



A Place for Culture? Exploring Aboriginal and Torres Strait Islander Cultural Competence in the National Quality Standard

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A strong voice for our children and families

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

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1. Executive Summary

This paper investigates whether the current expectations of cultural competence in the early childhood education and care regulatory framework, and in particular the National Quality Standard (NQS), are appropriately articulated and whether they can be met by the current assessment and rating processes. It draws on the Coalition of Australian Government's national Indigenous reform agenda, which provides a strong imperative for cultural competency in the early childhood education and care sector, and introduces a cultural competency framework to aid analysis.

The paper finds that the National Quality Framework (NQF) does provide the foundation for a culturally competent approach through its guiding principle that "Australia's Aboriginal and Torres Strait Islander cultures are valued." However, its application is currently limited with no guide or framework for how this principle might be operationalised or achieved in the NQF, including the NQS. This means first that there is currently no process or guide for assessing and ensuring the cultural competency of mainstream organisations supporting Aboriginal and Torres Strait Islander children and families (including service providers as well as ACECQA and its delegates). Secondly, there is no process or guide to ensure that the NQS is applied in a culturally appropriate manner to Aboriginal or Torres Strait Islander services. The paper poses a series of measures, detailed in the box below, to support the national regulatory body to operationalise this core principle to enhance operational practice and ensure a culturally competent early childhood education and care regulatory system.

Recommendations

RECOMMENDATION ONE: The Government, in partnership with Aboriginal and Torres Strait Islander peak bodies and services, develops a cultural competence framework to support implementation of the guiding principle within the National Quality Framework that Australia's Aboriginal and Torres Strait Islander cultures are valued. This should be applied to the assessment process as a whole. It should also include criteria for the assessment of mainstream services supporting Aboriginal and Torres Strait Islander children.

RECOMMENDATION TWO: That the terms of reference for the review of out-of-scope services as part of the review of the NQF include the cultural appropriateness of the NQS for Aboriginal and Torres Strait Islander services.

RECOMMENDATION THREE: 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) consideration of input; and
- (c) Government provision of response to input prior to reaching a determination.

RECOMMENDATION FOUR: That the government adapts the NQS based on the outcomes of the said review to ensure its Aboriginal and Torres Strait Islander cultural competence.

RECOMMENDATION FIVE: That ACECQA establishes an Aboriginal and Torres Strait Islander Advisory Group in partial fulfilment of its responsibilities under the Closing the Gap initiative.

RECOMMENDATION SIX: that the national regulation agency, ACECQA, includes dedicated Aboriginal and Torres Strait Islander positions, and that the role and scope of these positions is developed in consultation with the Aboriginal and Torres Strait Islander Advisory Group.¹

RECOMMENDATION SEVEN: that ACECQA takes a leadership role in steering Regulatory Authorities towards developing a commitment to cultural competency and strategies for its implementation.

RECOMMENDATION EIGHT: That Regulatory Authorities in each state and territory:

- have specific Aboriginal and Torres Strait Islander cultural competency and partnership development training; and
- are supported and required to develop genuine partnerships according to the appropriate protocols with their local Aboriginal and Torres Strait Islander communities.

RECOMMENDATION NINE: that ACECQA provides cultural competency training for its Authorised Officers, delivered by Aboriginal and Torres Strait Islander personnel/organisations, to strengthen capacity to apply a cultural competency framework in rating and assessing services delivering services for Aboriginal and Torres Strait Islander children.

RECOMMENDATION TEN: That Regulatory Authorities create Aboriginal and Torres Strait Islander-identified positions in their workforce, and that ACECQA encourages and collaborates with regulatory authorities in this process.

RECOMMENDATION ELEVEN: That where Authorised Officers are non-Indigenous, regulatory authorities appoint local Aboriginal or Torres Strait Islander mentors to guide assessors through the assessment of Aboriginal and Torres Strait Islander services and services with significant proportion of Aboriginal and/or Torres Strait Islander children. This can be authorised by powers that already exist in the legislation.²

RECOMMENDATION TWELVE: That knowledge of or experience with Aboriginal and Torres Strait Islander cultures is a core competency in selection criteria for Authorised Officers who are to assess Aboriginal and Torres Strait Islander early childhood education and care services.

¹ SNAICC 2009, *Submission on the Consultation Regulation Impact Statement for Early Childhood Education and Care Quality Reforms*, North Fitzroy: SNAICC, p. 6.

² The Regulatory Authority may delegate any of its functions and powers under the National Law to any person employed under a public sector law of the jurisdiction, or any person in a class of persons prescribed in Regulation 237, Education and Care Services National Regulations 2012. In addition, a Regulatory Authority can declare that there be a Regulatory Authority for a class of education and care services within its jurisdiction.

RECOMMENDATION THIRTEEN: that Aboriginal and Torres Strait Islander cultural competence be listed as an additional area of expertise for appointment to the ratings and assessment review panel.

RECOMMENDATION FOURTEEN: that, in fulfilment of COAG's goals of cultural awareness and enabling the evaluation, monitoring and review processes to be conducted from Aboriginal and Torres Strait Islander perspectives, the ACECQA Aboriginal and Torres Strait Islander Advisory Group participate in the evaluation of the training of Authorised Officers, and the ratings and assessment process.

RECOMMENDATION FIFTEEN that training funds be allocated and appropriate training be mandated to ensure all mainstream services have access to cultural competency training, resources and ongoing supports.

RECOMMENDATION SIXTEEN that an Aboriginal and Torres Strait Islander National Cultural Education Advisory Group be appointed by the government to develop culturally sound training and evaluation guidelines. This group should include academics, practitioners and community representatives and should be funded to convene in 2014.

RECOMMENDATION SEVENTEEN: that, building on recommendation 1, an accessible and easy-to-use cultural competency guide be developed to assist services and authorised officers in, respectively, providing and assessing quality ECEC service for Aboriginal and Torres Strait Islander children and families.

2. Introduction

This paper investigates whether the current expectations of cultural competence in the National Quality Standard (NQS) are appropriately articulated and whether they can be met by the current assessment and rating processes. It explores whether the NQS is culturally appropriate for application to Aboriginal and Torres Strait Islander services or for assessing service quality for Aboriginal and Torres Strait Islander children.

In order to interrogate the cultural appropriateness of the NQS, this paper summarises the national policy and regulatory frameworks set out through: the national Indigenous reform agenda; the National Quality Framework (NQF); and NQS quality assessment process. It then explores the consistency of the NQS with cultural competence criteria. The paper discusses how a cultural competency framework can assist analysis and identification of gaps to operationalise the government's national Indigenous reform agenda and the guiding NQF principle of 'valuing' Aboriginal and Torres Strait Islander culture.

The paper poses a series of measures that will support the national regulatory body to move towards a more culturally competent early childhood education and care (ECEC) regulatory system. Ultimately it seeks to provide a discussion point for the sector on potential developments of the NQF to put forward during the 2014 review process.

3. Relevant National Policy and Regulatory Frameworks

The National Indigenous Reform Agenda

The national policy reform agenda is increasingly recognising and enshrining in law the necessity of a culturally competent approach to achieving targeted outcomes for Aboriginal and Torres Strait Islander people, including children. This is consistent with growing evidence of the importance of robust community governance, meaningful Indigenous community participation and cultural competence for social service access and outcomes for Aboriginal and Torres Strait Islander peoples.³

The national framework which guides policy, programmes and practices targeting Aboriginal and Torres Strait Islander communities and early childhood education and care services, includes a raft of agreements, instruments, plans and strategies devised by the Coalition of Australian Governments (COAG) (Annexure A). These largely stem from and are designed to implement the Closing the Gap reform agenda, a commitment by all Australian governments to improve the lives of Indigenous Australians, and in particular provide a better future for Indigenous children. In 2008, COAG agreed to six Closing the Gap targets to overcome Indigenous Disadvantage, relating to Indigenous life expectancy, infant mortality, early childhood development, education and employment. This initiative recognises the importance of positive measures to overcome persistent discrimination of Aboriginal and Torres Strait Islander peoples.

In 2012 the National Indigenous Reform Agreement (NIRA) came into effect, with the express purpose of framing the task of 'Closing the Gap in Indigenous disadvantage'.⁴ The NIRA provides a set of principles, targets, strategies and priorities for action that guide the implementation of all COAG's reforms, and which all government departments and agencies are expected to take into account in designing policies and providing services.⁵ Key principles are set out on the next page. National and state governments and their agencies are required to take 'the broadest possible spectrum of government action' to realise the NIRA aims.⁶

The NIRA requires a focus on cultural awareness and engagement by policy makers and people implementing government programs, the elimination of overt and systemic discrimination, and the development of programs that meet the cultural needs of Indigenous people.⁷ The National Indigenous Reform Agreement acknowledges that "effective engagement with Indigenous communities is critical to ensuring that Indigenous people's needs and aspirations are built into the planning and

³ See for example: NSW Ombudsman. (2011). *Addressing Indigenous Disadvantage: the need to do things differently*, Sydney: NSW Ombudsman, p4; Wild, R., and Anderson, P. (2007). *Little Children are Sacred*, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, Darwin: Northern Territory Government, pp142-143; Australian National Audit Office (ANAO). (2012). *Capacity Development for Indigenous Service Delivery*, Audit Report No. 26, 2011-2012, Canberra: Commonwealth of Australia; Secretariat of National Aboriginal and Islander Child Care (2010) *Towards Aboriginal and Torres Strait Islander access and engagement: overcoming barriers to child and family services*; Secretariat of National Aboriginal and Islander Child Care (2011) *Increasing Aboriginal and Torres Strait Islander access and engagement with child and family services*.

⁴ *National Indigenous Reform Agreement*, Clause 4.

⁵ *Service Delivery Principles for Programs and Services for Indigenous Australians, National Indigenous Reform Agreement*, Schedule D, 66.

