



KPV Submission in response to the draft Children's Services Regulations 2009

April 2009

Introduction

The new draft Children's Services regulations will support higher quality in early childhood services. The draft regulations implement several changes KPV has advocated for in recent years.

Several key aspects of the draft Regulations will promote quality in early childhood. They will also make a significant difference to bridging the gap in health and learning so often experienced by vulnerable children. Because of the benefits of heightened quality in early childhood for all children and especially vulnerable children, the proposed changes will benefit children, families and communities. The changes will bring multiplying benefits to the broader Australian community and economy over time.

Heightened quality in the sector should assist in improving the appeal of early childhood education as a career to potential entrants to the field.

KPV has been concerned about the numbers of children in childcare services who do not have access to kindergarten programs. While the requirement for children's services to employ a degree-qualified teacher is welcome, the draft regulations do not clearly acknowledge the importance of qualified teachers in delivering the educational leadership vital to good outcomes for children.

Independent kindergartens must be supported to integrate services, extend hours to provide wrap around care. The simplification of licence types should help provide the environment for the further integration of children's services.

This submission addresses the key issues raised by the proposed *Children's Services Regulations 2009* and the Regulatory Impact Statement.

Barriers to meeting the proposed Children's Services Regulations 2009

Factors that could impact the ability of children's services to meet the regulations include:

- The current shortages in the availability of qualified staff, in particular staff with early childhood teaching degrees.
- The ability of early childhood services to reconfigure programs and groups will be constrained by the limitations imposed by existing infrastructure.
- The availability of funds to employ staff and support staff to upgrade qualifications, including the cost of backfill.

Supporting the sector to implement the proposed Children's Services Regulations 2009

Additional support in the field will be required by early childhood services in complying with regulatory change. This support should take the following forms:

- Information resources/toolkits/practice notes.
- Training for staff, employers and committees of management in particular.
- Planning assistance for example in budgeting support, program modelling (including costing models of service delivery) etc.

Staffing issues

Requirement for a degree qualified early childhood teacher in all children's services.

The requirement for each standard licensed children's service to employ a degree qualified early childhood teacher is welcome. A degree qualified teacher is correctly defined with a three or four year early education degree awarded by a university. This requirement acknowledges the important contribution degree qualified teachers make as educational leaders in promoting quality in early childhood education and careⁱ. KPV would prefer to see the requirement for degree qualified teachers phased in earlier than 2014. However, the proposed 2014 timeframe recognises workforce shortages of early childhood educators and does represent an improvement on the 2016 timeframe originally proposed.

Diploma qualified staff should be supported to upgrade their existing qualifications to 3 year degrees via pathway processes. This workforce cohort represents an opportunity to increase the pool of degree qualified staff in a relatively short period of time.

Regulation 52 should be amended to specify that standard licensed children's services be required to employ at least one full time staff member with a degree level early childhood teaching qualification, unless the service is open for fewer than 38 hours per week. The focus of their position should be on providing pedagogical leadership across the entire service and/or educating or caring for children. KPV supports the inclusion of an additional regulation requiring increasing ratios of teaching staff between 2014 and 2019 to increase the number of degree qualified teachers in the system so that all groups in ECEC are led by a degree qualified teacher by 2019.

Requirement for Certificate III for all children's services staff

Under the proposed regulations, all staff and carers must hold a minimum Certificate III, including those working in Family Day Care and Out of Hours School Care, effective from 2014. The requirement for Certificate III qualified teachers is a welcome improvement to the minimum qualifications required of children's services staff in children's services. The requirement for Certificate III qualifications will promote quality in early childhood education and care by equipping assistants to support the vision of teachers.

