

## PROOF

annual variations have occurred. Our role here is, for the most part, to track and report on the data that comes from schools. I can say, though, that in the context of the last two years, overall, the maintenance of outcomes in years 11 and 12 in schools around ATARs has actually been outstanding, the way the schools have responded in engaging students and keeping them on.

It is interesting that, when you look at the whole picture of the ATAR distribution, there are slight variations from a gender perspective at different levels, but overall, in fact, there is a reversal of that difference in terms of girls and boys. There are a range of factors, I presume, that go into that. At this stage, it has not been our role to analyse that in depth, but it is something that we and the directorate are vigilant about in looking at that. For instance, in the other percentage bands there is a higher degree of females who are working across that.

The other thing that I would say is that, overall, for the entire cohort of students in the context of ATAR nationally, the outcomes are outstanding, and we know that—

**MR HANSON:** There has been a decline; right? There has been a decline between the previous reporting period and this reporting period. Is there anything beyond COVID to explain that, or do you put it down to COVID?

**Mr Watson:** I would reserve judgement on whether it is COVID or not. I do not think it would be prudent for me to lay everything in the way of COVID.

**MR HANSON:** Who is looking at what the causal factors are, then? If it is not all down to COVID and there has been a decline, is there someone in the directorate that is saying, “Let’s look at what the other causes may be”? Is anyone doing that?

**Mr Watson:** That is not within my auspice or the auspice of the board.

**MR HANSON:** Whose auspice is it, then?

**Mr Watson:** The education sectors within the whole jurisdiction have responsibility for the educational programs within their own schools. Our role is to support them in that in any way that we can, obviously through the curriculum and assessments.

**MR HANSON:** Yes. I will go back to the minister or someone else, then. If it is not you, Mr Watson, who is it that is looking at that data to say, “Okay; there has been a slip. It is not all down to COVID; there is an issue here”? Is anyone looking at the cause of that issue?

**Ms Haire:** Mr Hanson, I will pass to Mr Gotts to make some comments about the approach that we take to measuring performance in the ACT and the indicators that we look at. I think the results that you are referring to at this point do not constitute a trend. The indicators that we do look at, which generally go to learning gain and equity in particular, are the focuses that we take in our evaluation work. Mr Gotts?

**Mr Gotts:** Thanks, Ms Haire. I will not go to the specifics of one year after another with regard to ATAR, because there are a lot of different factors that can make a difference between one year and the next. As Ms Haire said, it does not represent a

## PROOF

trend, so one needs to step back a little when looking at it. With regard to doing just that, stepping back, we look at what are the different causal factors that can have an influence on educational outcomes. There are many of these. A large number of them sit within the school gate and the classroom. They relate to teachers and how teachers carry out their roles. They relate to leadership in schools. They relate to the climate, if you like, of a school. There are also factors that contribute to educational outcomes that are associated with the students themselves.

It is generally and commonly understood that a student's background can have a significant influence on their educational outcome. So we look at that and take that into account. That also includes questions like student wellbeing. The extent to which a student's wellbeing varies over their educational journey or at any one time can have an influence on outcomes as well.

**MR HANSON:** I actually was not after a generic explanation. I was after an explanation about that gap in that particular year. If you do not have one, that is great. The other question I have is: specifically, when you look at NAPLAN, when you look at ATAR, across the board, in pretty much every year level and in almost every subject, boys are not doing as well as girls academically in ACT schools. That could be more broadly as well, I guess, not looking at the data nationally. Has anyone looked at that as an issue, examined what that gender gap is and what is being done about it?

**Mr Gotts:** My area certainly looks at all of the data in relation to, say, NAPLAN, and we disaggregate it by different groups, including by boys and girls. We look to see where those differences are. The causal factors behind them can be a bit more complex, so I have not got a ready-made answer on those. They can include things like the extent to which students treat a test as high stakes. For example, the minister—

**MR HANSON:** Yes, but why is there a gender difference in that? Why would boys see it differently? If you have looked at that data, you would see what I have seen, which is that when it comes to ATAR, when it comes to NAPLAN, boys seem to be falling behind, and certainly in the data on ATAR it is getting worse. Have you noticed that, and have you got any specific responses that are about closing the academic gender gap?

**Mr Gotts:** The closing the gap elements of it belong elsewhere. I look at the gap and try to determine from the data what might be the causal factors that contribute to any gap in any area, whether it is between boys or girls or any other combination.

**MR DAVIS:** Minister, in response to the very first question I asked you in this term of the Assembly, you committed to keeping the Tharwa Preschool open. Could you please talk me through the work that the directorate is doing to ensure that this commitment is sustainable into the long term?

**Ms Berry:** Thank you, Mr Davis. I think Mr Matthews might be able to provide some information there or, Mr Matthews, do you know who else in the directorate can provide that information?

## PROOF

**Mr Matthews:** Minister and Mr Davis, I might pass to my colleagues in the early childhood area. In general, the way that preschool enrolments work is that they are demand driven. What we look for is the enrolments that are being requested from parents and where their preferences are—where they would like to go to preschool. There is no doubt that with Tharwa there is always a question of: “How do we get a sustainable preschool group operating?” That is really very much the driver of how we can support that community and how we can offer that preschool service in Tharwa.

It is not so much a question, for example, about the asset or even whether we are trying to rationalise those programs, as such. It is really a question of: do we have enough children year on year to make viable preschool programs? And we want parents to feel comfortable and to access the programs that they would like to access. Tharwa does have a relationship with Charles Conder School. Of course, we want to support families to have a very clear pathway to a local priority enrolment area school. In short, Mr Davis, I want to assure you that that option of Tharwa Preschool is still on the table. It will be included in the upcoming enrolment period. Essentially, the formation of those groups is determined very much on a demand basis.

**MR DAVIS:** Okay. Could I just ask some clarifying questions on that, then? The Tharwa Preschool is in the priority enrolment area of the Charles Conder Primary School; is that right?

**Mr Matthews:** That is my understanding. My colleagues will correct me if I am wrong. But, yes, that is my clear understanding.

**MR DAVIS:** In terms of workshopping how to ensure that the preschool service at Tharwa remains viable, is there any relationship between the Tharwa Preschool and the Gordon Primary School?

**Mr Matthews:** There is a pretty close relationship with all of the primary schools in your electorate and in that part of the city, Mr Davis. We definitely want to make sure that families feel connected to their local schools and we certainly encourage collaboration between those different primary schools. I am not aware of the number of preschool programs that we have operating in Gordon. We could either take that on notice or perhaps one of my colleagues might be able to answer that. Again, it really comes down to a child-by-child placement situation when we are talking about these relatively small numbers. But we would encourage partnerships between those schools and finding the right outcome for each individual family.

**MR DAVIS:** Has there been any instance over the course of the last year where a student has been denied enrolment to a preschool program at either Charles Conder Primary or Gordon Primary that you are aware of?

**Mr Matthews:** I think we would have to take that on notice. My only other bit to that answer, Mr Davis, is that obviously it is a question of the numbers of those individual programs. They do have a maximum number of children that can participate. If there were any instances where children were unable to be enrolled, that would be the most likely factor.

## PROOF

**MR DAVIS:** I suppose what I am getting at, Mr Matthews, is that, in instances where families are making an effort to enrol preschool age children at either Charles Conder or Gordon Primary School, I would like to know, to the question of the viability of the Tharwa Preschool program long term: are those schools actively introducing the Tharwa Preschool program to those parents as an option?

**Mr Matthews:** We can provide some further information on that, Mr Davis. Essentially, the preschool enrolment process is managed at a directorate level. Obviously the parents indicate their interest in having their children enrolled in preschool and their preferences around where they would like that to occur, and that is where there can be some engagement and dialogue with those families. It is not the role of those schools per se to be recommending Tharwa, although, again, we do appreciate that those schools have a close relationship. I am sure that, when they are meeting with individual families, each of those schools would be trying to find the best outcome for that individual child.

**MR DAVIS:** My last question goes to the viability of that program. Is the directorate doing any work with the broader Tharwa community to reimagine, I suppose, how that asset could be utilised by the community, particularly outside of preschool hours?

**Mr Matthews:** I would have to take any community engagement on notice as well, Mr Davis. There are some particular challenges with that asset, as you are aware, in terms of its location. It is one of the assets where we have some planning in place regarding bushfires and extreme weather, for example. We have plans regarding how we can safely manage students and staff that are working at that site. From our perspective, though, it remains an important facility in that community. If there are ideas from that community about how to optimise its use, then we will be always happy to engage with them. But obviously its primary purpose is to provide preschool programs, where that is required by the local community.

**MR DAVIS:** Great. Thank you.

**MS LAWDER:** Mr Matthews, to summarise, did you say you cannot guarantee the ongoing viability of Tharwa Preschool because it is dependent on enrolments?

