

NQF Review

Response to the Consultation Regulation
Impact Statement

April 2021



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About Network

Network of Community Activities (Network) is the peak representative body for Out of School Hours Care providers in NSW.

Network is a recognised leader in the field of school age care and is the largest membership organisation in Australia dedicated to the advocacy, promotion, resourcing and development of play, recreation and leisure activities for 5-14 year olds.

Established in 1974, Network is one of the oldest not-for-profit peak bodies in the Australian Children's Services sector. Network strives to resource and facilitate OSHC Services in NSW to enrich, inspire and support children to engage in creative arts, play and learning.

Network is the proud representative of New South Wales on the National Outside School Hours Services Alliance (NOSHSA), which represents the collective interests of OSHC Services across all States and Territories.

Acknowledgement of Country

Network acknowledges the traditional custodians of the land on which we work, and on which the OSHC services we represent reside. We pay our respects and thanks to indigenous elders past, present and emerging.

This document responds to the 2019 NQF Review Consultation Regulation Impact Statement. This document was published by Network of Community Activities, dated April 2021.

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Introduction

Introduction

an overview

Thank you to the Sector in NSW

Network would like to extend our sincere gratitude to our members for their feedback on the National Quality Framework and Consultation Regulation Impact Statement, without which this report would not be possible. We thank you for the considerable time and effort you have invested into providing us with your thoughts and experiences in a variety of formats, and for your ongoing support and trust in Network.

The Education and Care Sector is incredibly diverse, encompassing different provider models, care environments and ages. Network of Community Activities (Network) will respond on behalf of its members; Out of School Hours Care Providers in New South Wales. As such, only the sections of the Consultation Regulation Impact Statement relevant to OSHC will be considered in this document.

Importance of the Review

Network welcomes the NQF review and the unprecedented attention given to OSHC as being a distinct and integral part of the sector rather than an afterthought. It is often undervalued and not given the level of attention it deserves.

The timing of the review is particularly welcome, as COVID has highlighted the differences between OSHC and the rest of the early childhood sector, at a time of changing patterns of work for Australian parents.

Throughout this document Network will respond to the prompts provided with suggestions for improvements. We wish to clarify from the outset what while we have concerns that the NQF is not yet a perfect fit for the OSHC sector, it is a framework that we believe is workable and we appreciate the countless hours of work that has gone into developing it. There is no doubt that as a whole it has been good for the sector. Network has no desire for OSHC to operate outside of the NQF, but merely believes that there are streamlining opportunities that could alleviate costly administrative burden with no decrease in the quality of care provided.

3 Safety, Health and Wellbeing

In this section:

**3.1 Safety of Children During Transitions
Between Services (Including School)**

**3.3 Improving Children’s Safety During Regular
Transportation**

**3.4 Improving Children’s Safety During
Emergency Evacuations from Multistorey
Buildings**

3.1 Safety of Children During Transitions Between Services (Including Schools)




CRIS Options for Change



Network Approved: Network's preferred option



Red Flag: an option that is of real concern

OPTION	DESCRIPTION	
A	No change.	
B	Legislative change to specify staff supervision requirements during periods of transition between education and care services.	
C	Recommendation to state and territory school authorities and non-government school sector organisations to develop policies and procedures to safely transfer children between schools and education and care services.	
D	Require that where relevant, an education and care service has a policy and procedures for the transition period between education and care services (for example between school and OSHC, or OSHC and preschool), including a risk assessment process.	
E	Develop further guidance to support policies and procedures relating to the delivery of children to, and the collection from, education and care service premises, with an emphasis on transition periods between services, as well as further guidance for parents and families around notifying when a child is unable to attend an education and care service.	

3.1 Safety of Children During Transitions Between Services (Including Schools)

Response

Is the problem described accurately?