⁶ *National Partnership Agreement on Indigenous Early Childhood Development*, Clause 2.

⁷ *National Integrated Strategy for Closing the Gap in Indigenous Disadvantage, National Indigenous Reform Agreement*, Schedule A p. 20.

implementation of initiatives agreed by COAG.”⁸ It requires developing and maintaining strengthened partnership arrangements.⁹ It fleshes out the meaning of partnership, acknowledging that “working with Aboriginal and Torres Strait Islander people in the development of implementation plans is critical as their input, ideas and solutions will contribute to the overall success and sustainability of the reforms.”¹⁰

Closing the Gap principles

Priority principle: Programs and services should contribute to Closing the Gap by meeting the targets endorsed by COAG while being appropriate to local community needs.

Indigenous engagement principle: Engagement with Indigenous men, women and children and communities should be central to the design and delivery of programs and services.

Sustainability principle: Programs and services should be directed and resourced over an adequate period of time to meet the COAG targets.

Access principle: Programs and services should be physically and culturally accessible ... recognising the diversity of urban, regional and remote needs.

Integration principle: There should be collaboration between and within Governments at all levels and their agencies to effectively coordinate programs and services.¹¹

One target is to close the gap in educational achievement between Aboriginal and non-Aboriginal Australians within a decade, with early childhood education a building block to achieve this target. Action in this area must be based then on the national Indigenous reform agenda. The National Partnership Agreement on Indigenous Early Childhood Development (NPAIECD) was established to improve outcomes for Indigenous children in their early years and to contribute to Closing the Gap targets for Indigenous Australians.¹² The National Partnership Agreement on Early Childhood Education, and the Aboriginal and Torres Strait Islander Universal Access Strategy designed to support its implementation, reinforce the principle that governments have a major responsibility for the removal of barriers to participation in early years education and to ensure services are physically and culturally accessible for Indigenous children.

Each of these instruments contains strong principles, targets, strategies and priorities that place at the centre working in respectful partnerships with Aboriginal and Torres Strait Islander peoples and using strategies which increase Aboriginal and Torres Strait Islander independence, empowerment and self-management. An overview of these instruments is detailed in Annexure A. This Annexure highlights the extent to which the Closing the Gap initiative, and the policies and programs developed to assist and fast-track its implementation, are underpinned by recognition of the right to culture, right to participation and their importance for better outcomes for Indigenous peoples.

⁸ *Ibid*, Schedule A, 29.

⁹ *Ibid*, Schedule A, p. 22.

¹⁰ *Ibid*, Schedule A, 29; the *National Framework of Principles for Government Service Delivery to Aboriginal and Torres Strait Islander Australians* agreed by COAG in 2008. Council of Australian Governments' Meeting 25 June 2004, *Communique*.

¹¹ Council of Australian Governments (2008) *National Indigenous Reform Agreement: Closing the Gap*. Canberra: COAG, p.6.

¹² *National Partnership Agreement on Indigenous Early Childhood Development*, Clause 4.

The Closing the Gap and NIRA aims are achievable only by enabling Aboriginal and Torres Strait Islander services to run according to their cultural values and methods, and to input into the systems and processes that govern them. This requires concerted collective action by all governments, in partnership with Aboriginal and Torres Strait Islander organisations and services. Systems and processes established that contribute to the Closing the Gap outcomes, including early childhood development and education outcomes, need to incorporate and give life to these principles and strategies. This agenda then has explicit, clear implications for the Australian Children's Education and Care Quality Authority (ACECQA), the NQF and the NQS.

The National Quality Framework

The National Quality Framework is a new set of laws and regulations, introduced in 2012 to create a national approach to the regulation and quality assessment of early childhood education and care (ECEC) services. It replaces separate state-by-state licensing and quality assurance processes.

A Regulatory Authority in each state and territory is primarily responsible for administering the National Quality Framework, including the processes of approving, monitoring and quality assessing services against the new National Quality Standard. The Australian Children's Education and Care Quality Authority (ACECQA)—oversees the National Quality Framework.

The National Quality Framework claims to raise quality and drive continuous improvement and consistency in education and care services through:

- a national legislative framework
- a National Quality Standard
- a national quality rating and assessment process
- a new national body - ACECQA.

The National Quality Framework comprises the Education and Care Services National Law (National Law) and the Education and Care Services National Regulations (National Regulations), which include but are not limited to the National Quality Standards. The national law and regulations cover a broad range of issues including: setting up and administering services; processes of review, enforcement and compliance (beyond those of the NQS); information, records, privacy, and fees; and particular exemptions to staffing and qualifications requirements.

Details of the processes within the framework indicate gaps in the system that raise issues about both the way services respond to the framework and standards and the way these services are assessed. The different aspects of the NQF are detailed in Annexure B and considered against cultural competency criteria in Annexure C. This paper questions the application of one component of the National Quality Framework—the National Quality Standard—to Aboriginal and Torres Strait Islander children and services.

The National Quality Standard

The National Quality Standard (NQS) claims to set national quality benchmarks against which ECEC services are monitored and assessed. It governs the operational requirements of these services. The NQS comprises seven Quality Areas, within which there are a total of 18 standards. Each quality standard has a set of elements (of which there are 58 in total) that specify particular aspects within each standard.

Quality Area No.	Quality Area focus
1	Educational program and practice
2	Children's health and safety, including serious incidents, supervisions, protection from harm and hazards, collection of children and excursions
3	Physical environment, including security, hygiene, outdoor space provisions, and assessment of family day care venues
4	Staffing Arrangements, including educator-to-child ratios, qualification requirements
5	Relationships with children, including interactions between educators and children, and relations amongst children and between children and staff
6	Collaborative Partnerships with Families and Communities
7	Leadership and service management

The NQS became law when the National Quality Framework was established, on 1 January 2012, with the first NQS assessments commencing in mid-2012. The NQS marks a move away from assessing minimum standards. In addition, it broadens the realm of assessment, and is more focussed on achieving quality outcomes for children. The system has greater emphasis on three areas than its predecessor: education programs and practice (Quality Area 1); collaborative partnerships with families and communities (Quality Area 6); and leadership and service management (Quality Area 7).

These three areas are crucial to effectively meeting the needs and desires of Indigenous families both in Aboriginal and Torres Strait Islander specific services and the many families using mainstream services. The current exclusion of the many Budget Based Funding services from the NQS, 80% of which are Aboriginal and Torres Strait Islander, needs to be addressed. While these services come under national law, they are not currently included within national regulations. They are therefore not assessed according to the National Quality Standard. The exception to this are the few BBF services who receive any Child Care Benefit (CCB) funds, and then they are only included in the Regulations to the extent of that funding. Aboriginal preschools and Aboriginal and Torres Strait Islander Child and Family Centres also come within the NQS. This issue will be considered as part of the federal Government review of the NQF planned for mid-2014.

4. Cultural Competency

Culture is central to identity. Culture defines who we are, how we think, how we communicate, what we value and what is important to us... Every area of human development which defines the child's best interest has a cultural component. Your culture helps define HOW you attach, HOW you express emotion, HOW you learn and HOW you stay healthy.¹³

The right to practice culture requires governments to recognise, respect and enable distinct Aboriginal and Torres Strait Islander cultures, history, languages and way of life, and ensure that Aboriginal and Torres Strait Islander communities can exercise their

¹³ Muriel Bamblett 2006, quoted in VACCA 2010, *Building Respectful Partnerships: The Commitment to Aboriginal Cultural Competence in Child and Family Services*, Melbourne: VACCA, p. 13.

rights to practice and revitalise their cultural traditions, customs and languages.¹⁴ This right is inextricably linked to the rights to education, to equal access to quality, early childhood education,¹⁵ to non-discrimination and for Indigenous peoples to participate in decisions that impact their lives.¹⁶

These rights, and in particular the rights to participation and culture, for Aboriginal and Torres Strait Islander people require a mechanism and process for realisation. Frameworks for cultural competency can provide the means by which people and organisations can develop their own capacity to enable Aboriginal and Torres Strait Islander people to exercise their rights to culture, to participation and to non-discrimination, and be required to respect these rights. This section explores the meaning of cultural competency to lay a foundation for its application to the National Quality Framework for the ECEC sector.

Cultural Competency, the VACCA model

There is increasing recognition of the need for a cultural competency framework to support and facilitate implementation of the culturally respectful approach required in the national Closing the Gap agreements and policies. Developing cultural competency is the process of integrating attitudes, values, knowledge, understanding and skills that enable effective interventions with people from a culture other than one's own.¹⁷ It recognises that enabling Aboriginal and Torres Strait Islander people to practice their rights to participate in decisions that impact them and to enjoy culture requires cultural awareness. This is the process of "embedding understanding of some of the...knowledge of another culture and an awareness that cultural differences necessitate a different approach to people of that other culture."¹⁸

The Victorian Aboriginal Child Care Agency (VACCA) has developed a cultural competency framework in response to recognition by the Victorian government of the need for culturally competent child and family services. The VACCA framework comprises comprehensive cultural competency criteria and an assessment tool for assessing the cultural competency of services against Victorian child and family service standards. It is recognised as a leading framework and offers comprehensive criteria relevant to the National Quality Standard and the ECEC sector. The framework is based on the idea that resilience results from cultural safety, and cultural safety is a responsibility and a right for Aboriginal communities.¹⁹

The VACCA cultural competency framework identifies commitment to Aboriginal self-determination and respectful partnerships as the foundation of cultural competency and prerequisites for each other feature of cultural competency.²⁰ Self-determination is the over-arching right of Indigenous peoples to exercise control over the decisions that affect their lives. It is both the source of the right to participate in decisions and the

¹⁴ UN Committee on the Elimination of all forms of Discrimination, General Recommendation No 23, paras 4(a) and 4(e); UN Convention on the Rights of the Child (CEC), article 30..

