



ACT
Government
Education

Mr [REDACTED]
Australian Care and Educational Service Pty Ltd
[REDACTED]

Dear Mr [REDACTED]

I am writing to you about service approval application number 40089648 for Kiddie Cove Family Day Care which was received on 7 January 2017.

Decision

I am an officer authorised under the *Education and Care Services National Law (ACT) Act 2011* (the National Law) to make a decision to grant or refuse a service approval under section 48.

I have considered your application, and the information you provided at a meeting with the ACT Regulatory Authority on 23 February 2017, and have made a decision to refuse to grant the service approval in accordance with the National Law and the *Education and Care Services National Regulations* (the Regulations).

Legislation and policy

Under section 47 of the National Law – Determination of application – the Regulatory Authority must have regard to:

- a) *the National Quality Framework; and*
- b) *except in the case of a family day care residence, the suitability of the education and care service premises and the site and location of those premises for the operation of an education and care service; and*
- c) *the adequacy of the policies and procedures of the service; and*
- d) *whether the applicant has a provider approval; and*
- e) *whether the nominated supervisor for the service is a certified supervisor and whether that person has consented in writing to the nomination; and*
- f) *any other matter the Regulatory Authority thinks fit; and*
- g) *any other prescribed matter.*

Section 47(2) provides that the Regulatory Authority may have regard to additional considerations. In particular, section 47(2) allows the Regulatory Authority to consider:

- (a) *whether the applicant is capable of operating the education and care service having regard to its financial capacity and management capacity and any other matter the Regulatory Authority considers relevant.*

The National Law, section 49 sets out circumstances under which the Regulatory Authority must refuse to grant a service approval. Additional grounds are prescribed under Regulation 28 - Additional grounds for refusal to grant service approval – which includes:

The Regulatory Authority may refuse to grant a service approval on the following grounds –

- (a) The Regulatory Authority is not satisfied that the applicant is capable of operating the proposed service in a way that meets the requirements of the Law or these Regulations or the National Quality Standard.*

In addition, the *Operational Policy Manual for Regulatory Authorities* states that decisions made under the National Law should consider the objectives and guiding principles of the National Quality Framework.

In particular, section 3(2) of the National Law states:

The objectives of the national education and care services quality framework are –

- (a) To ensure the safety, health and wellbeing of children attending education and care services;*
- (b) To improve the educational and developmental outcomes for children attending education and care services;*

Reasons

In your application, you provided evidence that you hold a provider approval, that the nominated supervisor is a certified supervisor and has consented to the role, and that you have prepared the prescribed policies and procedures for the operation of the service. I am also satisfied that there are no conditions or suspension on your provider approval.

The Regulatory Authority sought further information about your understanding of the National Quality Framework and the provision of education and care, your experience in family day care and your management capability. On 23 February 2017 you attended a meeting with representatives of the Regulatory Authority to discuss these matters.

At the meeting you were asked about your experience in education and care and you referred to your nominated supervisor's work as a family day care educator. During this meeting you were also asked to describe the educational program to be implemented at your proposed service. You were able to demonstrate a broad knowledge of the relevant legislation and the national curriculum frameworks, but the Regulatory Authority considers this knowledge not adequate for the role of provider of an education and care service.

On 23 February 2017 you also participated in a written test to assist the Regulatory Authority to determine your knowledge of the National Law and Regulations.

The information you provided in your application, during the meeting and in the written test do not demonstrate an adequate understanding of the National Quality Framework for the provision of education and care to children. I therefore refuse your application on the grounds that I am not satisfied that you are capable of operating the proposed service in a way that meets the requirements of the National Law, National Regulations or the National Quality Standard (s. 49, Regulation 28).

Rights for Review

Under section 191 of the National Law, you may apply for an internal review of this decision. An application must be lodged within 14 days after the day on which you are notified of the decision or become aware of the decision. An application form can be obtained from www.acecqa.gov.au.

Applications for review will be conducted by a person who was not involved in the decision to refuse the service approval, and the review will be conducted within 30 days of the application being made.

Should you have any queries regarding the review process, please contact by email susan.sullivan@act.gov.au or telephone on (02) 6207 1114.

Yours sincerely



Susan Sullivan
Manager
Children's Education and Care Assurance
ACT Education Directorate

22 March 2017