**Mr Matthews:** I believe I did not say that, but to clarify—

**MS LAWDER:** What did you say?

**Mr Matthews:** What I did say was that obviously a viable preschool program is dependent on a minimum number of students and this is a year-by-year assessment that occurs around enrolment. For example, if one family wanted to enrol in Tharwa Preschool and that would have difficulties in running an appropriate program for that child, that would be where we would normally be wanting to engage with that family to look at what options are available for them. Year by year, the number of preschool programs that are in operation depends on parental enrolments and parental preferences and that, in any given year, there may be a demand issue with the actual Tharwa program that, as I have said, we would address through individual engagement with families.

## PROOF

**MS LAWDER:** What is an optimal number for running the Tharwa Preschool? At what point might you decide not to keep it open because of the number of enrolments?

**Mr Matthews:** Some of my colleagues may have an answer to that but my experience with that is if we are looking at enrolments of fewer than six, for example, we have to look at making sure that we can consider can we meet the needs of each of those individual children and can we staff that program appropriately. But there is no hard rule on that question. It comes down to providing a quality offering and the needs of the individual children.

**MS LAWDER:** Just work with me. For example, if there was a very low number one year but you knew there were some other younger children coming through, would you try to keep the school open for that really difficult year in order to accommodate an upcoming cohort?

**Mr Matthews:** Just to be very clear, the school is always open. It is always available for preschool programs. To use your example, there could be a situation where a program does not operate one year but can operate the next year, based on cohort demands. That is how that would occur, and that is a good example of how the demand on those places may fluctuate on a year-by-year basis. But I would want to emphasise that the school remains open and the offering remains as part of our overall preschool program.

**MS LAWDER:** I want to ask about the current state of COVID cases in our ACT government schools, both for teachers and among students.

**Ms Berry:** The information that you are asking for around COVID cases in schools is publicly available. I have the latest numbers here. For the week ending Sunday, 20 February 2022, there were 1,001 cases of COVID-19 reported in 120 ACT schools, and that data includes both public and non-government schools from years K to 12.

**MS LAWDER:** Continuing on, we hear from time to time about teacher numbers in schools being below their full complement, even before COVID cases are taken into consideration. Can you update us on how many teachers have contracted COVID so far this school year and the impact that that has had on scheduling, especially where it may have caused split classes, and the impact on children's learning?

**Ms Berry:** I think what we can start with is providing advice on how the Education Directorate and schools are managing school communities where there are shortages of staff. There are different scenarios in place that are responded to, based on those different scenarios. I can ask Ms Haire to provide a bit more advice on that.

**Ms Haire:** Just as an opening kind of contextual comment, at the start of school going back we probably had some fears that due to the Omicron outbreak we may be in a situation where we would have so many teachers away that we may not be able to staff some of our schools. I am really happy to say that that has not been the case at any point so far in term 1 of 2022. And that is, we believe, a result of the really strong public health social measures that we have got in place within our schools, which includes very, very clear advice about nobody coming to school or work if they are exhibiting any symptoms whatsoever.

## PROOF

We have got the cohorting that was mentioned earlier, to ensure that there is not mixing between different groups of children, and we also have physical distancing and cohorting among the staff. In addition, we have got mask-wearing by teachers and also by secondary-age students. We have got the mandatory vaccination of all primary teachers and early childhood teachers. That is just part of the suite of measures that we have put in place to ensure that we kept our staff and students safe so that people could teach and learn in our ACT schools.

But we did also put in place, as the minister said, a range of scenarios should we reach the situation where there were more teachers unavailable because of illness. The first level is where there was only the average rate of absenteeism. However, we believed that there could be some instances where we had a higher rate of absenteeism and, to prepare for that, we established a central casual staffing pool, which we have on occasion drawn on over the last two weeks in particular. I will ask Mr Matthews to speak about that a little more in a moment.

What we have been able to do, due to the planning that we put in place, is support schools where they have had instances of teachers being away due to COVID, or for other reasons, so that we have not had what has happened in a couple of cases interstate where they have had to close a school or a class because they have not had any teachers. Mr Matthews, did you want to speak a little more about the arrangements for the centralised pool that we use in certain circumstances to support schools?

**Mr Matthews:** Yes. As part of an engagement with our school principals, the advice that they gave us was that they needed to be able to have some staffing support on fairly short notice due to any instances where staff members were required to isolate due to either having COVID or being a household contact. We have engaged with our casual relief pool and engaged with them to identify whether they would make themselves available to the schools that needed them. In exchange, what we have done is offered them secure work for a period so that they are available and can be deployed to where they are needed. There are currently 32 staff that are in that pool, and each of those staff works in a particular sector of schooling—primary, high school or college—and can work in a particular part of the ACT.

We are really happy to report that that has been a very useful buffer for our schools. On the occasions where they have had some additional staff absences, we have been able to deploy those staff to those schools and assist them to continue to operate as normally as possible. We have not, as Ms Haire was stating, had any situations where we have had to significantly alter the school operations since the beginning of term 1 due to staff shortages. Of course schools have been affected at different times by having positive cases reported to the school and people having to stay away from the school.

We really want to pay credit to our principals and to our school communities for how they have managed to work their way through some of the ups and downs of managing COVID in term 1. The directorate will continue to engage with our principals and also with our unions to make sure that we can continue to appropriately staff our schools.

## PROOF

**MR HANSON:** On the issue of COVID and masks, I note that the ACT is going to continue on with masks in high school. New South Wales is getting rid of masks in all years and then Victoria is just going to keep them for years 1 to 3, I understand. Who has made the decision to keep masks in schools, particularly in high school where the majority of students are vaccinated and I think it is mandatory for all teachers?

**Ms Berry:** Those decisions are made on advice by the Chief Health Officer. But I can ask Ms Haire to explain some of the reasoning behind that.

**Ms Haire:** Attachment 1, parts 1 and 2 of the current health directions, which are the public health restricted activities emergency directions 2022 No 2, sets out that all early childhood education care settings and schools must operate in accordance with the health guidelines for schools and early childhood education and care. Within those guidelines the parent authority is the direction from the CHO. She has mandated that early childhood and schools must comply with the schools and early childhood guidelines and she has considered that masks should continue as they currently are.

As I said earlier—and I might ask Ms Simmons to provide some examples of this—what the health guidelines for schools and early childhood set up is a suite of measures which, taken together, create a safe environment. Masks are not the only part of it. As you said, Mr Hanson, the mandatory vaccination of primary teachers and the availability of vaccination for children now from the age of five is another part of it, and the cohorting that we have talked about. In particular, our colleagues in Health would emphasise that the most important thing is people not coming to school or work if they have shown any symptoms and also the enhanced ventilation and outdoor learning. It is that suite of measures that provides the safe environment that has so far seen us through.

**MR HANSON:** I am happy not to go to the suite of measures. We have discussed that previously in committee, and I understand them and certainly support them. I suppose what I am trying to get my head across is why our neighbouring states are saying that it is not required but we are saying it is required. I accept that it is the Chief Health Officer who is going to make the health directions but I assume that, as you watch school students and teachers in Queanbeyan take their masks off and we keep ours on, there have been some questions on that. Do you anticipate how long that is going to go on for, or is that indefinite?

**Ms Haire:** I believe, in an interview on Wednesday, the Chief Health Officer said that she was going to look again at the guidelines I referred to for term 2, and I think she also indicated that she meets regularly with the chief health officers from Victoria and New South Wales. But those are really questions for her, not for us. As I have set out, this comes from the health directions.

**MS LAWDER:** The minister said earlier that the information on the number of COVID cases in ACT schools was publicly available. Could you help me out about where I would find that?

**Ms Berry:** Yes, it is on the Education ACT website.

## PROOF

**MR HANSON:** We have heard significant reports of teacher shortages, including the union's document that was put out last year that led to the task force being established. But in questioning in the Assembly the minister said, "I think there is only one vacancy."

**Ms Berry:** There was, that is true, yes.

**MR HANSON:** I am trying to get my head across how, on the one side, people are saying there is this chronic shortage of teachers but, on the other side, you are saying there is only one vacancy. Are there not enough positions for teachers, or what is the issue? I am not talking about the shorter term COVID issues, I am talking about the longer term concerns that have been raised by the union.

**Ms Berry:** I think your question was, "At the start of term 1 how many vacancies were there?" There was one permanent position vacant at the start of term 1, day 1 of this year. I think the Australian Education Union is identifying an issue that is confronting the rest of the country as well as the ACT, around new teachers entering and staying within the sector and what we can do to ensure that we have the appropriate number of relief teachers and appropriate number of teachers beginning as career teachers within our school community.

I think those were the issues that the Australian Education Union was alluding to, and that is why the Education Directorate has set up the task force, alongside the Education Union, to understand better what will the future be for ensuring that we have an appropriate number of teachers to ensure that we have schools staffed all the time, but also ensuring that we have the number of relief staff within our schools on any one day or week as well. I think there is a bit of a nuance around the response to the question that you asked, and I will get Ms Haire to respond to some of that as at today.

**Ms Haire:** The data from Tuesday, 22 February is still that there is one permanent vacancy in the ACT teaching force and there are 35 temporary vacancies. However, as the minister has said, we are working very closely in the task force with the AEU on a range of issues which go to ensuring that we have capacity to cover unplanned vacancies. In the time that the task force has been in place, we have completed 14 separate actions, from looking at the new educator program and how we might improve that to looking at a survey of our new educators. We have been working closely on how we convert current casual staff into ongoing positions and so on.

