



EDUCATION AND EARLY CHILDHOOD SERVICES
Registration and Standards Board of South Australia



**Government
of South Australia**

Annual Report
of the
**Education and Early Childhood Services
Registration and Standards Board
of South Australia**
2014–2015

Queries may be directed to:

Education and Early Childhood Services
Registration and Standards Board
of South Australia

Phone: 08 8226 0077 or 1800 882 413

Fax: 08 8226 1815

Website: <http://www.eecrsb.sa.gov.au>

ABN: 73 995 271 108

ISSN: 2201-151X (Online)

ISBN: 978-0-9874270-0-7

Table of contents

Letter of transmittal.....	3
Presiding Member’s statement	4
Plans and objectives.....	6
RELATIONSHIP TO SA STRATEGIC PLAN.....	9
Operations and initiatives.....	10
EARLY CHILDHOOD EDUCATION AND CARE SERVICES	10
EDUCATION SERVICES.....	12
Strategic objectives.....	14
OVERVIEW.....	14
STRATEGIC OBJECTIVE 1: IMPLEMENT THE ACT	15
STRATEGIC OBJECTIVE 2: ESTABLISH THE EECSRSB AS A HIGH PERFORMING ORGANISATION	30
STRATEGIC OBJECTIVE 3: PROMOTE THE ROLE OF THE EECSRSB IN THE COMMUNITY	32
Role, legislation and structure	37
BACKGROUND	37
THE EDUCATION AND EARLY CHILDHOOD SERVICES REGISTRATION AND STANDARDS BOARD OF SA	38
STANDING WORKING GROUPS.....	41
THE ADMINISTRATIVE ARM OF THE EECSRSB	44
OPERATIONS SERVICES UNITS.....	45
ORGANISATIONAL STRUCTURE	46
Statutory requirements	47
MANAGEMENT OF HUMAN RESOURCE INFORMATION.....	47
EXTERNAL CONSULTANTS	52
FREEDOM OF INFORMATION.....	52
<i>WHISTLEBLOWERS PROTECTION ACT 1993</i>	52
PUBLIC COMPLAINTS	53
FRAUD	53
FINANCIAL STATEMENTS	53
Acronyms and abbreviations	54

Letter of transmittal

Hon. Susan Close MP
MINISTER FOR EDUCATION AND CHILD DEVELOPMENT

Dear Minister

In accord with the requirements of the *Education and Early Childhood Services (Registration and Standards) Act 2011* and *Public Sector Management Act 2009*, I am pleased to present you with the fourth annual report for the Education and Early Childhood Services Registration and Standards Board of South Australia.

This report pertains to the period from 1 July 2014 to 30 June 2015.

Yours sincerely



Dr Neville Highett
PRESIDING MEMBER
EDUCATION AND EARLY CHILDHOOD SERVICES
REGISTRATION AND STANDARDS BOARD OF SOUTH AUSTRALIA

30 September 2015

Presiding Member's statement

I have pleasure in presenting to you this fourth annual report of the Education and Early Childhood Services Registration and Standards Board of South Australia (the EECSRSB). The EECSRSB continued its work under the *Education and Early Childhood Services (Registration and Standards) Act 2011* legislation in collaboration and consultation with stakeholders in the education and care sector.

The EECSRSB's continued implementation of the National Quality Framework as the state regulatory authority under the National Law aims to ensure regulation of early childhood education and care services in support of the best interests of children and their families. This financial year processes were further streamlined and refined, South Australia had a national representation on various working groups, and there has been ongoing development of training materials and resources. Further work has been done concerning the development of regulations for residual early childhood services.

One of the EECSRSB's major challenges for the future relates to funding. This is both in relation to the registration and review of all early childhood services in scope, including residual services, and for the implementation of school registration and registration review.

Negotiations are currently under way between the states and territories and the Commonwealth concerning future Commonwealth funding to continue to implement the National Quality Agenda regulatory regime. The EECSRSB is currently awaiting finalisation of these negotiations and therefore notice of the quantum of any further Commonwealth funding. This is a challenge currently being faced and worked through by the EECSRSB as it prepares for a wide range of potential outcomes.

The EECSRSB has devoted considerable time and resources to developing regulations to further support the registration of new schools and review ongoing school registration. School registration responsibilities continued and schools' complaints procedures were implemented. A major focus was on compliance reviews for schools with full fee paying overseas students.

In submitting this report I wish to acknowledge the efforts of the staff working for the EECRSB and educators in schools and early childhood services who have worked with enormous commitment to improve children’s learning and development outcomes.



Dr Neville Highett
PRESIDING MEMBER
EDUCATION AND EARLY CHILDHOOD SERVICES
REGISTRATION AND STANDARDS BOARD OF SOUTH AUSTRALIA

Plans and objectives

The Education and Early Childhood Services Registration and Standards Board of SA (the EECSRSB) is the statutory authority responsible for the regulation and registration of early childhood education and care services under the *Education and Care Services National Law (South Australia)* (the National Law), residual early childhood services, and all schools in South Australia.

The role of the EECSRSB is to implement the *Education and Early Childhood Services (Registration and Standards) Act 2011* (the Act). The Act is inclusive of the National Law. The objects and principles of the Act are set out below:

Objects of the Act

The objects of this Act include providing for the regulation of the provision of education and early childhood services in a manner that maintains high standards of competence and conduct by providers and—

- (a) recognises that all children should have access to high quality education and early childhood facilities and services that—
 - i. address their developmental needs; and
 - ii. maximise their learning and development potential through an appropriate curriculum; and
 - iii. support their educational achievement; and
 - iv. promote enthusiasm for learning; and
 - v. support, promote and contribute to their health, safety and well-being; and
- (b) provides for a diverse range of services; and
- (c) recognises the rights of parents to access a diverse range of education and early childhood services providers; and
- (d) enhances public confidence in the operation of education and early childhood services providers.

Principles of the Act

The following principles should be taken into account in the administration of this Act:

- (a) parents and guardians should have the right to choose the best services for their family;
- (b) parents and guardians, and members of school communities, should have access to relevant information concerning the regulation of their child's school;
- (c) the welfare and best interests of children is the primary consideration in the performance of the Board's functions;

- (d) any person who works with children is obliged to protect them, respect their dignity and privacy and safeguard and promote their well-being;
- (e) cooperation between the Minister, the Board and the school education sectors contributes to achieving the effective provision of education and early childhood services;
- (f) successful learning is built on a foundation of rich, engaging environments and meaningful interactions in which children’s voices are listened to and acted on.

In exercising a power or performing a function under this Act, the Board should have regard to, and seek to give effect to, the following principles:

- (a) providers of education services and early childhood services should not be burdened by regulation more than is reasonably necessary;
- (b) the actions of the Board in relation to minimising or responding to a particular risk should be proportionate to the potential harm posed by the risk;
- (c) the Board should have regard to all of the circumstances of a particular provider of education services or early childhood services (including, without limiting this paragraph, the provider's history of compliance with this or any other relevant Act and any risk that the provider may not comply with this Act in the future).

Source: *Education and Early Childhood Services (Registration and Standards) Act 2011*, s. 9

In addition, the National Law sets out objectives and guiding principles that specifically relate to the establishment of the national education and care services quality framework for the delivery of education and care services to children in Australia.

- (2) 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;
 - (c) to promote continuous improvement in the provision of quality education and care services;
 - (d) to establish a system of national integration and shared responsibility between participating jurisdictions and the Commonwealth in the administration of the national education and care services quality framework;
 - (e) to improve public knowledge, and access to information, about the quality of education and care services;
 - (f) to reduce the regulatory and administrative burden for education and care services by enabling information to be shared between participating jurisdictions and the Commonwealth.
- (3) The guiding principles of the national education and care services quality framework are as follows—
 - (a) that the rights and best interests of the child are paramount;

- (b) that children are successful, competent and capable learners;
- (c) that the principles of equity, inclusion and diversity underlie this Law;
- (d) that Australia's Aboriginal and Torres Strait Islander cultures are valued;
- (e) that the role of parents and families is respected and supported;
- (f) that best practice is expected in the provision of education and care services.

Source: *Education and Early Childhood Services (Registration and Standards) Act 2011*, Schedule 1 s.3

Relationship to SA Strategic Plan

The EECSRSB contributes to the achievement of the following targets, strategic priorities and primary goals of the South Australian Strategic Plan 2011:

Strategic priority: Every chance for every child

‘All children can access high quality, affordable child care and preschool offered by trained staff using a rigorous curriculum. Those who work with young children are a recognised and valued group of early childhood development professionals.’

Seven Strategic Priorities, *Every chance for every child* factsheet

Families are the centre of learning life skills; together we grow

Target 12 Early childhood: Increase the proportion of children developing well

We support families

Target 14 Early childhood – Year 1 literacy

Target 15 Aboriginal education – early years: Year 1 reading

Our young people have a future here

Target 54 Learning or earning

We are the best educated in the nation

Target 87 Reading, writing and numeracy

Target 88 Science and maths

Target 89 SACE or equivalent

South Australia is renowned as an educational leader

Target 90 Share of overseas students

We actively participate in shaping the future of our state

Target 30 Boards and committees

Governments demonstrate strong leadership working with and for the community

Target 32 Customer and client satisfaction with government services

Target 33 Government planning decisions

Operations and initiatives

The EECSRSB is the statutory authority responsible for the approval, registration and regulation of education and care services under the National Law, residual early childhood services and registration of all schools in South Australia.

The EECSRSB has the following key functions:

- regulate the provision of education services and early childhood services
- approve the requirements for endorsement of registration of schools
- establish and maintain the registers contemplated by this Act
- prepare or endorse codes of conduct for registered schools
- provide advice to the Minister
- carry out other functions assigned to the Board by the Minister.

Source: *Education and Early Childhood Services (Registration and Standards) Act 2011*, s. 29

Early childhood education and care services

Approvals

All prescribed providers of early childhood education and care services in the scope of the Act must be approved by the EECSRSB. This applies to the services in scope of the *Education and Care Services National Law (South Australia)* and early childhood services that fall outside the scope of the National Law that are defined as residual early childhood services.

