



*early childhood to
senior schooling*
Education and Early Childhood Services
Registration and Standards Board of SA



Annual Report
of the
**Education and Early Childhood Services
Registration and Standards Board
of South Australia
(Education Standards Board)**
2015–2016

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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 fifth 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 2015 to 30 June 2016.

Yours sincerely



John Dawkins
PRESIDING MEMBER
EDUCATION STANDARDS BOARD

30 September 2016

Presiding Member's statement

I have pleasure in presenting to you the 2015–16 annual report for the Education and Early Childhood Services Registration and Standards Board of South Australia, now trading as the Education Standards Board (the ESB).

This reporting period has been a busy and progressive financial year for the ESB. A review of the ESB's operations at board, working group and agency level, commissioned by the Minister Susan Close, was completed. This review saw the abolition of various standing and ad hoc regulatory working groups and changes to the organisational structure aimed at obtaining efficiencies.

A single Registrar was appointed to replace the previous three Registrar positions that were appointed when the ESB was within its start-up phase. Combining the registrar positions into a single senior executive position reflects the maturity of the Board and provides an opportunity for an integrated and coordinated approach to regulating the delivery of education services from early childhood to senior schooling. We have also launched our new branding, which includes a new trading name and visual identity.

During the reporting period negotiations were settled between the states and territories and the Commonwealth concerning future Commonwealth funding to continue to implement the National Quality Agenda regulatory regime for early childhood services. Consequently the parties entered into a new National Partnership Agreement, which has provided some funding certainty up to and including the 2017–18 financial year, however does present the ESB with a reduction in funding for the duration of the agreement compared with previous years. This is a challenge currently being worked through by the ESB as it prepares for a range of potential outcomes.

ESB will develop a risk-based process for registration of schools along with the development of registration standards. The requirements for registration for curriculum, student safety and welfare, as well as the requirements for governance and fit and proper persons will form the basis for a set of standards. With regards to early childhood services, the ESB's continued implementation of the National Quality Framework throughout the reporting period, as the state regulatory authority under the National Law, continues to ensure regulation of early

childhood education and care services in support of the best interests of children and their families. This financial year the ESB's processes were further streamlined and refined.

Under the leadership of the new Registrar, the ESB plans to take action to even further streamline its processes for regulation and rating to a risk-based approach so that services of high risk, especially family day care, are prioritised. These revised processes aim to reduce assessment and rating timeframes and accelerate the number of services assessed and rated.

In submitting this report I wish to acknowledge the efforts of the staff working for the ESB and educators in schools and early childhood services who have worked with enormous commitment to improve children's learning and development outcomes. This reporting period has seen the commencement of reforms that mark the start of implementing the recommendations of the review and heralds what I hope will be an exciting time in the maturity of the ESB.



John Dawkins
PRESIDING MEMBER
EDUCATION STANDARDS BOARD

Plans and objectives

The Education and Early Childhood Services Registration and Standards Board of SA (the ESB) 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.

In addition to its usual legislated role, a review of the operations of the ESB, which was directed by the Minister for Education and Child Development, was completed during this reporting period. The outcome of the review continues to be implemented, however, has significantly impacted on the plans and objectives of the ESB as it began to pursue its reform agenda during the reporting period as detailed throughout the remainder of this report.

The role of the ESB 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:

- (g) providers of education services and early childhood services should not be burdened by regulation more than is reasonably necessary;
- (h) 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;
- (i) 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 ESB contributes to the achievement of the following targets, strategic priorities and primary goals of the South Australian Strategic Plan:

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 ESB 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
- 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

The Act prescribes that all early childhood education and care services in the scope of the Act must hold the relevant approvals relating to provider, service and supervisor approvals. The approval requirements apply to both 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 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.

An approved provider wishing to be the operator of the education and care service must apply to the ESB for a service approval. The ESB 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. Individuals can apply to the ESB for a supervisor certificate or approved providers can appoint supervisors for their services.