The CRIS contends that “[t]here is a distinct gap in regards to duty of care during transition periods between schools and OSHC services. ...there is ambiguity around whether children’s safety during these transition periods is the responsibility of schools or the OSHC service.”¹ This does not accurately describe the problem. Under the National Regulations OSHC services are required to report and investigate non-attendance.² Our understanding of teachers’ duties, as explained in the CRIS, are that they have a duty of care over children on school grounds before and after school. The transition period is not therefore characterised as one with a distinct gap in duties of care but instead a distinct overlap of duties of care.

Do services hold a duty of care for children during transition periods between school and education and care services?

Network’s position on the duty of care during transition periods between school and OSHC is that OSHC services have an appropriate statutory duty to investigate and report non-attendance. The clearest way to discharge this duty is for children to be delivered to and from the care of their teachers in a way that suits the unique characteristics of each school/OSHC relationship. If they are not, it is the duty of OSHC services to investigate why and report accordingly.

Preferred options to mitigate risk of children missing during transitions.

Network firmly resists any efforts to expand the duty of care held by OSHC services during transition of care such as that suggested in Option B. In addition to believing that OSHC services are already overburdened by regulations and that the transition period is already a period where schools retain a stronger duty of care, we do not believe the costs of Option B outweigh the benefits. The minimum costing of this option in the CRIS, for a level 3 Award worker to work an additional 30 minutes per transition, is high enough, but in fact this understates the true cost.

For services with a single-educator model which is prevalent in smaller schools and in rural and regional areas, or even where there is more than one distinct release point inside a school, requiring this additional 30 minute cover would in fact under the Award require an additional minimum 2 hour shift per transition, potentially doubling these services’ single largest cost - wages. Such an imposition would see costs to parents increase dramatically.

Although of course the worst-case scenario of failures of duty during transition is horrific, the serious incident rate is already low and we do not believe that Option B would lower this any further than Option C which is significantly more affordable.

Network also believes that Option D is not appropriate. There is already a power imbalance between school principals and OSHC providers, whereby school principals exert influence formally and informally over licence agreements that provide OSHC providers with their continued existence. Particularly in smaller and regional and rural services, Network has seen the effect of “duty creep” whereby OSHC providers do more and more in order to remain in the good graces of school principals. Requiring services to have a policy and procedure for transition (on top of the dozens of policies and procedures already mandated), as well as a risk assessment opens the door to schools pushing the duty of care onto OSHC.

¹ 2019 National Quality Framework Review Consultation Regulation Impact Statement, page 29.
² Education and Care Services National Regulations, r12(e)(i).

3.1 Safety of Children During Transitions Between Services (Including Schools)

Response

Note

There needs to be communication with parents about duty of care. It is common in the OSHC context for parents to be comfortable with a level of risk for their child that only the parent is able to assess. For example, a parent may be comfortable with their 11 year old child catching public transport from their school to a local OSHC, knowing that the OSHC does not assume duty of care for that child until the child arrives and is signed in. Another common scenario is that parents are comfortable with their child being signed out by an Educator at the service at a specified time, and walking to a local co-curricular activity such as a sport or club.

Support should be available for OSHCs to capture this flexibility in policy and procedure, in permission forms or enrolment forms.

Resourcing OSHCs in ensuring documents of this kind are 'watertight' would come at a small cost to government, but would:

- Reassure, accommodate and satisfy parents;
- Bring significant administrative cost saving benefits to individual services;
- Limit potential exposure to unintended consequences for individual services as a result of human error or lack of expertise.

3.3 Safety During Transportation

CRIS Options for Change



Network Approved: Network's preferred option



Red Flag: an option that is of stand-out concern

OPTION	DESCRIPTION	
A	No change.	
B	<p>Legislative change to require specific transport ratio requirements for when children are being transported by, or are on transportation arranged by, an education and care service.</p> <p>To clarify that the driver is counted in the ratio during transportation.</p> <p>For example, transport specific ratio requirements could require:</p> <p>a. In the case of vehicles carrying no more than 7 children at any one time, only the driver of the vehicle is required to be on the vehicle; and</p> <p>b. In the case of vehicles carrying more than 7 children at any one time, there must be the driver and at least one other additional staff member on the vehicle.</p>	
C	Legislative change to specify in the case of vehicles transporting only school age children that ratio requirements would not apply in the vehicle.	
D	Legislative change to require the presence of a staff member of the service (other than the driver) when children are embarking and disembarking from the vehicle at the service.	