Applicants that apply for provider approval must be fit and proper to be involved in the provision of an early childhood education and care service. This applies to an applicant who is an individual and each person with management or control of a company or body corporate. To determine if a person is fit and proper the Board will have regard to certain matters such as:

- an individual's compliance history;
- the currency and suitability of their relevant history assessment;
- prior decisions to refuse or suspend an approval;
- financial matters that may significantly limit the applicant's capacity to meet the obligations under the Law; and
- medical circumstances that may cause the person to be incapable of being responsible for providing an early childhood service.

An approved provider must apply to the EECSRSB for a service approval if they will be the operator of the education and care service. Matters that may be taken into account in determining a service approval include:

- the approved provider's previous history of compliance;
- the approved provider's capability of operating the early childhood service;
- that there is a suitable nominated supervisor appointed;
- an entitlement to occupy the premises; and
- that the policies and procedures are adequate and relevant to the service.

The EECSRSB also considers any risks posed to the health, safety or wellbeing of children if a service approval is granted. Where a service approval is granted, there are conditions that determine how a service is operated.

Every service must operate with a nominated supervisor who holds a supervisor approval and who is responsible for managing the day-to-day operations of the service on behalf of the approved provider. Changes to the Education and Care Services National Regulations 2011 that came into effect on 1 June 2014 now allow approved providers to appoint certified supervisors who can take day-to-day charge of a service and be the nominated supervisor. Supervisors were previously approved by the EECSRSB or declared approved. This change reduces the regulatory burden both for providers and also regulatory authorities. However, the EECSRSB can still issue certification to supervisors where they seek an individual approval and meet the criteria. Nominated supervisors and persons placed in day-to-day charge must consent to the nomination.

Under the National Law, the EECSRSB must not grant an application, for example a service approval, unless it is satisfied that the service, if permitted to operate, would constitute an unacceptable risk to the safety, health or wellbeing of children who would be educated or cared for by the service. In all instances of refusals, an applicant has the opportunity to request an internal review of the decision outlined which must be lodged within a timeframe specified by the National Law.

Assess and rate services

The EECSRSB is responsible for assessing and rating services that are within the scope of the National Law against the seven quality areas of the National Quality Standard (NQS) to promote quality education and care and continuous improvement. All jurisdictions are working towards

completing the first assessment and rating of all services in scope of the National Law with South Australia currently having completed assessment and rating on approximately a third of all approved services.

Compliance monitoring and action, complaints management and incident notifications

A key objective of the EECSRSB under the National Law is ensuring and promoting the safety, health, wellbeing and development of children in education and care services. Authorised officers work with services, providers and nominated supervisors to achieve this objective. One important means of doing this is by conducting announced and unannounced monitoring visits to services.

Under the National Law (s. 174), providers must notify the EECSRSB of:

- prescribed serious incidents
- other incidents, including complaints alleging that the safety, health or wellbeing of a child or children was or is being compromised while being educated and cared for by the approved education and care service
- complaints alleging that the Law has been breached and circumstances that pose a significant risk to the health, safety and wellbeing of a child.

The Board also receives and investigates complaints from parents, service staff, members of the public and a range of others apart from those notified by providers.

Education and information

As the regulatory authority the EECSRSB is also responsible, in conjunction with the national authority, for:

- educating and informing education and care services and the community in relation to the National Quality Framework (NQF)
- enhancing public confidence in the operation of education and early childhood services providers.

Education services

Registration on School Register

A school at which education services (courses of instruction in primary or secondary education) are provided, or students enrolled, must be registered. Under the Act (s. 41), the EECSRSB is

responsible for keeping a register of all government and non-government schools and a register of schools that have been removed from the School Register and which have not been reinstated to that register. The EECSRSB issues Certificates of Registration to all schools at which education services are provided, or in which students are enrolled.

Schools are eligible for registration on the School Register if the EECSRSB, on application made in accordance with the Act, is satisfied that:

- the nature and content of the instruction offered, or to be offered, at the school is satisfactory; and
- the school provides adequate protection for the safety, health and welfare of its students; and
- the school satisfies any other requirements set out in the regulations for the purposes of this subsection.

Source: Education and Early Childhood Services (Registration and Standards) Act 2011, s. 43

Under the Act, all schools which existed prior to 1 January 2012 were declared approved. New government and non-government schools are required to apply to the EECSRSB for registration. Schools intending to change their existing structure—for example, to amalgamate with another school, change year level offerings, move location or introduce a new cohort of students—are required to apply to the EECSRSB for registration prior to the change occurring. In their application, schools need to demonstrate that the nature and content of the instruction offered, or which will be offered, is satisfactory and that it provides adequate protection for the safety, health and welfare of its students. The EECSRSB will also be required to review the registration of schools in a manner yet to be determined.

For schools with overseas students, the EECSRSB is also responsible for:

- managing and updating the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
- advising, receiving and assessing applications from schools seeking to enrol full fee paying overseas students for compliance with the *Education Services for Overseas Students Act 2000* (ESOS Act) and The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the National Code), the subsequent authorisation of the school on the national register of CRICOS schools, and conducting compliance audits. In the case of government schools this has been coordinated through the International Education Services Unit of the Department for Education and Child Development (DECD).

Strategic objectives

The objects and principles of the Act guide the Strategic Plan of the EECSRSB. During the reporting period the EECSRSB continued to prioritise the following strategic objectives:

- implement the Act
- establish the EECSRSB as a high performing organisation
- promote the role of the EECSRSB in the community.

Overview

During the 2014–15 financial year, the EECSRSB continued to implement the National Law within the Act. The EECSRSB presented a number of education sessions and ran workshops to assist understanding within the sector. Processes were further streamlined and refined, South Australia had a national representation on various working groups concerning national process improvement and there has been ongoing development of training materials and resources. The number of approvals for the period was 1 153 services and 549 approved providers. In this reporting period over 1 000 services (over 85% of the total number regulated) were visited. In the reporting period 1 597 compliance matters were received and dealt with by the EECSRSB, which resulted in 358 new investigations. Further work has been done concerning the development of regulations for residual early childhood services.

The EECSRSB devoted considerable time and resources to developing regulations to further support the registration of new schools, and reviewing ongoing school registration. School registration responsibilities continued which included consulting with and supporting application for new school registrations. A pilot program was used at the end of 2014 to assess the overall effectiveness of the proposed compliance checking processes and tools in relation to CRICOS. South Australian schools with overseas students were reviewed and re-registered during 2015. Further, schools' complaints procedures were implemented.

A great deal of work was done to further establish the organisation. Staffing levels remained at complement within funding restrictions. Various improvement initiatives were actioned by the Corporate Services unit and there was a continued focus on the review and development of internal policies, procedures and information technology systems. Communications activity was also a focus. Cost cutting measures were implemented where possible across goods and services to allow for more resource allocation to current strategic priorities.

Challenges for the future relate to funding for registration and review of all early childhood services in scope, as well as residual early childhood services, which is impacted by negotiations around the national funding agreement for early childhood services as well as the appropriation of funds for implementing school registration and registration review. In the absence of sufficient appropriations the implementation of the Act will be incremental.

Strategic Objective 1: Implement the Act

During the reporting period, the EECSRSB continued to implement the Act. The focus in the reporting period was on continuing to develop practices and procedures that support early childhood education and care services (regulated under the National Law and the Act) and school education sites to provide quality services in South Australia which are diverse and legally compliant.

EARLY CHILDHOOD EDUCATION AND CARE SERVICES

The EECSRSB has responsibility for the administration of the legislation, regulation and registration of all services that are prescribed in the South Australian Act. Appended to the Act is the *Education and Early Childhood Services National Law*, as applied in South Australia. The National Law applies to long day care; preschools, outside school hours care and family day care services. Early childhood education and care services that fall outside the scope of the National Law are defined as residual early childhood services and are identified as in-home care services, occasional care services, rural and mobile care services and individual family day care services that are not included within the meaning of the National Law. The Act prescribes that residual early childhood services are to be regulated through a modified application of the National Law.

Education and care services regulated under the National Quality Framework

Family day care, long day care, outside school hours care and preschools are those service types in scope of the National Law and these are categorised as either centre based care or family day care services.

Number of approvals at 30 June 2015:

- 1 153 approved services, comprising 1 115 centre based services and 38 family day care services;
- 549 approved providers; and
- 9157 certified supervisors.

Family day care has been the fastest growing service type nationally and within South Australia (which had 12 family day care services when the EECSRSB began operation).

The Australian Children’s Education and Care Quality Authority (ACECQA), as the National Authority, publishes registers of providers, services and certified supervisors on its website as required by the National Law, together with all available service assessment data. A link to the service register is also published on the EECSRSB’s website. The registers are updated weekly. Information on the registers also links with the Australian Government’s MyChild website and ACECQA’s newly established Starting Blocks website that is designed to provide a family friendly resource to help new parents answer child care questions and better understand the benefits of quality early childhood education and care.

Approvals

The EECSRSB is responsible for assessing a range of different applications including for new provider, service, certified supervisor approvals as well as transfers of service approval, amendment of service approval and waiver applications.

In relation to waiver applications, the EECSRSB approves applications for either a temporary or service waiver. A waiver can be granted for certain requirements in the Regulations and elements of the NQS and the service is regarded as meeting those requirements while the waiver is in effect. Waivers play an important role in helping providers maintain their level of service to families while adjusting to the NQF or dealing with unexpected events that may make them unable to comply with the regulation. For example, if an educator resigns at short notice the service may be temporarily unable to provide the required number of qualified educators and may apply for a waiver from that requirement.

At 30 June 2015, 55 (or 4.8%) of approved services in South Australia had a temporary waiver, with no service waivers having been granted. Fifty-two of these waivers were for staffing requirements and three for physical environment arrangements.

