regular transport arranged and provided by a service should be included as part of an approved service's hours of operation as it is part of the education and care service.

## **Chapter 4 Royal Commission into Institutional Responses to Child Sexual Abuse**

### ***4.1 Embedding the National Child Safe Principles***

In Queensland as of 2021 all stand-alone kindergarten services are required to ensure their policies align with the National Child Safe Principles. The CRIS identifies that there are a small number of gaps between the National Child Safe Principles and the NQF. The options for change provided aim to increase education, awareness and to cultivate organisational cultures and practices that foster child safety and wellbeing and help prevent child sexual abuse. Three options for change are presented from least prescriptive to most prescriptive. Recognising the importance of children's safety and wellbeing and the Royal Commission's recommendation that all institutions in Australia that engage in child-related work be required to implement the ten child safe standards, QCEC supports Option C, which is prescriptive but retains some flexibility and autonomy in how services implement the National Principles. Implementing Option C will ensure that education and care services undertake the necessary actions to implement the ten principles and support the commitment of Australian governments to address the Royal Commission recommendations. The recommendations aim to embed deep and enduring change, through preventative measures such as education, structural controls and cultural changes.

Option C proposes an amendment to the National Regulation to require services to have in place policies and procedures for providing a child safe environment including implementing the National Principles. The National Principles were outlined at a high level in order to allow flexibility in implementation and in recognition of the variety of organisational types, sizes and capacities. As

identified in the CRIS the Royal Commission considered childcare services as institutions for the purposes of the Royal Commission with childcare services, accounting for 0.5 per cent of the location for allegations, 32 out of 5771 cases. No incidences of child sexual abuse are acceptable and therefore QCEC considers a prescriptive approach is reasonable but in the context of the low number of allegations relating to childcare services it is reasonable to allow services some flexibility and autonomy as the Royal Commission endorsed.

#### *4.2 Updating record keeping requirements*

QCEC notes that the current record keeping requirements are for approved providers to keep records relating to incidents and/or allegations of potential child abuse in a safe and secure place until the child is aged 25 years. The CRIS provides detail of the Royal Commission recommendations for institutions engaged in child-related work to retain records relating to child sexual abuse that has or is alleged to have occurred for at least 45 years, and that records identified as relevant to child safety and wellbeing, including child sexual abuse, be clear, objective and thorough, be maintained in an indexed, logical and secure manner, and be retained and disposed of in a consistent manner. QCEC supports the legislative changes described in the options for change as it considers that the importance of survivors of sexual abuse being able to access the institutional records of incidents and/or allegations during their time in care outweighs additional cost or administrative burden to services. The proposed changes to: improve guidance on record keeping for approved providers; amend the National Regulations to increase record keeping requirements to 45 years (in relation to relevant records regarding actual or alleged instances of child sexual abuse); and require not-for-profit, community and for-profit providers to store records in accordance with recommended standards and timeframes of the Royal Commission; should be implemented together.

### **Chapter 6 Centre-Based Care – Outside School Hours Care**

#### *6.1 Assessment and rating of OSHC services*

The CRIS raises the issue of Outside School Hours Care (OSHC) services providing school-age education and care being assessed and rated under the same methodology as other centre-based services (e.g., long day care and kindergarten). The current approach does not account for the distinct quality characteristics of OSHC services which reflect the fact that OSHC is designed to provide play and leisure opportunities and because of the older age of children there are different safety, educational and developmental needs. Options for change are presented for streamlining assessment and rating against the NQS for OSHC, and/or making the process more targeted to the specific service type. This is because some elements of the NQS may be less applicable in a school age education and care context. QCEC supports the Options for change to modify the assessment and rating process for OSHC services noting the focus on modifying the assessment and rating methodology around Element 1.3 of the NQS - Assessment and Planning within Quality Area 1 of the NQS. Element 1.3 can be difficult for OSHC to meet because it requires an approach to aspects of educational program and practice that is not consistent with the play and leisure focus of service provision and there are no national qualification requirements for OSHC.

