



Submission on The Consultation Regulation Impact Statement for proposed options for changes to the National Quality Framework January 2015

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A strong voice for our children and families

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SNAICC is the national non-government peak body
that advocates on behalf of Aboriginal and Torres
Strait Islander children and families.

The Secretariat of National Aboriginal and Islander Child Care (SNAICC) is the national non-government peak body representing the interests of Aboriginal and Torres Strait Islander children and families. SNAICC supports strong and enabled Aboriginal and Torres Strait Islander designed, managed and delivered early childhood education and care (ECEC) services, and also focuses on enabling culturally-competent mainstream ECEC services, and good practice partnerships between community-controlled and mainstream services. Our membership base includes a significant number of Aboriginal and Torres Strait Islander Budget Based Funded (BBF) services and Aboriginal Child and Family Centres (ACFCs).

SNAICC strongly believes that any reform of the National Quality Framework (NQF) program must respond to and seek to address the persistently low educational outcomes and lower participation rates in early childhood services experienced by Aboriginal and Torres Strait Islander children. Accordingly, SNAICC's primary two concerns with regards to any reform of the NQF are that all early childhood services across Australia provide culturally competent, accessible early years services, and second, that Aboriginal and Torres Strait Islander services are empowered to deliver high-quality, culturally-strong early years services within a regulatory framework that is supportive of their values, needs and self-determination. SNAICC's membership base includes a number of the 270 Aboriginal and Torres Strait Islander BBF services that currently sit outside of the NQF, and therefore this submission will particularly focus on their needs.

SNAICC welcomes the opportunity to participate in the 2014 *Consultation Regulation Impact Statement for proposed options for changes to the National Quality Framework*.

Options for consideration

3.1 Refining the National Quality Standard (NQS) and assessment and rating process

3.1.2. Proposal 1.2 Streamlining the process for quality assessments

SNAICC supports Option 1.2B - streamlining the national approach to assessment and rating — but notes one important consideration, outlined below.

In streamlining the assessment process it is critical that the assessing officer be given appropriate time to conduct the assessment in a manner that is fair and equitable to each service. Our reasoning for this is summarised below, in an excerpt from the 2013 SNAICC report *A place for Culture? Exploring Aboriginal and Torres Strait Islander Cultural Competence in the National Quality Standard*.

The capacity of Aboriginal and Torres Strait Islander services to meet the NQS, particularly in relation to child development, safety, stability, and relationships with community (Quality Areas 1, 2, 5 and 6) is directly dependent on their capacity to offer the services they determine are those that their own communities want, and to deliver them in a manner appropriate for these communities. Culture and cultural identity are central to each of these Quality Areas. These services cannot offer such culturally embedded services and meet the NQS unless the rating and assessment tool and process is capable of rating and assessing them through a cultural lens. The process requires flexibility and capacity of Authorised Officers to understand cultural ways of defining and transmitting the content of these Quality Areas to determine areas of strength and need for improvement within services.

There is no current requirement that Authorised Officers develop a relationship with services outside the direct exercise of their functions. In fact, the guide for Regulatory Authorities stipulates the amount of time to be spent in assessment visits, and that these minimum times be used as a guide

so as not to disrupt the running of the services.¹ This approach mitigates against the development of partnerships with Aboriginal and Torres Strait Islander people, which take time and are not best formed by a direct concentration on a specific task. The principles, practice and outcomes of effective partnerships between Aboriginal and Torres Strait Islander agencies and non-Indigenous organisations are well-documented.²

...the formation of genuine partnerships is a key component of cultural competency. However, “There is not a ‘one size fits all’ approach as Aboriginal and Torres Strait Islander cultures are diverse.”³ It is important to recognise that there “is a diversity of Aboriginal cultures in Australia. What is appropriate for an Aboriginal child in the Northern Territory may not be appropriate for an Aboriginal child in South Eastern Australia.”⁴ Cultural knowledge and cultural information is *local*, coming from the local community. Partnerships have to also be local. Partnerships between the Regulatory Authority and local Aboriginal and Torres Strait Islander people will provide the basis for a culturally competent approach to regulation of the Aboriginal and Torres Strait Islander BBF sector within the NQS.

SNAICC (2013). *A place for Culture? Exploring Aboriginal and Torres Strait Islander Cultural Competence in the National Quality Standard*. Melbourne, pp17–18.