Of the 52 waivers issued relating to staffing requirements, 25 waivers have been issued in relation to the requirement for services to have an early childhood teacher and the remainder (27) have been issued for other requirements for qualified educators.

South Australia has issued a relatively low proportion of waivers in comparison with the national average. This is partly a reflection of the practice of the EECSRSB to discuss in detail services' circumstances and other options for meeting the requirements before granting a waiver.

A breakdown of the applications approved by the EECSRSB for the reporting period is provided in the following table.

Applications approved during the 2014–15 financial year	
Application for Provider Approval	23
Application for Amendment of Provider Approval	7
Application for Service Approval	35
Application for Amendment of Service Approval	70
Notification of Transfer of Service Approval	29
Application for Supervisor Certificate	98
Application to Amend a Supervisor Certificate	4
Request for Supervisor certificate for Specified Class of Persons	18
Application for Service or Temporary Waiver	108
TOTAL	392

Over the reporting period, in the interests of children, 18 applications for service approval, two applications for provider approval and 23 applications for supervisor approval were refused.

Until March 2015, an Approvals Committee comprised of Board and Deputy Board members, as a delegate of the EECSRSB, made all decisions to refuse applications consistent with the legislative obligations of the Law. This Committee has the delegation of a decision making power from the EECSRSB under the Law to approve or refuse to grant a provider approval, service approval or a supervisor certificate as well as applications for a waiver or amendment. From March 2015 the Registrar, Early Childhood Services was also delegated the power to refuse applications for approval. The decision to refuse an application for approval is a reviewable decision. The EECSRSB has an Internal Review of Reviewable Decisions Committee. This committee is comprised of Board and Deputy Board members and is chaired by the EECSRSB's legal practitioner. Applications for review of two refusal decisions were made in the reporting period.

Assessment and rating

Since assessment and rating of services commenced, ongoing consideration has been given to the implementation of the assessment and rating process with a focus on continuous

improvement. The EECSRSB, together with other jurisdictions, began implementing nationally agreed refinements to streamline the process from June 2014. These have included the use of a new reporting template, writing at the standard rather than element level and reducing lead in times to the date of assessment.

In addition, South Australia has had representation on various national working groups focused on refining and reviewing current processes and existing resources. This has included national consultations on proposed changes to the NQS. The proposed NQS will reduce the number of standards and elements with a view to minimising duplication and consolidating commonalties between the existing standards and elements.

This has also led to the ongoing development of training materials and resources to assist authorised officers in their assessment roles.

Apart from the addition of three new authorised officers in early 2015, minimal staff changes have occurred. This has enabled the existing team to become established in their roles and familiar with the complexities of the work required. All existing authorised officers have also completed mandatory drift testing to maintain and verify inter-rater reliability. This ensures that all authorised officers come to the same outcome in determining the rating of a service when analysing evidence gathered against the NQS.

The EECSRSB assessed and rated 196 services between 1 July 2014 and 30 June 2015. Of these, 76 were rated at Working Towards NQS; 41 at Meeting NQS and 77 at Exceeding NQS, with two rated by ACECQA as Excellent. These figures include the different assessment and rating types that can occur such as a first full assessment and rating, next assessment and review of rating.

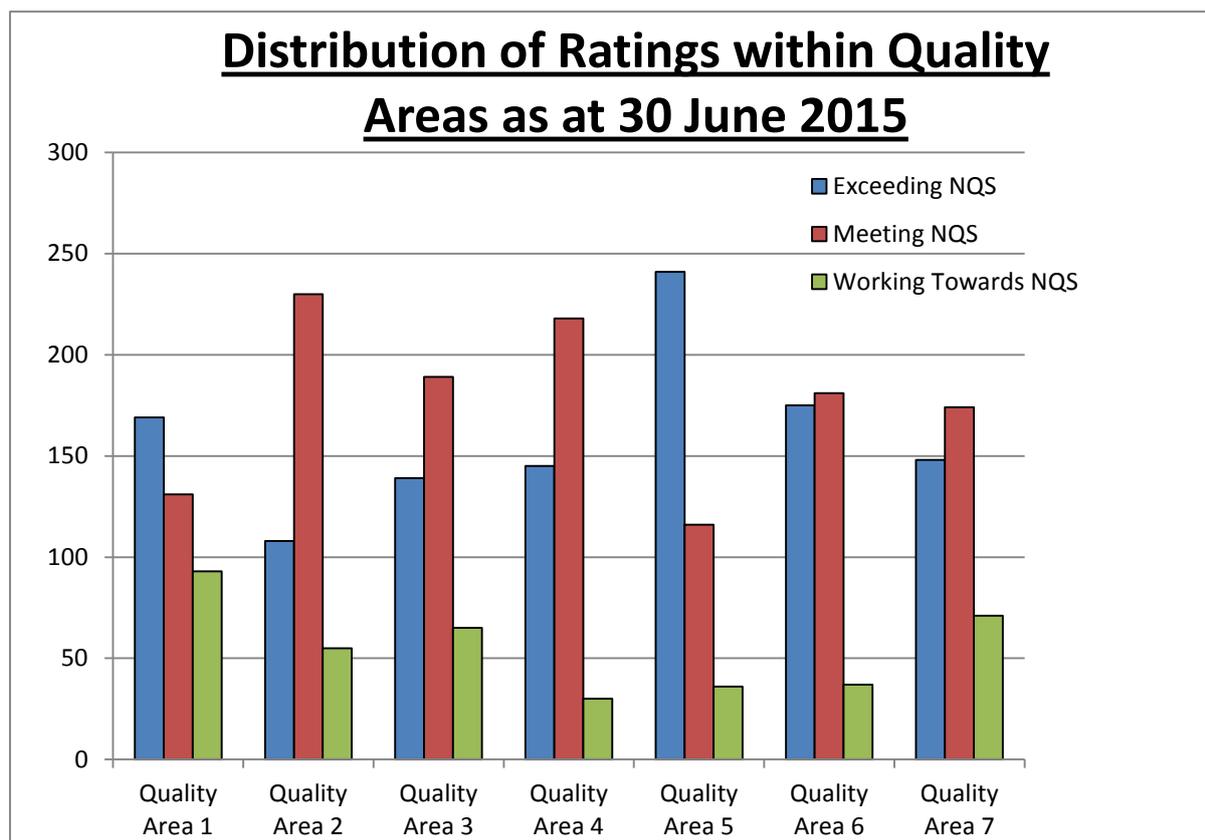
As at 30 June 2015, the total number of services that have been assessed and rated was 469: of these, 384 services (33%) were assessed and rated for the first time. The distribution of final quality ratings is highlighted in the graph below.

South Australia has a relatively lower proportion (at 33%) of quality rated services than other jurisdictions apart from Western Australia (at 34%). Nationally, the proportion of completed first assessments on 30 June 2015 is 63%.

The difference is due to the time taken to establish the EECSRSB as an independent statutory authority from the outset of the NQF whereas other jurisdictions retained the regulatory

function within their existing organisational structures. A lower rate of assessment is also due to the low number of authorised officers compared with service numbers.

South Australia has the highest proportion of services rated at Exceeding NQS at 42%, compared with 28% nationally. By 30 June 2015, seven of these services have also been awarded an Excellent rating by the Australian Children’s Education and Care Quality Authority. Twenty-seven per cent have been assessed at Meeting NQS and 29% at Working Towards NQS.



Source: NQA ITS

QA 1: Educational program and practice
QA 2: Children’s health and safety
QA 3: Physical environment
QA4: Staffing arrangements

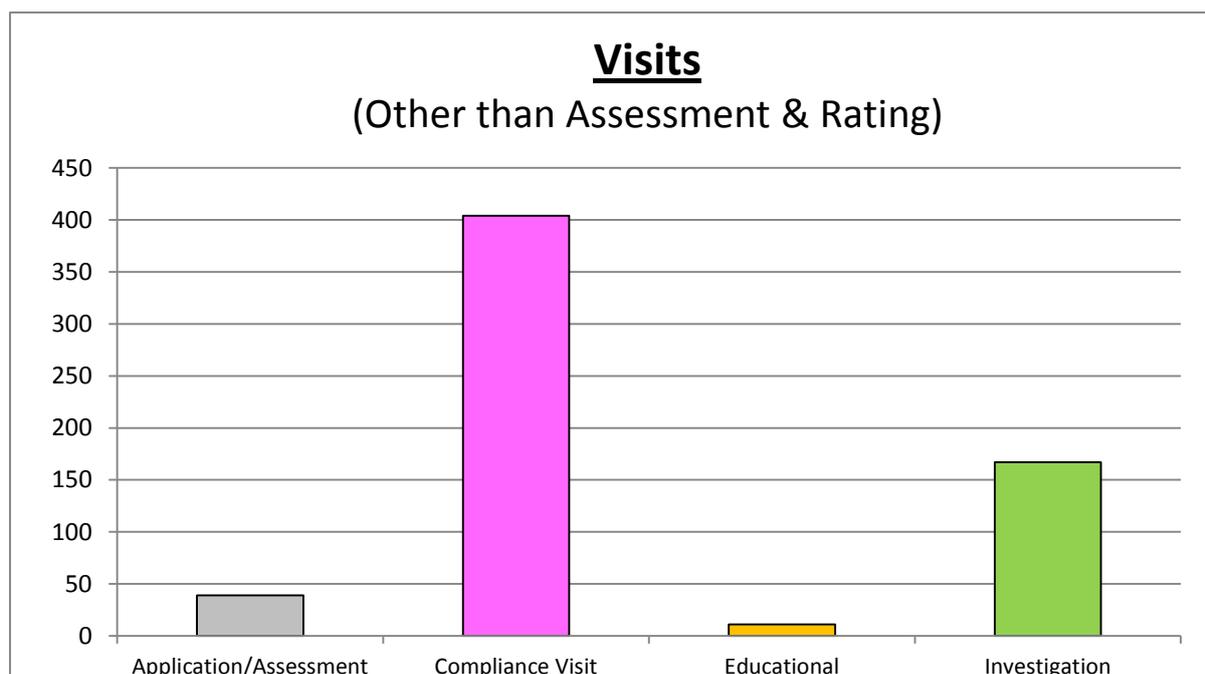
QA 5: Relationships with children
QA 6: Collaborative partnerships with families & communities
QA 7: Leadership and service management

Compliance monitoring and action, complaints management and incident notifications

The EECSRSB monitors services for compliance and has prioritised visiting all services in its scope. By the end of June 2015, the EECSRSB had visited over 1 000 services (over 87.5%) out of the total number (1 153) that it regulates. At the outset of implementing the NQF the EECSRSB had service profiles of approximately 370 child care services which had previously been regulated by the DECD Licensing and Standards Unit. Unlike most other jurisdictions where all services in scope of the NQF were regulated under a previous state or territory licensing regime,

an additional 800 services came into the scope of the NQF in South Australia. The EECSRSB implemented a visit schedule to develop a profile of those services. By conducting these visits the EECSRSB has been able to disseminate information to services and strengthen its profile and reputation with services. It has also identified compliance issues for rectification.

