

First Tier Review Submission Guide

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Introduction

Early childhood education and care (ECEC) services are assessed and rated against the National Quality Standard by the NSW ECEC Regulatory Authority. The approved provider of an ECEC service may apply to the regulatory authority for a review of quality ratings, known as a 'First Tier Review' if the provider disagrees with the quality rating awarded through the assessment and rating process.

Approved providers may only apply for First Tier Review following the regulatory authority having assessed and rated the service and notified the provider of their quality rating outcome.

Applications for a First Tier Review must be submitted through the [National Quality Agenda IT System \(NQA ITS\)](#), within 14 days of the final assessment and rating report being issued.

The process of a review of ratings is not prescribed by the National Law or Regulations, except that it must not be conducted by a person who was involved in the assessment or rating of the service (Section 142(1)).

To ensure a consistent, efficient and transparent process, the First Tier Review is conducted by an independent panel, consisting of two authorised officers, together with a Hub Coordinator or State Operations Manager as the final decision maker.

This guide outlines instructions to apply for a First Tier Review. If you experience any technical difficulties accessing the application form, please contact our information and enquires team via

- Email: ececd@det.nsw.edu.au
- Phone: 1800 619 113

Information considered in a First Tier Review

A First Tier Review is a review of the initial 'point-in-time' assessment of the service against the NQS; **it is not a reassessment of the service.**


The regulatory authority panel can take into account new information submitted with the First Tier Review application, however, the information must relate to the facts at the 'point in time' when the assessment was conducted. **Any changes made at the service after assessment and rating, which may have improved the service's quality, cannot be considered during the First Tier Review.**

If changes have been made at the service assessment and rating that might improve the service's quality and therefore quality rating, the approved provider should instead consider whether to apply for a reassessment and re-rating under Section 139 of the National Law. During a reassessment and re-rating, the regulatory authority can take into account changes made after the initial assessment and rating process.

Source: Guide to the National Quality Framework

Submitting an application

Navigate to the applications page in your [NQAITs portal](#) and locate the *SA11 Review of Rating by Regulatory Authority* form to begin your application.



SA11-Application for review of ratings by regulatory authority (service rating)

Request a review of your service's rating level for one or more quality areas. Please note that you may only apply for a review within 14 days of receiving the notification of the rating.

Apply

Note: This form is available for 14 days once you have been issued your final assessment and rating report, in accordance with Section 141 of the National Law.

- Instructions
- Details
- Contact Info
- Add Attachments
- Summary

Provider Details

| Provider Trading Name | Provider Approval Number | Provider Status |
|-----------------------|--------------------------|-----------------|
| | | Approved |

Service Details

| Service Trading Name | Service Approval Number | Service Status |
|----------------------|-------------------------|----------------|
| | | Approved |

Important information before you begin

You must ensure you are familiar with your obligations under the *Education and Care Services National Law* (National Law) and the *Education and Care Services National Regulations* (National Regulations).

Regulatory authorities in each state and territory are responsible for assessing most applications and notifications. Contact your [regulatory authority](#) for information.

Your application will not be processed unless all sections are deemed satisfactorily completed and supporting documents supplied, as well as any prescribed fees paid where applicable.

This form allows you to apply for a review of the rating level of the service in one or more quality areas **within 14 days** of receiving the notice of rating. A review will be conducted **within 30 days** after the application is received. This timeframe may be extended if further information is requested or with the agreement of the applicant. The regulatory authority will provide written notice of the decision to the applicant **within 30 days** after the decision is made.

To apply for a reassessment and re-rating outside the review period, use form SA10 *Application for reassessment and re-rating (service rating)*.

Privacy statement

ACECQA and the regulatory authorities are committed to protecting personal information in accordance with the Privacy Act 1988 and the Australian Privacy Principles contained in the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

Information provided is being collected for the purposes of assessing this application or notification and may be provided to other authorities or government agencies in accordance with the National Law.

ACECQA, the regulatory authorities and the Australian Government may publish information about you in accordance with the National Law.

Cancel

Next

Ensure to click the plus sign on the left of the quality areas to allow the individual standards to be selected.

Next, specify the grounds for your application. Possible grounds might include situations where you:

- disagree with a rating based on the evidence described in the final report
- have additional contextual information about the evidence described in the final report
- believe the authorised officer(s) did not consider all the relevant evidence available at the time
- believe the service was not given adequate opportunity to demonstrate how it meets an element or standard.