As the minister said, the task force is probably less focused on the specific issue of the vacancies and is looking at a range of issues around how we ensure that we have a secure, ongoing workforce in the context of a national teacher shortage and looking ahead in particular to ensure that we have the workforce that we need for growing Canberra in the future. It is looking both at some immediate solutions and also at medium- and long-term approaches.

**MR HANSON:** Have you looked at the issue of funding? When I look at the ROGS report, table 4A.14, Australian, state and territory government recurrent expenditure per student, over the decade the ACT is the only jurisdiction that has cut funding. All the other jurisdictions have increased funding. Is that a contributing factor here?



## PROOF

**Ms Berry:** There is quite a bit of detail in that question to respond to. It relates to the student resourcing standard. In the ACT our public schools have always been funded and continue to be funded above the student resourcing standard. Other states and territories are moving up towards the student resourcing standard where it had not previously been the case. There has been a program of ensuring equality of funding on that student resourcing standard across the country. I can ask Mr Matthews again to provide a little more detail about the student resourcing standard in the ACT and how that is being applied.

**Mr Matthews:** The minister has correctly identified that there is a national requirement and, in fact, a set of national agreements which outline how school funding occurs and what the contribution is of the commonwealth and the state governments for both public and private schools.

**MR HANSON:** Can you just confirm then for me, while you go on, that we, the ACT government, in real terms cut funding by 3.3 per cent over the decade and the federal government increased funding to public schools by 43 per cent? Can you just confirm that?

**Mr Matthews:** I do not have the ROGS report in front of me but I just want to, I guess, illustrate my point that the funding mix is changing, as you have described. Under the national agreements the commonwealth is increasing their funding contribution for public schools and the ACT is required to meet that 80-20 split by 80 per cent funding for public schools and 20 per cent funding for the non-government schools

The ACT government, as is evidenced in the budget papers and in our financial reports, continues to increase its actual investment in education year on year. That is reflective of our growing system, and the growing system is also one of the key drivers of the staffing issues.

**MR HANSON:** But in real terms it is a reduction in 3.3 per cent. Why did the ACT sign up to an agreement that would result in a reduction in real-term funding?

**Mr Matthews:** What I can comment is that it is a national agreement that all states and territories have entered into.

**MR HANSON:** Yes, but the ACT was the first jurisdiction to sign up to that and signed up to a deal that sees a reduction from the ACT government in real-term funding. Why did we decide to, in real terms, cut ACT funding to schools?

**Mr Matthews:** As the minister said, the ACT government actually exceeds the SRS requirements for funding of both government and non-government schools. The ACT schools, apart from those in the Northern Territory, which has got very specific circumstances, are the best funded in the country. So there is an acknowledgement about the value in investing in education in the ACT that is reflected in the allocations in the ACT budget. There is a national funding set of arrangements which the territory participates in to make sure that each level of government is making their appropriate contribution.

## PROOF

**MR HANSON:** In your view, Mr Matthews, there is no correlation between the ACT government cutting funding in real terms over the last decade and the chronic teacher shortages that have been identified by the union? There is no correlation between those two?

**THE CHAIR:** If I could interrupt, you have got one more supplementary, Mr Hanson. I would like to get through another line of intended questioning before we close.

**MR HANSON:** I am happy to move on. I am not sure I will get an answer to that.

**THE CHAIR:** Minister, the affiliated schools partnership facilitates ACT teachers to undertake a masters of education degree. I understand that part of this program asks teachers to run a research project. Could you give us some examples of these projects and how they have been implemented in schools?

**Ms Berry:** Thanks for that question. I should just say that the affiliated schools program is pretty much the only kind in the country. Other state and territory systems are quite envious of our relationship with the University of Canberra and the ability to be able to provide opportunities to do those research projects through our affiliated schools work and the work that we can do across our schools to support beginning teachers in starting their careers and supporting them with a chance to start working in the classroom in front of young students, and to really try out the craft and try out the things that they have learned at university in a practical way, in delivering the how, not just the what, for delivery in our schools as far as the profession is concerned. I can ask Ms McMahon to provide some examples of some of the research projects that have been conducted in our school communities.

**Ms McMahon:** The affiliated schools program has a range of different research elements to it, one of which is the research that is conducted by our masters of education students undertaking the capital region masters program. We also have school-based masters programs. A small team in schools will undertake a project called teachers as researchers. They will be matched with a university researcher and they will undertake some professional learning about how to conduct research and then do individualised research projects as a small team in their schools.

There is a range of projects that they have undertaken in the last year or so, those schools in the affiliated schools program, an example of which would be looking at personalised learning and how they document student learning. That was a project undertaken at Ainslie. Bonython Primary looked at personalised learning and growing student capacity to judge their own learning. Dickson College looked at personalised learning and moving from summative school reports to a formative model. It sort of links back to some of the conversations that we were having earlier.

The other element of research that can be undertaken through the affiliated schools is commissioned research that we ask the university lecturers to undertake, and that is much more substantial research. That program aligns to the future of education goals and also the strategic planning for the directorate.

Those research projects can be a small project, a medium- or a longer-term project,

## PROOF

anything from six months to three years. They are undertaken in collaboration with our schools but really are led by academic researchers from the University of Canberra and quite often from other universities across Australia.

Examples of some of those research programs would be implementing personalised wellbeing learning at a particular primary school and looking at a wellbeing pedagogy and how that professional learning helps drive action research; looking at the impact of digital pedagogy, how we teach using computers as a tool, and what that looked like in a number of schools before, during and after the first lockdown that we had. Another one is to build cultural integrity using Country as teacher and assessing the impacts of teacher engagement with new pedagogies of Indigenous knowledge and being. Another one that we have been doing—and it is just about finished—is looking at transition programs for young children, moving from early childhood services into schools and how we can co-design, with families and early childhood educators, practices of inclusive, play-based learning.

We have a range of different programs that spread over different levels, a top-down and a bottom-up approach to our research, so that we are really looking at how we can influence not only the professional learning of our teachers but also the school-improvement practices that we have. It is a very rich program that articulates into our schools' individual plans for their school improvement journey, but it also helps our professionals in gaining much better understanding of what they are doing and their practices within our own settings.

**THE CHAIR:** It sounds like wonderful work. Unfortunately, we have run out of time for this session. Minister, thank you for being here, as well as your Education officials. I suspect we will need to adjourn while you switch your officials over.

**Ms Berry:** Do you want us to adjourn and dial back in?

**THE CHAIR:** Yes, let us do that. The committee will suspend briefly and we will come back as soon as we can.

**Short suspension.**

PROOF

## BUDGET ESTIMATES BRIEF

**Portfolio:** Early Childhood Development

Education and Youth Affairs

### **BACKPOCKET: Children's Education and Care Assurance – reportable conduct**

1. Reportable Conduct is defined under section 17E of the *Ombudsman Act 1989* (the Act). The Reportable Conduct Scheme (the Scheme) aims to improve child protection within organisations in the ACT.
2. The Scheme requires certain organisations (reporting entities) who work with children to report allegations of child abuse and misconduct to the ACT Ombudsman. The Scheme further requires reporting entities to develop policies and procedures to prevent and respond to child abuse.
3. Education and care sector employers, also called approved providers, are reporting entities under the Scheme.
4. Reportable conduct includes an offence against either of the following provisions of the *Education and Care Service National Law (ACT) (National Law)*:
  - s166 - offence to use inappropriate discipline
  - s167 - offence relating to protection of children from harm or hazards. This offence relates only to employers and employees in the education and care service sector.
5. Allegations of reportable conduct require the approved provider to notify:
  - The ACT Ombudsman under the Scheme
  - Children Education Care Assurance (CECA) under the National Law.
  - Police if the allegation raises suspicion of criminal conduct
6. CECA is identified as a reportable conduct information sharing and child safety entity under the *Children and Young People Act 2008 (CYP Act)*.
7. CECA liaise with the ACT Ombudsman and other identified reportable conduct information sharing and child safety entities on a regular basis. The entities share information for the purpose of managing risk to children and investigating allegations. Other identified child safety entities include ACT Policing, CYPS, and WWVP.

## BUDGET ESTIMATES BRIEF

8. CECAs relationship with other child safety entities is grounded on the mutual function of child protection. The relationship is collaborative and includes both reactive and proactive enquiries.
9. CECA engages in the ACT Reportable Conduct Practitioner Forum. CECA assists the ACT Ombudsman in the development of practice guidelines and early learnings. These guidelines and learnings support employers to meet their reporting requirements under the Scheme.
10. CECA also assist the ACT Ombudsman, along with other designated entities, in the development of practice guidelines to assist designated entities under the Scheme to request information, respond to requests and to otherwise share information where it is relevant to the safety, welfare and wellbeing of children. The Royal Commission acknowledged the key role that information sharing provides in enabling regulators to protect children

## Children's Education and Care Assurance– ACT Regulatory Authority

The first three to four years of life substantially impact a child's learning and development trajectory. Children's brains develop rapidly from birth, with healthy brain development setting the foundation for learning and positive social relationships.