Monitoring and enforcement of compliance including investigation of complaints 2014–15



Source: NQA ITS

The EECSRSB can choose to take compliance and enforcement action in the interests of children as one of its compliance strategies. It does this with regard to proportionality, the compliance history of a service, provider, nominated supervisor or educator and whether it serves the public interest. A Complaints and Compliance Committee for Early Childhood Services comprised of EECSRSB members, deputy members and co-opted members decides whether to take compliance and/or enforcement action and which actions are appropriate.

The following table illustrates the range of compliance action taken by the EECSRSB during 2014–15. The EECSRSB publishes details of compliance action in the public interest consistent with section 270 of the National Law. The EECSRSB also takes considerable action at a less formal level by issuing letters which invite compliance from providers and with which most recipients comply thereby avoiding any escalation to formal action.

**Formal compliance action undertaken by the EECSRSB in relation to
early childhood and school aged care services 2014–15**

Formal Compliance Action	Number of Actions Taken	Entity
Suspension of service approval	3	2 family day care and 1 long day care service
Cancellation of: <ul style="list-style-type: none"> • service approval • certified supervisor certificate 	2 5	2 family day care services 5 educators
Compliance notice for breaches of the National law	5	3 long day care services and 2 family day care services
Enforceable undertaking agreed with approved providers	2	1 outside school hours care provider and 1 family day care provider
Emergency action notice to address immediate risk to safety, health or wellbeing of a child or children	1	family day care service
Imposed conditions on a service approval	2	family day care services
Prohibition of educators from providing education and care	2	2 educators

Source: NQA ITS

The EECSRSB received and followed up on 929 serious incident reports, 310 incidents other than serious and 358 complaints in the reporting period, with investigations extending into the next reporting period. Serious incidents include a range of matters prescribed in Education and Care Services National Regulation 12 such as any incident involving serious injury or trauma to, or illness of, a child while being educated and cared for by a service which a reasonable person would consider required urgent medical attention from a medical practitioner.

Investigations have been undertaken from complaints made directly to the EECSRSB, from notification information, incidents that have occurred in education and care settings and information provided by other government agencies. In the reporting period 358 investigations were opened and 449 investigations were closed; this included the closure of investigations from previous reporting periods. Investigation outcomes included substantiated breaches of the National Law and Regulations being recorded against approved providers and services, preparation of Briefs of Evidence for consideration by the Complaints and Compliance Committee and the closure of matters that were unsubstantiated or had been resolved.

Educate and inform

The EECSRSB uses this regulatory tool in a range of ways to support service improvement. For example, it participated in a number of professional learning sessions, in collaboration with Gowrie SA, during the reporting period. Gowrie SA is the professional support coordinator funded by the Australian Government to provide support to early childhood education and care services to implement the NQF. These were attended by more than 680 educators, providers and service supervisors. Topics included Preparing for Your Assessment Visit, Talking to Authorised Officers and Roles and Responsibilities of Principals in the NQF.

The EECSRSB co-presented sessions particularly targeted towards supporting family day care services to meet regulatory requirements, including Family Day Care Regulations: Essential Information for all FDC Providers and Risk Assessments in Family Day Care. In conjunction with Gowrie SA the EECSRSB also presented three NQF Mini Sampler Conferences in country locations, which explored topics such as sustainability, articulating curriculum and the cycle of planning, documenting and evaluating.

In April 2015 the EECSRSB, in conjunction with ACECQA and Gowrie SA, ran four workshops on Exploring Quality Area 1 in both country and metropolitan locations. Sessions were also conducted in response to invitations to speak to various groups including regional and metropolitan hub groups, DECD Family Day Care Scheme Managers and Catholic Education and Independent School Principals.

Evaluative feedback has been very positive about the usefulness of information provided by the EECSRSB at these sessions. The Early Childhood Services unit publishes information on the EECSRSB's website, including fact sheets, and emails services as necessary: for example, providing clarification around the requirements and processes for conducting relevant history assessments and safe sleeping arrangements. The EECSRSB also draws upon and promotes the ACECQA resources in the interests of national consistency. The ACECQA website publishes a significant number of key documents for regulatory authorities and the broader sector as well as regular newsletters for both services and families.

Residual services regulation

Early childhood services that fall outside the scope of the National Law are called residual early childhood services and are identified as: occasional care; rural and mobile care; in-home care (formerly babysitting agencies); and family day care services not included within the definition

in the National Law. The Act applies a modified version of the National Law to residual early childhood services with a view that over time these services will be included into the scope of the NQF. The task of developing regulations for residual early childhood services began in 2013 and has since been deferred while the Review of the NQF is occurring. One of the proposals of the review was to seek feedback on whether additional services, such as residual early childhood services, should be included in the scope of the NQF which would have an impact on the regulation of residual early childhood services. The findings of the review have not yet been finalised; however, the EECSRSB will continue with the task of the development of service specific regulations once a final decision is made.

For in-home care services and individual family day care services (not within the scope of the National Law), the EECSRSB has developed and approved operational Standards that an approved provider of an in-home care service or individual family day care service must comply with as a condition on their service approval in accordance with Regulation 27 of the Education and Early Childhood Services (Registration and Standards) Regulations. These Standards are known as the *South Australian Standards for In-Home Care Services*, effective from 1 July 2014, and the *South Australian Standards for Individual Family Day Care Services*, effective from 1 August 2015.

To support residual early childhood services to understand the requirements of the Law the EECSRSB has published on its website a number of supporting documents and forms. For new service approvals the *Information for New Residual Early Childhood Service Approvals* outlines the approval process under the National Law as it applies to residual early childhood services. *Residual ECS: Understanding the Operational Requirements of the Law* outlines the day-to-day operational requirements for each of the service types as described in the Education and Early Childhood Services (Registration and Standards) Regulations 2011.

Notification forms have also been developed to support residual early childhood services. The notification forms relate to prescribed circumstances, for example: incidents or serious incidents; complaints; change to information about an approved provider or change to a nominated supervisor; and change to information about a service.

At 30 June 2015 there are 118 approved residual early childhood services.

This comprises 93 occasional care services and 15 in-home care services and 10 mobile care services.

SCHOOL EDUCATION

Registration

Throughout the reporting period EECSRSB officers performed a range of school registration responsibilities to ensure the appropriate administration of the Act. This involved providing a consultancy service to schools about the requirements and conditions for school registration including consulting with and supporting applicants for new school registration and changes to registration conditions.

Government school reviews

Schools applying for registration changes were assessed by the EECSRSB. Applications were usually processed within three weeks and a site visit scheduled to meet the needs of the school and the EECSRSB. Site visits were up to two hours in duration. Subject to satisfactorily meeting registration requirements and the payment of the appropriate fee, notices of approval were sent with a Certificate of Registration.

Non-government school reviews

Schools were reviewed either for year level extension or commencement of a new school. Advice was also provided to organisations proposing to establish new schools and to the executives of schools who wished to change the year levels on offer, the location of their schools, or both.

School reviews (government and non-government)

Engagement with schools for the purpose of school review was done on the basis of criteria established by the EECSRSB. Government school review activity included informing schools of the need for registration, receiving and assessing evidence based on the application form, communicating with schools and arranging site visits as required. The following reviews and consultations were carried out:

New school/change of site

Adelaide East Education Centre (new site)
Cardijn College (FAME campus becoming its own school)
Domino Servitor College (Lobethal) (proposed)
FAME (Flexible Accredited Meaningful Engagement: previously campus of Cardijn College)
Garden College (new school)
Northern Adelaide Senior College (new site)
Port Augusta Special School (new site)
Seaview Christian College (Port Augusta) (proposed)

Shia Islamic College (proposed)
Treetops Autism Specific School (proposed)

Addition of campus

Southern Montessori School

Change of year level(s)

Blakes Crossing (registered R–7)
Concordia College (addition of Year 7)
Cornerstone College (addition of Year 7)
Pennington R–7 School (amalgamation of junior primary school and primary school)
Prescott College Southern (addition of Year 10)
St John’s Lutheran School (deduction of Year 7)
St Paul’s College (addition of R–Year 4)

Consultations with school executives

Concordia College (amalgamation with St John’s Lutheran School)
Hope Christian College (change of name and Governing Body)
Rivergum College (change of name and Governing Body)
Sacred Heart College (amalgamated with Sacred Heart Middle School).

Schools with full fee paying overseas students

The EECSRSB assumed responsibility for ESOS Act requirements on 18 March 2013 after a transition period negotiated with existing stakeholders. South Australian schools with full fee paying overseas students were required to be reviewed and re-registered during 2015. The review process and timing was established in consultation with the Australian government authority and was in compliance with state and national legislative requirements.