Instructions ✓

Details

Contact Info

Add Attachments

Summary

Details

Date of Assessment

28/08/2024

Add NQS Dataset Reset

| Quality Area ↑ | NQS Standard ↑ | NQS Element ↑ |
|----------------------------------|----------------|---------------|
| There are no records to display. | | |

Please specify the grounds of your review application *

Previous Save and Close Next

Only include grounds which are related to the service evidence and rating. Where approved providers have feedback about the assessment and rating process or an authorised officer(s) this can be more appropriately be managed through the regulatory authority's complaints process.

Once you have begun your application, you will be asked to select which quality areas, standards and/or elements, of the National Quality Standard you would like to have reviewed.

There is no option to select exceeding themes in the application form. If you wish to have exceeding themes reviewed, select the relevant standard and this will be identified by the First Tier Review administration team.

 Create

x

Add NQS Quality Area, Standards and Elements

Specify the quality areas stated in the National Quality Standard to which the grounds for review relate:

- QA1 - Educational program and practice
 - 1.1 - Program
 - 1.1.1 - Approved learning framework
 - 1.1.2 - Child-centred
 - 1.1.3 - Program learning opportunities
 - + 1.2 - Practice
 - + 1.3 - Assessment and planning
- + QA2 - Children's health and safety
- + QA3 - Physical environment
- + QA4 - Staffing arrangements
- + QA5 - Relationships with children
- + QA6 - Collaborative partnerships with families and communities
- + QA7 - Governance and Leadership

Close

Add

You will then be asked to provide documentation to support your application. Refer to the [providing supporting documentation and evidence](#) section, in this document, for further information.

Instructions ✓

Details ✓

Contact Info ✓

Add Attachments

Summary

Add Attachments

You will need to upload the following documents:

| Document Category | File Description | |
|----------------------|------------------------------------------------------------|-----------------------------------------------------------|
| Supporting documents | <input type="text" value="Please enter file description"/> | <input type="button" value="Choose file"/> No file chosen |

Please attach any supporting documentation

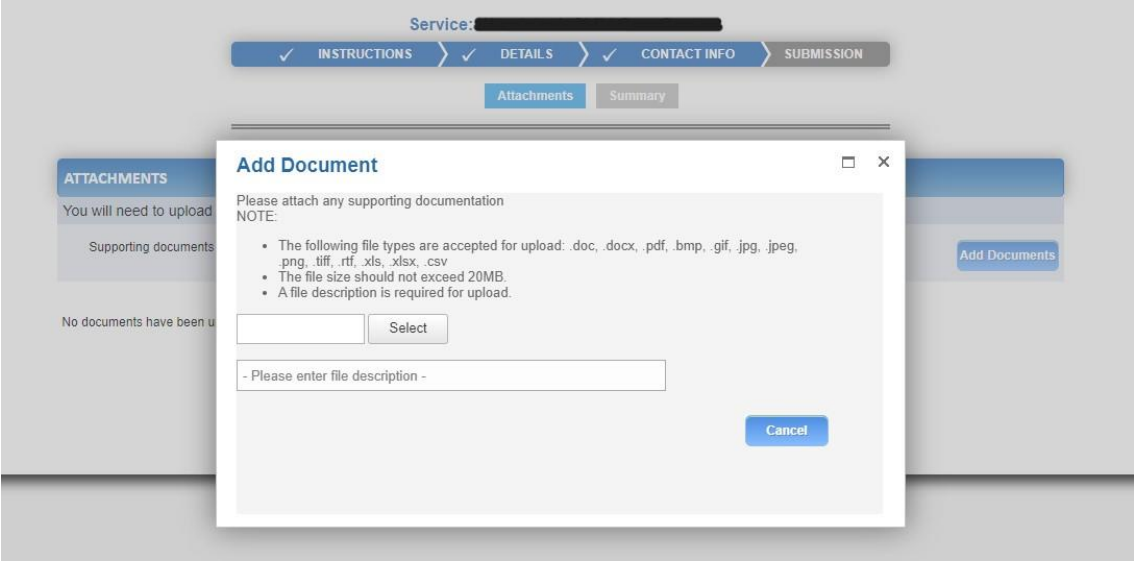
NOTE:

- The following file types are accepted for upload: .doc, .docx, .pdf, .bmp, .gif, .jpg, .jpeg, .png, .tiff, .rtf, .xls, .xlsx, .csv
- The file size should not exceed 40MB.
- A file description is required for upload

Application Documents

| Name | Post or Fax | Description | Document Type | File | Document Size |
|----------------------------------|-------------|-------------|---------------|------|---------------|
| There are no records to display. | | | | | |

Take note of the accepted file types and size that are accepted for uploading.