¹⁵ Article 6.2 CRC; UN Convention on the Rights of the Child, Articles 28 and 29; and United Nations Committee on the Rights of the Child. (2009). General comment No. 11 (2009) *Indigenous children and their rights under the Convention*. U.N. Doc CRC/C/GC/11.

¹⁶ DRIP (articles 3, 4, 18, 19), ICCPR (article 1), ICESCR (article 1), CRC

¹⁷ VACCA 2008, *Aboriginal Cultural Competence Framework*, VACCA: Melbourne, p. 23.

¹⁸ VACCA 2010, *This is 'Forever Business': A Framework for Maintaining and Restoring Cultural Safety*, VACCA, Melbourne, p. 104.

¹⁹ VACCA 2010, *This is 'Forever Business': A Framework for Maintaining and Restoring Cultural Safety*, VACCA, Melbourne: VACCA, p. 27.

²⁰ VACCA 2008, *Aboriginal Cultural Competence Framework*, Melbourne: VACCA, p. 26.

realisation of full empowerment to participate in public decision-making. Enabling increased participation of Indigenous peoples in decision-making promotes their self-determination.²¹

Participation encompasses a broad range of active engagement in public decision-making processes, which requires a shift in power-dynamics by which one party with control over decisions cedes authority and enables influence of others. There are differing levels of participation, ranging from non-participation - which involves therapy and manipulation - to more tokenistic forms of participation that is informative and consultative. The most empowering level of participation involves partnerships, delegated power and the highest level of participation, citizen control.²²

Applying an understanding of participation to the context of Aboriginal and Torres Strait Islander peoples requires an appreciation of their unique rights to participate in decisions as distinct cultural groups, their special place as original inhabitants of lands, and their shared histories of colonisation and disempowerment in public decision-making. It requires recognition that cultural values that underpin public institutions and systems have been largely shaped without equal participation of Indigenous peoples. Therefore, participation on equal terms must allow for systems of cultural change, rather than simply including Indigenous peoples within existing mainstream systems and processes. Both participation and self-determination are required elements of cultural competence.²³

A commitment to Aboriginal and Torres Strait Islander self-determination and respectful partnerships is a prerequisite for a culturally safe and respected environment and must be embedded within the systems and approaches of non-Indigenous agencies to provide culturally competent services for Aboriginal and Torres Strait Islander children and families. Enacting this commitment requires partnerships: creating space for influence, participation and knowledge of Aboriginal and Torres Strait Islander people. This is acknowledged in the national Indigenous policy framework, which emphasises Aboriginal and Torres Strait participation and engagement, and commits government and its agencies to processes and policies that empower Aboriginal and Torres Strait people.

<p>What do genuine partnerships, founded on a commitment to self-determination for Aboriginal and Torres Strait Islander people, produce?</p>	<ul style="list-style-type: none"> • Effective, culturally appropriate services for Aboriginal and Torres Strait Islander children and families. • Commitment to developing long-term sustainable relationships based on trust. • The basis for successful outcomes in joint activities between Aboriginal and Torres Strait Islander, and mainstream organisations. • A commitment to redressing structures, relationships and outcomes that are unequal and/or discriminatory. • The foundation for capacity building in Aboriginal and Torres Strait Islander organisations that deliver services to
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²¹ Secretariat of National Aboriginal and Islander Child Care (SNAICC) 2012. *Genuine Participation of Aboriginal and Torres Strait Islander Peoples in Child Protection Decision-making for Aboriginal and Torres Strait Islander Children: A Human Rights Framework*, Melbourne, SNAICC.

²² SNAICC 2013, *Whose voice counts? Aboriginal and Torres Strait Islander participation in child protection decision-making*, Melbourne: SNAICC, p.11.

²³ Libesman, T. 2007, Indigenising Indigenous child welfare. *Indigenous Law Bulletin*, 6(24), pp17-19.

	children and families. <ul style="list-style-type: none"> • Opportunities for capacity building in mainstream organisations through developing knowledge, skills and understanding in working with Aboriginal and Torres Strait Islander children and families.²⁴
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In addition to the core commitments to Aboriginal and Torres Strait Islander self-determination and building respectful partnerships, there are a number of other fundamental aspects of cultural competency. These are detailed in the box below.

Cultural Competency elements	What it involves
Self-determination and genuine partnerships	Commitment to principle or self-determination enacted in practice through genuine partnerships
Cultural awareness	Understanding the role cultural difference plays
Cultural respect	Valuing Aboriginal peoples and their cultures
Cultural responsiveness	Having the ability and skills to assist Aboriginal and Torres Strait Islander people
Cultural safety	Creating a service environment that is safe and welcoming for Aboriginal and Torres Strait Islander peoples
Cross-cultural practice and care	Being able to relate and provide services to Aboriginal and Torres Strait Islander peoples
Self-reflection	Being able to see how your culture and the dominant culture generally impacts on Aboriginal and Torres Strait Islander peoples

Cultural safety is an element of cultural competency but also provides a broader tool in testing whether a cultural competency framework is being successfully implemented. Cultural safety is about whether Aboriginal people feel 'safe' from covert or overt cultural abuse.²⁵ However, more broadly, cultural safety is about the safety of our ties with one another and with the land or environments we inhabit.²⁶ The "diminishing of cultural safety occurs through a lack of respect and recognition of the positive aspects of Aboriginal and Torres Strait Islander cultures and their centrality in creating a sense of meaning and purpose for Aboriginal and Torres Strait Islander peoples."²⁷

VACCA use a *treatment* model for cultural safety, which operates on the basis that changing the way Aboriginal and Torres Strait Islander people are treated promotes cultural safety through healing. This *treatment* takes three forms:

1. Renegotiating the social contract and establishing appropriate ways in which Aboriginal and Torres Strait Islander, and non-Indigenous peoples *treat* each other in terms of a proper foundational relationship between them and the promotion of cultural respect;
2. Treatment as healing and tackling the impact of trans-generational trauma and trans-generational racism; and

²⁴ SNAICC 2012, *Opening Doors through Partnerships*. Genuine Partnerships meeting the needs of Aboriginal and Torres Strait Islander children and families, Melbourne: SNAICC; VACCA 2010, *Building Respectful Partnerships: The Commitment to Aboriginal Cultural Competence in Child and Family Services*, Melbourne: VACCA, p. 35.

²⁵ VACCA 2008, *Aboriginal Cultural Competence Framework*, Melbourne: VACCA, p. 27.

²⁶ VACCA 2010, *This is 'Forever Business': A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, VACCA, Melbourne, p. 13.

²⁷ *Ibid*, p. 5.

3. Creating a new shared narrative between Aboriginal and Torres Strait Islander, and non-Indigenous peoples as a means of ensuring mutual respect and self-understanding. Ensuring that a dialogue respects and engages Aboriginal and Torres Strait Islander peoples as stakeholders and not as problems to be solved.²⁸

These items are actioned through our foundational elements of cultural competence: a commitment to Aboriginal self-determination, which is demonstrated by seeking a partnership approach.²⁹ This treatment model draws out further the content of the kind of process required to support a culturally competent quality system within a service sector. What is also critical is that to be effective, cultural competence must be built at organisational, program and practice levels. Whilst it is important for individuals to work in a culturally competent way, this is not sufficient by itself. “Cultural competence is a widely shared commitment, reflected in all aspects of policy development, program management and service delivery.”³⁰

Cultural competency is a complex and interwoven concept. It is not a quick fix or tick the box issue, but a journey for individuals and organisations to invest in. It is multi-faceted and requires time and consideration of each different aspect. Processes to support bottom up action from staff and top down requirements from organisations are both critical. This applies also from high-level government policy to action within services. This cultural competency framework is now used to assist understanding of the NQS and its application to Aboriginal and Torres Strait Islander children and services.

5. Analysis and Recommendations

Applying a Cultural Competence Framework to the NQS

The COAG legislative and policy reforms provide a strong framework for the early childhood education and care sector and the foundation for assessment of the cultural appropriateness of the NQS. There is clear recognition at the highest level of Australian government that processes and programs impacting Aboriginal and Torres Strait Islander peoples must have strong cultural competency. This is reflected in the explicit principles of: cultural awareness; accessibility; local place-based approaches; strengthening Indigenous capacity engagement and participation; and fostering Indigenous service delivery.

National policy recognises that cultural competence in the context of Aboriginal and Torres Strait Islander people and culture is a complex *process* that requires specific attention to Aboriginal and Torres Strait Islander people. It is not a general idea of cultural difference, but requires specific knowledge of the history of Aboriginal and Torres Strait Islander people and of the effects of colonisation and the Stolen Generations. It requires a commitment to working in partnership with Aboriginal and Torres Strait Islander people to produce services, programs, policies and processes that make it possible for Aboriginal and Torres Strait Islander culture to thrive and Aboriginal and Torres Strait Islander people to pursue their culture and identity as is their right.

²⁸ *Ibid*, p.8.

²⁹ VACCA 2008, *Aboriginal Cultural Competence Framework*, Melbourne: VACCA, p. 26.

³⁰ VACCA 2010, *Building Respectful Partnerships: The Commitment to Aboriginal Cultural Competence in Child and Family Services*, Melbourne: VACCA, p. 22.

Reflection on the national Indigenous policy framework exposes a missing link in the NQS and its implementation in Aboriginal and Torres Strait Islander services. It is vital to make this link and to understand its consequences in order that these services can achieve their potential outcomes for Aboriginal and Torres Strait Islander children.

The National Quality Framework and cultural competence

The National Quality Framework provides the impetus for a culturally competent approach through its guiding principle that “Australia’s Aboriginal and Torres Strait Islander cultures are valued.”³¹ However, currently there is no provision in the NQF or the NQS for how this principle might be operationalised or achieved. There is nothing specific to cultural competence with respect to Aboriginal and Torres Strait Islander people or services. There is also no reference to the national agenda to redress Indigenous disadvantage. 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.

