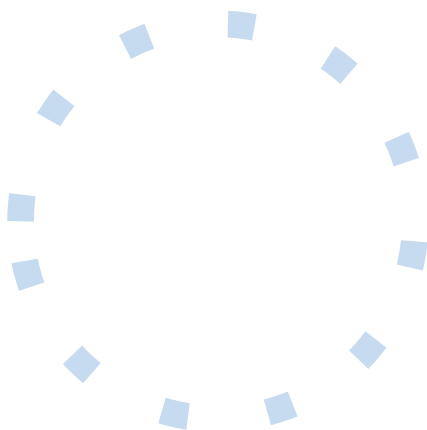
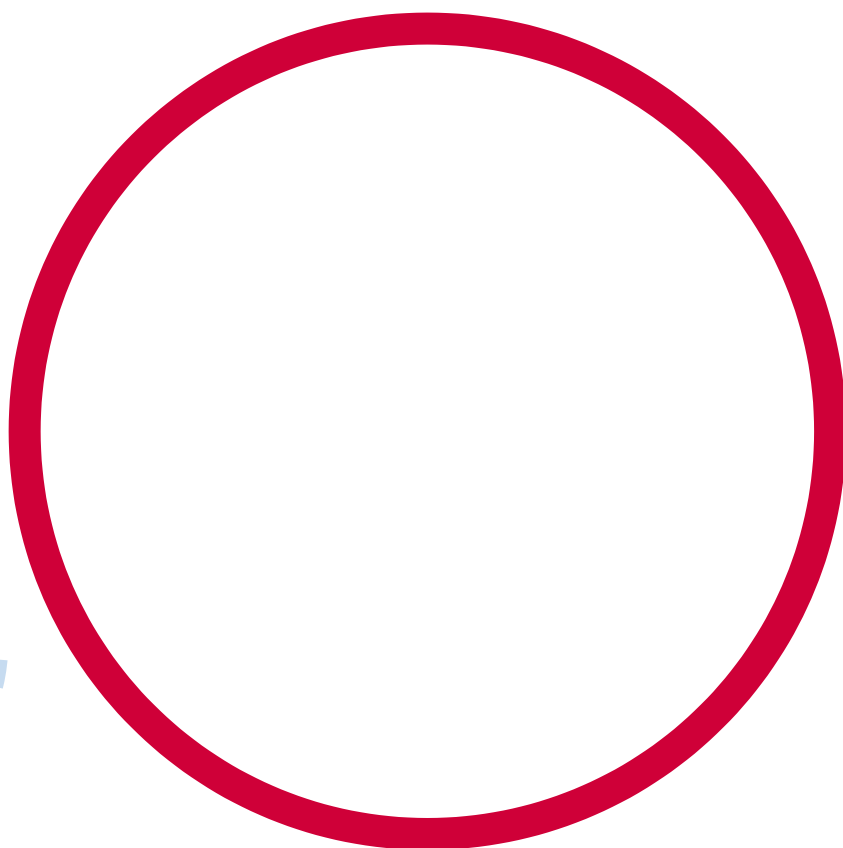
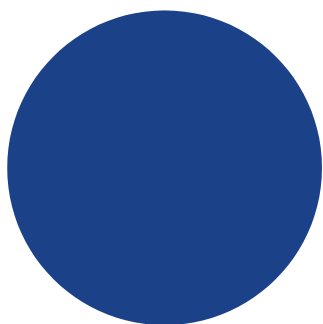


# Assessment and Rating Scheduling Policy

Early Childhood Education, Quality Assurance and Regulatory Services Directorate



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# 1. Purpose

The NSW Department of Education, as the NSW Regulatory Authority, has regulatory responsibility to raise quality and drive continuous improvement and consistency in education and care services in NSW. One of the Regulatory Authority's regulatory responsibility includes assessment and rating of education and care services ([section 133 of the National Law](#)).