Ensure your evidence file is clearly labelled with the element or theme under review. Clearly labelled evidence supports the review panel in determining where you feel your evidence best aligns.

Service: [REDACTED]

INSTRUCTIONS ✓ DETAILS ✓ CONTACT INFO ✓ SUBMISSION

Attachments Summary

ATTACHMENTS

You will need to upload the following documents:

✓ Supporting documents [Add Documents](#)

| Document Type | File | Description | Size | |
|----------------------|------------------------------------------|-------------------------------------|-----------|--------------------------|
| Supporting documents | Standard 2.1 Element 2.1.3 Evidence.docx | Standard 2.1 Element 2.1.3 Evidence | 130.03 KB | x Remove |
| | Standard 2.1 Theme 3 Evidence.docx | File Description | 131.00 KB | x Remove |

Total Files: 2 Total Size: 261.03 KB

[Previous](#) [Save and Close](#) [Next](#)

Review the details of your application, then complete the declaration prior to submitting.

- Instructions ✓
- Details ✓
- Contact Info ✓
- Add Attachments ✓
- Summary**

Summary

Here is the summary of the information you are about to submit. If you need to make changes, please click on the **Edit** link of the corresponding section you want to amend.

Note: You cannot make further changes beyond this point.

Warning: Forms not submitted within 90 days from the start date will be deleted from the system.

Provider Details

| Provider Name | Provider Approval Number | Provider Status |
|---------------|--------------------------|-----------------|
| [REDACTED] | [REDACTED] | Approved |

Service Details

| Service Trading Name | Service Approval Number | Service Status |
|----------------------|-------------------------|----------------|
| [REDACTED] | [REDACTED] | Approved |

[Edit](#)

Request Details

Date of Assessment

28/08/2024

| Quality Area ↑ | NQS Standard ↑ | NQS Element ↑ |
|----------------------------------------|----------------|-------------------------------------|
| QA1 - Educational program and practice | 1.1 - Program | 1.1.1 - Approved learning framework |

Please specify the grounds of your review application *

[REDACTED]

[Edit](#)

Attachment Details

| Name | Post or Fax | Description | Document Type | File | Document Size |
|----------------------------------|-------------|-------------|---------------|------|---------------|
| There are no records to display. | | | | | |

Declaration

I declare that *

1. The information provided in this application form (including any attachments) is true, complete and correct;
2. I have read and understood and the Applicant agrees to the conditions and the associated materials attached to this form;
3. The Applicant understands that the Regulatory Authority and/or ACECQA will have the right (but will not be obliged) to act in reliance upon the contents of the application form, including the attachments;
4. I have read and understood a Providers legal obligations under the *Education and Care Services National Law*;
5. The Regulatory Authority is authorised to verify any information provided in this application;
6. Some of the information provided in this application may be disclosed to Commonwealth for purposes of the *Family Assistance law* and may be disclosed to the other persons/authorities where authorised by the *Education and Care Services National Law* or other legislation; and
7. I am aware that I may be subject penalties under the *Education and Care Services National Law* if I provide false or misleading information in this form.
8. I agree that the Regulatory Authority may serve a notice under the National Law using the contact details provided in this application, including the postal, street or email address or fax number (in accordance to the section 293 of the National Law).

[Previous](#)[Save and Close](#)[Finalise](#)

Supporting documentation and evidence

First Tier Review applications do not require further evidence. The panel's role is to determine if the rating awarded is reflective of all the information and evidence available at the time of the services assessment and rating.

The panel review the information that was available to the authorised officer when issuing the final report and quality ratings. This information includes, but is not limited to:

- the service context form
- self-assessment or quality improvement plan submitted by the service
- evidence that was observed, sighted or discussed during the visit
- feedback provided in response to the draft assessment and rating report.

Panel review

In addition to the information noted above that was available to the authorised officer when issuing the final report and determining the service quality ratings, the panel also reviews the following:

- Assessment and Rating Evidence Summary
- Draft Rating Outcome Summary
- Final Rating Outcome Summary
- Feedback and evidence submitted in response to the draft report
- Response to feedback report
- Any additional notes and evidence submitted with the First Tier Review application.