International and national evidence demonstrates that participation in quality early learning programs has significant benefits for young children because it makes the most of the brain's keen ability to absorb information and acquire skills early in life.

Children who have accessed quality, structured early learning programs are more likely to make a successful transition to school, stay longer in school, continue to engage in further education and fully participate in employment and community life as adults. Children experience these benefits irrespective of their family, social or economic context. Evidence shows that those experiencing vulnerability or disadvantage derive the most benefit.

In 2012, all States and Territories and the Commonwealth implemented the National Quality Framework (NQF) (<https://www.acecqa.gov.au/nqf/about>) for the education and care sector. The NQF incorporates education and care from long day care, family day care, preschools and outside school hours care. Its primary function is to create a framework of education and care for children from 0–5 years-old who are not enrolled in school, and primary school aged children (5–12 years-old) who attend out of school hours care.

The NQF for the education and care sector in the ACT includes the *Education and Care Services National Law (ACT)* (the National Law), the *Education and Care Services National Regulations* (The National Regulations) and a consistent approach to the regulation and quality assessment of the education and care sector. The Director-General is the ACT's Regulatory Authority. The functions of the Regulatory Authority are delegated to Children's Education and Care Assurance (CECA).

As of 30 June 2022, the ACT had 372 education and care services approved under the National Law. The National Law places obligations on CECA to undertake investigations, compliance monitoring, enforcement actions, and assessment and rating against the *National Quality Standard (NQS)*.

The capacity of the sector is approximately 29,710 full time places for children.

In addition, as of 30 June 2022, the ACT had 12 education and care services approved under Chapter 20 of the *Children and Young Peoples Act*. These services are licensed for a period of 3 years and are required to comply with obligations of the *ACT Childcare Services Standards*.

The ACT Regulatory Authority is comprised of the following teams:

- Quality Assurance
- Audit and Risk management, and
- Investigations.

## Quality Assurance

The key objective of quality assurance is to assist providers and services in their journey of continuous improvement in delivering quality early childhood education and care to children. CECA's Quality Assurance team undertakes the assessment and rating of services in accordance with the National Law. This process provides several benefits:

- educators with increased skills and qualifications;
- better support for children's learning and development; and
- a national register to help parents/carers assess the quality of education and care services in their local area.

Under the National Law, services are assessed and rated against the National Quality Standard (NQS) <https://www.acecqa.gov.au/nqf/national-quality-standard>

Following an assessment, an overall rating is given, which is dependent on evidence collected across seven quality areas:

- Educational program and practice;
- Children's health and safety;
- Physical environment;
- Staffing arrangements;
- Relationships with children;
- Collaborative partnerships with families and communities; and
- Governance and leadership.

There are four rating levels within the assessment and rating process as follows:

- Exceeding National Quality Standard;
- Meeting National Quality Standard;
- Working Towards National Quality Standard; and
- Significant Improvement Required.

As at 30 June 2022, of the 372 approved services, 334 had a quality rating, representing approximately 90 per cent of services.

The positioning of education and care services in the ACT that had been assessed against the four rating levels were:

- 152 (45.5%) services had achieved an 'exceeding' rating ;
- 108 (32.3%) services had achieved a 'meeting' rating;
- 73 (21.9%) services had a 'working towards' rating; and
- 1 (0.3%) service had a 'significant improvement required' rating.

During 2021-22, 30 services were assessed and rated, with approximately 78 per cent of ACT services being rated as 'meeting' or above. This is consistent with figures from 2020 and 2021. The percentage of services with a 'working towards' rating has continued to decline slightly to 23 per cent from 25 per cent in 2020, 30 per cent in 2018, and 47 per cent in 2017.



In addition to the above assessments, two services, or 0.6 per cent, continue to be awarded an 'excellent' rating by the Australian Children's Education and Care Quality Authority (ACECQA). This level of achievement is sought by the education and care services and has additional requirements outside of the other rating levels.

### Audit and Risk Management

CECA's Audit and Risk Team undertakes compliance audits and risk assessment audits of education and care services. Compliance audits help to ensure that education and care services are meeting their minimum requirements as set out by the National Law and Regulations.

Announced and unannounced compliance audits are conducted throughout the year. The team also carries out short notice audits in response to relevant incidents or complaints. These types of audits are called 'risk audits' or, if appropriate, 'emergency response audits'. Risk audits and emergency response audits are conducted to identify and resolve any specific and immediate risks to children.

The team monitors the risk rating of each service in the ACT. In 2019, the team started using a new nationally consistent risk profiling system through National Quality Agenda IT System, to assess the risk rating of each approved service. This is used to inform the long-term scheduling of audits and quality assessment and ratings. Each service is provided with a risk rating score and overall risk rating, which informs the frequency of visits required to the service to ensure the health, safety and wellbeing of children is being sufficiently met.

The risk levels of services are valued from 1- 5 using the following categories.

- Very low risk
- Low risk
- Medium
- High Risk
- Very high risk

During the 2021-22 financial year, CECA carried out 90 compliance audits compared to 143 compliance audits in 2020-21. CECA conducted 8 risk audits where incidents required a rapid response compared to 12 risk audits the previous financial year.

Compliance audits were suspended on 13 August 2021 due to the COVID-19 pandemic; partial remote audits were undertaken from 6 December 2021 through to 7 January 2022. Compliance audits did not recommence until 18 April 2022. A new audit schedule was developed to target higher risk services at this point. Compliance audits with higher risk services were conducted as a priority.

### Investigations

CECA's Investigation Team assesses information received via multiple channels, to determine whether there may have been a contravention of the National Law, or other risk, or potential risk, to the safety, health and well-being of children. Authorised Officers in the Investigation team hold a qualification equivalent to Certificate IV in Government (Investigations), Diploma of Government (Investigations) or training of a police or criminal justice standard.

In 2021-22, CECA assessed 2,959 notifications of incidents or complaints at services. This is an almost 200% increase from the same reporting period last year as a result of COVID-19 notifications within the education and care sector. Of the 2,959 notifications, 36 matters were referred to investigation.

Other matters were managed appropriately by the providers, or offences were substantiated, and compliance action taken without the need for investigation, or there were no suspected offences.

At the end of June 2022, approximately 20 investigations were in progress. 31 investigations were closed during the year, of which 15 were carried over from 2020-21.

Major areas of investigation were allegations of harm to children, non-compliant staffing arrangements, inadequate supervision and missing or unaccounted for children.

#### Compliance Actions

CECA had taken 282 compliance actions as at 30 June 2022. Compliance actions range from administrative letters; conditions on provider or service approvals; enforceable undertakings; emergency action notices; compliance directions; compliance notices, suspensions or cancellations of provider or service approvals; and prohibition of individuals.

In 2021-22, 172 out of the 282 compliance actions related to the management of COVID-19 risk across education and care services, through the protection of children from harm and hazard. Emergency Action Notices and Administrative Letters were issued to services directing them to close or partially close, as was required by Commonwealth childcare funding arrangements at the time.

#### Waivers for Early Childhood Educators

Under the National Law, education and care services can apply to the Regulatory Authority for a waiver when unable to comply with certain regulations.

CECA monitors and supports the education and care sector through the applications of waivers. The ACT, like other jurisdictions, is currently experiencing a workforce shortage of educators in the early childhood and school age sectors. As of 30 June 2022, CECA has approved 35 applications for waivers for an Early Childhood Teachers, and 28 waivers for staff members who are less than 50% completed Diploma of Early Childhood Education and Care qualification.

## Budget Output Reporting: Early Childhood Outcomes

### Assessment and Rating completed within Legislated Timeframes

Budget output class 1 a. has a target of 100% for Assessment and Ratings completed within legislated timeframes.

This indicator measures the percentage of quality assessment and rating of education and care services completed by Authorised Officers within legislated timeframes. Under the National Law the legislated timeframe between the assessment visit and the issue of the final report and rating notice is within 60 days.

Authorised Officers from CECA conduct assessment and rating of services against the National Quality Standard. The process meets statutory requirements and a national approach to the assessment and reporting of the quality of education and care services across a variety of service settings.

On 12 August 2021, a public health emergency was declared in the ACT in response to the COVID-19 Pandemic. On 13 August 2021, following ACT Government health directions and advice, a decision was made that any Assessment and Rating cycle that had not reached the visit stage of the cycle would be postponed. At that time, there was a total of 9 services for which Assessment and Rating was postponed. On 3 September 2021, a further 3 cycles were cancelled due to staff being redeployed onto COVID related tasks. On 21 March 2022, an Assessment and Rating cycle was undertaken at a service rated as Significant Improvement Required (SIR), however additional cycles were not scheduled until after 22 April 2022.

Between 1 July 2021 and 30 June 2022, there was a total of 30 full assessment ratings completed and one partial reassessment completed, all within legislative time frames. Of these, 28 assessment cycles were completed within legislative timeframes.

### Annual Compliance Audit is Delivered in Full

Budget output class 1 b. has a target of 100% for “annual compliance audit delivered in full”.