Education and Care services are assessed and rated by their Regulatory Authority against the National Quality Standard, and given a rating against each of the seven quality areas and an overall rating based on these results. The quality ratings are published on the national registers on the Australian Children's Education and Care Quality Authority's [website](#) and on the Starting Blocks [website](#). Ratings for Early Childhood Education, Before and After School Care, and Vacation Care services are also published on the Service NSW [website](#).

The assessment and rating system is a key part of the National Quality Framework. Services are assessed and rated against the National Quality Standard to:

- promote continuous improvement in the provision of quality education and care ([section 3\(2\)\(c\) of the National Law](#)); and
- improve knowledge and access to information about the quality of services to help families make informed decisions about their child's education and care ([section 3\(2\)\(e\) of the National Law](#)).

Under the Children (Education and Care Services) National Law (the National Law) and the Education and Care Services National Regulations (the National Regulations), there are no requirements relating to the scheduling of assessment and rating visits. That is, there are no legislative requirements relating to the selection of services for assessment and rating, and how often a service must be rated or re-rated within a specified period.

The information in this policy outlines the NSW Regulatory Authority's position in relation to the scheduling of assessment and rating visits, and is intended to:

- clarify how assessment and rating visits are scheduled by the Regulatory Authority; and
- provide information about the objectives and guiding principles that are applied by the Regulatory Authority when scheduling assessment and rating visits.

## 2.Scope

This policy applies to both in-scope and out-of-scope providers and services in NSW.

In-scope services are regulated under the National Quality Framework, which consists of the National Law and National Regulations, the Approved Learning Frameworks and the National Quality Standard. In-scope services include centre-based services, such as long day care, outside school hours care and preschools, and family day care services.

Out-of-scope services (or State-regulated services) are regulated under the *Children (Education and Care Services) Supplementary Provisions Act 2011* (the State Law). Mobile and occasional care services are the only service types regulated under the State Law. In September 2018, the State Law was amended to bring standards into line with those for services regulated under the National Law, with certain modifications. Since the alignment of the State Law with the National requirements, out-of-scope services have been required to participate in the assessment and rating on the same basis as in-scope services.

## 3.Guiding principles

The Regulatory Authority's over-arching principles for implementing its functions are set out in NSW's [Guiding Principles Policy](#). Specific principles that apply to the scheduling of assessment and rating visits include:

- The safety, health and wellbeing of children is the paramount concern in the scheduling of assessment and rating visits;
- The Regulatory Authority will take a responsive and risk-based approach to the selection and prioritisation of services;
- The Regulatory Authority is committed to proportionate and fair actions.
- The Regulatory Authority will ensure any decisions to postpone a scheduled assessment and rating visit are informed by evidence and only influenced by relevant factors;
- The Regulatory Authority will assess each situation according to its own merits, and will aim to achieve consistency in its decision-making process; and
- The Regulatory Authority operates under a continuous improvement framework, ensuring systems and processes which aid in the scheduling of assessment and rating visits are reviewed and monitored on a regular basis.

## 4. Policy

When the Regulatory Authority schedules quality rating assessments, the goal is to drive continuous improvement in the quality of services children access, and keep information about service quality accurate and current for families and communities.

### 4.1 Selection of services for assessment and rating visits

The Regulatory Authority applies a risk-based approach to all regulatory processes, including assessment and rating, to focus resources on services most in need of quality improvement. In accordance with the risk-based approach, assessment and rating visits are prioritised according to risk. The Regulatory Authority's assessment and rating process is also guided by the [Guide to the NQF](#).