Your First Tier Review application **does not** need to include information and / or evidence that is reflected in the initial assessment and rating documents or your feedback in response to the draft report. The panel will already have access to this information.

Providing further supporting evidence

If after reflecting on the documentation considered by the panel listed above, you believe there is further supporting evidence available / required, this can be submitted as part of the First Tier review application.

Consider the following guidance when selecting supporting evidence:

- Use the Guide to the NQF document to guide your thinking as you reflect on what evidence to share. The panel use the Guide to the NQF to assist in measuring the quality practices considered when confirming or amending a rating.
- Set out intentions in a clear format. For each element, standard or theme, consider a short summary that includes your claims of how you meet the element, standard or theme. To support these claims, submit an annexure to show factual evidence, which demonstrates what the claims look like in practice. For example, if your claims discuss consultation with families when developing the service menu, supporting annexures should show the actual contributions made from families, such as, but not limited to, meeting minutes or emails, and evidence of how these have informed your service practice.

- Be mindful of the currency of supporting information and documents provided, to ensure that evidence is reflective of current practices.
- There is no specified format in which to lay out your claims and evidence, however clearly labelled attachments that align to the element, standard or theme for review is a good way align information.
- It is preferred that one attachment is used to collate information or evidence per element, standard or theme for review, so it is aligned, rather than multiple individual attachments that are difficult to track.

Service: [REDACTED]

INSTRUCTIONS ✓ DETAILS ✓ CONTACT INFO ✓ SUBMISSION

Attachments Summary

ATTACHMENTS

You will need to upload the following documents:

✓ Supporting documents [Add Documents](#)

| Document Type | File | Description | Size | |
|----------------------|------------------------------------------|-------------------------------------|-----------|--------------------------|
| Supporting documents | Standard 2.1 Element 2.1.3 Evidence.docx | Standard 2.1 Element 2.1.3 Evidence | 130.03 KB | x Remove |
| | Standard 2.1 Theme 3 Evidence.docx | File Description | 131.00 KB | x Remove |

Total Files: 2 Total Size: 261.03 KB

[Previous](#) [Save and Close](#) [Next](#)

DO NOT attempt to share your evidence through an online file share or cloud service. Evidence submitted this way will not be accepted.

Key things to remember

- When applying for a review of elements rated as not met, it is important to understand that the intention of a First Tier Review is to look at the quality of evidence used to rate a service. Where your service has been rated Working Towards the NQS based on non-compliance with the National Law and Regulations, the panel will view any breaches to be valid, unless the evidence does not align with the elements of the offence. In some cases, a review of non-compliance may be considered through the regulatory authority's reviewable decision-internal review process (See Section 190 of the National Law). The panel is also unable to consider actions taken by the service after their assessment and rating visit to address any non-compliance issues identified.
- When applying for a review of exceeding themes, in order to be recognised as Exceeding the NQS it is important to ensure you have a strong knowledge of each theme and can demonstrate practice relating to each particular standard. *Exceeding theme 2*, for example, requires evidence of critical reflection at a deep level of analysis, examination and thinking. This is more than simply describing or reviewing a situation or event. Evidence for this Exceeding theme also needs to demonstrate how critical reflection has informed ongoing practice. Similarly, when seeking to demonstrate practice reflects *Exceeding theme 3* evidence must demonstrate consistent and ongoing meaningful engagement with families and/or the community that extends beyond communicating with families and/or the community or seeking their involvement or participation in the program. Evidence for this Exceeding theme also needs to demonstrate how this engagement has resulted in shifts in thinking and/or shaped changes to or improvements to practice as a result.

- The panel is unable to consider evidence that is dated after the assessment and rating visit.
- If changes have been made at the service since the visit that might improve the services practice and therefore quality rating, approved providers should consider whether to apply for a reassessment and re-rating under Section 139 of the National Law (Guide to NQF), rather than a First Tier Review.

Second Tier Review

The Second Tier Review process is completed by ACECQA. Information regarding this process can be found here: <https://www.cecqa.gov.au/assessment/review/second-tier>

ACECQA have also developed this resource to assist services in “putting their best case forward” when applying for a second tier review: <https://www.cecqa.gov.au/assessment/review/second-tier/second-tier-review-putting-your-best-case-forward>

References

- Guide to the National Quality Framework
- [Education and Care Services National Regulations](#)
- [Education and Care Services National Law Act 2010](#)

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