This measures the percentage of compliance audits undertaken for the purpose of a minimum target number established by the Directorate’s Education Governance Council for the 2021-2022 financial year.

The Education Governance Council sets a formal target every year. The target is approximately 10% of all approved services under the National Law.

A scheduled audit of an education and care service is conducted against the minimum requirements of the *National Law*. The target of compliance audits for 2021–2022 was 39. At 30 June 2022, a total of 39 (100%) reportable compliance audits had been completed.

On 13 August 2021, CECA suspended in person audits of education and care services. This decision was based on ACT Government health directions and advice in relation to the COVID-19 Pandemic public health emergency. The last in-person compliance audits were conducted on 13 August 2021. Partial remote audits were undertaken from 6 December 2021 through to 7 January 2022. Compliance audits did not recommence until 18 April 2022. A new audit schedule was developed to

target higher risk services at this point. Compliance audits with higher risk services were conducted as a priority.

## Educate and Inform Functions

CECA has a statutory obligation to educate and inform the education and care sector of its obligations under the NQF. CECA continue to expand communications and engagement opportunities beyond provider and service management level to increase reach to educators who work directly with children using a variety of communication channels.

Between 1 July 2021 to 30 June 2022, CECA's overall engagement with the sector included tailored and targeted messaging to educate, inform, and engage the education and care sector with relevant content and opportunities. The COVID-19 pandemic resulted in significant pause to CECA's planned communication and engagement priorities. This re-prioritisation was necessary to support ACT Government's Management of the pandemic across the education and care sector. This included increased ability to distribute critical and time sensitive information during the COVID-19 pandemic.

As a result of CECA's increased educate and inform reach, and the significant COVID-19 response, the education and care sector is now accustomed to regular, high-quality communication and engagement opportunities.

CECA's communication channels include but are not limited to:

- Targeted email alerts, notifications, and updates;
- Professional learning forums and meetings;;
- Surveys;
- Facebook;
- Education Directorate website; and
- Education Directorate specific portals.

An overview of CECA's communication reach between 1 July 2021 and 30 June 2022 is available at this table. Due to the COVID-19 pandemic, face-to-face forums and meetings for the period between 1 July 2021 and 30 June 2022 were not possible.

### Overview

Communication channel	Approximate reach 1 July 2021 – 30 June 2022	Target audience
Targeted emails, alerts, updates, and notifications	132 emails in total distributed to targeted and sector wide email contacts. Reach ranges between 155 -1,100 per each distribution, depending on intended audience.	Providers, service leaders, educators and other professional education and care organisations
Surveys	696 responses	Providers and service leaders
Sector meetings and forums	759 online attendees  Where appropriate some forums were recorded as a video and circulated using CECA's	Providers, service leaders and educators.

	communication channels to expand reach beyond 600.	
Early childhood webpage	Overall page reach 56,276	Providers, services leaders, educators, families, and wider Canberra community.
Facebook	Approximate total posts shared 629 Overall post reach 19,0379 Overall page reach 11,859 Overall page visits 7,026	Existing audience of approximate 1,238 providers, service leaders and educators.

#### Top 5 Webpages 2021–2022

Top five pages	Page Views
Set up for success an early childhood strategy for the act	18,388
Information on novel coronavirus covid 19 for early childhood	18,022
The ACT's early childhood education and care sector	6,623
Information for parents	6,135
Information for businesses and employees	3,029
<b>Overall page views</b>	<b>56,276</b>

Where possible webpage content is shared on via email and the CECA Facebook page to expand messaging beyond webpage content.

## Forums and meetings

Forum type	Approximate attendance numbers	Target audience
Sector forum with Minister Berry 1 September 2021 – Teams meeting	150	ECEC providers and sector stakeholders
Supporting children and families experiencing vulnerability forum 6 October 2021 – Teams meeting	150	ECEC providers, service leaders and educators
ECEC Sector COVID-19 Management Forum with ACT Health – 14 January 2022	251	ECEC providers, service leaders and educators
ACT OSHC provider forum updated changes to health guidelines for schools and ECEC services 2 February 2022	29	OSHC providers
Provider forum updated health guidelines for school and ECEC 3 March 2022	47	Providers
ACT Senior Practitioner information session for ACT ECEC services 26 April 2022	44	ECEC providers, service leaders and educators
ACT Senior Practitioner information session for ACT ECEC services 28 April 2022	29	ECEC providers, service leaders and educators
ACT Senior Practitioner information session for ACT OSHC services 3 May 2022	32	OSHC providers, service leaders and educators

ACT Senior Practitioner information session for ACT OSHC services 5 May 2022	7	OSHC providers, service leaders and educators
ACT and Victoria NQF Review New Multi-storey Premises Approvals Information Session 29 June 2022	70	ECEC providers, developers, developers, architects, government planning and fire and emergency evacuation specialists from both Jurisdictions.

Where possible recorded forum and meeting content is shared on the Education Directorate webpage and CECA Facebook page to expand messaging beyond email correspondence.

### Talking Quality Publication

In collaboration with the ACT education and care sector, CECA publishes *Talking Quality*, to highlight stories of success, challenges and professional learning opportunities that support the guiding principles of the NQF.

*Talking Quality's* aim is to engage stakeholders with the guiding principles of the NQF and connect these with goals for continuous improvement in the provision of quality education and care for children. Recent editions include information to support children, educator wellbeing, policy review, helpful strategies and inspiring stories from the education and care community in the context of COVID-19. All *Talking Quality* editions are available on the ACT Education Directorate's website.

### Early Childhood Education and Care Scholarships Program

The ACT Government continues to support the growth of qualified staff for the education and care sector, with particular attention being given to the changes in qualification requirements for early childhood educators under the NQF.

In order to support the sector's commitment to continuous improvement under the NQF, and against the NQS, the ACT Government funds the Education Directorate for the Early Childhood Degree Scholarship Program.

The scholarship program provides for four scholarships per year, each to a maximum value of \$25,000 for the life of the scholarship. The scholarships support full-time study over four years or part-time study over eight years. Additional funding of up to \$4,000 per scholarship is available to support employers to backfill students while they undertake the practical component of their study.

An additional \$4,000 per scholarship is also available for students to attend a four-week placement with CECA as part of their final year of study. This funding will help providers and students by increasing capability and capacity in knowledge of compliance and governance frameworks expected by the NQF.



The program enables employers to partner with the Directorate to provide an equivalent contribution to a scholarship, thereby creating the option of two scholarships for the cost of one.

In June 2022 there were 23 scholarship holders studying towards a degree in early childhood education, with an additional 9 scholarship holders in the process of commencement. Since the introduction of early childhood scholarships in 2014, 32 scholarship holders have successfully completed their early childhood degrees.

## National Early Childhood Reviews:

### National Quality Framework Review – Decision Regulatory Impact Statement

In 2021–2022, CECA continued to work with the Australian Government, states and territories and ACECQA on the 2019 National Quality Framework (NQF) Review. Following consultations with stakeholders, providers, nominated supervisors, educators, and families in 2020–2021, feedback was reviewed and considered through a national secretariat.

Education Ministers were provided with key recommendations through the Decision Regulatory Impact Statement (DRIS) which was endorsed and publicly released on 8 June 2022.

Information on the DRIS can be found at <https://www.nqfreview.com.au/>

### National Workforce Strategy Shaping Our Future

On 14 October 2021, *Shaping Our Future: Children’s Education and Care National Workforce Strategy*, a ten-year plan (2022–2031) was published by ACECQA. This plan was developed through extensive work including a co-design process with the education and care sector led by ACECQA and engagement with an intergovernmental working group.

The national strategy strongly aligns with *Set up for Success: An Early Childhood Strategy for the ACT* launched in 2020.

Information on *Shaping Our Future: National Children’s Education and Care Workforce Strategy* (2022–2031) can be found at <https://www.acecqa.gov.au/national-workforce-strategy>

The *Our Future Implementation and Evaluation Plan* is scheduled to be considered by Education Ministers in 2022.

### Approved Learning Framework – Review

In 2021, Education Ministers commissioned an update of the two national approved learning frameworks: *Belonging, being and Becoming: The Early Years Learning Framework for Australia* (EYLF) and *My Time, Out Place: Framework for School Age Care in Australia* have proven to be integral in the success of the National Quality Framework.

The update to the learning frameworks is to ensure they continue to reflect contemporary developments in practice and knowledge, while supporting all educators to promote the wellbeing, learning and development of each child.

In April 2021, the project engaged a Literature Review and consulted through surveys and stakeholder feedback on a Discussion Paper. The feedback highlighted the strength of the current approved learning frameworks and identified areas for improvement.

During the first half of 2022, practitioners from 16 services, including one from the ACT, piloted updates to the approved learning frameworks. It is anticipated that findings and feedback from the pilot will inform the recommendations for consideration by Education Ministers in the second half of 2022.

## Exceptional Circumstances 2021–2022

### COVID-19 Pandemic

The spread of COVID-19 and the necessary response has had a substantial impact on the ACT education and care sector. In March 2020, CECA developed and implemented a Business Continuity Plan to educate, monitor, support, and assist the education and care sector in responding to COVID-19.