Under the National Law, the ESB must not grant an application, for example a service approval, unless it is satisfied that the service, if permitted to operate, would not 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 where an application is refused, the applicant has the opportunity to request an internal review of the decision. This application of an internal review must be lodged within a timeframe specified by the National Law.

Assess and rate services

The ESB 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 focussed on completing the first assessment and rating of all services in scope of the National Law with South Australia having completed assessment and rating on 672 services with a 27% increase on visits completed in the past 12 months.

Compliance monitoring and action, complaints management and incident notifications

A key objective of the ESB under the National Law is to ensure and promote 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. A method utilised to monitor education and care services is to conduct announced and unannounced monitoring visits.

Under the National Law (s. 174), providers must notify the ESB 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.

In addition to notifications made by providers the ESB also receives, assesses and investigates complaints from parents, service staff, members of the public and a range of other notifiers or concerned parties.

Education and information

As the regulatory authority the ESB 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 ESB is responsible for maintaining a School Register with the details of all open and closed South Australian government and non-government schools. The ESB 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 ESB, 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 ESB 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 ESB 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.

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

- managing and updating the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)

- 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, and monitoring for ongoing compliance. 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 ESB, which is currently in its last year of operation. In 2016-17 a new Strategic Plan will be developed to complement the new goals of the reformed ESB.

However, during the reporting period, along with beginning the implementation of its reform agenda, the ESB continued to prioritise the following strategic objectives:

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

Overview

The 2015–16 financial year has seen significant change and development for the ESB both at the board and working group level as well as at agency level. The Minister for Education and Child Development appointed the Hon John Dawkins AO as the new Presiding Member of the ESB on 10 December 2015.

In addition to his duties as the Presiding Member, Mr Dawkins led a review of the structure and operations of the ESB with a view to moving the organisation towards implementing a more risk-based contemporary approach to the regulation and quality assurance of the provision of education services and finalising the development of regulations for schools. As a result of the review, changes to the staffing of the organisation and the operation of the ESB's board were made. This included the ESB appointing a single Registrar to lead the organisation through organisational change, a position that now fulfils the roles of the previously existing Registrar for Government Schools, Registrar for Non-Government Schools and Registrar for Early Childhood Services.

Along with the changes to the organisational structure, a decision was made to abolish various standing and non-standing working groups and to redefine the functions of others in order to redirect the ESB's focus back to strategic matters. The ESB also launched new branding, including a new trading name and visual identity. Although the legal name remains Education and Early Childhood Services Registration and Standards Board of South Australia, the new trading name is Education Standards Board.

The ESB has continued to perform its functions to regulate the provision of education and early childhood services in South Australia in accordance with the Act, including implementation of the National Quality Framework. Services in scope of the National Law continue to be assessed and rated to support and drive the improvement of service quality for children, reflecting continuous improvement practices against the NQS. The Early Childhood Services unit continued to work towards assessing and rating all education and care services for the first time. Processes and practices were continuously streamlined and refined, both in South Australia and at the national level. The ESB has representation on various national working groups concerning national process improvement which has included ongoing development of training materials and resources for authorised officers, and development of resources, education sessions and workshops for the sector.

In addition to assessment and rating, the ESB has undertaken the management of approvals under the National Law, conducted routine compliance monitoring visits to all services and managed the intake and investigation of incidents and complaints. The ESB has taken a number of compliance actions to address non-compliance by providers, services and educators including imposing conditions on service approvals, issuing compliance notices, and cancelling provider and service approvals. Details of compliance actions continue to be published as prescribed in the Education and Care Services National Law (South Australia). Managing non-compliance through regular monitoring, and taking of compliance action continues to expend the Early Childhood Services unit's time as well as implementing a number of refusal of applications.

Further work has occurred in relation to the management of the administration and implementation of the existing legislation as it applies to residual early childhood services until such time that the Education and Early Childhood Services (Registration and Standards) Regulations 2011 are amended.