Any streamlining of the assessment process must therefore take into account the need to develop genuine, culturally-competent partnerships between the Regulatory Authority and local Aboriginal and Torres Strait Islander services, and to allow sufficient time and resources to enable this.

SNAICC therefore makes the following recommendation:

Recommendation 1

- *Regulatory Authorities in each state and territory have specific Aboriginal and Torres Strait Islander cultural competency and partnership development training.*
- *Regulatory Authorities in each state and territory form an Aboriginal and Torres Strait Islander expert team whose role is to build relationships with Aboriginal and Torres Strait Islander services, and advise on cultural competence issues for non-Aboriginal assessors.*
- *Assessors are supported and required to develop genuine partnerships according to the appropriate protocols with their local Aboriginal and Torres Strait Islander communities.*
- *And*
- *The assessment and rating process affords the assessor flexibility in determining the appropriate amount of time needed to assess each service.*

3.1.7. Proposal 1.7 Ensuring ratings accurately reflect service quality

SNAICC supports the adoption of Option 1.7B Remove the overall rating and rely on the seven quality area ratings to indicate service quality.

Aboriginal and Torres Strait Islander Budget Based Funding (BBF) services differ from most mainstream services in that they generally operate in community contexts of high disadvantage and unemployment, and inter-generational poverty and trauma. BBF services also span a range of

¹ ACECQA 2012, *Guide to Assessment and Rating for Regulatory Authorities*, ACECQA, Sydney, p.15.

² SNAICC 2012, *Opening Doors through Partnerships: Practical Approaches to Developing Genuine Partnerships that Address Aboriginal and Torres Strait Islander Community Needs*, SNAICC.

³ DEEWR 2010, *Educators: Belonging, Being and Becoming: Educators’ Guide to the Early Years Learning Framework for Australia*, Canberra: DEEWR, p. 25.

⁴ VACCA, 2010, *Building Respectful Partnerships: The Commitment to Aboriginal Cultural Competence in Child and Family Services*, Melbourne: VACCA, p. 39.

service types including long day care, Multifunctional Aboriginal Children's Services (MACS), mobile services, out of school hours care, playgroups, crèches and family day care. Significant diversity exists both between and within service models, including in service opening hours/days, capacity, staffing levels/ratios, family/parental engagement levels, infrastructure, programs provided and fee structures.

This significant diversity and the complexity of providing services within such contexts, makes it highly likely that a number of BBF services would struggle to meet all NQS elements, despite the fact that they may excel at a number. This system, as suggested in the NQF CRIS Consultation Paper, can lead to a service being awarded with an overall rating that does not adequately reflect actual service quality.

One example of the potential challenges BBF services may experience in implementing all Quality Areas lies within Quality Area 4: Staffing Arrangements. Based on our ongoing consultation with BBF services, we understand that many services would struggle to meet the higher staff-child ratios and increased staff qualification requirements demanded by the NQS. Most BBF services operate within communities whose rural or remote geographical locations and/or disadvantaged socioeconomic conditions result in limited availability of qualified and experienced staff. Sourcing and retaining suitably qualified staff can therefore be a significant challenge. The higher cost of additional, and more highly qualified staff, is also likely to result in higher service fees, which will inevitably limit the access of disadvantaged families.

It is therefore highly prejudicial to implement a system whereby a service which is otherwise operating to a high standard across a number of Quality Areas, could be rated as 'Working Towards National Quality Standard' due to their not meeting one or more of the 58 elements of the NQS. This would result in a rating that is not reflective of overall service quality, and would punish services for factors that are largely out of their control. Further investigation is needed to ascertain which NQS elements may prove challenging for BBF services. This point is discussed further below under Section 3.3.2.

3.3 Expanding the scope of the NQF

3.3.1. Proposal 3.1 – Additional services to be included in the NQF

In principle SNAICC supports Option 3.1D (include all BBF centre-based services, occasional care services (excluding those provided for parents attending conferences, sport and leisure activities or shopping), playschools and mobile services in the NQF), but further considerations must be addressed for its effective implementation, as detailed below.