Quality Area 6, Collaborative Partnerships with Families and Communities, does explicitly mention Aboriginal and Torres Strait Islander people and cultures. One Element, that ‘the service builds relationships and engages with the local community,’³² is relevant to Aboriginal and Torres Strait Islander people and cultures. In assessing this element, assessors are not in any way, however, assessing the cultural competence of the organisation or its workers. They are evaluating positive responses to difference between children, and an environment that reflects diversity. The emphasis is on raising awareness of Aboriginal and Torres Strait Islander cultures, rather than more detailed and deeper ideas of cultural competence and engagement.

National Quality Area 1 applies a more substantial approach to Aboriginal and Torres Strait Islander culture. The principle of ‘valuing’ Aboriginal and Torres Strait Islander culture is linked to specific requirements in the Early Years Learning Framework, the national curriculum for early childhood education. Aboriginal and Torres Strait Islander cultural competence is a ‘concept’ of this framework. The EYLF is an approved learning framework that forms the basis of Quality Area 1 of the NQS. Through the EYLF then, Aboriginal and Torres Strait Islander cultural competence is introduced into the NQS.

The *Educators Guide* to the EYLF highlights several crucial notions regarding cultural competence:

- that “cultural competence in relation to Aboriginal and Torres Strait Islander peoples is distinctly different from the broad idea of ‘respecting all cultures.’”³³
- that acknowledgement of Indigenous ancestral relatedness, its values, and how these are realised is distinctly Australian.³⁴
- that the Early Years Learning Framework provides an opportunity for educators across Australia to work towards cultural security for Aboriginal and Torres Strait Islander children and their families.³⁵

³¹ *Education and Care Services National Law Act 2010*, Part 1, Section 3(3(d)).

³² Element 6.3.4 of Standard 6.3.

³³ DEEWR 2010, *Educators: Belonging, Being and Becoming: The Educators’ Guide to the Early Years Learning Framework for Australia*, cited in Goodwin, J. 2012, Indigenous Culture, It’s Everybody’s Business, *Every Child* 18(1), 2012, 14-15, p. 14, http://www.earlychildhoodaustralia.org.au/nqsplp/wp-content/uploads/2012/05/EC1201_Indigenous_culture_its_everybodys_business.pdf.

³⁴ DEEWR 2010, *Educators: Belonging, Being and Becoming: Educators’ Guide to the Early Years Learning Framework for Australia*, Canberra: DEEWR, p. 3.

³⁵ *Ibid*, p. 3.

While this is a significant aspect, the silence of the NQS itself on Aboriginal and Torres Strait Islander cultural competence undermines its guiding principle to 'value' Aboriginal and Torres Strait Islander cultures. The detail provided in the EYLF is not sufficient, applying as it does to one Quality Area only of the NQS. In addition, it does not provide a mechanism or tool for implementing the guiding principle.

The absence of cultural competence criteria associated with application of the NQS has two implications. First, there is no process for assessing and ensuring cultural competence of mainstream organisations (including service providers as well as ACECQA and its delegates). Second, there is no process for ensuring that the NQS is applied in a culturally appropriate manner for any Aboriginal or Torres Strait Islander service.

Aboriginal and Torres Strait Islander models for cultural competency give substance to this concept of 'value.' They show how it can be operationalised by detailing what has to be valued, and how 'valuing' culture can be enacted, demonstrated and evaluated. A systemic approach to cultural competency would also bring the NQF into line with the Closing the Gap reforms detailed in section 3.

RECOMMENDATION ONE: The Government, in partnership with Aboriginal and Torres Strait Islander peak bodies and services, develops a cultural competence framework to support implementation of the guiding principle within the National Quality Framework that Australia's Aboriginal and Torres Strait Islander cultures are valued. This should be applied to the assessment process as a whole. It should also include criteria for the assessment of mainstream services supporting Aboriginal and Torres Strait Islander children.

Inclusion of services within the NQS

As noted the bulk of Aboriginal and Torres Strait Islander services are not currently within scope of the NQS. A cultural competency approach should begin at consideration of this question of inclusion. Is the NQS culturally competent and how could it be applied to services in a culturally appropriate manner?

The current, wider context for change in which the Aboriginal and Torres Strait Islander Budget Based Funding services operate will also be critical to the consideration of their inclusion in the NQS. This context includes: the current federal government review of BBF services; the interaction between current funding arrangements and meeting quality standards; and the relationship between the BBF program and COAG's Closing the Gap agenda.

RECOMMENDATION TWO: That the terms of reference for the review of out-of-scope services as part of the NQF review include the cultural appropriateness of the NQS for Aboriginal and Torres Strait Islander services and children.

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

- (d) 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;***
- (e) consideration of input; and***
- (f) Government provision of response to input prior to reaching a determination.***

RECOMMENDATION FOUR: That the government adapts the NQS based on the outcomes of the said review to ensure its Aboriginal and Torres Strait Islander cultural competency.

From a 'common' lens to a 'cultural' lens

According to ACECQA, there are two aspects of the National Quality Framework that are 'shared' or 'common'. There is:

- a common language for educators and officers to use; and
- a shared understanding of what quality education and care should look like.³⁶

Reflecting on the cultural competency framework confirms that it is not enough to use the NQS itself to provide this common language and shared understanding. In itself, the NQS does not work towards producing a language or an understanding that is shared between Aboriginal and/or Torres Strait Islander and non-Indigenous people or agencies.

A 'common language' and 'shared understanding' cannot be taken for granted between non-Indigenous people or agencies and Aboriginal and Torres Strait Islander people. To arrive at a 'common language' and 'shared understanding' requires significant work, training and commitment on the part of both educators and officers. To date, this work has not been done. And if a 'common language' and 'shared understanding' are not reached, then the NQF is breaching its own guiding principle of 'valuing' Aboriginal and Torres Strait Islander cultures. A genuine 'common' language can only be devised by looking through a cultural lens.

Reflection on a 'common lens' and 'cultural lens' provides an optimum starting point for exploring the cultural competency of the NQS. This lies at the heart of a shift to make Aboriginal and Torres Strait Islander cultures, and therefore their implications, explicit. Developing cultural competency requires mainstream organisations to widen the lens through which they look at Aboriginal and Torres Strait Islander children and services to include Aboriginal and Torres Strait Islander perspectives. It is necessary that government processes "take account of this cultural lens...when it comes to assessing, planning and acting to promote an Aboriginal child's safety, stability and development."³⁷ Preserving and enhancing the quality of Aboriginal and Torres Strait Islander ECEC services cannot be done without looking at those services through a cultural lens. Seeing through a 'cultural lens' is a tool through which acts of interpretation and assessment are made³⁸ and critical in ensuring culturally competent practice and care.³⁹ It is the acknowledgement that each act of interpretation and assessment has a cultural dimension.⁴⁰

Applying a cultural lens has multiple implications. It is not only about how to view Aboriginal and Torres Strait Islander people and culture, but also about how to

³⁶ Department of Education, Training and Employment, Queensland Government 2012, *Authorised Officer Training*, podcast, delivered by R. Livingstone, R. Director of Quality Assessment & Research of the National Quality Framework Office for Queensland, *Authorised Officer Training*, podcast, <http://mediasite.eq.edu.au/mediasite/Play/31969afa97df4146b2cc533407dc6f5c1d>, last accessed 5 February 2013.

³⁷ VACCA, 2010, *This is 'Forever Business': A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, VACCA, Melbourne, p. 106; VACCA 2008, *Cultural Competence Framework*, Melbourne: VACCA, p. 27.

³⁸ VACCA 2008, *Aboriginal Cultural Competence Framework*, VACCA, Melbourne, p. 36.

³⁹ *Ibid*, p. 36.

⁴⁰ *Ibid*, p. 36.

understand the unrecognised and unanalysed mainstream assumptions. The ongoing process of colonisation takes a different shape today: that of ‘cross-cultural blindness’. Cross-cultural blindness is the opposite of seeing through a ‘cultural lens’. It is not only the failure to see the positive value of Aboriginal and Torres Strait Islander cultures, but it is also the failure to see the indirect or systemic continuation of colonising practices.⁴¹ One of the effects of cross-cultural blindness is the disempowerment of Aboriginal and Torres Strait Islander people and organisations.⁴² Cultural blindness sees the stereotype and mistakes it for the truth. This is because of cultural misunderstanding, caused by lack of cross-cultural knowledge and competence.⁴³

Being able to see through a cultural lens requires knowledge, understanding, and, crucially, the assistance of Aboriginal people. Building genuine partnerships—the second of the two key cultural competencies—is essential. This issue has implications for each of the following sub-sections.

National leadership by ACECQA

Achieving a culturally competent early childhood education and care sector does not stop at the cultural competency of educators. This view is reflected in the national Indigenous policy framework, which emphasises a multi-sectoral approach, underpinned by the COAG framework, involving partnerships between all tiers of government and local agencies.

The national Indigenous reform agenda sets out different layers on which this should occur. In particular, it recommends that the Commonwealth and/or state agencies establish sector-specific Indigenous Advisory Groups.⁴⁴ Consultation with these expert groups on programs with an impact on Indigenous people is critical when shaping policy or its implementation or indeed considering the policy interactions that may need to be addressed.⁴⁵ Other systemic strategies outlined include “involving Aboriginal and Torres Strait Islander people in service delivery, assessment, monitoring and planning of programs and the development of a sustainable Indigenous workforce and a culturally competent non-Indigenous workforce.”⁴⁶ Genuine partnerships go well beyond ‘consulting’ the sector. A central element of building a genuine partnership is to enable Aboriginal and Torres Strait Islander people to participate in processes and occupy positions through which they can have an effect.

The development of policy regarding cultural competency at the national level is a vital component in giving effect to the national agenda, and specifically to the Priority Reform Areas of the National Partnership Agreement on Indigenous Early Childhood Development. This includes, in particular, Priority Reform Areas 4, 5 and 6:

- Quality early learning and childcare;
- Integrated, sustainable, universal and targeted services; and
- Development of a sustainable Indigenous workforce and a culturally competent non-Indigenous workforce.