The EECSRSB is the Designated Authority in South Australia for implementing the ESOS Act and assuring compliance. Schools that enrol Full Fee Paying Overseas Students (FFPOS) must meet the requirements of the National Code of the ESOS Act to be registered on CRICOS. CRICOS is the official Australian government register that lists all Australian education providers offering courses to people studying in Australia on student visas and the courses that are offered. CRICOS registered schools need to meet the standards in the ESOS legislation. The EECSRSB maintains the CRICOS database for South Australia so that South Australian schools can continue to attract overseas students to our state.

This involves:

- validation and verification of data
- maintenance of accuracy and completeness of compliance information
- support for school enquiries and compliance matters.

As representatives of the Designated Authority under the ESOS Act, the Registrars provided a resource function for registered schools to ensure compliance with the ESOS Act and participated in audits and information sessions with Commonwealth Department of Education and Training (DoET) officials.

CRICOS registration for schools registered in South Australia expires during 2015. As the designated authority in South Australia for these schools the EECSRSB has responsibility for auditing the schools and making recommendations concerning renewal of registration to the DoET. To support registered schools to maintain registration, comprehensive guidelines were developed through a process of consultation and negotiation with key stakeholders. These guidelines provide the necessary information to assist school compliance with the 15 ESOS Standards and include a checklist, application forms, fee schedules and resources such as internet links.

Pilot program

The EECSRSB fulfils its responsibility of monitoring and maintaining the CRICOS register through access to the Provider Registration and International Students Management System (PRISMS). PRISMS provides Australian education providers with Confirmation of Enrolment (CoE) facilities required for compliance with the ESOS legislation. EECSRSB staff members manage the South Australian section of the PRISMS database for school education, including updating course fees, maintaining school data and auditing the integrity of data for all South Australian school providers.

South Australian government schools were registered until 30 March 2014 and non-government schools were registered until 30 September 2015, therefore requiring review and re-registration to continue to enrol overseas students. A pilot program was used at the end of 2014 to assess the overall effectiveness of the proposed compliance checking processes and the tools that were developed by the EECSRSB for the full-scale reviews in 2015. The pilot program led to an appropriate, effective and efficient compliance checking process for schools which was used for

reviews of compliance with the *ESOS Act 2000* and the National Code as well as any other relevant legislation.

The pilot program involved six schools, including both government and non-government schools, as well as International Education Services (IES), as the CRICOS provider for South Australian government schools. The program culminated in the re-registration of CRICOS for South Australian government schools and for the four non-government schools involved.

CRICOS reviews

All South Australian schools required a compliance review to be recommended for re-registration to the relevant national authority before July 2015. The review was conducted by the Registrar, Government Schools and Registrar, Non-government Schools supported by external reviewers contracted for that purpose. A total of 38 schools were reviewed and all were recommended for re-registration for the maximum period of five years.

The EECRSB held a CRICOS workshop in February 2015 for providers to attend with representatives from the ESOS Compliance Branch of the Commonwealth Department of Education and Training (DoET) and from the Department of Immigration and Border Protection (DIBP) who gave presentations for their respective areas of expertise and answered questions.

CRICOS/ESOS related activity 1 July 2014 to 30 June 2015

Sector	New CRICOS registration	Reviews leading to Renewal of CRICOS registration	Cancellation of CRICOS registration (school request)	Cancellation of CRICOS registration (amalgamated school sites)	Total
Government (Number of schools)	17 ¹	10 ¹	6 ¹	0	33
Non-government (Number of schools)	0	38	19	1	58
					91

¹ Sub-sites of the CRICOS Provider International Education Services (IES)

Complaints against schools

Schools' complaints procedures were developed to add to the business process developed by the EECSRSB in consultation with the Crown Solicitor's Office during 2012–13. The procedures operationalise Section 30 of the Act regarding the requirements for handling complaints about schools.

A key issue in addressing allegations against schools is managing the expectations of stakeholders, including schools, families and responsible authorities. Throughout the process of receiving allegations and assessing them against the legislative criteria, expert advice in legal matters and the conduct of investigations is obtained. This ensures appropriate action is taken to address allegations and complaints and also provides protection for the EECSRSB's internal and external reputation.

Registered school statistics summary

School registration changes July 2014 – June 2015

Sector	Change of year levels	School/campus change	FFPOS activity	Total
Government (Number of schools)	1	3	23	27
Non-government (Number of schools)	5	3	20	28
				55

Government schools (at 30 June 2015)

	June 2012	June 2013	June 2014	June 2015
Primary	393	367	366	364
Secondary	69	67	67	67
Combined	80	79	80	82
Special	14	15	15	16
Total	556	528	528	529

Source: EECSRSB School Register

Non-government schools (at 30 June 2015)

	Catholic				Independent			
	2012	2013	2014	2015	2012	2013	2014	2015
Primary	68	68	68	68	36	36	35	36
Secondary	11	11	11	12	10	10	10	10
Combined	22	22	22	22	47	47	49	49
Special	2	2	2	2	1	1	1	1
Total	103	103	103	104	94	94	95	96

Source: EECSRSB School Register

Schools approved to enrol full fee paying overseas students (at 30 June 2015)

	Government				Catholic				Independent			
	2012	2013	2014	2015	2012	2013	2014	2015	2012	2013	2014	2015
Primary	52	51	47	53	0	0	0	0	5	5	5	1
Secondary	40	45	45	42	5	5	4	3	8	8	8	7
Combined	13	13	13	18	14	14	13	12	28	28	25	18
Special	0	0	0	0	0	0	0	0	0	0	0	0
Total	105	109	105	113	19	19	17	15	41	41	38	26

Source: EECSRSB School Register

There were 23 applications from government schools to change status with respect to full fee paying overseas students and 23 changes to the status of non-government schools with respect to full fee paying overseas students.

Regulations

Since the beginning of 2015 the EECSRSB has devoted considerable time and resources to developing regulations for schools in SA. This work builds on previous efforts to put in place a set of school regulations suitable for all schools (including both government and non-government).

Consideration has been given to developments in other jurisdictions in the area of school regulations that might affect the final set of regulations that are to be established for South Australian schools. This process will continue in the latter part of 2015.

Strategic Objective 2: Establish the EECSRSB as a high performing organisation

At the commencement of the 2014–15 financial year, the EECSRSB consisted of only seven properly appointed Board members and their deputies as the terms of the other six Board members came to an end in February 2014. On 18 December 2014, by Gazette Notice, Board and Deputy Board Members were appointed to the positions that had lapsed in the previous financial year so that the EECSRSB was once again fully constituted, comprising 13 Board members as required under the Act along with a deputy to each member.

The EECSRSB remained quorate and fully functioning at all times, met regularly throughout the reporting period and continued to utilise three standing working groups, as well as ad hoc committees as required, to provide high quality advice for decision making that promoted the objects and principles of the Act. Following the new member appointments, the EECSRSB drafted and adopted an updated and more developed Governance Charter and suite of risk management policies and procedures consistent with the agency's growth and maturation.

Staffing levels continued to remain at full complement in line with the EECSRSB budget. Cost cutting measures were implemented across the agency's goods and services to allow for some additional positions within the early childhood services and schools areas to assist with work demands and increased workloads. The EECSRSB continued to attempt to secure additional funding as required to meet its statutory requirements under the Act both in relation to early childhood services and schools.

There was also a continued focus on establishing the EECSRSB's independence as a separate statutory authority. After the EECSRSB took on the responsibility for its own payroll function through Shared Services South Australia and associated finance functions, a great deal of work occurred at the operational level to remodel the EECSRSB's chart of accounts and to successfully achieve the transfer of these responsibilities. This resulted in an increased workload in the human resources and finance areas. The EECSRSB is now part way through implementation of an upgraded payroll and electronic staff management system (chris 21).

With a view to further establishing the EECSRSB as a high performing organisation, policies and work practices were continuously revised to improve productivity and enhance capability across all areas. In particular, drafting and adoption of HR, Finance, WHS, Information Technology and Communications policies and procedures that are uniquely tailored to the EECSRSB occurred.

These are gradually replacing non-tailored but still effective policies previously and currently being used.

At the operational level, staff satisfaction surveys were distributed and the overall response was very positive. As a continuous improvement initiative, the EECSRSB adopted the High Performance Framework (HPF) and established a High Performance Planning Group and a HPF focus group, which have worked together to create, implement and review new initiatives to ensure continued staff satisfaction.

As staffing levels increased, and as part of cost cutting and a focus on becoming more environmentally friendly, new accommodation space (with a 5 star 'green building' rating) was acquired, resulting in significant savings in electricity, gas and other associated accommodation costs. The new accommodation space allows for further expansion if required and also provides staff with more break away space to support their duties.

A continued focus on information technology systems and processes occurred to improve the EECSRSB's capacity to meet its legislated responsibilities. Key accomplishments include:

- establishment and completion of the first pilot associated with the EECSRSB's new internal electronic document records management system linked to document disposal
- commencement of the Chris 21 payroll migration project
- continued improvement of access to and utilisation of the National Quality Agenda Information Technology System (NQA ITS)
- continued improvement of appropriate mobile technologies for employees working off-site
- continued improvement of internal communications technologies.

There was a continued focus on professional development for both new and existing staff to ensure that staff members were fully equipped to undertake their responsibilities and implement changes in the Law. The focus on professional development extended to the Executive Management Team and Board and Deputy Board Members. In addition, the EECSRSB implemented its Board approved Professional Development Policy.

Strategic Objective 3: Promote the role of the EECSRSB in the community

Informing stakeholders

As an independent statutory authority the EECSRSB aims to be known for its mission and objectives. It strives to be seen as independent from government and non-government alliances. As part of this plan, and after an extensive review of communication and engagement activities, the EECSRSB Communications Plan 2014–16 was launched. Communications has continued to be an ongoing focus for Corporate Services, and some of the objectives achieved so far include:

- development of the EECSRSB Communication Plan 2014-16, which assists in fulfilling the intentions of the EECSRSB Strategic Plan 2014-16
- exploration of current branding and identity options
- exploration of web host and web platform alternatives
- exploration of social media options
- improvements to information provision via updates and additions to the EECSRSB website (resulting in increased viewing rates)
- improvements to electronic internal communication and knowledge storage
- a review of stakeholder connections with a view to strengthening current relationships and increasing the number of connections
- increased publications to the public and other forms of educational services.