School registration responsibilities continued including reviewing applications for new schools, extensions to year levels and the addition of new sites and/or buildings. The ESB informed schools registered on CRICOS of changes to the ESOS Act and held a workshop in conjunction with the Department of Education and Training (DET).

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.

Challenges for the future relate to funding for registration and review of all services in scope. During the reporting period funding was impacted by negotiations around the national funding agreement for early childhood services. The Commonwealth Government provides funding as part of the National Partnership Agreement and historically this has been matched by the South Australian Government. A new three year National Partnership Agreement was finalised during the 2015–16 financial year, which provides a reduced financial contribution from the Commonwealth from the 2015–16 financial year due to a change in the formula used for National Partnership Agreement funding, and it is dependent on jurisdictions assessing and rating. The South Australian Government provided some additional funds for the 2015–16 financial year, however further consideration concerning ongoing funding will be required.

Similarly, staffing for schools is insufficient for carrying out the Board’s regulatory functions once it has fully operationalised these. Registration and endorsement is occurring, however the Board’s monitoring and review functions have not commenced. Planning for when compliance activities commence has occurred and the ESB has allocated two additional resources to the Schools unit. Recruitment processes for these positions will commence in the new financial year. To date the senior management staff, with the support of the Board, have done well in balancing the staffing with the available funds.

Strategic Objective 1: Implement the Act

During the reporting period the ESB continued to implement the Act.

EARLY CHILDHOOD EDUCATION AND CARE SERVICES

Early Childhood Services Legislation

The Act provides for the regulation of all prescribed education, care and early childhood services in South Australia. The Education and Care Services National Law (South Australia) (the National Law) is enacted as a schedule to the Act. For the purposes of the National Law, the ESB is declared to be the Regulatory Authority with responsibility for the registration and regulation of these services in South Australia.

Under the Act, there are two distinctive groups of early childhood services, namely services that are regulated in accordance with the NQF and services that are regulated at a state level. The National Law prescribes education and care services as preschool, out of school hours care,

family day care and long day care services. These services are regulated in accordance with the National Law and assessed and rated against the NQS. Services that are outside of the scope of the NQF are referred to in the Act as residual early childhood services. These services, identified as occasional care, rural and mobile care, in-home care and family day care services that are not within the meaning of an education and care service of the National Law, are regulated under the Act that applies a modified version 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 service types that are considered to be in scope of the National Law and these are categorised nationally as either centre based care or family day care services.

Number of approvals at 30 June 2016:

- 1 168 approved services, comprising 1 131 centre based services and 37 family day care services;
- 570 approved providers; and
- 9 085 certified supervisors.

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 and rating data. A link to the service register is also published on the ESB’s website. The registers are updated weekly. Information on the registers also links with the Australian Government’s MyChild website and the 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.

The National Quality Agenda Stakeholder Advisory Group (NQA SAG) continued to meet on a quarterly basis. The NQA SAG was established to gather perspectives from key stakeholders about the progress and implementation of the NQF with a key focus to inform our state’s input into the 2014 Review of the National Partnership on the NQA. The Registrar, Early Childhood Services and the Executive Director, Statewide Services and Child Development are co-chairs of this group. The ESB has been working to support DECD in their role in managing the progression of the outcomes of the 2014 Review through the development of a Decision Regulatory Impact

Statement due to be published by the Education Council and through managing subsequent proposed legislative changes.

Legislative changes for 2016

On 1 January 2016 improved educator to child ratios applied to centre-based education and care services as a result of the completion of transitional and savings provisions from 31 December 2015. The new ratios applied a:

- 1:5 educator to child ratio to children older than 24 months and younger than 36 months of age; and
- 1:11 educator to child ratio for preschool aged children in a preschool; and
- 1:10 educator to child ratio for preschool aged children in a disadvantaged preschool. (ranked Category 1 for disadvantage under the SA DECD Category Ranking Policy).