⁴¹ VACCA, 2010, *This is ‘Forever Business’: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, VACCA, Melbourne, p. 6.

⁴² *Ibid*, p. 6.

⁴³ *Ibid*, p. 35.

⁴⁴ For instance, the National Indigenous Health Equality Council.

⁴⁵ National Integrated Strategy for Closing the Gap in Indigenous Disadvantage, *National Indigenous Reform Agreement*, Schedule A, p. 23.

⁴⁶ Closing the Gap in Indigenous Life Outcomes in Early Childhood, Attachment A, *Closing the Gap: National Partnership Agreement on Indigenous Early Childhood Development*.

This is also essential to progress the policy direction that the National Partnership Agreement identifies that “all services are delivered in an integrated, culturally competent way.”

This has implications for the regulatory framework managed by ACECQA and for capacity building supports provided to mainstream organisations in terms of training, ongoing mentoring relationships and support. See further Recommendations 15-17.

Recommendation 1 concerning the development of a cultural competency framework would encompass the processes, systems and instruments for ACECQA to promote, enable and require a culturally competent ECEC sector. This would be assisted by ACECQA reviewing and enacting the National Partnership Agreements – both on Indigenous Early Childhood Development and on Early Childhood Education - through its own policy and practice innovations. More specifically however, the following recommendations are made to ACECQA.

RECOMMENDATION SIX: That ACECQA establishes an Aboriginal and Torres Strait Islander Advisory Group in partial fulfilment of its responsibilities under the Closing the Gap initiative.

RECOMMENDATION FIVE: that the national regulation agency, ACECQA, includes dedicated Aboriginal and Torres Strait Islander positions, and that the role and scope of these positions is developed in consultation with the Aboriginal and Torres Strait Islander Advisory Group.⁴⁷

RECOMMENDATION SEVEN: that ACECQA takes a leadership role in steering Regulatory Authorities towards developing a commitment to cultural competency and strategies for its implementation.

The rating and assessment process: a partnership approach

The framework under which early childhood education and care is managed and assessed has broadened under the NQS. It is now underpinned by broad principles and focussed on outcomes for children. This type of framework provides the space and opportunity to view services through a cultural lens. The NQS potentially provides the opportunity for Aboriginal and Torres Strait Islander services to be recognised where they excel, for recognition of excellence in their own terms, and for services to be assessed on the cultural appropriateness of their work with Aboriginal and Torres Strait Islander children.

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. The rating and assessment of services has both the potential to enhance or damage cultural identity and cultural involvement.

⁴⁷ SNAICC 2009, *Submission on the Consultation Regulation Impact Statement for Early Childhood Education and Care Quality Reforms*, North Fitzroy: SNAICC, p. 6.

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.⁴⁸ 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.⁴⁹

As previously discussed, 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.”⁵⁰ 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.”⁵¹ 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. These concepts need to be applied to ensuring mainstream services are also supported in meeting similar needs.

RECOMMENDATION EIGHT: That Regulatory Authorities in each state and territory:

- ***have specific Aboriginal and Torres Strait Islander cultural competency and partnership development training; and***
- ***are supported and required to develop genuine partnerships according to the appropriate protocols with their local Aboriginal and Torres Strait Islander communities.***

Authorised Officers

Several aspects of the qualifications and training of Authorised Officers are problematic when considered against the cultural competence framework. In particular, these are:

- The ‘common lens’ approach to training;
- The lack of a specific requirement for Regulatory Authorities to employ Aboriginal and Torres Strait Islander Authorised Officers; and
- That neither knowledge of, nor experience in working with, Aboriginal or Torres Strait Islander communities is a criterion for appointment to the position of Authorised Officer.

As noted above, training aims to provide a ‘common lens’ with which to rate and assess services. This ‘common lens’ is not defined except insofar as it coincides with the NQS itself. The standards *are* the lens. Without forming an idea of what looking through that lens is like for Aboriginal and Torres Strait Islander services or children themselves, that ‘common’ lens is another way of saying a mainstream lens, not inclusive of Aboriginal

⁴⁸ ACECQA 2012, *Guide to Assessment and Rating for Regulatory Authorities*, ACECQA, Sydney, p.15.

⁴⁹ SNAICC 2012, *Opening Doors through Partnerships: Practical Approaches to Developing Genuine Partnerships that Address Aboriginal and Torres Strait Islander Community Needs*, SNAICC.

⁵⁰ DEEWR 2010, *Educators: Belonging, Being and Becoming: Educators’ Guide to the Early Years Learning Framework for Australia*, Canberra: DEEWR, p. 25.

⁵¹ VACCA, 2010, *Building Respectful Partnerships: The Commitment to Aboriginal Cultural Competence in Child and Family Services*, Melbourne: VACCA, p. 39.

and Torres Strait Islander ways of seeing or doing. These ways include unique methods of child-rearing which can be interpreted by non-Indigenous people as indicative of deficient practices rather than indicative of cultural difference.⁵² The challenge for the training of Authorised Officers is to widen that lens to ensure that Aboriginal and Torres Strait Islander services and children are recognised, as are the culturally embedded viewpoints of the Authorised Officer.

A partnership approach with Aboriginal and Torres Strait Islander people is recommended to overcome this challenge. The Aboriginal and Torres Strait Islander early childhood education and care sector and local communities have the knowledge of Aboriginal and Torres Strait Islander culture required for cultural competent assessments. Engagement to unpack this in a two-way learning process, acknowledged by national government and Aboriginal and Torres Strait Islander people alike as a cornerstone of success in early childhood education, is a critical step.⁵³ 'Both-ways learning means that Indigenous and non-Indigenous ways of knowing, being and doing come together in learning situations and workplace practices'.⁵⁴

For evaluation of cultural competency to have any grounding, it must also be conducted within a cultural competency framework, developed, implemented and assessed by and with Aboriginal and Torres Strait Islander people.

RECOMMENDATION NINE: that ACECQA provides cultural competency training for its Authorised Officers, delivered by Aboriginal and Torres Strait Islander personnel/organisations, to strengthen capacity to apply a cultural competency framework in rating and assessing services delivering services for Aboriginal and Torres Strait Islander children.

RECOMMENDATION TEN: That Regulatory Authorities create Aboriginal and Torres Strait Islander-identified positions in their workforce, and that ACECQA encourages and collaborates with regulatory authorities in this process.

RECOMMENDATION ELEVEN: That where Authorised Officers are non-Indigenous, regulatory authorities appoint local Aboriginal or Torres Strait Islander mentors to guide assessors through the assessment of Aboriginal and Torres Strait Islander services and services with significant proportion of Aboriginal and/or Torres Strait Islander children. This can be authorised by powers that already exist in the legislation.⁵⁵

RECOMMENDATION TWELVE: That knowledge of or experience with Aboriginal and Torres Strait Islander cultures is a core competency in selection criteria for Authorised Officers who are to assess Aboriginal and Torres Strait Islander early childhood education and care services.

⁵² Bamblett, M., & Lewis, P. (2006). A Vision for Koorie Children and Families: Embedding rights, Embedding Culture, *Just Policy* 41, p. 43.

⁵³ DEEWR 2010, *Educators: Belonging, Being and Becoming: Educators' Guide to the Early Years Learning Framework for Australia*, Canberra: DEEWR, p. 25.

⁵⁴ RRACSSU NT, *Nation Quality Standard Indigenous Resource Package*, NT: Regional and Remote Children and Services Support Unit Northern Territory.

⁵⁵ The Regulatory Authority may delegate any of its functions and powers under the National Law to any person employed under a public sector law of the jurisdiction, or any person in a class of persons prescribed in Regulation 237, Education and Care Services National Regulations 2012. In addition, a Regulatory Authority can declare that there be a Regulatory Authority for a class of education and care services within its jurisdiction.

RECOMMENDATION THIRTEEN: that Aboriginal and Torres Strait Islander cultural competence be listed as an additional area of expertise for appointment to the ratings and assessment review panel.

Quality Improvement Plan

The *Guide to Developing a Quality Improvement Plan* emphasises that, because the focus of the NQS is on quality improvement, it is important to be open, honest and critically reflective when undertaking the self-assessment and quality improvement planning processes. This is made far more difficult without an effective and functioning partnership between the Regulatory Authority and its Authorised Officers, and Aboriginal and Torres Strait Islander services. Requiring Aboriginal and Torres Strait Islander people to be open, honest and critically reflective without acknowledging the cultural context in which this occurs and the cultural competence required of the Regulatory Authority, is not only unworkable but goes against the spirit of the national Indigenous policy agenda.

A collaborative approach to the development of the Quality Improvement Plan is recommended, including consulting widely with the relevant community members and educators.⁵⁶ This is consistent with the operation of Aboriginal and Torres Strait Islander services.

Ratings review process

There is no requirement to involve Aboriginal and Torres Strait Islander people as advisors or consultants in the ratings review of these respective services. There is also no cultural competency framework for the ratings review process. Similarly, there are no mechanisms to ensure that decision-makers are cognisant of relevant differences between Aboriginal or Torres Strait Islander cultures and the dominant culture.

RECOMMENDATION FOURTEEN: that, in fulfilment of COAG's goals of cultural awareness and enabling the evaluation, monitoring and review processes to be conducted from Aboriginal and Torres Strait Islander perspectives, the ACECQA Aboriginal and Torres Strait Islander Advisory Group participate in the evaluation of the training of Authorised Officers, and the ratings and assessment process.

Frequency of rating and ongoing monitoring

The regulatory authority can, at its discretion and according to the National Law and National Regulations, reassess a service at any time within the assessment cycle. Reasons for this may be a decline in the quality of the service or the presence of other 'risk factors'.⁵⁷ This represents 'risk' as a neutral term, but it is established that Aboriginal and Torres Strait Islander ideas of 'risk' are different from those that have become institutionalised in mainstream services.