Continued...

3.3 Safety During Transportation



CRIS Options for Change



Network Approved: Network's preferred option



Red Flag: an option that is of real concern

OPTION	DESCRIPTION	
D	Legislative change to require the presence of a staff member of the service (other than the driver) when children are embarking and disembarking from the vehicle at the service.	
E	Legislative change to require that where the driver is not a staff member of the education and care service that prior to transportation of the children the approved provider must ensure that the driver holds a current working with children check (unless an exclusion applies), a current approved first aid qualification and has undertaken anaphylaxis and emergency asthma management training.	
F	Further guidance around adequate supervision/risk assessment as it relates to transportation.	

3.3 Improving Children's Safety During Regular Transportation Response

Extent of problems related to child safety during transportation.

Network maintains that the risk to children of primary-school age during regular transportation (most notably between an OSHC service and school) is lower than the risk to children of pre-school age.

The reality of middle childhood is that in comparison to early childhood, children are more autonomous, willing to be vocal about their own and others' needs and effective communicators.

Their needs while appropriately secured in the vehicle are likely minimal and non-urgent, and their ability to alert a driver or educator to anomalies during embarking and disembarking a vehicle should not be discounted.

Any move to disinclude drivers from ratio would have a disproportionate financial impact on smaller services, in particular rural and regional services who utilise transport options with only a driver/educator present are more frequent than metro services. Stakeholder feedback indicates that these costs would be crippling to small services, as they are unable to benefit from the same economies of scale that would make it a more affordable option for larger services.

Preferred options to mitigate risk to children during transportation.

Option C, specifying that ratio requirements do not apply to school-age children, is appropriate in this instance. Option E, with the modification that the suggested working with children check and emergency first aid training requirements would only apply if the driver was not accompanied by an appropriately qualified educator, would also be appropriate.

Network agrees that OSHC services would benefit from further guidance around assessing risk in relation to regular transport, and welcomes Option F.

3.4 Evacuations in Multistorey Buildings

CRIS Options for Change



Network Approved: Network's preferred option



Red Flag: an option that is of real concern

OPTION	DESCRIPTION	
A	No change.	
B	<p>Amend the legislation about emergency and evacuation procedures to require that for centre-based services located in multi-storey buildings:</p> <ul style="list-style-type: none"> • appropriate experts (such as fire safety experts, fire safety engineers, or emergency management professionals) are required to be: <ul style="list-style-type: none"> – engaged in the development of emergency and evacuation procedures and/or plans; and – to observe and report on one full emergency evacuation rehearsal at least annually and provide a report (which is made available upon request to the regulatory authority); and • that the emergency and evacuation procedures must set out additional information in regard to instructions for what must be done in an emergency, staged evacuations, identification of the person-in-charge and staff roles and responsibilities, and • a review and/or risk assessment, following certain prescribed events or a prescribed time period. 	
C	Strengthen service approval processes to require that for centre-based service located in multi-storey buildings the regulatory authority, in assessing the suitability of the education and care service premises, is to consider the need for direct egress to safe evacuation areas for very young children and non-ambulatory children.	

Continued...

3.4 Evacuations in Multistorey Buildings

CRIS Options for Change

OPTION	DESCRIPTION	
D	Amend service approval processes to require approved providers wishing to operate a centre-based service from premises in a multi-storey building in Victoria or ACT to apply to the regulatory authority for pre-approval of development and building plans for the proposed premises prior to development and construction. (Victoria and ACT only).	
E	Enhance national guidance and communication strategies to improve understanding of service approval considerations for centre-based multi-storey buildings and reinforce existing emergency and evacuation requirements for the early childhood education and care sector.	