### **Chapter 7 Workforce**

#### *7.1 Restrictions on short term relief for early childhood educators*

The CRIS proposes to broaden the qualification requirements for short-term staff replacements to allow for example, primary teachers and/or certificate III qualified educators to replace diploma qualified educators on a short-term basis. Currently, the legislation only provides for early childhood teachers (ECT) to be replaced by a person with specified qualifications. QCEC supports the proposed change for the same rules to apply to diploma and certificate III educators to offer more flexibility for service providers and avoid the need to possibly apply for a staffing waiver to relieve staff on short-term absences due to illness or leave. QCEC also supports the proposal to extend the requirement for short-term absences of qualified staff to 80 days noting that stand-alone kindergartens and long day care services delivering a kindergarten program in Queensland have to meet certain state-based requirements which significantly reduces the number of days an ECT can be absent by comparison.

Therefore, this is perceived to have value largely for long day care services with respect to ECTs and for all services that employ diploma and certificate III qualified educators.

## *7.2 Working Towards Qualifications*

The CRIS proposes options to limit the “actively working towards” provision by introducing requirements such as providers having to monitor the course progression for staff or introducing a timeframe within which the diploma or certificate III course must be completed. The CRIS does not present compelling evidence for the need for legislative change to the current actively working towards provision therefore QCEC does not support an amendment to the legislation. The CRIS states only that there is anecdotal evidence of providers not monitoring the course progression for staff members who are actively working towards a qualification. QCEC is therefore of the view that legislative amendments presented in Option B would create unnecessary additional administrative burden for Approved Providers. QCEC does consider there would be value in progressing Option C to develop guidance material for providers to ensure staff who are ‘actively working towards’ qualifications are making satisfactory progress.

## **Chapter 8 Understanding of Quality Ratings by Families**

### *8.1 The quality ratings system*

The change proposal seeks to address engagement with quality ratings from families and carers which the CRIS describes as an ongoing communications issue due to the complexity of the rating label system. One option proposed is to modify the quality rating terminology. The other options propose a visual representation and additional guidance and advice to the community. The CRIS makes note of the fact that research suggests that the current language and presentation of the NQS rating scale is confusing to families but also in selecting an education and care service, families tend to rely on their own assessment about a service and other practical considerations such as accessibility, convenience, word of mouth, recommendation, and affordability. It is also possible that once a family has chosen a service if they are happy with the education and care provided they may not seek to understand the NQS rating scale. Modifying the quality rating terminology suggests significant change and therefore QCEC suggests Option C be pursued to introduce a visual representation of the quality ratings. This does not preclude the quality ratings terminology being modified in the future if this strategy does not have the desired effect.

The Lifting our Game Report<sup>1</sup> (Report of the Review to Achieve Education Excellence in Australian School through Early Childhood Interventions) refers to the introduction of the National Quality Framework as “historic reform” (p.23) to “overcome divisions between care-focused and education-focused services” (p.8) and further points to “evidence that the NQF is promoting continuous quality improvement with a general trend over time for an increasing proportion of services to meet or exceed the NQS, and a declining proportion not meeting it” (p.32). Recommendation 2 of the Lifting our Game Report recommends the Australian government preserve this current model of education and care delivery. For these reasons QCEC highly values this review of the NQF as an important element of preserving the model, by ensuring it remains current, fit for purpose and supports the needs of children and families. QCEC welcomes the opportunity to provide a response to specific issues in the CRIS and will be pleased to discuss any of the responses further.

If you require further information regarding this submission, please contact Emily Wilson, Senior Education Officer, by email [emilyw@qcec.catholic.edu.au](mailto:emilyw@qcec.catholic.edu.au) or phone (07) 3316 5862.

**Dr Lee-Anne Perry AM**

Executive Director

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<sup>1</sup> Pascoe, S., (AM) and Prof Brennan, D., (2017) [Lifting Our Game Report](#)