The EECSRSB published three newsletters during the reporting period. Copies were distributed to all relevant stakeholders to publicise the activities of the EECSRSB and to inform stakeholders of resources relevant to their responsibilities under the Act. Information flyers and pin-up notices were also printed and circulated to stakeholders.

Development of the EECSRSB's website is also continuing as a first point of contact for stakeholders. It provides information regarding the EECSRSB's responsibilities and operations, relevant legislation and regulations, and comprehensive information and links for service providers to support their compliance and improvement efforts.

EECSRSB employees served the needs of stakeholders through responsive and supportive communication to requests for information about compliance, new registrations and changes to existing registrations. In all interactions employees aimed to provide a personalised service that positively promoted the EECSRSB's reputation.

Collaboration with partners

EECSRSB employees also promoted the role of the EECSRSB through building relationships with existing and potential partners in South Australia and other jurisdictions. Key partnerships include:

Organisational

- the Minister and ministerial staff (to maintain open communication about the operation of schools and early childhood education and care services and funding matters)
- the Minister’s Legislative Reform Unit and Parliamentary Counsel (for the purposes of the passage of regulations and advice about processes and related legislative developments)
- the Crown Solicitor’s Office of the Attorney General’s Department in SA (which provides interpretive advice on the implementation of legal matters such as Administrative Law, which is critical to the Board’s operations)
- HPF Community of Practice to help shape the development of an improved framework for assessing and guiding improved public sector performance
- Teachers Registration Board (TRB) to collaborate on matters of common value, establish information sharing protocols, and participate in Reference Group re Teacher Standards and the TRB professional learning conference
- Families SA to provide documentation to service centres on the EECSRSB’s operations and to liaise in relation to suspected neglect and abuse reporting
- the government regulators community in SA to develop networks
- SafeWork SA to provide advice to assist their clients with compliance with the EECSRS Act
- representation on the Intersectoral Child Protection Reference Group (a DECD-convened cross-education agency committee)

Early Childhood Services

- ACECQA, as the national authority responsible for guiding administration and implementation of the NQF and, in particular, for ensuring national consistency.

The overarching advisory committee that is convened by the Chief Executive Officer of ACECQA is the Quality and Consistency Committee (QaCC) on which the Registrar, Early Childhood Services represents the Board. The Board is represented on the following committees to ensure the input of a South Australian perspective in the implementation of the NQS:

- Communications Working Group

- Training Working Group
- NQA ITS Management Steering Group
- Communications Working Group.
- DECD (as the state policy lead organisation on early childhood development), particularly for the purposes of jointly shaping and contributing to the 2014 Review of the National Partnership Agreement on the National Quality Agenda
- Department of Social Services (DoSS) (previously Department of Education) staff work closely together in relation to service approvals and compliance at the state level. Further, the EECSRSB is represented on the Family Day Care Interjurisdictional Working Group which has been convened by the Commonwealth Government to address increased levels of non-compliance in the family day care sector.
- Gowrie SA (as the DSS funded Professional Support Coordinator, provides assistance services to meet the NQS in conjunction with Novita, Inclusive Directions and the Aboriginal Resource Management Support Unit)
- NQA Stakeholder Advisory Group
The EECSRSB co-convenes a Stakeholder Advisory Group with DECD to guide implementation of the NQF. The group consists of peak bodies such as OSHCSA, Childcare Alliance SA, Preschool Directors Association, Community Children’s Centres SA, Early Childhood Australia, Family Day Care Educators Association SA, schooling sector representatives, training and university sector representatives, representatives of United Voice and the Australian Education Union, Support Agencies such as the Gowrie SA and the Aboriginal Resource and Management Support Unit and parent bodies. During the reporting period the focus of this group has been the 2014 Review of the National Partnership Agreement on the National Quality Agenda
- representation on the Standards Australia Playground Equipment Committee

Schools

- DoET regarding participation the review of the ESOS Act and National Code
- DECD International Education Services Unit (responsible for all government schools with overseas students)
- DECD Business Intelligence Unit regarding developments in the Middle Years Development Index (an important data source about student health and welfare)
- DECD Data Management and Information Services directorate to contribute to the veracity of school information
- government and non-government schools (particularly those with new and changed registration requirements of overseas students)

- Northern Territory Education Department to provide expert advice on school review matters
- Australian Curriculum, Assessment and Reporting Authority (ACARA) National Curriculum Review and Recognition Panel membership and liaison with ACARA about the Australian Schools List project (to provide advice and data for the project)
- Carnegie Mellon University for executive workshop for regulators in SA on Effective Regulation in the Age of Disruptions
- provision of advice to NSW Board of Studies and the Non-State Schools Accreditation Board Department of Education and Training (Queensland) on South Australia's registration arrangements
- SACE Board of SA to provide advice on the registration status of ethnic schools in SA
- contributions to the National Overseas Students Complaint Handlers Forum organised by the Overseas Students Ombudsman
- DIBP to establish contacts and networks with local and interstate officials
- participation in the 2014 National School Registrar's Conference (and the subsequent maintenance of networks to leverage good practice in school registration)
- representation on the Standards Australia Boarding Standards Working Group (comprising representatives from most Australian jurisdictions)
- staff and committees from the Office of Non-Government Schools and Services in SA (particularly those with responsibility for assessing new school funding applications)

Corporate Services

- DECD in relation to ICT improvements and maintenance, finance reporting (as an administered item) and WHS consultancy service
- Department of Planning, Transport and Infrastructure in relation to the office relocation that occurred during the reporting period and ongoing accommodation matters
- Department of State Development in relation to tenancy matters
- Department of Treasury and Finance in relation to funding matters, the Budget Monitoring System and financial requirements
- Office for the Public Sector in relation to Human Resources matters and the move towards one government

- Return to Work South Australia in relation to specific workers compensation requirements
- SAICORP concerning insurance enquiries and requirements
- Shared Services South Australia to work through the chris 21 payroll implementation project and in relation to general payroll matters.

Role, legislation and structure

Background

In 2006, the then Minister for Education and Children’s Services in South Australia began a progressive education and early childhood development legislation reform agenda resulting in new legislation, including the *Education and Early Childhood Services (Registration and Standards) Act 2011*.

This legislation shapes South Australia's approach to the registration and regulation of schools and care and early childhood services and provides a legislative framework that underpins the delivery of our schooling and early childhood services, particularly those integrated services which provide a range of services from birth to the end of schooling. The legislation establishes a single streamlined regulatory system in South Australia, overseen by a single regulatory body: the EECSRSB.

Previously, the *Education Act (1972)* provided for the establishment of a non-government Schools Registration Board responsible for the registration of non-government schools; a function that continued to December 2011.

In December 2009, all Australian governments agreed to an NQF for early childhood education and care. This means that all Australian children, regardless of their location, will get the best possible start in life through high-quality early childhood education and care and school-age care services. The Framework helps providers improve their services in the areas that impact on a child’s development and empowers families to make informed choices about which service is best for their child.

The NQF includes:

- a national legislative framework that consists of the Education and Care Services National Law and Education and Care Services National Regulations
- a National Quality Standard
- an assessment and rating system
- a regulatory authority in each state and territory who will have primary responsibility for the approval, monitoring and quality assessment of services in their jurisdiction in accordance with the national legislative framework and in relation to the National Quality Standard

- the Australian Children's Education and Care Quality Authority (ACECQA), which is the new national body responsible for providing oversight of the new system and ensuring consistency of approach.

Source: ACECQA, see <http://acecqa.gov.au/national-quality-framework/>

The EECSRSB is the regulatory authority in South Australia.

The Education and Early Childhood Services Registration and Standards Board of SA

The Act came into effect on 1 January 2012. Embedded in this legislation is the Education and Care Services National Law 2010. This provides the legislative base for the work of the EECSRSB. The Minister's Legislation Reform Unit, which drafted the legislation, conducted significant consultation through its Stakeholder Advisory Group.

The Act provides for regulation of the provision of government and non-government education and early childhood services in a manner that maintains high standards of competence and conduct by providers.

His Excellency the Governor appointed the EECSRSB to oversee the fulfilment of this Act. The EECSRSB is a public sector agency, established on 1 January 2012 under the Act. Under the Act, the EECSRSB:

- (a) is a body corporate; and
- (b) has perpetual succession and a common seal; and
- (c) can sue and be sued in its corporate name; and
- (d) has the functions and powers assigned or conferred by or under this or any other Act.

Source: *Education and Early Childhood Services (Registration and Standards) Act 2011*, s. 21

Under the Education and Care Services National Law (SA) 2011, National Education and Care Services Regulations and South Australian Education and Early Childhood Services (Registration and Standards) Regulations, the EECSRSB (as the state regulatory authority) commenced operations from 1 January 2012.

The EECSRSB

The EECSRSB reports to the Minister for Education and Child Development. Under the Education and Care Services National Law, the Education Council oversees implementation and administration of the NQF. The Ministerial Council can give directions to the EECSRSB with respect to administration of the NQF.

The EECSRSB is to consist of thirteen members appointed by the Governor on the nomination of the Minister: being persons who collectively have, in the opinion of the Minister, the knowledge, skills and experience necessary to enable the EECSRSB to carry out its functions effectively.

Of these members, the presiding member must be a person who has, in the opinion of the Minister, extensive knowledge and expertise in the education and care of children. Of the remaining members, two must be nominated by the Director-General of the Department for Education and Child Development; two by the Association of Independent Schools of South Australia; two by the South Australian Commission for Catholic Schools Incorporated; two by child care bodies prescribed in the Act; and one must be a legal practitioner.

