

TERMS OF REFERENCE

Review of Child Safety Arrangements under the National Quality Framework

The National Quality Framework (NQF) was established a decade ago to provide a comprehensive national regulatory system to ensure the safety, health and wellbeing of children attending approved early childhood education and care (ECEC) services. The NQF is designed to support ECEC services in meeting their obligations to provide a child safe environment to minimise the risk of harm and hazard to children attending ECEC services. These services include long day care, family day care, kindergarten, preschool and outside school hours care.

The safety and protection of children attending services is the highest priority for all governments.

There are numerous child protection safeguards nationally and within jurisdictions, including requirements for Working with Children Checks, Reportable Conduct Schemes, child protection training, teacher registration processes, mandatory reporting and, under the NQF, requirements to report risks and serious incidents to Regulatory Authorities.

Given the critical importance of child safety and the numbers of reported critical incidents, it is timely and imperative that the NQF system remains contemporary and fit for purpose. This Review will take into account and build on the additional safeguards achieved through the 2019 NQF Review. To this end, at the request of the Federal Minister for Education and Minister for Early Childhood Education, the Department of Education has engaged the Australian Children's Education and Care Quality Authority (ACECQA) to undertake a comprehensive review of the child safety provisions under the NQF and related jurisdictional arrangements.

Objectives

A review of child safety provisions and arrangements, with a particular focus on reducing harm, including abuse and neglect, in approved ECEC settings to identify:

- existing provisions for child safe environments under the NQF in relation to three key areas including:
 - physical and online environment
 - staffing and supervision
 - child protection requirements
- how these provisions interact with, and are supported by, broader child safety and protection arrangements in each state and territory
- contemporary best practice international standards for child safe environments in ECEC settings
- any gaps within, and opportunities for strengthening, NQF provisions.

Scope

1. NQF and child protection

A review and analysis of how the NQF operates to ensure a child safe environment including what is covered, potential gaps and the upcoming changes to the NQF involving child protection training and obligations and mapping of the National Principles for Child Safe Organisations. This will be informed by analysis of National Quality Agenda Information Technology System (NQA ITS) data

regarding prescribed notifications to Regulatory Authorities about:

- serious incidents
- complaints
- circumstances at the service which pose a risk to the health, safety or wellbeing of children; and
- any incident or allegation that abuse, including physical or sexual, of a child/children has occurred or is occurring while the child/children are being educated and cared for by the service.

The review will consider the effectiveness and adequacy of record-keeping and information sharing arrangements between jurisdictions and within the NQA ITS.

2. Interrelated child protection mechanisms

Analysis of the child protection safeguards nationally and within states and territories including Working with Children Check processes, mandatory reporting and teacher registration processes. The review would identify the intersections with the NQF, areas for improvement and better alignment of these mechanisms. The review will be undertaken with consideration of the National Office for Child Safety's (NOCS) work with the States and Territories to improve national consistency of Working with Children Checks.

3. International best-practice

A literature review and research of international best practice in systems and structures comparative to the NQF and its intersecting child protection regulatory frameworks. This would help inform the recommendations for the final comprehensive report, outlining any potential options and their impacts.

4. Targeted Stakeholder Consultation

As part of the review, ACECQA will conduct targeted consultations with NQF regulatory authorities, governments and relevant statutory bodies. ACECQA will liaise with NOCS and the Department of Social Services (DSS) to consider how the NQF interacts with the National Principles for Child Safe Organisations, the Commonwealth Child Safe Framework, the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030* and *Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031*.

5. Existing or proposed reforms

ACECQA will examine existing strategies, action plans or system reviews/reforms designed to further support and enhance the safety and wellbeing of children. For example, *Shaping our Future – the National Children's Education and Care Workforce Strategy (2022–2031)* has a number of actions that will provide for more effective assessment, and monitoring, of suitability for people seeking to work with children, such as the development of an educator register.

Recommendations from the [Royal Commission into Institutional Responses to Child Sexual Abuse](#) will be considered, where relevant for example, NQF intersections with Reportable Conduct Schemes established by state and territory governments.

Deliverable

A comprehensive report on the effectiveness of the NQF and related national and jurisdictional systems and structures (laws, regulations, standards and practices) to safeguard children's safety while attending an approved ECEC service will be provided to the Australian Education Senior Officials Committee and the Education Ministers Meeting later this year.

The report will include an analysis of, and comparison with, international best practice systems and structures for the protection of children attending ECEC, and recommendations for improvements and opportunities for improved systems' alignment and/or integration.

Governance arrangements

It is proposed to use existing and targeted mechanisms across relevant portfolios and agencies to ensure that this project is both time and cost efficient. The NQF Regulatory Practice Committee, the Early Childhood Policy Group (ECPG), the Australian Education Senior Officials Committee (AESOC) and Education Ministers (EMM) will be briefed as the project progresses. A draft report will be provided by end of October 2023, along with any updated advice, to NOCS and DSS, ECPG, AESOC and EMM, with a final report due by end of 2023.