Other transitional changes in the regulations also applied in 2016 relating to family day care and centre based educator qualifications, and facilities requirements for declared approved services.

The National Quality Agenda Information Technology System (NQA ITS) was initially developed as an online tool to support the administration of the National Quality Framework. There have been a number of changes made to the NQA ITS over the reporting period that have made it easier to use the system. Approved providers who are registered can view their provider and service information, pay invoices and submit applications and notifications online. The ESB, along with ACECQA staff, facilitated a number of information sessions to support approved providers' use of the IT system.

Development of fact sheets

During the reporting period the ESB produced and reviewed a range of fact sheets on relevant topics for early childhood education and care services. These included assessment and rating, compliance monitoring, staffing arrangements and physical environment requirements. All fact sheets are available on the ESB's website.

Approvals

The ESB is responsible for assessing a range of different applications. These include applications for new provider, service and certified supervisor certificates as well as transfers of service approvals from one approved provider to another, amendments of service approvals and applications for specific waivers of the regulatory requirements.

In relation to waiver applications, the ESB 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.

At 30 June 2016, 42 (or 3.5%) of approved services in South Australia had a temporary waiver, with no service waivers having been granted. The most common reasons for granting a waiver are that the service needs time to fill an unexpected staff vacancy; they have been unable to attract an early childhood teacher to the service; or the service does not meet some physical requirement at the premises, typically while areas are being upgraded.

The ESB considers each waiver application on its merits and will often discuss in detail services' circumstances and other options for meeting the requirements before granting a waiver.

A breakdown of the applications relating to the NQF that have been approved by the ESB for the reporting period is provided in the following table.

Applications approved during the 2015–16 financial year	
Application for Provider Approval	36
Application for Amendment of Provider Approval	12
Application for Service Approval	50
Application for Amendment of Service Approval	87
Notification of Transfer of Service Approval	33
Application for Supervisor Certificate	85
Application to Amend a Supervisor Certificate	7
Application for Service or Temporary Waiver	135
TOTAL	445

Over the reporting period, in the interests of the health, safety and wellbeing of children, the ESB refused 12 applications for service approval, three applications for provider approval and seven applications for supervisor approval.

The decision to refuse an application for approval made by either the Registrar or a committee of the ESB is a reviewable decision. The ESB has an Internal Review of Reviewable Decisions Committee. This committee comprises ESB Board and Deputy Board members and is chaired by the ESB's legal practitioner. In accordance with the Act, applicants can apply for an internal review of the decision to refuse their applications. During the reporting period the ESB received five applications for a review of the refusal decisions. People involved with review processes were not involved with making the original decision.

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 ESB has continued to review and revise all aspects of the assessment and rating process with a view to maintaining nationally set timeframes and streamlining processes where possible.

South Australia has continued to have representation on various national working groups focussed on national consistency and refining and reviewing current processes and existing resources. This has led to the ongoing development of training materials and resources to assist authorised officers in making more informed and consistent decisions when rating service practices. In addition, continuous revision and evaluation of internal state based processes and practices, as part of the ESB's commitment to continuous improvement, have resulted in maintaining and at times shortening timeframes between assessment and rating visits occurring and reports being completed and sent to services.