All children's services staff should be subject to the requirement for a Certificate III level qualification or above. KPV does not support grandfathering provisions. The mechanism for having competencies in working with children recognised is through recognition of prior learning assessed by a registered training organisation. Formal education can sometimes be an intimidating process for people who have not attended formal training or education for some time, or where literacy or numeracy is in doubtⁱⁱ. Therefore staff should be positively supported to have their prior learning recognised. This should involve a systematic approach that is sufficiently flexible to meet diverse needs, for example in providing one on one onsite assessment, or offsite assessment if that is preferred. Through RPL, experienced staff may be able to have their experience counted as equivalent to a Certificate III, or as counting toward this qualification.

Staffing ratios and group size

Low staff ratios and smaller group sizes are characteristics of highly effective children's programs. Lower staff-child ratios give staff more time to focus on the needs of individual children and to build partnerships with parents, whose influence remains critical to the best outcomes for children.

KPV welcomes the improvements in staff/child ratios for under children under 3 however the unchanged ratios for 3-5 year old children no longer provide an adequate baseline standard for staffing. Improving staff/child ratios for the 3-5 age will require further investment in service capacity and infrastructure. Improving ratios also presents challenges to early childhood services already struggling to keep fees affordable. Notwithstanding these challenges, there is a need to improve staffing ratios for children aged 3-5 years so that they and their families experience the benefits of improved quality and strong partnering approaches between services, families and communities.

KPV recommends that group size not be a prescribed upper limit of children, but rather be a performance based outcome where the limit is based on demonstrating that the health, safety, wellbeing, development and learning of each child in a group can be met.

Minimum age of staff members

KPV supports raising the minimum age of staff members in licensed children's services from 16 to 18.

Educational programming

The program or curriculum is a critical component of quality in a children's service. As such, KPV commends the reform process for regulations for shifting the requirement for appropriate educational programming from a regulatory to a statutory requirement. The broad guiding principles contained in s10 of the *Children's Services Act 2008* build on and improve the earlier version contained in the *Children's Services Regulations 1998* by placing greater emphasis on the provision of educational programs that meet the needs of individual children and that enhance their development.

KPV's April 2007 submission on the regulations noted the importance of a curriculum framework that would underpin the rich diversity of individual theories and philosophies of early childhood learning and teaching and to support centres in complying with the Act's requirement to provide an appropriate early childhood education program. It is pleasing to see this work currently being carried out at both Commonwealth and in Victoria.

Health, safety and welfare

First aid training

In the past KPV has advocated for all staff and carers having first aid training, including CPR training. KPV is supportive of the new explicit requirement in the draft regulations for all staff to have this training.

Staff health

KPV does not support the requirement for a proprietor of a children's service to ensure that no staff member or carers health adversely affects their ability to care for children. This requirement imposes a difficult and potentially adversarial role for proprietors in assessing the health of employees.

Provision of water and food

KPV welcomes the proposed regulation requiring beverages and food be offered to children regularly and frequently. Where services provide food, ensuring this food is nutritious and

meets children's growth, cultural and developmental needs is also appropriate as is the requirement that children have access to fresh drinking water at all times.

Licensing provisions

The proposed licence types better meet the needs of services and will reduce the regulatory burden. The integrated service licence, which will deal with services operating two or more children's services, should enhance the ability of organisations to increasingly deliver integrated children's services and reduce the regulatory burden for those services already delivering integrated services.

Record keeping

KPV supports the proposed record keeping regulations. Good record keeping supports effective processes and accountability. KPV agrees that the regulations should only stipulate record keeping that is essential to ensure children's health, safety, development, learning and wellbeing. This includes both the records the service and a corresponding requirement that the regulator will collect and analyse required records for a useful purpose including feedback to the field.

However, children's services should not be required to record the birth date of children on the attendance record. The benefit of recording birthdates in this way is unclear, and undermines the privacy of families.

The staff record should include details of the staff members' first aid training.

ⁱ Sylva, K., Melhuish, E., Sammons, P., Siraj-Blatchford, I. & Taggart, B. (2004) *The Effective Provision of Preschool Education (EPPE) Project: Final Report* p. iv

ⁱⁱ Parliament of Victoria, Education and Training Committee (2009) *Inquiry into Effective Strategies for Teacher Professional Learning* p. 148