On 12 August 2021, a public health emergency was declared in the ACT in response to the COVID-19 Pandemic. The Education and Care Regulation and Support branch, including CECA, shifted staff and resources into four streams of action: support, child safety, capacity and communication.

The work of the four streams were:

*Capacity and recovery*— Planning contingencies for the strategic delivery of ECEC during the response to COVID-19, and contingencies for recovery from COVID-19;

*Support* — Proactively providing advice and support to the sector where possible, including to education and care services who experienced operational difficulties. Assisting with applications to enable ongoing operation of services. Supporting providers and services to respond to outbreaks within their services;

*Child Safety* — Upholding child safety in ECEC settings. Maintaining and strengthening communication and coordination with key child protection agencies in a context where face to face may not be possible; and

*Communication* — Timely, regular and relevant communication with the sector through different platforms. Delivery of critical communication and education pieces.

CECA supported the sector through various means: from one-to-one conversations, through to supporting services during COVID closures and reopening, supporting providers with key COVID management strategies.

Education and Care Services were supported to undertake risk assessments to ensure the safety of children and staff. CECA provided a model policy to assist services in managing the risk of COVID-19 transmission, and guidance on what to do in the event of an exposure and temporary closure.

### The Delta Wave

Between 12 August and 3 December 2021, a total of 33 education and care services were directed to close following exposure to COVID. Emergency Action Notices were issued to services directing them to close or partially close, as was required by Commonwealth childcare funding arrangements at the time.

A further 62 services closed for part, or all, of the lockdown (12 August till 25 October 2021) at provider discretion. For many of these services, providers consolidated attending children to one site.

From 25 October 2021, education and care services in the ACT were able to return to full operation.

### The Omicron Wave

Between 4 December 2021 and 22 April 2022, a total of 104 education and care services had to close for one to five days due to the impact of transmission or quarantining staff. Administrative Letters were issued to services acknowledging closure or partial closure, as was necessary to ensure continuity of Commonwealth childcare funding arrangements at the time.

A further 196 services were partially closed: having to close a room or number of rooms but not the whole service.

### Supporting the Sector

Throughout 2021-2022 the Education Directorate has engaged with education and care stakeholders to hear about their concerns, including: educators' safety and wellbeing; issues about viability of services; and the impact restrictions have had on children, families and educators.

At the height of the Omicron variant from mid-December 2021 to the end of January 2022 CECA staff worked 12 hour shifts over seven days a week to keep pace with the impact on the education and care sector.

CECA supported and monitored the ACT COVID-19 vaccination mandates and advocated prioritisation of education and care workers during the vaccination and booster rollouts. From 31 January 2022, CECA has further facilitated the Rapid Antigen Test (RATs) to all education and care services staff working directly with children.

The physical, emotional, and financial impact upon staff in the sector was significant. As essential services, the education and care sector operated continuously throughout 2021 and 2022. Essential workers who are parents/carers relied considerably on the continuity and professionalism of the sector.

### Surveys

Survey type	Approximate responses	Target audience
ECEC Sector operation and viability survey August 2021	135	ECEC providers and service leaders
ECEC Service operation and viability survey September 2021	139	ECEC providers and service leaders
ECEC Service operation and viability survey October 2021	178	ECEC providers and service leaders
ECEC Service operation and viability survey February 2022	244	ECEC providers and service leaders

Priority access does not guarantee a place is available for your child however, if there is a waiting list you will be given priority access as places become available.

Arrangements for placements are solely between the ACTPS employee and their selected Early Education provider. All payments of fees will be the responsibility of the employee that accepts a place with the provider.

\*\*\*\*\*

### **220 London Circuit ECEC service proposal**

In 2016 the ACT Government announced that a new building would be constructed to accommodate ACT Government staff at 220 London Circuit CIVIC.

The government contracted Canberra Airport Group (CAG) to develop and construct the building.

The contract for development and crown lease included the provision of an early childhood education and care service (ECEC service) on the site. An intent was to also offer ACT Government staff preferential places at the site.

The Education Directorate <sup>was not</sup> involved in the contract development or the National Capital Authority's Development Application process.

In 2018 CAG proceeded with a Development Application that placed the ECEC service on the first floor only.

Under the *Education and Care Services National Law Act 2011* (National Law), a service must have seven meters square of outdoor space for each child at the service. The National Law requires that outdoor space allows children to explore and experience the <sup>national</sup> ~~national~~ <sub>notum</sub> environment.

Providing children with access to a natural outdoor environment promotes physical activity and exercise through play.

Outdoor play supports children's development, refines locomotor skills, increases lung function and contributes to muscle, bone and joint health as well as assisting in strengthening the heart.

Children's Education and Care Assurance (CECA) first became aware of the proposal for the education and care service at 220 London Circuit in <sup>Feb</sup> December 2018.

CECA arranged a meeting with CAG in early January 2019, where concerns about the suitability of the site, including emergency egress, outdoor space and the location of an electricity substation were discussed.

CECA met regularly with CAG and their proposed education and care service provider (Montessori Academy) until the middle of 2021. CECA provided advice and explored potential solutions which would provide children with access to appropriate outdoor space.

In June 2021 the proposed education and care provider contacted CECA to advise that they would be withdrawing their application for a service approval at the site.

In addition to the work with CAG and the education and care provider, CECA engaged with the Workforce Capability and Governance Division of CMTEDD to discuss the challenges with the development and to provide advice on other potential education and care providers in the vicinity.

On 30 September 2021, CMTEDD announced a partnership for priority places with nine ECEC services located across the ACT. These services are near 220 London Circuit and other ACT Government facilities in other districts.

- Treehouse in the Park Early Learning Centre – 57 Ormond Street Turner
- Harrison Early Childhood Centre – Wimmera Street Harrison
- Civic Early Childhood Centre – 2 Childers Street Canberra City
- Majura Early Childhood Centre – 2 Rosevear Place Dickson
- Yurauna Early Childhood Centre – 37 Constitution Avenue Reid
- Binara Early Education and Care Centre – 10 Binara Street Canberra City
- Forrest Early Education and Care Centre – 1 Hobart Avenue Forrest
- Narrabundah Cottage – 6 Yamba Place Narrabundah (children 0-3 years)
- Marlee Education and Care Centre – 22 Nimbin Street Narrabundah (children 3-5 years)

\*\*\*\*\*

#### Advice from the then Data and Planning Branch

- EDU generally, and Early Childhood Policy and Regulation in particular never had a development application (DA) referred to them that allowed them to carry out their regulatory role. This does still seem to be the case and has been confirmed by EPSDD that **no copy of the DA in relation to the site was circulated to any part of EDU.**
- A draft deed was circulated, by EPSDD, including to EDU, on 22 January 2016. This document does not make any reference to an ECEC service in the proposed development. The only reference to childcare is in the following *'The Developer may be required to install special earthing (if a substation is found to be within 100 metres of any special facilities (e.g. child care, public pool, etc) to less than 1 ohm.'* The SOGC in the Planning Branch returned a nil comment in relation to this document, which was an appropriate response as there was no reason for him to consider that this boilerplate statement of general requirements had any relevance to EDU responsibilities.
- Further advice from EPSDD is that the Estate Development Plan (EDP). The estate development plan was not circulated to EDU and even if it had been, I'm advised by EPSDD that it doesn't contain any reference to the ECEC service as its purpose is around changes to the cadastre in relation to the new building. The EDP DA was lodged on 16 January 2018 and determined on 8 May 2018



# BUDGET ESTIMATES BRIEF

**Portfolio:** Early Childhood Development  
Education and Youth Affairs

## ISSUE: Children's Education and Care Assurance: Facts and Figures

### Sector demographics

- As at 30 June 2022 there were 372 approved education and care services in the ACT and 134 approved providers.
- The nominal capacity of the sector is approximately 29,500<sup>1</sup> places for children. This includes;
  - 13,659 places in long day care care
  - 10,224 places in outside of school hours care (OSHC)
  - 3,619 places in Government Preschools
  - 1,544 places in non-government preschools
- These figures refer to the the maximum number of places services are approved to provide.

Service type	Number of services	Number of approved places
Long day care*	165	13659
Preschool	90	4626
OSHC/ SAC*	98	10224
FDC	8	NA
<b>TOTAL**</b>	<b>361</b>	

- In August 2021, the ACT Long Service Leave Authority reported that 6302 employees were registered with an education and care service (not including the ACT Government) in the ACT.
- In August 2022 the 2021 ECEC National Workforce Census reported that 6144 employees were working in the sector in the ACT.

*Workforce : Report  
ACT's  
decisions.*

<sup>1</sup> Numbers of places rounded to the nearest 100.