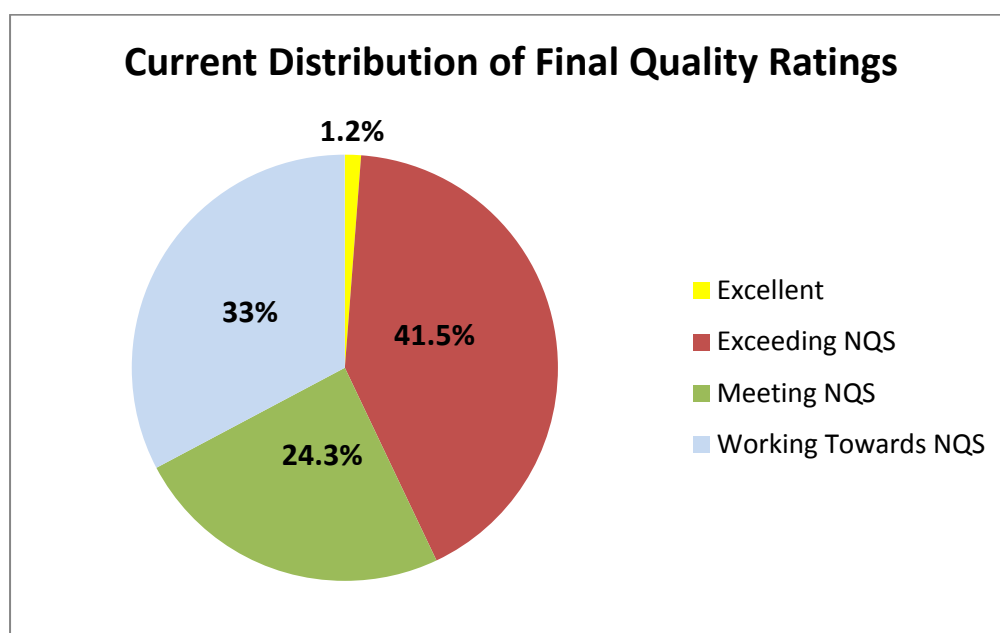
South Australia has also established strong connections with key stakeholder groups through ongoing quarterly meetings. These are used as opportunities to identify trends, clarify responsibilities and develop clear guidance in relation to the intent and purpose of the assessment and rating process and how this contributes to best outcomes for children.

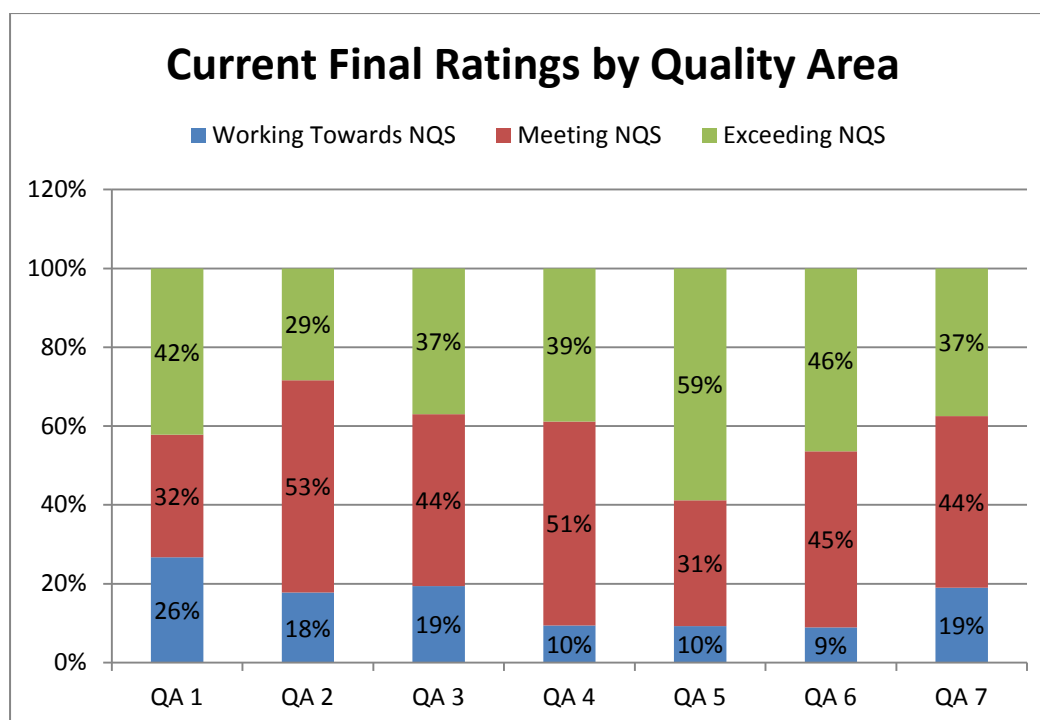
There is an established team of authorised officers conducting assessment and rating visits with ongoing staff retention since early 2015. Consequently the team has developed a sound

knowledge of the complexities of all the work undertaken by the ESB. Continuity of staff has allowed the development of clearer benchmarks for practice resulting in more efficient and consistent approaches to presenting evidence in assessment and rating reports and clearer decision making in relation to ratings reached.