SNAICC appreciates that inclusion of BBF services currently out of scope of the NQF is likely to result in improved service quality, and greater certainty for families in regards to service quality. We also strongly support the recognition within the Consultation RIS that disadvantaged children particularly benefit from participation in quality care and education. SNAICC further notes that Aboriginal and Torres Strait Islander BBF services can and do implement high-quality programs for their communities, and wish to be recognised and assessed — in a culturally competent and appropriate way — for this.

Taking into account the above, SNAICC supports the inclusion of BBF services in the NQF, conditional on the following important consideration being comprehensively addressed.

SNAICC believes that consideration of the inclusion of BBF services must begin with the question of whether the National Quality Standards are culturally competent, and how they could be applied to Aboriginal and Torres Strait Islander services in a culturally-appropriate manner. For the NQF to drive quality in Aboriginal and Torres Strait Islander services, it must be adequately attuned to the needs of Aboriginal and Torres Strait Islander children. This consideration is not addressed by any of the current options being proposed.

The National Quality Framework provides the impetus for a culturally-competent approach to early childhood education and care through its guiding principle that “Australia’s Aboriginal and Torres Strait Islander cultures are valued.” However, SNAICC is concerned that there is currently no provision in the NQF or the NQS for how this principle could be achieved or assessed. Neither the Framework nor the Standards contain anything specific to cultural competence with respect to Aboriginal and Torres Strait Islander people or services. Notably, “Aboriginal and Torres Strait Islander culture is rarely mentioned in the NQF or NQS and then only in the context of mainstream services and the inclusion of Aboriginal and Torres Strait Islander culture in their service provision.”⁵

SNAICC believes that without consideration of the cultural competence of the NQS, Aboriginal and Torres Strait Islander services will be disadvantaged by being assessed within a system that does not appropriately acknowledge and appreciate their strengths, background, ethos and practice approaches, and the ways in which these may differ from non-Indigenous services.

Such a system is also likely to overlook and therefore undervalue the strengths of Aboriginal and Torres Strait Islander services, including their abilities to facilitate family participation through connection to community; provide complex holistic care and address the broader social needs of children and families; enable access for families who are often outside the social service system; empower children with a strong start in their culture and language; foster strong community ownership through community governance structures and create a ‘bridge’ for families transitioning to mainstream schooling. The Victorian Aboriginal Education notes that from their consultations with Victorian Aboriginal and Torres Strait Islander early years services, a consistent concern is that “the celebration and teaching of culture is not recognised as an indicator of quality” and that “(f)actors therefore such as a primary focus on culture as demonstrated by cultural and language programs, employment and training of Aboriginal staff, cultural awareness training for non-Aboriginal staff, improved attendance, health and parenting programs should all be markers of a quality program.”⁶ However, such strengths will not be valued, and therefore rated accordingly within service assessments, under a regulatory system that does not address how Aboriginal and Torres Strait Islander cultural competence is to be achieved and assessed.

Furthermore, review is needed to ensure that the NQS is appropriate for services operating in situations of disadvantage. As discussed above under section 3.1.7, it is likely that a number of BBF services, particularly those operating in remote contexts, would struggle to meet staff-child ratios. It is highly likely that staff qualification requirements will also prove a challenge for a number of services. As not-for-profit entities that enable community access through low or no fees, Aboriginal and Torres Strait Islander early childhood services predominantly operate on extremely tight budgets. The increased cost of employing workers with higher qualifications would mean that

⁵ SNAICC (2012). *A place for Culture? Exploring Aboriginal and Torres Strait Islander Cultural Competence in the National Quality Standard*. Melbourne, 13.

⁶ Victorian Aboriginal Education Association Inc (VAEAI). 2012. *VAEAI response to BBF Review discussion paper questions*. Melbourne.

services would either have to raise fees or cut other programs or services. While all services should be supported to employ appropriately qualified staff, this requirement must also be feasible within the service context.

SNAICC therefore provides the following recommendations to support development towards Option 3.1D.

Recommendation 2

That any considerations of the inclusion of out-of-scope services include review and development of the cultural appropriateness of the NQS for Aboriginal and Torres Strait Islander services and children.