3.4 Evacuations in Multistorey Buildings Response

Extent of problems related to OSHC evacuations in multistorey buildings

Network acknowledges that while there are few OSHC services in NSW that reside in multistorey buildings, there is a likelihood that this number will increase in the future - particularly in the Greater Sydney Region. There is no doubt that evacuation procedures aimed at primary-school age children will differ significantly from those designed for the rest of the early childhood sector. It is essential that when considering regulation in this area that age is a salient consideration when assessing risk.

Preferred options to mitigate risk

Network suggests that Options C and E may be deployed in tandem to adequately mitigate risk regarding evacuation of primary school age children from multistorey buildings.

4 Royal Commission into Institutional Responses to Child Sexual Abuse

In this section:

4.1 Embedding the National Child Safe Principles

4.2 Updating Record Keeping Requirements

4.1 Embedding the National Child Safe Principles

CRIS Options for Change



Network Approved: Network's preferred option



Red Flag: an option that is of stand-out concern

OPTION	DESCRIPTION	
A	No change.	
B	Amend the 'assessment guide' in the Guide to the NQF to align with the assessment of all the National Principles.	
C	Amend the National Regulations so that the requirement for services to have in place policies and procedures for providing a child safe environment specifically refers to implementing the National Principles. Amend the National Regulations and associated guidance so that approved providers will be required to: <ul style="list-style-type: none"> • Ensure that policies and procedures for their service/s address the National Principles for both staff members and volunteers • Ensure all volunteers and staff at their service/s are advised of the existence and application of the National Principles. 	
D	Amend the National Regulations and associated guidance to address identified gaps between the Child Safe Principles and the NQF to: <ul style="list-style-type: none"> • Clarify that volunteers must be aware of the existence and application of any child protection law and any obligations held under it. • Require that all FDC co-ordinators complete child protection training prior to commencing employment and undertake annual refresher training. • Include working with vulnerable people/children check details on volunteer staff records. • Clarify that service providers' child safe environment policies and procedures must also cover the creation of a child safe culture. • Require services to develop and implement a policy and procedure around the safe use of online environments. • Require service complaint handling policies to include policies and procedures for managing complaints about children exhibiting harmful sexual behaviours. 	

4.1 Embedding the National Child Safe Principles Response

Costs and benefits of implementing the principles

Network is both reassured that childcare represented such a small subset of cases reported to the Royal Commission and deeply regretful that there were any cases at all.

We fully support appropriate measures to follow updated best practises, and agree with the view in the CRIS that parents expect the absolute highest standards of child protection. We support the National Principles and recognise that while amendment of the National Regulations will carry a minor cost imposition by forcing Services to address identified gaps between the National Principles and the current standards of the NQF, these gaps are narrow and the sector has an absolute commitment to following up-to-date best practises in this area more than any other.

Network would support moves to mandate training in this regard to maintain hyper-vigilance in reference to child safety.

Network would support moves for all employees working in the sector for more than 12 months to mandate accredited child protection training (CHCPRT001 - Identify and Respond to Children and Young People at Risk). We would request funding support to ensure this does not come at a burden to individual services.




4.2 Updating Record Keeping Requirements Response



Network Approved: Network's preferred option



Red Flag: an option that is of stand-out concern

OPTION	DESCRIPTION	
A	No change.	
B	Improved guidance to assist providers on record keeping utilising existing best practice instructions developed by relevant Commonwealth, State and Territory Archive Authorities (for example, the National Archives of Australia General Records Authority 41) as per Recommendation 8.3, along with the five high-level record keeping principles recommended by the Royal Commission in Recommendation 8.4.	
C	Amend the National Regulations to increase record keeping requirements to 45 years (in relation to relevant records regarding actual or alleged instances of child sexual abuse) in line with the Royal Commission recommended minimum.	
D	Require not-for-profit, community and for-profit providers to store records in accordance with recommended standards and timeframes of the Royal Commission.	

