



Community Child Care Co-op NSW

Broadside BRIEFING

PAPER#4 MAR 11

DRAFT REGULATIONS RELEASED FOR CONSULTATION

The Department of Education, Employment and Workplace Relations (DEEWR) has now released the draft National Regulations to the Education and Care Services National Law.

Community Child Care urges services to examine the Regulations and determine how these will work for your service. Remember that these national Regulations will replace the NSW *Children's Services Regulation 2004*. All NSW children's services that are covered by the National Quality Framework will need to operate under these Regulations. **This is our opportunity to influence the development of the Regulations.**

Why do we have new Regulations?

One of the agreements that the Council of Australian Governments made in the development of the National Quality Framework was that there would be an integrated national system for administering the National Quality Standard and Ratings Framework. To this end, the Education and Care Services National Law was enacted. These new Regulations are the Regulations to this Law. The final version of these will replace all state's and territories' existing children's services regulations from 1 January 2012.

How do you get to have your say?

DEEWR has:

- released an Information Paper on the Education and Care Services National Law and the proposed National Regulations (in December last year);
- released an addendum to this information paper.
- released a draft of the National Regulations;
- organised briefing sessions; (NSW ones are from 14–18 March.)
- called for written submissions from the sector by **Thursday 14 April 2011.**

'The National Regulations will have a large impact on the day-to-day operations of children's services across Australia. The consultations now occurring about these Regulations are the mechanism for the sector to influence the the minimum standards under which we will operate in the years ahead.'

**—Leanne Gibbs, Chief Executive Officer
Community Child Care Co-operative NSW**

To find out more about the ways you can comment, go to: www.deewr.gov.au/Earlychildhood/Policy_Agenda/Pages/DraftNQFRegDocs.aspx

What is the purpose of this Broadside Briefing?

Community Child Care understands that services often need just a quick snapshot of what is happening.

We have attempted to do this here. **Please note:** This Briefing has been especially framed around the needs of early education and care centre-based services.

This *Broadside Briefing* is also our way of asking our members what they want. Do you agree with the draft positions Community Child Care has outlined? Now is the time to tell us!

When do we have to do this by?

The briefing sessions in NSW are being held next week. Written submissions are due by 14 April 2011.

Community Child Care will need member feedback by the **end of the first week in April.**

WELCOME

This *Broadside Briefing* summarises the main issues around the proposed National Regulations to the Education and Care Services National Law and shows Community Child Care's draft analysis on the possible effects of these issues on children's services in NSW. We need you, our members, to tell us: What do you think the impact of the proposed Regulations will be on the sector? Please email responses to: shortside@cccnsw.org.au

Remember, this is our opportunity to influence the final shape of the law we will operate under. We must use this opportunity.

WHY ARE THE REGULATIONS SO IMPORTANT?

The Regulations set the minimum standard for the operation of children's services in NSW.

Read the Draft Regulations, the Regulations Information Paper and our full summary!

The documents are long but they are what the consultations will be based on and contain the full proposals of the changes summarised here. Please remember that the Regulations are law and are written as such. Concentrate on the impacts on your services of the changes as outlined in this document.

To read the documents go to the big yellow NQF square on the front page of the Community Child Care Website at: www.cccnsw.org.au

Submissions on the Regulations need to be made to DEEWR by **Thursday, 14 April 2011**. Submissions need to go to: ECECQuality@deewr.gov.au

Community Child Care will be making a submission on behalf of our members. Could all members please forward any submissions or comments you have to: shortside@cccnsw.org.au

COMMENT

What the Regulations must maintain

The National Quality Framework process was initiated with an absolute commitment by all Governments in Australia to improving those components of early education and care that are vital for quality service provision: Qualifications of educators, ratios and access to a preschool education.

The draft National Regulations are the result of negotiations between the states and territories and the Commonwealth. As national regulations, they must cover the delivery of children's services in all states and territories.

At this stage of the process, we need to ask do they deliver improved quality for children in NSW services?

Qualifications

Because NSW has retained our teaching qualification requirements which require between 1 and 4 teachers to be in attendance at all times a service is open, we have not lost anything in the qualifications area. It is disappointing that children attending services with under 25 children will not have the benefit of a

teacher. It is also disappointing that services between 25 and 30 places will be able to have a teacher on site for much shorter periods of time than larger services.

Ratios

Until Schedule 8 of the Regulation is published it is not possible to judge how children in NSW have fared in terms of staff-child ratios. Watch this space.