As of 30 June 2016, 57.5% of approved services in South Australia have been assessed and rated at least once since the introduction of the NQS with 273 services assessed between 1 July 2015 and 30 June 2016: an increase of 73% in the last 12 months.

Of all the services assessed and rated, 216 were rated at Working Towards NQS; 160 at Meeting NQS and 275 at Exceeding NQS, with 8 rated by ACECQA as Excellent.





Source: NQA ITS

QA 1: Educational program and practice
 QA 2: Children's health and safety
 QA 3: Physical environment
 QA 4: Staffing arrangements

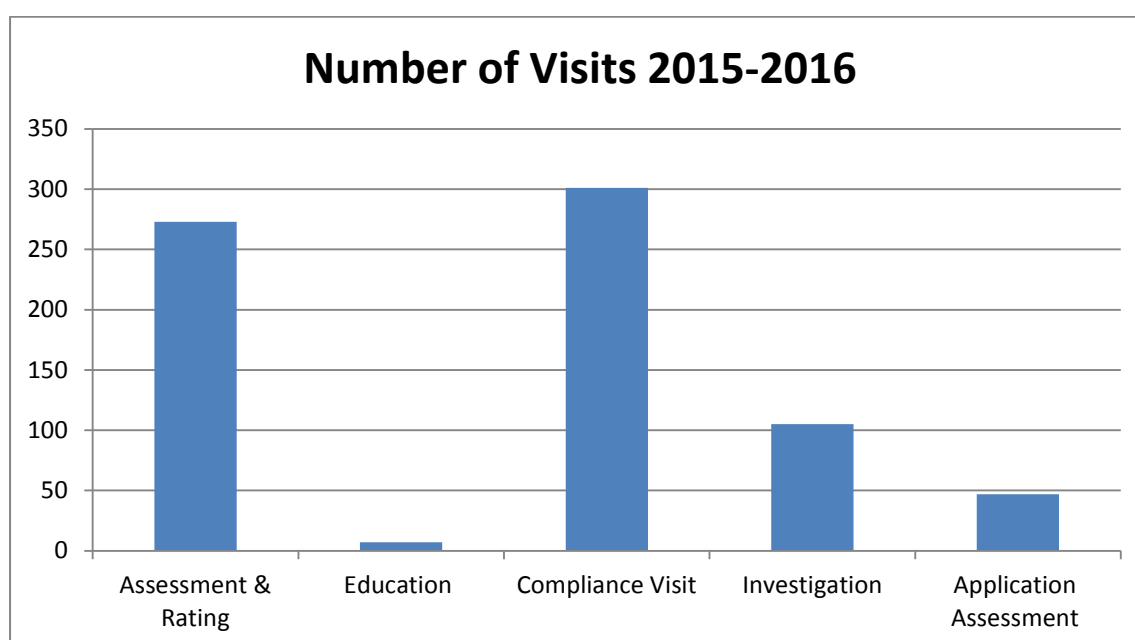
QA 5: Relationships with children
 QA 6: Collaborative partnerships with families & communities
 QA 7: Leadership and service management

Since early 2016 the ESB has implemented a risk based approach that incorporates assessing quality and undertaking compliance measures that together lead to better outcomes for children. Information is gathered through a variety of sources including the outcomes of assessment and rating, applications, changes to service delivery or dynamics, approved provider history, identified non-compliance and monitoring visits. This information assists in determining an overall risk rating for each service which in turn assists the ESB with the scheduling of assessment and rating visits as well as identifying services requiring additional support and monitoring.