4.2 Updating Record Keeping Requirements Response

Preferred options and administrative implications

Network supports the expansion of record keeping requirements in line with the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Network is adamant that the protection of victims of sexual abuse is an issue that all of society should be responsible for. We thoroughly support the recommendations in B, C and D as listed, with the caveat that the capacity for OSHC services to retain data for 45 years is entirely untested and likely to be found wanting. We would support OSHC services contributing, on a mandatory basis with appropriate guidance, to a centralised all-of-Government central repository for details and documents of the type envisaged by the Royal Commission. A centralised repository would have the resources to be properly maintained over the multi-generational time period envisaged.

6 Centre-Based Care - Outside School Hours Care

In this section:

6.1 Assessment and Rating of OSHC
Services

6.1 Assessment and Rating of OSHC Services



CRIS Options for Change



Network Approved: Network's preferred option



Red Flag: an option that is of stand-out concern

OPTION	DESCRIPTION	
A	No change.	
B	Modify assessment and rating methodology for services whose main purpose is providing education and care to children over preschool age.	
C	Development of additional guidance to support the OSHC sector and regulatory authorities with assessment and rating.	

6.1 Assessment and Rating of OSHC Services

Response

Efficacy of current assessment and rating processes

Network wholeheartedly endorses the CRIS' recognition of the challenges specific to OSHC as distinct from pre-school age care. It recognises the material distinctions between school-age and pre-school-age care. This recognition should be extended to the NQF for exactly the same reasons.

We believe in the importance of both streamlining assessment and rating against the NQS for OSHC services and making the process more targeted to the specific service type. In particular we note that sector-reported evidence suggests:

- that the planning and documentation requirements imposed on OSHC are severely disproportionate to the hours of attendance for children;
- despite progress made in the NSW regulatory authority, assessment and rating processes still do not reflect the importance of play and leisure that children and parents actually want from OSHC.

OSHC makes up almost one third of all ECE attendances in both NSW and Australia. The size of OSHC nationally and in NSW is comparatively large and yet it is subject to standards and a framework that was clearly not designed for it. There is a wealth of evidence regarding the different learning and development needs of children in the birth-to-preschool and school age groups, but this is not reflected in the NQF.

The CRIS reports that "OSHC service providers often perceive the regulatory burden of the NQF to be higher than other service types." This perception is a fair one that should not be dismissed as being solvable by communication or education strategies.

The truth of the perception is born out by the basic facts underpinning the sector. Programming and reporting requirements are equally burdensome in terms of real time cost for OSHC and pre-school-age care - with only 5.5 hours of fees per day to recoup compliance cost in school-age care compared to 11 in pre-school-age care. The burden of compliance is therefore by necessity felt more heavily in our Sector.

A regulatory burden that evidence shows to be effective and good for children is one that the OSHC Sector would gladly bear. However the perception - of both those working in the Sector and those parents of children in attendance - is that a focus on educational programming forced upon it by the NQF has seen OSHC sacrifice the value of play. Anecdotal evidence is that parents don't want report cards on what their children do at OSHC. They find the reports they do receive largely irrelevant at best, and an irritating and insincere exercise in box-ticking at worst. They value open communication channels and the relationships between staff and children, which in their comparative informality to those between teachers and children can uncover issues with children that otherwise remain hidden.

A child may attend Before School Care from 6:30am and not finish After School Care until 6:30pm, with perhaps only a 20 minute recess and 50 minute lunch day breaking up what is otherwise a structured 12 hour day of educationally programmed activities. The NQF devalues the role of unstructured play and restful leisure in a school-age child's rounded day, a role that is sorely overlooked by attempting to fit the sector into a framework more appropriate to younger children not attending school and with very different development needs.

We acknowledge there has been change in this space over the past few years, with changing expectations of Assessment and Rating Officers regarding programming. However, this is not adequately reflected in the Regulations nor Standards. In Network's experience there are wild fluctuations in Assessors' willingness or ability to step outside of the early childhood mindset when assessing OSHC services, to the detriment of OSHC and perhaps responsible for the slightly lower ratings achieved in OSHC as a sector compared to early childhood.

7 Workforce

In this section:

7 Workforce

The NSW perspective

7 Workforce

The NSW Perspective

Network is disappointed that despite OSHC being considered separately in other sections of the CRIS, its workforce - one of the most significant areas where it differs from that of early childhood - is not mentioned. There are no specific prompts for response but it would be remiss of Network as the peak body for OSHC in NSW not to address the current workforce issues in the OSHC sector.