Aboriginal and Torres Strait Islander services are also impacted by a number of factors that mean that they are likely to be assessed and rated at the most frequent rate. For example, limited funding under the Budget Based Funding program means that the services need to do more with less funds, and BBF services are located in areas of particular disadvantage or remoteness, which could give rise to 'risks' unrelated to service quality per se. Therefore, how is 'risk' to be defined in a culturally appropriate manner?

⁵⁶ ACECQA 2011, *Guide to Developing a Quality Improvement Plan*, Sydney: ACECQA.

⁵⁷ ACECQA, 2012, *Guide to Assessment and Rating for Regulatory Authorities*, Sydney: ACECQA, p. 33.

Again, applying the cultural competence framework, ensuring that Aboriginal and Torres Strait Islander people are involved in the process is a first step, either directly conducting assessments or mentoring those who do so.

See recommendations NINE-ELEVEN ABOVE.

Mainstream services

It is also important that the regulatory system is applied to ensure that all mainstream services have the capacities and skills necessary for appropriate inclusion of Aboriginal and Torres Strait Islander families. This has a number of implications. Firstly, it requires the government to mandate and fund appropriate training and support so that services can deliver upgraded capacities and demonstrate their capacity to engage and sustain relationships with local communities, parents and children. It also requires a more specific guide for services and authorised officers on the meaning of quality service provision for Aboriginal and Torres Strait Islander children to assist them in appropriately assessing services supporting Aboriginal and Torres Strait Islander children.

RECOMMENDATION FIFTEEN: that training funds be allocated and appropriate training be mandated to ensure all mainstream services have access to cultural competency training, resources and ongoing supports.

RECOMMENDATION SIXTEEN: that an Aboriginal and Torres Strait Islander National Cultural Education Advisory Group be appointed by the government to develop culturally sound training and evaluation guidelines. This group should include academics, practitioners and community representatives and should be funded to convene in 2014.

RECOMMENDATION SEVENTEEN: that, building on recommendation 1, an accessible and easy-to-use cultural competency guide be developed to assist services and authorised officers in, respectively, providing and assessing quality ECEC service for Aboriginal and Torres Strait Islander children and families.

5. Conclusion

The National Quality Framework provides a strong basis for a relevant, flexible quality system for Aboriginal and Torres Strait Islander ECEC services and for assessing quality services for Aboriginal and Torres Strait Islander children. There are however currently notable gaps that require redress. The core principle of ‘valuing’ Aboriginal and Torres Strait Islander cultures provides the centrepiece for making explicit the cultural competence framework that must underpin the NQF. The cultural competence framework and guide however has yet to be developed and incorporated to enhance operational practice in implementing this principle throughout the NQF, including the NQS.

This paper has detailed the policy and legislative framework already in place in Indigenous early childhood education and more broadly to redress Indigenous disadvantage. This framework has major implications for regulation of the early childhood education and care sector. When the core principle of ‘valuing’ Aboriginal and Torres Strait Islander cultures is implemented according to the national Indigenous policy framework adherence to all other NQF principles will follow. If it is not, then the

other principles *cannot* be followed. If we follow the principle of valuing Aboriginal and Torres Strait Islander cultures in this way, then these other principles become:

- The rights and best interests of the Aboriginal or Torres Strait Islander child are paramount in the same way as the rights and best interests of the non-Indigenous child;
- Aboriginal and Torres Strait Islander children are successful, competent and capable learners;
- The principles of equity, inclusion and diversity extend to Aboriginal and Torres Strait Islander children; and
- Aboriginal and Torres Strait Islander forms of best practice are expected in the provision of education and care services for Aboriginal and Torres Strait Islander children..

The National Quality Standard is then interpreted with the above principles, through a common lens that includes an Aboriginal and Torres Strait Islander cultural lens. This paper seeks to draw out some of the implications of this approach and makes a series of recommendations for incorporation of the national Indigenous policy framework into the new National Quality Framework, or specifically its National Quality Standard.

Essentially a cultural competency framework requires respect for Aboriginal and Torres Strait Islander voice and worldview. This model has implications for the way ACECQA and the Regulatory Authority of each state or territory interacts with the Aboriginal and Torres Strait Islander services in the process of rating and assessment, and mainstream services that are providing a service to Aboriginal and Torres Strait Islander children. This has to be thought through in partnership with Aboriginal and Torres Strait Islander people. A first step is engagement by ACECQA with the Aboriginal and Torres Strait Islander ECEC sector on the development of a plan to drive this process.

Annexure A: Overview National Indigenous Policy Instruments

Instrument	Principles	Targets	Strategies	Priority areas for action
<p>National Indigenous Reform Agreement (NIRA)</p> <p>National Integrated Strategy for Closing the Gap in Indigenous Disadvantage (Schedule A of the NIRA)</p>	<p><i>Priority principle</i> Programs and services should meet Closing the Gap targets while being appropriate to local community needs.</p> <p><i>Indigenous engagement principle</i> Engagement with Indigenous people and communities should be central to the design and delivery of programs and services.</p> <p><i>Sustainability principle</i> Programs and services should be directed and resourced over an adequate period of time to meet the COAG targets.</p> <p><i>Access Principle</i> Programs and services should be physically and culturally accessible to Indigenous people recognising the diversity of urban, regional and remote needs.</p> <p><i>Integration principle</i> There should be collaboration</p>	<p>Closing the Gap in Indigenous disadvantage</p> <p>Strengthening Indigenous capacity, engagement and participation</p> <p>Building Indigenous people's needs and aspirations into the planning and implementation of initiatives agreed by COAG</p> <p>Ensuring Indigenous peoples' active participation in the design and implementation of COAG measures.</p> <p>Developing bilateral and local implementation plans</p>	<p><i>Building partnerships and strengthening existing ones</i>⁵⁹</p> <ul style="list-style-type: none"> ➤ work with Aboriginal and Torres Strait Islander people in the development of implementation plans ➤ share decision-making and responsibility for implementation ➤ develop and use strategies that increase Aboriginal independence, empowerment and self-management <p><i>Local need / place-based approaches</i></p> <ul style="list-style-type: none"> ➤ recognise local circumstances ➤ build relationships with local communities ➤ ensure local representation where required ➤ establish appropriate structures to facilitate local level community engagement and partnerships.⁶⁰ <p><i>Fostering Indigenous service</i></p>	<p><i>Integration and Governance</i> Developing a coordinated approach to identifying priorities at both intra- and inter-governmental levels</p> <p><i>Strengthening Indigenous Capacity, Engagement and Participation</i></p> <ul style="list-style-type: none"> ➤ promoting a strong and positive view of Indigenous identity and culture ➤ strengthening individual, family and community wellbeing and capacity as a necessary impetus to improved access to and take-up of services <p><i>Focus on Local Need/Place Based Approaches</i> Enabling initiatives appropriate to the needs in a particular location</p> <p><i>Effective Services</i> Reforming service delivery systems</p>

⁵⁹National Integrated Strategy for Closing the Gap in Indigenous Disadvantage, *National Indigenous Reform Agreement*, Schedule A, p. 22.

⁶⁰National Integrated Strategy for Closing the Gap in Indigenous Disadvantage, *National Indigenous Reform Agreement*, Schedule A, 29.

Instrument	Principles	Targets	Strategies	Priority areas for action
	<p>between and within Governments at all levels and their agencies to effectively coordinate programs and services.</p> <p><i>Accountability principle</i> Programs and services should have regular and transparent performance monitoring, review and evaluation.⁵⁸</p>		<p><i>delivery</i></p> <ul style="list-style-type: none"> ➤ recognise when Indigenous delivery is an important contributor to outcomes (direct and indirect), and in those instances foster opportunities for Indigenous service delivery; ➤ support the capacity of the Indigenous service sector and communities to play a role in delivering services and influencing service delivery systems and organisations to ensure their responsiveness, access and appropriateness to Indigenous people <p><i>Effective evaluation and review</i></p> <ul style="list-style-type: none"> ➤ evaluation should be done from an Indigenous perspective 	<p><i>Building Effective Accountability and Sustainability</i> Requiring governments to improve statistical collection services and other information sources to improve the detail and accuracy of reporting on outcomes.⁶¹</p> <p><i>Indigenous-led evaluation and review</i> Incorporating lessons from Indigenous-led evaluation into future program and service design</p>
National Partnership Agreement on Early Childhood Education (NPAECE)	Governments share responsibility for the removal of barriers to participation in a preschool program, including ensuring cost is not a barrier—especially for Indigenous and disadvantaged children.	<p><i>Removal of barriers</i></p> <ul style="list-style-type: none"> ➤ To ensure that every child is enrolled in and attending a pre-school program ➤ To actively make programs and services physically and culturally accessible to Indigenous people 		
The Aboriginal and Torres Strait Islander Universal Access Strategy	The Commonwealth has responsibility to lead the development of the Aboriginal	To support the implementation of the NPAECE	<p><i>Developing cultural awareness</i></p> <ul style="list-style-type: none"> ➤ recognise Indigenous culture, language and identity 	<p>Four focus areas for action:</p> <ul style="list-style-type: none"> ➤ increasing access to early childhood education

⁵⁸ Service Delivery Principles for Programs and Services for Indigenous Australians, *National Indigenous Reform Agreement*, Schedule D, 2-7.