Current Board Membership

Board members (Term of appointment)	Deputy Board members (Term of appointment)
Dr Neville Highett – Presiding Member Nominated by the Minister for Education and Child Development (18 December 2014 – 28 February 2017)	Mr Geoffrey Vogt (18 December 2014 – 28 February 2017)
Mr Barry Kahl – Deputy Presiding Member Nominated by the Minister for Education and Child Development (1 March 2015 – 28 February 2018)	Ms Janet Harris (1 March 2015 – 28 February 2018)
Ms Kathryn Jordan Nominated by the Minister for Education and Child Development (18 December 2014 – 28 February 2017)	Mr Ian Lamb (18 December 2014 – 28 February 2017)
Mr Benjamin Temperly Nominated by the Minister for Education and Child Development (18 December 2014 – 28 February 2017)	Ms Wendy Engliss (18 December 2014 – 28 February 2017)
Mr Bruno Vieceli South Australian Commission for Catholic Schools Incorporated (18 December 2014 – 28 February 2017)	Ms Mary Carmody (18 December 2014 – 28 February 2017)
Ms Mandy Richardson Nominated by OSHCsa (18 December 2014 – 28 February 2017)	Mr Jonathon Measday (18 December 2014 – 28 February 2017)
Mr Ian Phillips Nominated by the Minister for Education and Child Development (18 December 2014 – 28 February 2017)	Mr Peter Gaughwin (18 December 2014 – 28 February 2017)
Ms Vivienne St John Robb Nominated by the Minister for Education and Child Development (18 December 2014 – 28 February 2017)	Ms Wendy Teasdale-Smith (18 December 2014 – 28 February 2017)
Ms Catherine Ryan Nominated by Minister for Education and Child Development (18 December 2014 – 28 February 2017)	No Deputy
Ms Carolyn Grantskalns Nominated by Association of Independent Schools of SA (1 March 2015 – 28 February 2018)	Ms Cheryl Bauer (1 March 2015 – 28 February 2018)
Mrs Helen O'Brien Nominated by South Australian Commission for Catholic Schools Incorporated (1 March 2015 – 28 February 2018)	Ms Romanina Aloisi (1 March 2015 – 28 February 2018)
Mrs Lynda Secombe Nominated by Association of Independent Schools of SA (1 March 2015 – 28 February 2018)	Mr Nicholas Hatelly (1 March 2015 – 28 February 2018)
Ms Judith Atkinson Nominated by Childcare SA (1 March 2015 – 28 February 2018)	Ms Barbara Langford (1 March 2015 – 28 February 2018)

Former Board members (membership lapsed during the reporting period)

Board members (Termination of appointment date)	Deputy Board members (Termination of appointment date)
Mr Trevor Radloff Nominated by the Minister for Education and Child Development (5 April 2013 – 28 February 2015)	Ms Anne Kibble (5 April 2013 – 28 February 2015)
Dr Paul Sharkey Nominated by South Australian Commission for Catholic Schools Incorporated (1 March 2012 – 28 February 2015)	Dr Vincent Thomas (1 March 2014 – 28 February 2015)
	Ms Kathleen McEvoy (5 April 2013 – 28 February 2015)
	Ms Georgina Smith (1 March 2015 – 28 February 2015)

The EECSRSB publicly recognises the valuable contributions of these members and deputy members during their period of membership. Their work was particularly important in establishing the EECSRSB and its operations during the first years of operation.

The EECSRSB is supported by:

- three standing working groups and additional ad hoc working groups
- three operations services units
- three Registrars: one for each sector, and a Manager, Corporate Services.

Standing Working Groups**Planning, Finance and Personnel Working Group (the PFP)**

The PFP's function is to assist the EECSRSB in carrying out its responsibilities relating to planning, finance and personnel including the following:

- a) developing and recommending the long-term (2 to 5 years) strategic plan for the EECSRSB and preparing short-term plans to direct specific areas as appropriate
- b) overseeing the budget and ensuring accurate tracking, monitoring and accountability for funds (including adequate financial controls)
- c) guiding development, review and authorisation of personnel, financial, communications and information technology policies, guidelines and procedures.

Its membership at 30 June 2015 comprised:

Board members

Mr Barry Kahl (Presiding Member)

Ms Vivienne St John Robb

Deputy Board members

Ms Janet Harris

Ms Romanina Aloisi

Mr Geoffrey Vogt

External members

Ms Kathleen McEvoy

Dr Vincent Thomas.

Approval, Registration and Regulation Working Group (the ARR)

The ARR's function is to assist the EECSRSB in carrying out its responsibilities relating to approval, registration and regulation of early childhood education and care services and school education including the following:

- a) developing and recommending strategies for the implementation of legislative obligations
- b) developing materials for consultation on regulations for approval, registration and regulation
- c) developing and recommending appropriate policies and procedures
- d) monitoring outcomes, and reviewing and evaluating relevant operational procedures.

Its membership at 30 June 2015 comprised:

Board members

Mrs Helen O'Brien (Presiding Member)

Dr Neville Highett

Ms Mandy Richardson

Mrs Lynda Secombe

Deputy Board members

Ms Wendy Teasdale Smith

External members

Dr Victoria Whittington.

Audit and Risk Management Working Group (the ARM)

The ARM provides independent assurance and assistance to the EECSRSB on risk, control and compliance frameworks and the accurate financial reporting and performance of the Authority.

Its membership at 30 June 2015 comprised:

Board members

Ms Kathryn Jordan

Ms Mandy Richardson

Deputy Board members

Mr Geoffrey Vogt (Presiding Member)

Ms Mary Carmody

External members

Mr Bruce Carpenter

Mr Mark Le Cornu

Dr Vincent Thomas.

Summary of Board and standing working group meeting attendance: 2014–2015 financial year

Members	Board		ARR		ARM		PFP	
	Eligible	Attended	Eligible	Attended	Eligible	Attended	Eligible	Attended
Neville Highett	4	3	5	3				
Romanina Aloisi	1	1					2	0
Judith Atkinson	10	8						
Cheryl Bauer	2	1						
Mary Carmody	3	3			3	3		
Bruce Carpenter					4	4		
Wendy Engliss	2	2						
Peter Gaughwin	0	0						
Carolyn Grantskalns	10	8						
Janet Harris							3	3
Members	Board		ARR		ARM		PFP	
	Eligible	Attended	Eligible	Attended	Eligible	Attended	Eligible	Attended

Nicholas Hately	1	0						
Kathryn Jordan	4	3			3	1		
Barry Kahl	10	10			1	1	3	3
Anne Kibble	4	0						
Ian Lamb	1	1						
Barbara Langford	2	1						
Mark Le Cornu					4	3		
Kathleen McEvoy							3	3
Jonathon Measday	0	0						
Helen O'Brien	10	4	5	4				
Ian Phillips	4	4						
Trevor Radloff	4	0						
Mandy Richardson	4	4	3	3	3	2		
Catherine Ryan	4	2						
Lynda Secombe	10	9	5	5	1	1		
Paul Sharkey	8	0						
Georgina Smith	5	0						
Vivienne St John Robb	4	2					3	2
Wendy Teasdale-Smith	2	2	3	2				
Benjamin Temperly	4	2	3	3				
Vincent Thomas	8	3	2	2	4	3	3	3
Bruno Vieceli	4	1						
Geoffrey Vogt	1	1			3	3	2	1
Victoria Whittington			5	5				
Amanda Wilson					1	1		

The Administrative Arm of the EECRSB

The administrative arm of the EECRSB is its operational component and employs approximately 40 staff. Its role is to carry out the functions of the EECRSB as set down in legislation and to implement the EECRSB's decisions.

Operations services units

Early Childhood Services

The unit has responsibilities and functions that relate to the NQF for early childhood education and care, including primary responsibility for the approval, monitoring and quality assessment of services in South Australia in accordance with the national legislative framework and in relation to the NQS. Responsibility for approval and monitoring also applies to those services identified in the Act as residual services although these services are not assessed and rated against the NQS. Standards specific to two residual service types have been developed.

Schools Services

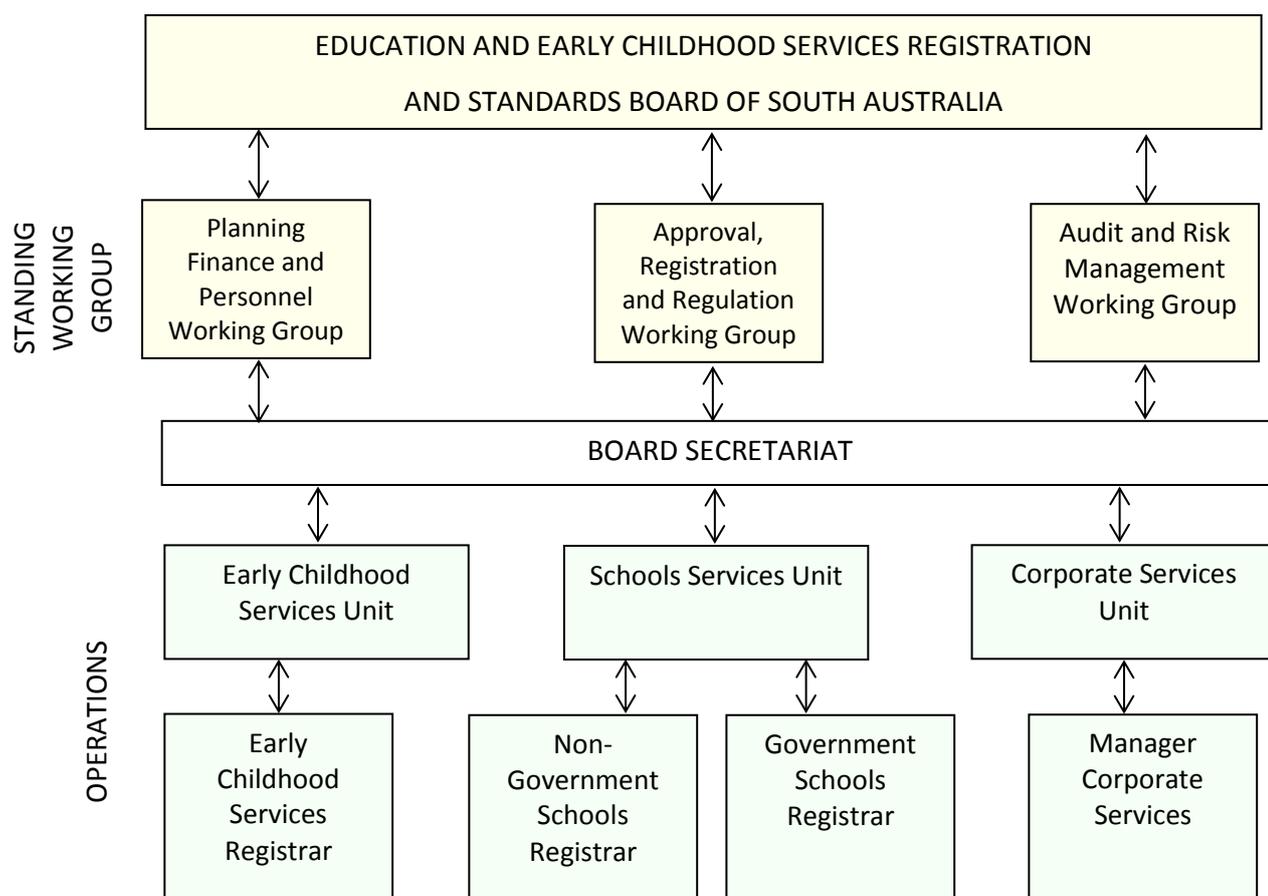
The unit has responsibilities relating to the: registration and review of all schools (government and non-government); development of policies and procedures for school review; implementation of the ESOS Act; maintenance of the School Register; and provision of Certificates of Registration.