The NSW Context

NSW remains the only jurisdiction without mandatory qualifications. The standard regarding qualifications is Nationally inconsistent. The NSW context remains unique, and requires a tailored approach on this issue.

Research and Evidence

Network does not accept that the link between minimum qualifications for OSHC employees and improved educational and developmental outcomes has been established, although the CRIS seems to presuppose this. The Campbell Systematic Review quoted in Chapter 7 as evidence is not relevant to the OSHC sector, as it refers solely to preschool age children.

Without evidence that there is a causal connection between qualifications and quality outcomes for children and families, Network calls on governments to Commission academic research and economic analysis into the OSHC workforce.

Qualifications and Cost Burden

It should be recognised that the pattern of work available and the low wages on offer make it a financially unattractive career with limited prospects for advancement. **An employee with 2 years of experience and responsible for the care of a group of children, working every shift available in a school year, is likely to earn only \$31,000 under the Children's Services Award including all leave entitlements. If they were to gain a relevant Diploma or Cert IV this rises to only \$34,000.** More senior employees will gain access to higher Award minimums, educational programming hours and perhaps administrative hours, but the proportion of employees in the Sector working full-time remains very low. Network does not believe that imposing mandatory minimum qualifications at such a high level for such a low level of pay is reflected anywhere else in the Australian workplace.

These facts are very relevant to the supply of willing and capable employees in the sector.

Network agrees that the perception of OSHC in the community does not match the quality of care provided nor the support OSHC gives children and families. There is a tacit connection between the attitude that OSHC is "women's work", and the perception that OSHC is low-skill or low value. It is suggested that introduction of mandatory qualifications for OSHC in NSW will help to remedy this. We maintain that the burden of improving perception should not rest solely on the shoulders of the people working within the Sector. This is a societal issue requiring government attention. The suggestion that individual low-paid employees should have to shoulder the financial and time cost of addressing the perception problem by imposing mandatory qualifications is an affront to the OSHC sector and women more generally.

Should qualifications be evidenced as adding to quality in the OSHC context, there should also be recognition of:

- the value that diverse non-childcare skills bring to the sector and to children, with a flexible model of attainment to allow experience or alternative qualifications to give equivalence; and
- the financial impact on the sector (and hence to parents), as well as to employees of imposing mandatory qualifications.

Network calls on government to:

- Commission academic research and economic analysis into the OSHC workforce in close consultation with the relevant National and State peak bodies for OSHC; and
- Develop a NSW OSHC-specific workforce strategy in close collaboration with peak bodies for OSHC; and
- Fully or substantially fund employees working in the OSHC sector for a period of 12 months or more to attain a qualification in School Age Education and Care. This would provide recognition of the skills and capability of individual employees, add to the ability of the Sector to attract and retain talent and improve the perception of the sector without burdening an underpaid female-dominated workforce.

8 Understanding of Quality Ratings by Families

In this section:

8.1 Quality Ratings System

8.1 The Quality Rating System



CRIS Options for Change



Network Approved: Network's preferred option



Red Flag: an option that is of stand-out concern

OPTION	DESCRIPTION	
A	No change.	
B	Modify the quality rating terminology	
C	Introduce a visual representation for communicating and promoting the quality ratings.	
D	Provide further guidance and advice to the community about the purpose of quality ratings, and the differentiation between a quality rating and minimum standards required under the National Law.	

8.1 The Quality Ratings System Response

Modification of Terminology

Network acknowledges parents' general lack of engagement with and understanding of the Quality Rating System in the OSHC context.

Regardless of labels and terminology, whenever you prescribe a rating system there will always be an assumed benchmark. No amount of education and explanation as suggested in Option D will change that. While services assessed as "working towards" will understandably feel aggrieved that this is equated with falling short of a national minimum standard of care, when this is not the case, if there were to be assessed as a C on a A-E standard or a 3 on a 1-5 standard this would be just as keenly felt.

