

NSW Department of Education

Assessment and Rating scheduling policy

NSW Early Childhood Education and Care Regulatory Authority

4 June 2024

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1 Purpose

This policy explains the NSW Department of Education, NSW Early Childhood Education and Care Regulatory Authority's (NSW ECEC Regulatory Authority) position on scheduling assessment and rating visits. It aims to uphold the principles of quality, consistency, and improvement in the assessment and rating of education and care services in NSW.

The NSW ECEC Regulatory Authority provides regulatory oversight of education and care services in NSW. It's responsibilities include assessment and rating of education and care services ([section 133 of the National Law](#)).

Assessment and rating 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](#))
- 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](#)).

Following assessment and rating quality ratings are published on the national registers on the Australian Children's Education and Care Quality Authority's [Australian Children's Education and Care Quality Authority's website](#), and on the [Starting Blocks website](#).

There are no legislative requirements relating to the scheduling of assessment and rating visits under the Children (Education and Care Services) National Law (the National Law) and the Education and Care Services National Regulations (the National Regulations). The selection of services for assessment and rating, and how often a service must be rated or re-rated is determined by the delegated authority within each state or territory.

The information in this policy outlines the NSW ECEC Regulatory Authority's position on the scheduling of assessment and rating visits, and aims to:

- explain how assessment and rating visits are scheduled, and
- provide information about the objectives and guiding principles that are applied when scheduling assessment and rating visits.

2 Application

This policy applies to all education and care service providers in NSW, both ‘in-scope’ and ‘out-of-scope’:

In-scope services are regulated under the National Quality Framework. This consists of the National Law, the 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). Multifunctional Aboriginal Children’s Services (MACS), 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 Responsibilities

The NSW Early Childhood Education and Care Regulatory Authority (NSW ECEC Regulatory Authority) is responsible for the implementation of this policy.

4 Guiding principles

The overarching principles used for implementing regulatory functions are set out in NSW ECEC Regulatory Authority’s [Guiding Principles Policy](#). Principles that apply to the scheduling of assessment and rating visits include:

- The safety, health and wellbeing of children is prioritised in the scheduling of assessment and rating visits.
- A responsive and risk-based approach to the selection and prioritisation of services.
- Proportionate and fair regulation and actions.
- Decisions to postpone a scheduled assessment and rating visit are informed by evidence and relevant factors.
- Every situation is assessed according to its own merits and will aim to achieve consistency in its decision-making process.
- 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.

5 Policy

5.1 Selection of services for assessment and rating visits

The Regulatory Authority applies a risk-based approach to all regulatory processes. Assessment and rating visits are prioritised according to risk and guided by the [Guide to the NQF](#).

The NSW ECEC Regulatory Authority may consider the following factors when scheduling assessment and rating:

- The quality rating of a service when previously assessed, including results against the quality area, standard and element level. For example, services with a greater number of quality area rated at Working Towards National Quality Standard may be reassessed more frequently than services with less or no quality areas rated at Working Towards National Quality Standard.
- The quality rating of a new service. For example, a new service operating for more than 12 months with the 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 likely change in the quality has been identified (e.g. through an increase in complaints or compliance issues or where there has been sustained quality improvement efforts).
- The length of time since the last assessment. For example, over time a quality rating may no longer reflect the current practice within the service (e.g. where quality has improved due to improved practices or where there has been a decline in quality). This limits the ability of a quality rating to accurately inform families about the quality of education and care provided by the service.
- Participation in the NSW ECEC Regulatory Authority's quality improvement programs.
- Requests for reassessment and re-rating initiated by education and care services and/or the NSW ECEC Regulatory Authority.

The NSW ECEC Regulatory Authority will manage the assessment and rating schedule in a responsive manner, and will adjust the schedule as new information emerges.

5.2 Postponement of assessment and rating

5.2.1 Requests from services to postpone assessment and rating

The NSW ECEC Regulatory Authority will assess requests to postpone an assessment and rating visit on a case-by-case basis. The NSW ECEC Regulatory Authority will consider the reason for the request, whether the service has made any previous request(s) to postpone assessment and rating, and the factors outlined in section 5.1.

5.2.2 The NSW ECEC Regulatory Authority will assess each case on its own merits and prioritise the safety, health and wellbeing of children attending the service.

After consideration, the NSW ECEC 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 NSW ECEC Regulatory Authority's decision will be escalated to a senior Manager to consider.

Where the request is accepted, the service's scheduled assessment and rating visit will be postponed to a later date, as determined by the Regulatory Authority.

5.2.3 Postponement by the NSW ECEC Regulatory Authority due to unforeseen circumstances

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

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

The NSW ECEC 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.

5.2.4 Postponement by the NSW ECEC Regulatory Authority due to ongoing investigations, inquests, prosecutions, other serious matters

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. The NSW ECEC Regulatory Authority will assess each situation on its own merits.

Where the NSW ECEC Regulatory Authority decides to postpone a scheduled assessment and rating, the NSW ECEC Regulatory Authority will continue to use other strategies to monitor the safety, health and wellbeing of children. This may include, but is not limited to:

- the issuing of certain compliance actions
- imposing conditions on the provider or service approval (subject to enforceable service conditions)
- conducting targeted monitoring and compliance visits of the service as an alternative to a full assessment and rating visit
- requiring services to engage with the NSW ECEC Regulatory Authority's quality improvement program or other relevant supports.

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.

5.3 Timeframes for decisions

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

6 Approval

Approved by: Sharon Gudu

Designation: Executive Director, NSW Early Childhood and Care Education Regulatory Authority

Dated: 4 June 2024

7 Document history

Table 1: Document information

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Table 2: Document version history

Version	Date	Author	Change description
1.0	17 March 2021	Director, Regulatory Strategy, Policy and Practice	
2.0	4 June 2024	Director, Statewide Operations Network	Business unit name and Template update

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