



Regulatory Burdens: Social and Economic Infrastructure Services  
Productivity Commission  
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### **Annual Review Regulatory Burdens: Social and Economic Infrastructure Services**

Community Child Care (CCC) as the peak body for community based not-for-profit children's services in Victoria welcomes the opportunity to comment on the burden of regulation on child care as a part of social infrastructure.

We understand the intention to alleviate the burden on business from Australian Government regulation; however we wish to challenge the view of government regulation as a burden and to reframe it as an essential component of protecting the wellbeing of children in a mixed economy including commercial service providers.

Attached is more detailed comment on what we perceive as the main problems with regulation of children's services:

- Absence of enforceable safety standards in OSHC and FDC in Victoria
- Inconsistent application of regulations creating confusion and some inefficiency
- Failure to prosecute and/or to apply other meaningful sanctions in a timely way allowing poor quality services to continue to operate for many years, compromising the developmental outcomes of children in their formative years

We would be pleased to provide further detail if required.

Yours faithfully

Barbara Romeril  
**Executive Director**



## **SUBMISSION TO ANNUAL PRODUCTIVITY COMMISSION ANNUAL REVIEW OF REGULATORY BURDENS: SOCIAL AND ECONOMIC INFRASTRUCTURE SERVICES**

February 2009

Community Child Care (CCC) believes that state regulations and national quality standards are designed to protect the best interests of children; they must be retained and strengthened.

CCC believes that it is a myth that the workload of fulfilling existing regulation, licensing and quality assurance requirements is overly burdensome. Staff must be provided with administration time to fulfil these responsibilities but it is a reasonable community expectation there will be some requirements for paperwork in order to fulfil accountability requirements.

There are however some gaps and inefficiencies in the current regulatory system which could be improved.

### **Absence of enforceable safety standards in OSHC and FDC in Victoria**

Regulation is not a burden and is in fact very limited in Victoria for Outside School Hours Care (OSHC) and Family Day Care (FDC); currently there are no state regulations forming minimum standards for these two service types in Victoria. Children and families using these services are reliant on national standards which are not applied consistently and no government body is designated with responsibility to enforce these standards.

The Victorian Government is currently in the process of preparing regulations for OSHC and FDC; CCC is concerned at the delays in implementation (over 8 years since the political commitment was made) and at the weak standards in the draft regulations currently out for public comment. We anticipate we will need to advocate for higher standards in the future.

### **Inconsistent application**

State Children's Services Regulations and national Quality Assurance systems are important mechanisms to protect young children from harm and to maximise opportunities for positive development during the crucial formative years. These mechanisms are especially crucial in the mixed economy of child care, to prevent unscrupulous commercial operators from maximising profits at the expense of children and families.

However regulation and QA are blunt instruments which inevitably rely on human interpretation and implementation. CCC is aware of persistent problems with inconsistent interpretation and enforcement. For example state Children's Services Advisors issuing formal breaches for practices previously identified as points for discussion such as a minor tear in a mattress. At the national level QA validators sometimes require specific wording in policy documents while others accept local wording that captures the intent of the national standards.

CCC understands it is impossible to eliminate human differences from regulatory processes; however we believe that an improved standard of consistency from the regulatory staff could be achieved with an increased investment in skill development through pre-service and in-service training and regular opportunities for collaborative decision making.

### **Failure to apply meaningful sanctions**

CCC believes that consequences of breaches must be logical and the sanctions need to be proportionate to the risk to the children's safety. It is disturbing that to our knowledge only one long day care centre in Victoria has been closed by the state government in recent years and this after several years of documented breaches of minimum safety standards.

CCC also has serious concerns about the effectiveness of the current Quality Assurance system as there is no publicly available information from the National Childcare Accreditation Council (NCAC) regarding breaches, consequences, outcomes, etc. Services are simply on the public record as being non-compliant.

CCC is especially concerned that even though a number of services are continually marked 'non-compliant' in the Quality Assurance system, the ultimate sanction of removal of approval for CCB fee subsidy for non-compliance has never been applied. We welcome the recently introduced practice of informing parents in writing that their service is being considered for this sanction. But the failure to ever take this next step casts doubt on the seriousness with which the Quality Assurance process is regarded by the sector particularly the private (commercial) sector.

CCC believes that there needs to be real and enforceable consequences and sanctions such as the removal of CCB approval for breaches and non-compliance in order to demonstrate the Government's commitment to quality outcomes for children. CCC recognises the challenge in finding a balance between consequences for non-compliance and ensuring access to care for families particularly those in communities of high need or in remote areas; however we strongly believe that the care of children should not be compromised in any circumstances.

There is some movement towards integration of QA systems for different child care types; CCC believes that it is essential that an Integrated Quality Assurance System includes:

- Professional validators with specific detailed and expert knowledge and experience of the service types they are validating;
- Common principles across service types accompanied with service-specific examples and indicators;
- No reduction in the quality standards for any service type;
- Focus on continuous improvement as an essential component of the Quality Assurance process;
- Retain a graded system for Quality Assurance to act as an incentive and reward in recognition of commitment to continuous improvement – for example, rating as new/provisional, standard/good quality and outstanding/centres of excellence
- Strong sanctions for consistent non-compliance.

CCC is concerned about commercial pressures impeding government attempts to strengthen regulation and QA – based on past performance, the private sector (ie commercial child care providers) is likely to object to the any reform as interference by

'big government' and bring political pressure to bear to minimise standards in the name of competition. CCC believes that governments must resist this pressure and hold to increased standards in line with objective research evidence of the direct benefit to children, families, communities and ultimately the economy from high quality early education.

CCC supports a streamlined or integrated approach to implementing a National Early Learning Framework as long as it is consistent and supportive, it raises the standard for children's services and it is accompanied by funded professional development opportunities for child care professionals to support their understanding and implementation.