When it comes to OSHC, parents do not have the luxury of 'shopping around'. They are bound by availability of the OSHC at the school their child attends or failing that the availability of (usually second choice) options in the local area. The quality rating attached to these services, if relevant at all, will form part of the decision making process for a family's decision about whether or not to utilise outside of school care at all rather than to choose between providers.

While Network recommends a change to terminology and communication regarding that terminology to parents, we acknowledge the difficulties associated with this process. Consultation with the OSHC sector is vital in ensuring that the terminology used encapsulates the true sentiment of the NQF as understood by those who implement it, and who will bear the majority of the explanatory burden to families.

9 Changes in Fees Within the NQF System

In this section:

9.1 Changes in fees for regulatory
authorities

9.2 Changes in application fees for
ACECQA functions

9.1 Changes in fees for regulatory authorities

9.2 Changes in application fees for ACECQA functions Response

Changes to Prescribed Fees

Network resists any increase in Regulatory Authority and/or ACECQA fees. We do not believe that a user-pays model is appropriate for matters of child education and safety, and believe that both Regulatory Authority and ACECQA functions should be funded from government revenue.

10 Oversight and Governance of Services and Providers

In this section:

10.1 Assessing Suitability Requirements of Individuals to Work Directly or Indirectly with Children

10.1 Assessing Suitability Requirements of Individuals to Work Directly or Indirectly with Children


CRIS Options for Change



Network Approved: Network's preferred option



Red Flag: an option that is of stand-out concern

OPTION	DESCRIPTION	
A	No change.	
B	Align the matters that must be taken into account in a fitness and propriety assessment under the National Law to be the same as the FAL, including indefining who is a PMC.	
C	Specify in the National Law that the regulatory authority can administer questions to an applicant in any format, in addition to the already existing powers to ask the person to provide further information and undertake inquiries in relation to the person.	
D	Make provision in the National Law to require applicants to undertake an assessment of their knowledge of the NQF prior to making an application, if requested by the regulatory authority.	
E	Include an explicit obligation for FDC educators to notify the approved provider of circumstances arising that pose a risk to the health, safety or wellbeing of children of the service and that APs use this information in a risk	

10.1 Assessing suitability requirements of individuals to work directly or indirectly with children

Response

Persons with Management or Control

Network prefers the simple resolution of the different suitability definitions in the Family Assistance Law (FAL) and Early Education and Care Services National Law by aligning the two definitions to the more expansive one contained in the FAL. We consider this change to be of the utmost importance to the integrity of the sector and to the safety of children. Network recognises that some sub-criminal conduct still meets the threshold of classifying a person unfit to work in the OSHC sector, and hence suggests Option B as the preferred choice.

11 Technical Amendments

In this section:

11.2 Implementing Physical Activity Guidelines

11.5 Excellent Rating

11.2 Implementing Physical Activity Guidelines

11.5 Excellent Rating Response

11.2 Implementing Physical Activity Guidelines

Network disagrees with the classification of this measure as a mere technical measure. We believe it deserves closer consideration as it imposes a more significant administration burden in creating the policy and an even more significant burden in adhering to a policy that would meet the very briefly described aims of this measure. We cannot comment further without more detailed proposals.

11.5 Excellent Rating

Network believes that the low numbers of awarded Excellent ratings speaks to the lack of importance this has to the OSHC Sector. An Excellent rating is as much a measure of the financial capacity of individual Services to apply for and then appropriately fund preparation for rather than a true reflection of quality. The naming confusion between Excellent and Exceeding is an obvious impediment to this becoming a more popular option given the lack of understanding in the wider community, as is the difference in awarding body compared to the normal assessment and rating process. Network believes the Excellent Rating adds no value to the Sector, is only a “gold plating” distraction and should be depreciated once existing Excellent ratings awarded expire.

As an alternative, if Excellent ratings are to be maintained regulatory authorities in each jurisdiction should have the power to award this rating as part of their assessment and rating functions without cost to the Provider.



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