Compliance monitoring and action, complaints management and incident notifications

The ESB monitors services for compliance with the legislation and has implemented a system to prioritise visits to services. As at 30 June there are 1 168 education and care services regulated by the ESB. Over 95% of all services have been visited, with some services receiving more than one visit.

The ESB has implemented a visit schedule system which creates a profile of education and care services. Profile information is gathered from information that is submitted to and received by the ESB. Further information is gathered when authorised officers conduct announced and unannounced visits. Such visits assist the ESB to identify and discuss compliance issues and matters of concern where improvement is required. Effective communication with services and stakeholders is regularly undertaken to support improvement and achieve compliance, including guidance and advice from authorised officers, and the dissemination of supporting information and literature. This has raised the ESB’s profile, promoted collaboration and strengthened relationships.



Source: NQA ITS

Monitoring and enforcement of compliance including investigation of complaints 2015–16

The ESB 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. Until April 2016 the Complaints and Compliance Committee for Early Childhood Services, comprising ESB Board members, Deputy Board members and co-opted members, decided whether to take compliance and/or enforcement action and which actions were appropriate. From April 2016 decisions regarding compliance and enforcement actions were delegated to the Registrar, Early Childhood Services.

The following table illustrates the range of compliance action taken by ESB during 2015–16. The ESB publishes details of compliance action in the public interest consistent with section 270 of the National Law. The ESB 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 ESB in relation to
early childhood and school aged care services 2015–16**

Formal Compliance Action	Number of Actions Taken	Entity
Suspension of service approval	8	6 family day care services 2 long day care services
Cancellation of: <ul style="list-style-type: none"> • service approval 	9	7 family day care services 2 long day care services
<ul style="list-style-type: none"> • certified supervisor certificate 	3	3 educators
Compliance notice for breaches of the regulations	1	1 long day care service
Compliance notice for breaches of the National law	11	2 long day care services 2 family day care services 6 outside school hours care services 1 preschool
Emergency action notice to address immediate risk to safety, health or wellbeing of a child or children	1	1 long day care service
Imposed conditions on a service approval	1	1 family day care service
Prohibition of educators from providing education and care	6	6 educators

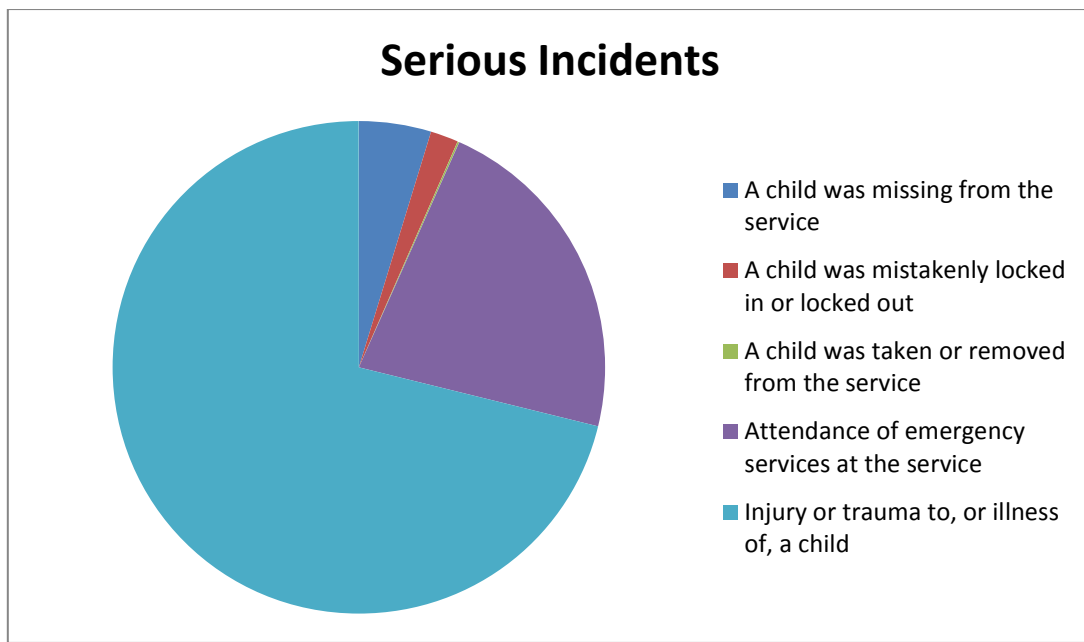
The ESB received and followed up on 929 serious incident reports, 310 incidents other than serious and 358 complaints in the reporting period, with some investigations extending into the next reporting period. Serious incidents include a range of matters prescribed in Regulation 12 of the Education and Care Services National Regulations 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.