Access to a preschool education

Children in NSW attending long day care services have historically had access to a preschool education in long day care centres as well as preschools because of our requirements for employment of early childhood teachers. The requirement in the draft Regulations only requires a service to either provide a preschool program or facilitate access by providing families with information about preschool program providers. If any service in NSW were to stop providing a preschool program this would be a real loss for children in NSW.

What does CCCNSW think of the draft Regulations?

Community Child Care has undertaken an initial analysis of the newly released draft Regulations – the Education and Care Services National Regulations. This initial assessment leads us to believe that essentially the Regulations will not pose major problems for NSW early education and care centre-based services.

What is good about the new Regulations?

The draft Regulations have a logical structure

In some ways the draft Regulations will make compliance easier for NSW services, because there is more logic to their structure than the *NSW Children's Services Regulation 2004*. Services should find it easier to locate the relevant section for any situation they are facing at their centre.

The Regulations are more flexible

The Regulations are not as restrictive in regards to the requirements they place on children's services, whilst still providing children attending services with full protection. Examples of more flexible requirements are particularly noticeable in the facilities areas.

For example, whereas the *NSW Children's Services Regulation 2004* specifies that centre-based services must have one toilet and basin for 15 children, the draft Education and Care Services National Regulations specifies that there must be 'adequate, developmentally appropriate and age appropriate toilet, hand washing, bathing and drying facilities.' Whereas the existing Regulation specifies group sizes, the draft Regulations specify that a service 'must have regard to the size and the composition of the groups in which children are being educated and cared for by the service'.

What does this mean for services? It means essentially that if a service can show that their facilities and their practices are enabling quality care under the requirements of the National Quality Standard, there is less rigidity about how they must do this.

Are there any drawbacks in this? Yes. In having less absolute requirements, services could face assessors having differing interpretations over words such as adequate and what they mean in practice. Generally, this latitude in absolute requirements may work well for higher quality services and yet simultaneously give lower quality services freedom to manipulate requirements, especially in the facilities area.

Comparison between the old and the new regulations

Want a quick reference to what has changed? Community Child Care has prepared a comparison between the existing Regulation and the new draft Regulations. Go to: www.cccnsw.org.au/pdfs/regulation-comparison.pdf

What else have services noticed about the Regulations which will affect your service? Please let Community Child Care know!





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TELL US WHAT **YOU** THINK
ABOUT THE REGULATIONS!
Email Community Child Care
on: info@cccncsw.org.au
or call (02) 8922 6444

What elements does CCCNSW think need to be examined more closely?

Community Child Care is interested in hearing services' reactions to a number of elements of the draft regulations. Our initial reading suggests that the following may need to be examined:

- 1 The names of the ratings levels. The draft regulation uses Unsatisfactory, Foundation, National Quality Standard, High Quality and Excellent. Are services happy with these?
- 2 What do people think of the appeals processes for a service's rating against the National Quality Standard?
- 3 Do services think that the requirements to be a Certified Supervisor are high enough? (Sufficient skills, 3 years' experience, Diploma or teaching qualification).
- 4 Should the requirements for a Certified Supervisor be increased to 3 years' experience and a qualification?
- 5 Should there be qualification requirements for cooks?
- 6 Is it a problem that there seems to be no limit on the number of out of school age children a service offering care for preschoolers can now take? (Previously this was limited to 10% or 20% if they were from Kindergarten or Year 1)
- 7 Group sizes. There is no definitive requirement in the Regulations. Is this OK?
- 8 Are the requirements that parents must be given on request (a) information about the content and operation of the education program so far as it relates to that child; (b) information about the child's participation in the program; and (c) a copy of the assessment record for that child, too onerous for services?
- 8 The regulations appear to be silent on requirements for children with additional needs and for parental involvement. Is the inclusion of these in the National Quality Standard enough?
- 10 Schedule 8 of the Regulations will need to be examined in detail, especially in regard to mixed-age groups.
- 11 Are services comfortable with the concept of infringement notices for breaches of the Regulation? Do the penalties have parity with the gravity of the breach?
- 12 The word 'parent' is used throughout as opposed to 'families' or 'parents and guardians'. Is this problematic?
- 13 Are services comfortable with the requirement for preschool program provision being able to be filled by providing parents with information about nearby preschool services?
- 14 Is the requirement for a separate play space for under 2s an issue?
- 15 It appears that the Regulation has no requirement that there must always be at least 2 educators on site at centre-based early childhood services. Do we believe there should be?
- 16 There are no set ratios for excursions – should there be?
- 17 The role of the Educational Leader is not defined in the Regulation – should it be?