Corporate Services

The unit provides support to the EECSRSB and its staff to facilitate continuous improvement and ensure compliance within relevant legislation.

This group specifically supports the strategic and operational financial management, human resource management, payroll, workplace health safety, information technology services, communications, records management services and other broader corporate services to the EECSRSB as required.

Organisational structure



Executive Management Team

The EECSRSB is supported by a collective executive comprising the Early Childhood Services Registrar, the Government Schools Registrar, the Non-government Schools Registrar and the Manager, Corporate Services.

Statutory requirements

Management of human resource information

The following information relates to the EECSRSB's employees as at 30 June 2015.

Employee numbers, gender and status

Total number of employees		
Persons	45	
FTEs	41.25	

Gender	% Persons	% FTEs
Male	11.11%	12.12%
Female	88.89%	87.88%

Number of persons during the 2014–15 financial year	
Separated from the agency	4
Recruited to the agency	7

Number of persons at 30 June 2015	
On leave without pay	1

Number of employees by salary bracket

Salary Bracket	Male	Female	Total
\$0 - \$56,199	0	3	3
\$56 200 - \$71 499	1	5	6
\$71 500 - \$91 499	1	27	28
\$91 500 - \$115 499	1	4	5
\$115 500+	2	1	3
TOTAL	5	40	45

Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Other (Casual)	Total
Male	2	0	3	0	5
Female	12.1	4.8	19.1	0.25	36.25
TOTAL	14.1	4.8	22.1	0.25	41.25

PERSONS	Ongoing	Short-term contract	Long-term contract	Other (Casual)	Total
Male	2	0	3	0	5
Female	13	5	20	2	40
TOTAL	15	5	23	2	45

Executives by gender, classification and status

Classification	Ongoing		Term tenured		Term untenured		Total				
	M	F	M	F	M	F	M	%	F	%	Total
Registrar	0	0	1	1	1	0	2	67	1	33	100
Total	0	0	1	1	1	0	2	67	1	33	100

Note: *Term tenured* employees are entitled to some other appointment within the public sector. *Term untenured* employees are those that have no entitlement to another position within the public sector.

Leave management: average days leave per full time equivalent employee

Leave Type	2014–15
Sick leave	7.15
Family carer's leave	1.62
Miscellaneous special leave	1.46

Workforce diversity: Aboriginal and/or Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 - \$56 199	1	3	33.33%
\$56 200 - \$71 499	0	6	0%
\$71 500 - \$91 499	0	28	0%
\$91 500 - \$115 499	0	5	0%
\$115 500+	0	3	0%
TOTAL	1	45	2.22%

Workforce diversity: age profile**Number of employees by age bracket by gender**

Age bracket	Male	Female	Total	% of Total	2014 Workforce benchmark*
15-19	0	0	0	0%	5.5%
20-24	0	1	1	2.22%	9.7%
25-29	1	0	1	2.22%	11.2%
30-34	0	4	4	8.89%	10.7%
35-39	0	6	6	13.33%	9.6%
40-44	0	5	5	11.11%	11.4%
45-49	0	8	8	17.78%	11.1%
50-54	0	8	8	17.78%	11.4%
55-59	2	5	7	15.56%	9.1%
60-64	2	3	5	11.11%	6.7%
65+	0	0	0	0%	3.6%
TOTAL	5	40	45	100%	100.0

*Source: Australian Bureau of Statistics (ABS) Australian Demographic Statistics, 6291.0.55.001 Labour Force Status (ST LM8) by sex, age, state, marital status – employed – total from Feb78 Supertable, South Australia

Cultural and linguistic diversity

	Male	Female	Total	% of Agency
Number of employees born overseas	0	11	11	24.44%
Number of employees who speak language(s) other than English at home	0	1	1	2.22%

Workforce diversity: disability

There are no staff in the agency with an ongoing disability restricting their employment or requiring workplace adaptation.

Voluntary flexible working arrangements

	Male	Female	Total
Purchased leave	0	0	0
Flexitime	3	37	40
Compressed weeks	0	0	0
Part-time	0	11	11
Job share	0	0	0
Working from home	3	35	38

Performance development

The EECSRSB actively supports the performance development of its staff through training and performance feedback. A professional development policy was put into practice in the reporting period. It is anticipated that employee performance management will continue to be a focus in the 2015–16 financial year as the EECSRSB finalises its updated draft performance management policy, guidelines and framework.

Documented review of individual performance management

Employees who have been with the EECSRSB for more than 12 months	% Total workforce
A review within the past 12 months	77.78%
A review older than 12 months	0%
No review	22.22%

Leadership and management development

The EECSRSB is led by an Executive Management Team of four staff, which is further supported by three mid-level managers. For this reporting period, approximately two per cent of employee total salaries was allocated to be spent on professional development per FTE.

Employee opportunity programs

No employee opportunity programs were established during the 2014–15 financial year.

Overseas travel

There was no overseas travel taken by public sector employees.

Work health safety and injury management

The EECSRSB is committed to the management of safety and wellbeing. The EECSRSB receives and closely reviews WHS reports at least quarterly. Those in leadership roles have undergone Work Health Safety (WHS) training to ensure the agency is up-to-date with legislative requirements. A corporate WHS Management Committee (comprising executives, general staff and the organisation's WHS representative) works to ensure adequate risk management and continuous improvement of internal WHS policies and procedures. These policies and procedures are currently being reviewed for redrafting as agency specific documents, taking into account current legislation pertaining to the EECSRSB. The entire WHS framework was reviewed in the 2014-15 year and further enhancements, including electronic improvements, will be pursued in the new financial year.

There have been no WHS prosecutions, notices or corrective action taken in this reporting period and only minimal workers compensation expenditure. Note that the EECSRSB assumed

the responsibility of its own workers compensation liability on 6 June 2014 along with the transfer of payroll. There has only been one confirmed incident in the reporting period, which was of a minor nature with expenses totalling approximately \$1 000.

External consultants

No external consultants were engaged by the agency in the reporting period in the range of \$10 000 and above.

Below \$10 000

Purpose of consultancy	Number	Total \$
Various	4	12 048

Contractual Arrangements

Contractual information can be found on the SA Tenders and Contracts website:

<https://www.tenders.sa.gov.au>.

Contractual arrangements include information on where contractual information can be found and include links to the SA Tenders and Contracts website.

Freedom of information

The EECSRSB received three requests for information under the Freedom of Information (FOI) provisions. Two applicants were granted partial access to the requested information (one of which was within the legislated response timeframe and requirements). The other was refused on the grounds the requested information was exempt. The applicant applied for an internal review of the decision for which an extension of time was granted by the National Education and Care Services Commissioner for a 30 day extension on the basis of the EECSRSB's limited resources. Note that the *Education and Care Services National Law (South Australia)* applies the Commonwealth *Freedom of Information Act 1982* and has its own FOI Commissioner.

Whistleblowers Protection Act 1993

There were no instances relating to the *Whistleblowers Protection Act 1993* reported during the 2014–2015 financial year.

Public Complaints

There were no instances relating to public complaints during the reporting period.

Fraud

There were no known instances of fraud detected and reported during the 2014–15 financial year.

The EECSRSB operates within a robust policy and risk framework and in accordance with numerous fraud preventative policies and procedures.

Financial statements

Attachment A contains the EECSRSB's financial statements including:

- report of the auditor
- certification of the financial statements
- statement of comprehensive income
- statement of changes in equity
- statement of cash flows.

Acronyms and abbreviations

ACARA	Australian Curriculum, Assessment and Reporting Authority
ACECQA	Australian Children’s Education and Care Quality Authority
ARM	Audit and Risk Management
ARR	Approval, Registration and Regulation
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
DECD	Department for Education and Child Development
DIBP	Department of Immigration and Border Protection
DoET	Department of Education and Training (Commonwealth)
DoSS	Department of Social Services
EECSRSB	Education and Early Childhood Services Registration and Standards Board of South Australia
ESOS	Education Services for Overseas Students
FOI	Freedom of Information
NQA ITS	National Quality Agenda Information Technology System
NQF	National Quality Framework
NQS	National Quality Standard
PFP	Planning, Finance and Personnel
PRISMS	Provider Registration and International Students Management System
QaCC	Quality and Consistency Committee
WHS	Work Health Safety