



Regulatory Roundtable - meeting 2 summary

Date	23 July 2024 – Meeting 2
Location	ESB Boardroom, Level 6, 131-139 Grenfell st, Adelaide / via MS Teams
Chair	Kerry Leaver, Chief Executive, Education Standards Board
Participant organisations	Kate Ryan - Preschool Directors Association; Nicholas Smith - Happy Haven Out of School Hours Care (OSHC); Eleanor Behrens - Community Children's Centres; Komala Champion - YMCA SA; Bronwyn Donghey – Australian Independent Schools, SA (AISSA); Alicia Flowers – Out of School Hours Care SA (OSHC SA) (via Teams); Elizabeth Death – Early Learning and Care Council of Australia (ELACCA); Tobias O'Connor – SA Primary Principals Association (SAPPA); Kathryn Jordan - Department for Education; Tara Harnett – Goodstart Early Learning; Kylie Warren-Wright & Catherine Matthews – Guardian Early Learning; Helen Ketley - Stepping Stones; Merrilyn Hannaford - Family Daycare Educators Association (Teams); Jackie Jackman - Australian Childhood Alliance (via Teams); Annie Bryce & Michelle Densmore – Edge Early Learning; Susan Jackson & Amy Graham – Early Childhood Australia;
	ESB Director Regulatory Practice and Operations, Sean Heffernan; ESB Manager Compliance and Investigations, Kimberley White; ESB Manager Quality Assessment, Amanda Nash; ESB Manager Regulatory Operations, Ailsa Fahy;
Apologies	Mark Corrigan – Catholic Education SA (CESA); Chelsea Davy - Camp Australia; ESB Assistant Director Regulatory Reform, Cameron Carroll;
Next meeting	29 October 2024

Item	Discussion/points raised	Presenter
1	Welcome/apologies and Acknowledgement of Country The Chair, Kerry Leaver, opened the meeting with an Acknowledgement of Country and welcomed attendees.	<i>Chair</i>
2	Sector Survey Feedback Key insights from the survey results are: Top three performance areas in compliance-related interactions and communication categories:	<i>Sean Heffernan</i>

	<ul style="list-style-type: none"> • 67% agree that authorised officers acted professionally in compliance-related interactions. • 55% agreed that the ESB promotes continuous improvement in the provision of early childhood education and care services • 59% responded that they were satisfied with interactions with the ESB. <p>Top three most frequent reasons for interaction with the ESB:</p> <ul style="list-style-type: none"> • Notifications of incident or complaint • Application for waiver • Assessment and rating process <p>Communication:</p> <ul style="list-style-type: none"> • 75% of respondents indicated that direct communication through emailed newsletters, alerts and social media update were helpful • 55% of respondents indicated that direct interaction with ESB staff either through face-to-face, email or telephone were helpful • 50% of respondents indicated that the ESB website was helpful <p>Bottom three rated performance areas relate to the engagement with the sector and Compliance-related interactions:</p> <ul style="list-style-type: none"> • 21% of respondents agree that the ESB considers the administrative burden any new initiatives may have on the sector • 43% agree that the way compliance processes were conducted was clearly communicated • 35% agree that the ESB seeks the sector’s perspective on key issues. <p>Areas for further exploration:</p> <p>Three main themes from the 2024 survey were:</p> <ul style="list-style-type: none"> • More supportive and collaborative relationship between services and the ESB • More guidance and proactive support needed for services • Reporting and documentation requirements placing burden on services <p><u>Action:</u></p> <ul style="list-style-type: none"> • Convene a sub-group and seek further information from members to explore key themes further and deliver a targeted action plan at the next round table 	
3	<p>Quality Assessment update</p> <p>The Education Standards Board manager of Quality Assessment presented an overview of the 2023-24 assessment and rating performance.</p> <p>Key outcomes are:</p> <ul style="list-style-type: none"> • Reduction in number of services rated as Working Towards (attributed to the introduction of an educative monitoring visit prior to the assessment and rating that supports services to identify and rectify non-compliance). • Reduction in number of services rated as exceeding (as anticipated given the significant time between visits and the changes to National Quality Standards in 2018). This is in line with national experience. 	<i>Amanda Nash</i>

	<p>The Roundtable discussed approaches taken by other jurisdictions in collaboration with ACECQA to support Working Towards services. This is under consideration through the Royal Commission recommendations.</p> <p>Findings from assessment and ratings outcomes in 2023-24 are:</p> <ul style="list-style-type: none"> • Exceeding themes were achieved predominately in quality areas one and six • 47 out of 132 services (36%) achieved exceeding themes • Element within the NQS that was most frequently rated as not met was element 2.1.2 'Health Practices and Procedures'. <p>Common areas that led to this element being Not Met are:</p> <ul style="list-style-type: none"> • Documentation of incident and injury records • Missing medical management records (expired medication, medication not available at service) • No identifiable processes in place to monitor these issues <p>The Roundtable debriefed around why these areas may be Not Met within services. Discussion focused on a lack of knowledge and understanding in OSHC sector, with root causes being the nature of the transient workforce and ongoing workforce shortages. The ESB informed the Roundtable that national work on reviewing the OSHC Assessment and Rating process has commenced.</p>	
4	<p>Request for information</p> <p>The ESB has improved its use of Request for Information notices, and the new template was shared with the Roundtable.</p> <p>Section 215 notices are used if the Regulatory Authority reasonably suspects that an offence has or may have been committed against the law and regulations.</p> <p>A letter will be sent by the ESB to the service/provider to provide any relevant and necessary information when the ESB reasonably suspects a breach may have occurred and further information is required to assess and investigate the case. The notice:</p> <ul style="list-style-type: none"> • Provides a fair and transparent process • Supports a proportionate risk-based response if non-compliance is identified • Protects legal rights of providers • Provides a source of intelligence for providers and services to understand where opportunities are to improve practice and resolve non-compliance. • Aligns the ESB's actions to legal requirements when requesting information <p>Changes to the current process include:</p> <ul style="list-style-type: none"> • The ESB calls the contact specified in the incident notification to inform them of the notification and the need for further information • A notice is subsequently sent outlining the details of the incident, with reference to the specific legislation or regulation that may have been breached, what information/documentation required and why. 	Kimberley White

	The Roundtable expressed the requirement for clear direction when CCTV is being provided. The ESB will provide specific time windows required when requesting CCTV footage.	
5	<p>Education and guidance topics for 2024-25</p> <p>The ESB outlined its intention to deliver education and guidance in 2024-25 focused on:</p> <ul style="list-style-type: none"> • Targeted guidance for services rated working towards 3 times or more, and • known areas of challenge, including regulatory priorities. <p>In this context, the Roundtable discussed what practical and constructive information and advice ESB could provide to support the sector:</p> <ul style="list-style-type: none"> • To better understand their regulatory obligations and responsibilities • To articulate clear expectations of what compliance looks like • Provide information on how to remedy and prevent non-compliance from recurring <p>The roundtable were asked to identify the top 3 most useful educational and guidance topics for providers and services in 2024-25.</p> <p><u>Action:</u></p> <ul style="list-style-type: none"> • Seek further feedback from Roundtable members on this topic out of session • ESB to provide feedback summary to Roundtable members and an approach for education and guidance for 2024-25 at the next meeting 	<i>Ailsa Fahy</i>
6	<p>Meeting closed – 11:30am</p> <p>The next meeting is scheduled for 29 October 2024</p>	