⁶¹ National Integrated Strategy for Closing the Gap in Indigenous Disadvantage, *National Indigenous Reform Agreement*, Schedule A,

Instrument	Principles	Targets	Strategies	Priority areas for action
	<p>and Torres Strait Islander Universal Access Strategy.</p> <p>The states and territories have responsibility to develop specific strategies for delivering universal access in Aboriginal and Torres Strait Islander communities, including remote communities.</p>		<ul style="list-style-type: none"> ➤ build governments' and service delivery organisations' capacity to develop and implement policies, procedures and protocols that recognise Indigenous people's culture, needs and aspirations 	<ul style="list-style-type: none"> ➤ positive community awareness and engagement ➤ quality early childhood programs and activities ➤ Aboriginal and Torres Strait Islander cultural awareness of teachers and support staff⁶²
National Partnership Agreement on Indigenous Early Childhood Development (NPAIECD)	<p>Parties to the agreement will pursue the NPAIECD's aims 'through the broadest possible spectrum of government action'⁶³</p> <p>The Commonwealth and the States and Territories have a shared commitment to improvements in Indigenous Early Childhood Development</p>	<ul style="list-style-type: none"> ➤ to improve outcomes for Indigenous children in their early years ➤ to contribute to COAG Closing the Gap targets for Indigenous Australians⁶⁴ ➤ to give Indigenous children the best start in life by addressing their high levels of disadvantage ➤ to provide integrated child and family services which focus on quality early learning, child care and parent and family support ➤ to increase the proportion of Indigenous children participating in quality early childhood education and development services ➤ to increase the proportion of Indigenous people using parent and family support services 	To implement this National Partnership in a way that contributes to COAG's social inclusion, early childhood development, education, health, housing, and safety agendas, by identifying reforms and models of service delivery that will improve outcomes for Indigenous children.	<p>Priority Reform Areas include:</p> <ul style="list-style-type: none"> ➤ developing a sustainable Indigenous workforce and a culturally competent non-Indigenous workforce ➤ developing integrated, sustainable, universal and targeted services ➤ providing quality early learning and childcare <p>Using the NPAICD's integrated policy framework as the 'basis for developing future reforms by all governments in Indigenous early childhood development'⁶⁵</p>

⁶² *Universal Access to Early Childhood Education for Australia's Aboriginal and Torres Strait Islander Children: Aboriginal and Torres Strait Islander Universal Access Strategy*, p. 2.

⁶³ *National Partnership Agreement on Indigenous Early Childhood Development*, Clause 2.

⁶⁴ *Ibid*, Clause 4.

⁶⁵ *Ibid*, Schedule A.

Instrument	Principles	Targets	Strategies	Priority areas for action
		<ul style="list-style-type: none"> ➤ to achieve tangible improvements in outcomes for Indigenous children ➤ to achieve generational change over the longer term 		
National Framework of Principles for Government Service Delivery to Aboriginal and Torres Strait Islander Australians	<ul style="list-style-type: none"> ➤ sharing responsibility ➤ harnessing the mainstream ➤ streamlining service delivery ➤ establishing transparency and accountability ➤ developing a learning framework ➤ focusing on priority areas 	<ul style="list-style-type: none"> ➤ achieving better outcomes for Indigenous Australians ➤ improving the delivery of services ➤ building greater opportunities ➤ helping Indigenous families and individuals to become self-sufficient 	Use the principles to guide discussions b/w the Cth and each State/ Territory Government on the new arrangements for Indigenous affairs and the best means to engage with Indigenous people at the local and regional levels. Governments will consult with Aboriginal and Torres Strait Islander people to achieve this. ⁶⁶	
Melbourne Declaration for Educational Goals for Young Australians [The Melbourne Declaration (referenced in the EYLF)]	Values the role of education in producing a society that is prosperous, cohesive and culturally diverse, and that values Australia's Indigenous cultures as a key part of the nation's history, present and future.	<p>Australian schooling promotes equity and excellence; aims to:</p> <ul style="list-style-type: none"> ➤ provide access to high-quality schooling that is free from discrimination ➤ build on local cultural knowledge and experience of Indigenous students as a foundation for learning, and work in partnership with local communities on all aspects of schooling process ➤ improve learning outcomes of Indigenous students to match those of other students ➤ eliminate disadvantage as a significant determinant of educational outcomes ➤ socially cohesive society that respect & appreciate diversity 	Develop partnerships between schools and Indigenous communities, based on cross-cultural respect	Strengthening early childhood education

⁶⁶ Council of Australian Governments' Meeting 25 June 2004, 'Communique'.

Annexure B: National Quality Standard processes

This Annexure provides some further information on the processes that are each relevant to implementing the National Quality Standard:

- Guiding principles of the National Law
- The Standards themselves, which comprise: the actual requirements; plus a series of reflective questions designed to help the service to meet the requirements of the standard
- The elements, which are detailed requirements within each standard, each of which has to be addressed in trying to meet the standard
- The approved learning framework, the national *Early Years Learning Framework (EYLF)* plus whatever state or territory learning framework (approved by ACECQA) applies in the local area
- The Assessment tool, which is used to rate the service against the standards and the national law and regulations
- The Quality Improvement Plan.

The guiding principles in the national law are particularly important in the broad application of the National Quality standards. These principles are:

- The rights and best interests of the child are paramount
- Children are successful, competent and capable learners
- The principles of equity, inclusion and diversity underlie the national law
- **That Australia's Aboriginal and Torres Strait Islander cultures are valued**
- That best practice is expected in the provision of education and care services.

National guiding principles are also contained in the Early Years Learning Framework. The EYLF principles are:

- Secure, respectful and reciprocal relationships
- Partnerships
- High expectations and equity
- Respect for diversity
- Ongoing learning and reflective practice.

The EYLF is relevant to the assessment of early childhood education programs within the National Quality Standard monitoring and assessment process (Quality Area 1).

The assessment process

ACECQA oversees the monitoring and assessment of services against the National Quality Standard. The aim is that the National Quality Framework 'provide a common language for educators and officers to use,' and a shared understanding of what quality education and care should look like.⁶⁷ ACECQA has devised an assessment and rating instrument and guide for determining how services measure against the NQS.⁶⁸ The Regulatory Authority of each state or territory conducts the actual assessments.

⁶⁷ ACECQA 2012, *National Quality Framework: Assessment and Rating Overview and Authorised Officer Training*, Podcast Series 4, presented by Rhonda Livingstone, Director Quality Assessment and Research, National Quality Framework Office for Early Childhood Education and Care.

⁶⁸ ACECQA 2011, *Guide to Developing a Quality Improvement Plan*, Sydney: ACECQA, p. 9.

The goals of the assessment process are:

- a) To rate each service's current practices against each of the National Quality Standard; and
- b) To produce a process of continuous improvement for each service.

As part of the assessment, services must complete a self-assessment and **Quality Improvement Plan (QIP)**. The Quality Improvement Plan, revised at least annually, is designed to promote reflection, self-assessment and evaluation. It:

- Includes an assessment of the quality of the practices of the service against the National Quality Standard and the National Regulations;
- Identifies areas of strength;
- Identifies areas that the provider considers may require improvement;
- Identifies areas where a service is not meeting a regulatory requirement and strategies for redress;⁶⁹ and
- Includes a statement of philosophy of the service.

The QIP assists authorised officers to understand the services engagement with the National Quality Framework, although it does not form evidence in the assessment and rating process.⁷⁰

As part of the assessment process, assessors must visit the service. During each visit, assessors:

- a) **Observe** the children in their setting in a range of activities and engagements with others, and the educators in their various roles;
- b) **Discuss** with the educators their current approaches and philosophies relevant to each element and standard; and
- c) **Sight** relevant documentation.⁷¹

After the visit, assessors prepare a final assessment and rating report. In their assessment, the national Regulations require the assessors to consider:

- The current Quality Improvement Plan for the service;
- The service's rating history;
- The service's history of compliance;
- Steps taken by the service to rectify matters identified during the rating and assessment;
- Relevant information that comes to them via other government regulatory authorities;
- Provision of a pre-school program, where the service is required by regulation to do so; and
- Information obtained through a service visit.

There are five possible ratings a service can be given:

- **Excellent**—indicates that a service demonstrates excellence and is recognised as a sector leader
- **Exceeds National Quality Standard**—indicates that a service is exceeding NQS
- **Meets National Quality Standard**—indicates that a service is meeting the National Quality Standard

⁶⁹ See ACECQA 2011, *Guide to Developing a Quality Improvement Plan*, Sydney: ACECQA, pp.5-6; and ACECQA 2012, *Guide to Assessment and Rating for Regulatory Authorities*, Sydney: ACECQA.

⁷⁰ ACECQA 2012, *Guide to Assessment and Rating for Regulatory Authorities*, Sydney: ACECQA, p. 14.

⁷¹ ACECQA 2012, *Guide to Assessment and Rating for Services*, Sydney: ACECQA, p. 1.

- **Working towards the National Quality Standard**—indicates that a service is working towards meeting the National Quality Standard
- **Significant improvement required**—indicates that a service is not meeting the NQS and the regulator is working with the service to immediately improve its quality (otherwise the service's approval to operate will be withdrawn).

To meet the NQS for a particular quality area, services need to meet the National Quality Standard for all elements within a standard and all standards within a quality area.⁷² Services can also seek an 'excellent' rating. To do this, a service must obtain the exceeding rating and then apply in writing to ACECQA for the highest rating on the basis of the published criteria. There is a fee associated with this application.⁷³

Monitoring of education and care services under the National Quality Framework is not limited to this ratings and assessment process. Regulatory Authorities will also monitor services through a further schedule of visits, including announced and unannounced, and random and targeted visits.

The assessors

An Authorised Officer of the state or territory Regulatory Authority assesses services. These officers are appointed by the state or territory regulatory authority, in accordance ACECQA has established key requirements for authorised officers that they:

- are appropriately trained for the functions they are undertaking;
- are appropriately trained in NQF, including National Law, Regulations and NQS;
- have qualifications and experience consistent with their functions;
- are appropriately trained in record keeping, investigation, decision making and report writing;
- have knowledge, expertise, professional values, integrity and the ability to develop respectful working relationships, which will give them credibility with services, the families of the children in those services, and the broader sector;
- are reliable and consistent in their assessments and enforcement approach;
- are able to operate as part of a team based approach to assessment;
- have opportunities for ongoing professional development; and
- have skills, experience and qualifications to enable informed assessment of the pedagogical aspects of the NQS.⁷⁴

ACECQA auspices a Lead Assessor Training Programme which is delivered to Lead Assessors. Following their training, Lead Assessors train the Authorised Officers at the state/territory level. The training includes: legal and regulatory context; rating the NQS standards and elements; how to prepare for assessment; collecting evidence; building rapport; and avoiding weighting some evidence more than other evidence. The emphasis is to use the NQS as the 'common lens'. The training assists trainees to understand how services could demonstrate their qualities against the standards and elements.