*Many on settings  
Order in 19 of 34  
Prop of New Affiliations.*



## BUDGET ESTIMATES BRIEF

### Assessment and Rating

- The Assessment and Rating process is a critical component for promoting and assisting services in the continuous improvement in the National Quality Standards.
- Of the 372 services, **334 (90%) services have a quality rating** against the National Quality Standard.
- Of the 10% of services that are yet to be Assessed and Rated. 38 services were approved since 13 October 2019, these services are yet to be scheduled for an A&R.
- 
- In 2020 CECA ceased A&R for 5 months ( March 2020 to July 2020) due to COVID and in 2021–2022 ceased A&R for 10 months due to COVID (August 2021 to May 2022).
- Also due to COVID, the number of accredited AO's to conduct A&R has been reduced since A&R recommenced in May 2022.
- As a consequence of COVID Assessment and Rating was suspended between August 2021 and May 2022.
- An assessment and rating takes approximately 20 weeks and involves a qualitative audit for a service against 40 quality elements, plus a compliance check.
- The ACT is showing a steady improvement across most quality areas, with **77% of services with a quality rating of meeting or above**, in contrast to 75% in 2020.
- As at 30 June 2022, the positioning of services in the ACT was:
  - 2 (0.6%) services had achieved an Excellent rating
  - 150 (45%) services had achieved an Exceeding rating
  - 108 (32%) services had achieved a Meeting rating
  - 73 (22%) services had a Working Towards rating
  - 1 (0.3%) service had Significant Improvement required

Overall quality rating percentages as per ACECQA's Snapshot data – 2017 – 2022





## BUDGET ESTIMATES BRIEF

Year	Significant Improvement Required	Working Towards	Meeting	Exceeding	Excellent rating	Total
2017	3	100 (32%)	69 (22%)	129 (42%)	7 (2.29%)	308
2018	0	86 (26.8%)	86 (26.8%)	145 (45.2%)	4 (1.2%)	321
2019	0	81 (25%)	91 (28%)	154 (46%)	2 (1%)	328
2020	0	81 (25%)	91 (28%)	151 (46%)	2 (1%)	325
2021	0	78 (23%)	105 (32%)	148 (44%)	2 (1%)	333
<b>2022</b>	<b>1 (0.6%)</b>	<b>73 (22%)</b>	<b>108 (32%)</b>	<b>150 (45%)</b>	<b>2 (0.6%)</b>	<b>334</b>



## BUDGET ESTIMATES BRIEF

### Notifications

- In 2021–2022, CECA assessed 2,959 notifications of incidents or complaints at services. Out of the 2,959 incidents or complaints approximately 2064 were COVID related
- Of the 895 notifications that were not COVID related
  - 590 were serious incidents
  - 85 were direct complaints
  - 220 were complaints notified by approved provider or non regulatory

### Investigations

- In 2021-22 there were 43 ongoing investigations.
- In 2021-22 32 investigations were closed.

### Audit and Risk

- In the 2021 – 2022 financial year the Regulatory Authority carried out approximately
  - 90 compliance audits
- Audits are either announced or unannounced and are conducted against the minimum requirements of the National Law.
- Compliance audits were suspended on 13 August 2021 due to the COVID-19 pandemic. Partial remote audits were undertaken from 6 December 2021 through to 7 January 2022.
- Audits recommenced 18 April 2022. A new audit schedule was developed to target higher risk services.



## BUDGET ESTIMATES BRIEF

### Compliance actions

- In 2021-2022, 282 compliance actions were taken from investigations and audits combined.

Compliance actions <sup>2</sup>	Number
Letter issued	198
Compliance notice issued	9
Caution letter issued	8
Emergency action notice issued	66
Meeting held	1
Enforceable undertaking issued	0
Prohibition notice issued	0
Condition imposed	0
Compliance direction issued	0
Approval amended	0
<b>Grand Total</b>	<b>282</b>

### Injury/ trauma/ illness

Type of Injury/Trauma/Illness	Total
Allergic reaction (not anaphylaxis)	
Amputation	0
Anaphylaxis	
Asthma	0
Bite wound	
Breathing difficulty/respiratory	0
Broken bone/fracture/dislocation (known or suspected)	97
Burn	0
Choking	
Convulsion/seizure/unconscious	
Crush/jam	
Cut/open wound/bleeding	137
Drowning (non-fatal)	0
Electric Shock	0
Eye trauma	
Fever/High Temperature	
Head injury/concussion	60
Infectious disease (incl. gastrointestinal)	25
Ingestion/inhalation/insertion	12
Internal injury/infection	
Not determined	0

<sup>2</sup> Compliance actions may include multiple actions per case, accounting for the difference in compliance action table (130) and case closed by CECA table (128). The latter has been used in the annual report.



## BUDGET ESTIMATES BRIEF

Poisoning	
Respiratory	
Sprain	15
Stabbing/piercing	
Tooth/dental injury	21
Venomous bite/sting	
None of the above	47
<b>TOTAL</b>	<b>459</b>

Cause of injury/trauma/illness	Total
Animal	
Chemical substance	0
Child/adult (non-staff) interaction	
Child/child interaction	50
Child/staff (incl. student or volunteer) interaction	
Electrical wiring/power point	0
Equipment/furniture/toy	41
Fall/trip	236
Food	
Glass	
Hot water/steam	0
Infectious disease (Known/suspected)	19
Medication (overuse/misuse)	0
Nails/wire/exposed metal/building material	0
Needle stick	0
Not determined	0
Other	31
Pool	0
Pre-existing medical condition	
Self inflicted	12
Sun/heat exposure	
Traffic/car	0
Unknown	28
<b>TOTAL*</b>	<b>437</b>



## BUDGET ESTIMATES BRIEF

### Scholarships

- The ACT Government offers scholarships of up to \$25,000 per applicant to undertake Early Childhood Teaching tertiary degree. Support is offered over four years fulltime or eight years part time. The scholarship also supports employers to backfill staff when students undertake practical training in different settings.
- In June 2022 there were 23 scholarship holders studying towards a degree in early childhood education. An additional 15 scholarship holders are in the process of commencement.
- Since the introduction of early childhood scholarships in 2014, 32 scholarship holders have successfully completed their early childhood degrees.

### Risk Ratings

- In 2019, the team started using a new nationally consistent risk profiling system through National Quality Agenda IT System, to assess the risk rating of each approved service.
- The risk profiling system provides each service with a risk rating score and overall risk rating, which informs the frequency of visits required to the service to ensure the health, safety and wellbeing of children is being sufficiently met.
- The risk levels of services are valued from 1- 5 using the following categories.
  - Very low risk
  - Low risk
  - Medium
  - High Risk
  - Very high risk
- During the 2021-22 financial year, CECA conducted 8 risk audits where incidents required a rapid response compared to 12 risk audits the previous financial year.



## BUDGET ESTIMATES BRIEF

- Of the current 372 approved services, the breakdown of risk levels of services is as follows:
  - 1- Very Low - 36 (audit approximately every 26 months)
  - 2- Low - 65 (audit approximately every 20 months)
  - 3-Medium - 171 (audit approximately every 15 months)
  - 4- High- 71 (audit approximately every 12 months)
  - 5- Very High - 18 (audit approximately every 9 months)
- Please note that those service with a very high to high rating may be a result that they are a new service have not received a visit yet and do not yet have a quality rating which impacts on the overall score.

### Surrender of services

#### **centre closure**

- On 12 July 2022, ACT Property Group informed Children's Education and Care Assurance (CECA) that [REDACTED] had advised that [REDACTED] would be closing [REDACTED]. CECA contacted [REDACTED] and discussed the details of the surrender of the service approval.
- On 15 July 2022, [REDACTED] made a Notification of Surrender of Service Approval for [REDACTED].
- The last day of operation of [REDACTED] was 29 July 2022.

#### **centre closure**

- On 5 August 2022, Children Education and Care Assurance (CECA) received an application from [REDACTED] to voluntarily suspend the service approval for [REDACTED]. The voluntary suspension was in place from 14 August 2022.
- 43 families utilised the service. Families were notified of the closure and offered a place at other [REDACTED] services on 1 August 2022. [REDACTED] advised CECA that



## BUDGET ESTIMATES BRIEF

39 families accepted a place at [REDACTED] and [REDACTED]  
 accepted a place at [REDACTED]

### **Risk assessment campaign**

- CECA launched a targeted Risk Management Campaign on 27 May 2022. The campaign was a response to a rise in notifications of serious incidents involving risks of harm to children.
- The campaign includes targeted auditing, communication and engagement capabilities.
- The campaign including a face to face forum successfully engaged providers and service leaders in auditing processes, resources and tools that unpack effective and balanced risk assessment and management strategies in early childhood education and care (ECEC) settings.
- For the remainder of August a targeted qualitative audit will be carried out.

Please add name and title of speakers and the agency they were from

- Forum subject matter experts were:

- Rhonda Pilgrim, Director of Risk Management at the ACT Insurance Authority;
- Dr Helen Little, Senior Lecturer in Early Childhood and Associate Course Director at Macquarie University;
- Sandra Vale, National Allergy Strategy Manager;
- Maria Said AM, Australian CEO and National Allergy Strategy Co-chair; and
- Cassandra Tinning, Social Worker and Allied Health Manager Women, Youth and Children Community Health Programs, ACT Health.