Recommendation 3

That the Government process of considering the inclusion of Aboriginal and Torres Strait Islander BBF services in the NQS include an explicit process for:

- (a) input from the Aboriginal and Torres Strait Islander early childhood education and care sector on the cultural appropriateness of all aspects of the NQS, including the assessment and ratings process;*
- (b) intentional learning from Aboriginal and Torres Strait Islander services that are strongly operating according to NQS regulations, to inform a more culturally-competent NQS that matches the needs of Aboriginal and Torres Strait Islander communities; and*
- (c) consideration of above input and learnings into the decision around whether and how best to include Aboriginal and Torres Strait Islander BBF services within the NQF.*

Recommendation 4

That the Government adapts the NQS based on the outcomes of the review process described in Recommendation 3 above to ensure it is culturally competent.

3.3.2. Proposal 3.2 Application of assessment and rating processes to additional services

SNAICC does not support either of the options proposed (Option 3.2A and Option 3.2B).

SNAICC believes that Option 3.2A is highly likely to result in disadvantage to those additional services which are not yet ready to be formally assessed. Nor does it provide for a culturally-appropriate assessment process or adaptation of the NQS. Option 3.2B does not, however, present a viable alternative, as it does not articulate how additional services will be supported to comply with NQS assessment. SNAICC also believes that delaying full assessment of additional services until 2019 prejudices those services which are ready and willing to be assessed earlier, and risks leaving the BBF services further behind. Assessment under the NQS provides an opportunity for services to be supported to ensure quality services of a high standard for those children most in need.

SNAICC believes that any assessment of Aboriginal and Torres Strait Islander services currently out of scope of the NQF must take into account the cultural competence of both the NQS and the assessment process, as discussed earlier in this submission.

As discussed above in relation to Section 3.1.2, in order to provide a valid and fair assessment of Aboriginal and Torres Strait Islander service quality, the assessment and rating process must be able to assess services through a cultural lens. SNAICC therefore reiterates Recommendation 1 (outlined above).

Once this above consideration has been addressed, SNAICC proposes that “additional services” initially undergo one trial assessment process, receiving targeted support throughout this to enable them to develop familiarity with the process and requirements, and to assist them in managing the costs of establishing new processes and documentation. The decision on whether the results of this trial process are made publicly available should rest with the service. This process would help to illuminate elements of the NQS that may present particular challenges for BBF services due to their unique operating contexts, and could therefore incorporate an investigation of which NQS elements may present compliance challenges for BBF services. Such investigation should be informed by a strengths-based approach that does not assume that the absence of compliance with these Quality Areas indicates lower service quality, but also explores challenges driven by external contexts. Learnings from individual service assessments would enable the development of an overall picture of strengths and challenges BBF services experience during the assessment and rating process. This could then be used to inform the ongoing trial assessment process for BBF services.

Depending on the outcomes of the trial assessments, some Aboriginal and Torres Strait Islander BBF services may then require a staged implementation process of the full requirements of the NQF. This should include the delivery of appropriate supports and resources, particularly within workforce development, to enable them to work towards full implementation of all Quality Areas. Once services have undergone this initial trial assessment, those services who, in collaboration with ACECQA, deem themselves ready to undergo a full formal assessment could then undergo the full assessment process in the next assessment cycle. Some services may require permanent waiver of some NQF requirements, but this should not preclude them from implementing and being assessed on the NQF requirements they can implement.

In light of these points, SNAICC therefore recommends the following:

Recommendation 5

Additional services initially undergo one trial assessment process, receiving targeted support throughout this to support them to develop familiarity with the process and requirements, and to assist them in managing the costs of establishing new processes and documentation. This trial assessment is to be led by the Aboriginal and Torres Strait Islander expert team (mentioned above under Recommendation 1) and to operate as a collaborative process with the service.

Recommendation 6

Comprehensive consultation with the service throughout the trial assessment process, detailed in Recommendation 5, in regards to potential challenges they may experience with particular regulatory requirements of NQS Quality Areas.

Recommendation 7

Once they have participated in a trial assessment (see Recommendation 5), services then undergo a full assessment in the following assessment cycle. Those services who, in collaboration with ACECQA, determine that they need further support, can undertake a staged implementation of the NQF.

Recommendation 8

The 2019 National Partnership Agreement on the National Quality Agenda (NP NQA) examines both the trial outcomes and also considers any standards that have proven particularly challenging for services to implement (for example, those that were deemed by services and ACECQA to require a staged implementation). This examination can then guide any necessary adaptation of standards to ensure that they are flexible enough to be applied to all services.