⁷² ACECQA 2012, *Guide to Assessment and Rating for Regulatory Authorities*, Sydney: ACECQA, p.18.

⁷³ ACECQA 2011, *National Quality Framework Resource Kit*, Sydney: ACECQA, p. 48.

⁷⁴ ACECQA 2011, ACECQA Board Position on Authorised Officer Qualifications, <http://acecqa.gov.au/storage/1-NQF%20qualifications%20requirements%20for%20Authorised%20Officers.pdf>.

Annexure C: The NQF and Cultural Competency Matrix

This matrix reflects on the cultural competence of the NQF and opportunities for strengthening cultural competency. It is a starting point and requires input from the key stakeholders that both apply the NQF or are subject to its regulation.

Aspects of the NQF	Cultural Competency					
	Commitment to self-determination & partnerships	Cultural awareness -	Cultural respect	Cultural responsiveness	Cultural safety	Cross-cultural practice and care
		Knowledge and understanding of the role of cultural difference	Attitudes towards and valuing Aboriginal and Torres Strait Islander peoples and their cultures	Ability and skills to assist Aboriginal and Torres Strait Islander people	Creating a safe and welcoming service environment for Aboriginal and Torres Strait Islander peoples	Ability to apply the lens of culture and provide appropriate services to Aboriginal and Torres Strait Islander peoples
NQS	The NQS is silent. No recognition of history or commitment to Aboriginal led processes. No requirement for partnerships between ATSI* services and mainstream agencies. NQS does encourage partnerships between services and local communities.	There is no explicit requirement that any agencies or staff develop knowledge, skills, or educative practice specifically with respect to ATSI* people and cultures. There is no recognition of the role of ATSI* cultural difference	A guiding principle is 'valuing Aboriginal and Torres Strait Islander cultures'. However, no framework or mechanism to implement this principle. Thus there is no requirement to ensure cultural respect.	There is no cultural competence criteria, and therefore no process to require or assess mainstream organisations, including service providers, ACECQA or assessors, on cultural ability and skills to work with ATSI* services and	There is no cultural competence criteria, and therefore no process to ensure that any ATSI* services is treated in a culturally appropriate manner or a service is safe for ATSI* children and families.	The NQS has not developed a cultural lens through which to view services. A cultural competency assessment has not been applied to the assumption that the NQS can function as a 'common' language and as a common lens to assess quality. The EYLF supports

Aspects of the NQF	Cultural Competency					
	Commitment to self-determination & partnerships	Cultural awareness -	Cultural respect	Cultural responsiveness	Cultural safety	Cross-cultural practice and care
				communities.		cross-cultural practice for education programming
ACECQA	<p>There is little information that indicates that ACECQA has considered or developed procedures and systems yet to:</p> <ul style="list-style-type: none"> ▪ consider impact of regulatory system on ATSI* people; ▪ form genuine partnerships with ATSI* people and services; ▪ implement the national Indigenous reform agenda. 	<p>There is no evidence of processes developed to assess need for ATSI* involvement in any particular initiative or process.</p> <p>There is little in ACECQA public documentation that reflects or recognises an understanding of the role of culture.</p>	<p>We are not aware of whether or how ACECQA has considered how it can value Aboriginal and Torres Strait Islander cultures.</p> <p>This is not visible in its public documentation.</p>	<p>One 2 hour cultural competence training for assessors is conducted. No training for other personnel.</p> <p>No indication that ACECQA evaluates its service delivery to ATSI* people.</p> <p>We are not aware of means developed to assess service responsiveness.</p>	<p>It is unknown whether ACECQA has ATSI* staff. There are no identified positions.</p> <p>It is unknown whether ACECQA includes cultural competence in staff selection.</p> <p>It is unknown whether consideration has been given to cultural safety.</p>	<p>It is unknown whether any systems or processes have been established to support and facilitate cross-cultural practice and care</p>
Assessors – Authorised Officers	<p>We are not aware of any ATSI* authorised officers. There are no identified assessor positions. No support for local ATSI* mentors to support assessors assess.</p>	<p>There is neither knowledge of, nor experience in working with, Aboriginal or Torres Strait Islander communities in selection criteria.</p>	<p>There is no requirement that Regulatory Authorities consult with ATSI* communities or people when training assessors how to work with ATSI* services.</p>	<p>We understand that a 2 hour cultural competency training is conducted</p>	<p>2 hour cultural competency training. Feedback from services is that current assessment processes do not ensure cultural safety.</p>	<p>There is a ‘common lens’ approach to training, which does not include a cultural competency testing. No requirement to employ any ATSI* people, who could assist in developing</p>

Aspects of the NQF	Cultural Competency					
	Commitment to self-determination & partnerships	Cultural awareness -	Cultural respect	Cultural responsiveness	Cultural safety	Cross-cultural practice and care
	A 2hr cultural competency training provided. Training also includes use of some ATSI* case studies.		We are not aware of any ways in which local cultural protocols are considered.		No guidance to Authorised Officers on administration of the NQS to ATSI* services.	on organisational cultural lens.
Quality Improvement Plan (QIP) and process of continuous improvement	<p>Comments under Authorised Officers apply, as they assess the QIP.</p> <p>There is no explicit requirement that Authorised Officers build relationships with individual services outside a visit.</p>	There is no cultural competency approach which would inform Authorised Officers about the values and ideas that influence the approach of ATSI* services to quality.	There is no cultural competency approach which would inform Authorised Officers of cultural differences, and therefore no framework within which to assess quality where there is a difference.	There is no cultural competency framework. No ATSI* cultural expertise required of staff. No emphasis on building partnerships with ATSI* services.	There is no ATSI* cultural knowledge required of staff or system to support and monitor it. Therefore, capacity to ensure cultural safety is weak.	There is no process for ensuring that use of the QIP is supported by a cultural lens.
Rating and assessment process	ATSI* services have not been consulted about the appropriateness of the rating and assessment process.	<p>Without proper cultural competency or a process to support application of a cultural lens, Authorised Officers are not in a position to be able to assess quality or value in ATSI* services. This lack of awareness risks:</p> <ul style="list-style-type: none"> ▪ Failing to see the strengths of the service; ▪ Mis-interpreting 	There is no encouragement in the NQS process of services adopting distinctly different cultural practices. The approach flattens out differences between cultures by adopting a uniform approach to assessment and ratings. This puts ATSI* services in a defensive position,	Without identified positions, required cultural competency of staff or emphasis on partnerships with ATSI* services, it is difficult to see how staff would acquire the knowledge necessary to effectively rate and assess Aboriginal and Torres Strait	<p>There is no guide for assessing quality specifically for ATSI services or services supporting Aboriginal and Torres Strait Islander children.</p> <p>The appeal process also does not include ATSI* person or required knowledge and</p>	The Authorised Officers assessing services are required to observe the children and assess them against the NQS, and this assessment includes on safety, stability and development. This is not a neutral activity, but the approach taken assumes a common lens and not

Aspects of the NQF	Cultural Competency					
	Commitment to self-determination & partnerships	Cultural awareness -	Cultural respect	Cultural responsiveness	Cultural safety	Cross-cultural practice and care
		things negatively.	having to justify difference from the mainstream, rather than actively encouraging them to develop their services according to their own cultural position and values.	Islander services.	experience. All other elements discussed put the cultural safety of services under significant threat through the assessment process.	a cultural one.
Ratings review process	There is no requirement to involve Aboriginal and Torres Strait Islander people as advisors or consultants in the ratings review of Aboriginal services.	There is no cultural competency framework for the ratings review process. There are no mechanisms to ensure that decision-makers are cognisant of relevant differences between Aboriginal or Torres Strait Islander cultures and the dominant culture	There is no indication that it might be important to have a cultural competence approach to the ratings review process.	There is no requirement for Aboriginal and Torres Strait Islander cultural competence for members of the ratings review panel.	There is no evaluation tool specifically for Aboriginal and Torres Strait Islander services. At this stage, there is no publicly available information from ACECQA including feedback from ATSI* services.	Whilst the ACECQA Board will endeavour to ensure that the pool of members of the ratings review panel includes people from diverse backgrounds, including ATSI* people, there is no requirement that the process incorporates ATSI* perspectives.

Aspects of the NQF	Cultural Competency					
	Commitment to self-determination & partnerships	Cultural awareness -	Cultural respect	Cultural responsiveness	Cultural safety	Cross-cultural practice and care
Monitoring outside the NQS cycle	There is no requirement to involve ATSI* people as advisors or consultants in the monitoring of ATSI* services.	The regulatory authority can reassess a service at any time. Reasons include a decline in the quality of the service or other 'risk factors'. This represents 'risk' as a neutral term, but ATSI* ideas of 'risk' differ from mainstream approaches. There is no cultural approach to risk.	The lack of cultural competence training or a framework means that Authorised Officers have little or no context for developing a way of apprehending the strengths of ATSI* services.	There is no explicit training on cultural difference in general or on particular points of cultural difference. Therefore an accurate assessment of quality where these differences are in operation is difficult to attain.	ATSI* services are likely to be assessed at the most frequent rate, given their location and funding issues for BBF services, with implications for quality.	There is no cultural lens applied to the assessment framework in general, whether the NQS cycle or outside that cycle to general monitoring and compliance issues.

*ATSI REFERS TO ABORIGINAL AND TORRES STRAIT ISLANDER