### **Background**

- The *Education and Care Services National Law (ACT) Act 2011* (The National Law) requires the Regulatory Authority to take complains and notifications, assess those issues and respond accordingly.



## BUDGET ESTIMATES BRIEF

- The National Law requires the Regulatory Authority to monitor providers' and services' compliance with the National Law. This is done through risk assessments, auditing, investigations and assessing intelligence and data.
- The Regulatory Authority is also responsible for responding to complaints about a small number of services under the *Children and Young People Act 2008* (CYP Act).
- The regulatory Authority does not have an obligation or authority to resolve complaints that deal with administrative issues such as fees, waiting lists, or priority of access, unless they allege non-compliance with a provision of the ECS National Law or CYP Act.
- The regulator assesses complaints and investigates incidents alleging a risk to children's safety, health or wellbeing at approved education and care services.
- The Regulatory Authority has regular scheduled meetings to manage its functions:
  - Weekly Cycle – triage and risk management.
  - Fortnightly Cycle – case management.
  - Monthly Cycle – assessment and rating progress; audit and risk management progress; and investigation progress
  - Quarterly Cycle – education and care sector meetings; ECPG; ACECQA/ACT teleconference; ECPG working groups; and ACECQA working groups.
  - Yearly Cycle – audit program planning; risk rating; and assessment and rating schedule.
- The Regulatory Authority also keeps regular data records on a quarterly basis.



## BUDGET ESTIMATES BRIEF

**Portfolio:** Early Childhood Development  
Education and Youth Affairs

### **BACKPOCKET: Children's Education and Care Assurance state of the workforce**

#### Workforce Census

- The 2021 National Workforce Census was taken between April and July 2021. The Census collects information about ECEC staff, qualifications, age profile, service usage, children with additional needs and access to preschool programs.
- Nationally, the ECEC workforce grew to 216,619 in 2021. This represents an increase of 11.1 per cent since 2016, when the last Census was taken.
- The national trend for qualifications since the 2016 census shows a reduction of 4.81% in staff with a bachelor degree or above. Overall there is a growth of 23.87% in certificate III and IV qualified staff, but a reduction of 7.91% of this qualification cohort in long day care settings.
- The ACT's ECEC workforce is overwhelmingly young women. The ACT has a higher number of staff in the 20-24 age range than the national average.
- In 2021 73% of ACT staff had three or less years' experience in the sector. 32% of staff had less than one years' experience in the sector.
- Almost a third of the ACT workforce were studying for a qualification in 2021.
- Compared to 2016, tertiary qualified staff grew by 1% and diploma qualified staff in long day care grew by 7%. At the same time certificate III and IV qualified staff declined by 7%.
- In 2021, 58% of ACT ECEC staff were paid above the award rate. Nationally 35% of staff were paid above the award rate.

#### COVID management

- COVID has continued to impact the sector post delta wave. The sector continues to successfully maintain COVID safe practices.
- There continues to be workforce pressures exacerbated by other transmissible illnesses.
- Workforce pressures are resulting in reduction of services such as reduced opening hours, closing rooms and not offering additional places.

## BUDGET ESTIMATES BRIEF

### News items

**Canberra clubs invest in childcare, aged care as government puts pressure on pokies** – Canberra Times, 13 June 2022.

- Canberra clubs are increasingly utilising their land for services such as childcare to raise revenue.
- Southern Cross Club leases space to childcare providers
- The move by Clubs to diversify is encouraged by ACT Government as a move away from relying on poker machine revenue.

**Child care isn't accessible for many shift workers due to lack of extended-hours centres** – ABC News 18 May 2022

- Shift workers in Canberra are having difficulty accessing early education and care services that have opening hours that align with early starts and shift work.
- Lee Maiden from Communities@Work is quoted in the article as saying the sector does not have the workforce to provide longer opening hours.
- The Mitchell Institute for Education and Health Policy at Victoria University commented that flexible education and care is an issue across Australia.
- The article notes that 14% of the territory is considered a 'childcare desert' based on data from the Mitchell Institute.

**Parents forced to work from home or use annual leave after being turned away from full holiday childcare programs** – ABC News 11 July 2022

- School holiday demand compounded with outbreaks of COVID-19 and the flu resulted in a shortage of education and care places.
- Lee Maiden from Communities@Work states the sector is struggling with a 'critical' staff shortage
- Canberra Business Chamber chief executive Graham Catt said the pressures on the education and care sector means parents are taking more time off work.

Survey content is shared through email to ensure targeted audiences receive and complete the questions accurately.

## Publication of the 2021 ECEC Workforce Census Results

The ACT Government welcomes the publication of the 2021 National Workforce Census.

The Census results is an important contribution to understanding the state of the Early Childhood Education and Care (ECEC) workforce nationally and locally.

The 2021 National Workforce Census was taken between April and July 2021.

15,153 services completed the Census. This represents 99 percent of all services nationally. The Census includes dedicated preschools in six states which were surveyed on a voluntary basis.

The ACT achieved a 99.4% response rate. This is the highest response rate in the country.

The Census collects information about ECEC staff, qualifications, age profile, service usage, children with additional needs and access to preschool programs.

The Census is normally taken every three years. Due to COVID and other interruptions, there was a five year gap between this Census and the previous Census.

### ***National overview***

#### *Staff numbers and composition*

Nationally, the ECEC workforce grew to 216,619 in 2021. This represents an increase of 11.1 per cent since 2016, when the last Census was taken.

The ECEC workforce continues to be predominantly female at 92.1 per cent. In 2016 it was 91.1 per cent.

2.9 percent of the ECEC workforce are Aboriginal and Torres Strait Islander people. In 2016 it was 2.0 percent.

#### *Wages*

Nationally, ~~57.8~~ percent of staff were paid the award wage, 20.9 per cent of staff were paid up to 10 per cent above award.

5.4 percent of staff were paid between 10 per cent and 25 per cent above award and 1.9 per cent were paid more than 25 per cent above the award.

#### *Qualifications*

Almost 85 per cent of paid contact staff had an Early Childhood Education and Care related qualification, including 11.9 per cent with a Bachelor Degree and above, and 41.8 per cent with a Diploma or Advanced Diploma.

Paid contact staff with an ECEC qualification had an average of 8.1 years of experience in 2021, up from 7.4 years in 2016. However, 25% of all ECEC staff nationally have one to three years'

experience in the sector. This polarises further when counting qualified staff: 42% of all qualified ECEC staff nationally had one to three years' experience in the sector.

Average years of experience for paid contact staff without an Early Childhood Education and Care qualification remained stable (2.1 per cent compared to 2.0 per cent in 2016).

The average years of job tenure for paid contact staff with an ECEC qualification increased in 2021 to four years, up from 3.6 years in 2016.

The national trend for qualifications since the 2016 census shows a reduction of 4.81% in staff with a bachelor degree or above. Overall there is a growth of 23.87% in certificate III and IV qualified staff, but a reduction of 7.91% of this qualification cohort in long day care settings.

## ***ACT overview***

### *Summary*

The ACT's ECEC workforce is overwhelmingly young women. The ACT has a higher number of staff in the 20-24 age range than the national average.

In 2021 73% of staff had three or less years' experience in the sector. 32% of staff had less than one years' experience in the sector.

Almost a third of the workforce were studying for a qualification in 2021.

Compared to 2016, tertiary qualified staff grew by 1% and diploma qualified staff in long day care grew by 7%. At the same time certificate III and IV qualified staff declined by 7%.

In 2021, 58% of ACT ECEC staff were paid above the award rate. Nationally 35% of staff were paid above the award rate.

### *Staff numbers*

In 2021 the Census recorded a total of 6144 ECEC sector staff.

### *Qualifications*

The ACT trend for qualifications since the 2016 census shows an increase of 1% in staff with a bachelor degree or above in long day care. Out of school hours care experienced a reduction of 3% of staff with a bachelor degree or above. Overall there was a decline of 7% in certificate III and IV qualified staff.

Long day care reflected a growth of 7% in diploma qualified staff.

In 2021, 30% of ECEC staff were studying for a qualification while working. 9.5% of those were studying a certificate III and 9.2% were studying a tertiary qualification.

### *Wages*

In terms of wages, the census recorded more ACT ECEC staff paid above the award rate than the national trend. Nationally 35% of staff are paid above the award: in the ACT 58% of staff are paid above the award.

33% of ACT staff are paid up to 10% higher than the award rate. 21% are paid between 10% and 25% above the award rate. 4% are paid more than 25% above the award rate.

#### *Time in the sector*

In 2021 32% of all paid contact staff in the ACT had less than <sup>one</sup> years' experience in the sector. 41% of staff had one to three years' experience in the sector. Only 13% had four to six years' experience in the sector. 5% had seven to nine years' experience in the sector. 5% had over ten years' experience in the sector. 4% did not answer.

#### **Background**

The National Workforce Census is usually taken on a three yearly cycle, with earlier collections in 2010, 2013 and 2016.

The National Workforce Census was originally planned for 2019, however, with the commencement of the Child Care Subsidy system the National Workforce Census was delayed to 2020. Due to the COVID-19 pandemic the National Workforce Census was again delayed until 2021.