The factors that the Regulatory Authority may consider when managing assessment and rating schedules include, but are not limited to, the following:

- The quality rating of a service when previously assessed, including results against the quality area, standard and element level – for example, services with three to five quality areas rated at Working Towards NQS may be reassessed more frequently than services with one or two quality areas rated at Working Towards NQS.
- The quality rating of a new service – for example, a new service that has been operating for more than 12 months, but holds the provisional rating of 'Provisional – Not Yet Assessed' will be prioritised;
- A change in service attributes that could be reasonably considered to affect the service's quality – for example, changes in provider or service management;
- Events that occur at the service – for example, where an increase in serious incidents is noted, or where a change in the quality of an education and care service has been identified (e.g. through an increase in complaints or compliance issues);
- The length of time since the last assessment – for example, over time a quality rating can lose its currency and ability to accurately inform families about the quality of education and care provided by the service;
- Participation in the Regulatory Authority's quality improvement programs; and
- Pro-active requests for reassessment and re-rating initiated by education and care services and/or the Regulatory Authority.

The Regulatory Authority will manage its assessment and rating schedule in a responsive manner, making adjustments to the schedule as new information emerges, to make the best use of available resources.

## 4.2 Postponement of assessment and rating

### Requests from services for postponement of assessment and rating

The Regulatory Authority will assess requests for the postponement of an assessment and rating visit on a case-by-case basis. In doing so, the Regulatory Authority will consider the reason for the request and whether the service has made any previous request(s) to postpone assessment and rating, in conjunction with the factors outlined in section 4.1 above. The Regulatory Authority will assess each case on its own merits.

After consideration, the Regulatory Authority may deny or accept the request for postponement. Where the request is denied, the service's scheduled assessment and rating visit will proceed. Any request to review the Regulatory Authority's decision will be escalated to the Department's Statewide Operations Network Management.

Where the request is accepted, the service's scheduled assessment and rating visit will be postponed until the next scheduling period or will be rescheduled to take place towards the end of the current scheduling period.

### Postponement by the Regulatory Authority due to unforeseen circumstances

The Regulatory Authority may postpone a scheduled assessment and rating in the event of unforeseen circumstances, including but not limited to the following:

- illness or absence of the Authorised Officer;
- natural disasters, such as bushfires or floods; and
- circumstances that may impact the health and safety of services and staff members, such as the COVID-19 pandemic.

The Regulatory Authority remains responsive to local conditions to ensure the safety and wellbeing of services and staff. The Regulatory Authority will postpone and adjust assessment and rating visits as necessary in response to any unforeseen circumstances.

### Postponement by the Regulatory Authority due to ongoing investigations, inquests, or prosecutions

The Regulatory Authority may postpone a scheduled assessment and rating in anticipation of a decision or finding from serious matters such as an ongoing investigation, inquest, or prosecution proceedings against the approved provider, including those undertaken by a third party.

In general, where questions regarding the safety, health and wellbeing of children are not able to be determined, a scheduled assessment and rating visit will be postponed until an outcome is known or the matter is finalised. However, the Regulatory Authority will assess each case on its own merits.

Where the Regulatory Authority decides to postpone a scheduled assessment and rating, the Regulatory Authority will continue to use other strategies to monitor the safety, health and wellbeing of children at the service as a priority until an outcome is known or the matter is finalised. This may include, but is not limited to, the following activities:

- imposing conditions on the provider or service approval (subject to a number of enforceable service conditions);
- conducting targeted monitoring and compliance visits of the service as an alternative to a full assessment and rating visit; and
- requiring services to engage with the Regulatory Authority's quality support team and/or quality improvement programs.

Where the investigation, inquest or prosecution proceedings have been completed, the Regulatory Authority will re-consider when the assessment and rating should be undertaken and the visit will be re-scheduled.

## Timeframes for decisions

Under the National Law and National Regulations, there are no legislated timeframes for the Regulatory Authority to make a decision about whether to postpone a scheduled assessment and rating visit. The Regulatory Authority will ensure that decisions are made within a reasonable time and that approved providers and services are notified of the outcome of the decision.



# 7. Version Control

Policy Owner	Version	Approved by	Date last reviewed
Director, Regulatory Strategy, Policy and Practice	1.0	Executive Director, Quality Assurance and Regulatory Services	17 March 2021