In addition to investigations progressed from the submission of notifications by education and care services, other investigations have been undertaken from processing complaints and from 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 Registrar, Early Childhood Services and the ESB's Complaints and Compliance Committee, joint investigations with other agencies, oversight of investigation activities undertaken by approved providers and services, and the closure of matters that were unsubstantiated or had been resolved.

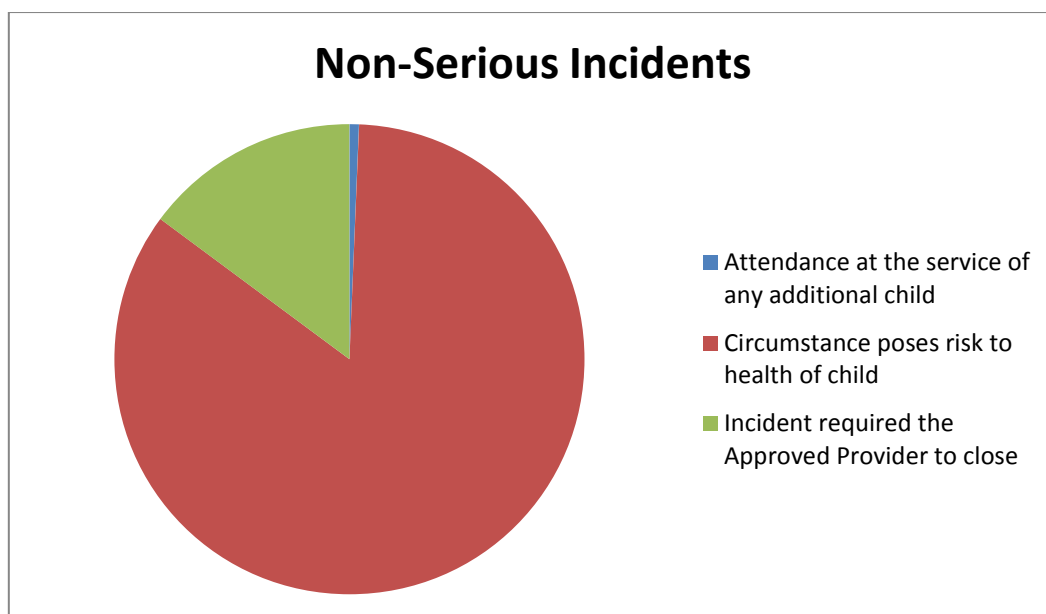
Investigation activity has been conducted by the Complaints and Investigations team and authorised officers from assessment and rating teams. Investigations specific to family day care have been a priority, and have at times involved other state and federal agencies. A range of compliance action has been taken including issuing compliance directions, imposing compliance conditions, cancelling service and/or provider approvals and imposing enforceable undertakings. The ESB has now developed a specific system for the early engagement of family day care applications, to ensure that applicants are suitably qualified to meet with expected education and care standards.

Investigations have been conducted in response to notifications, complaints and other information sources. Warning letters and a variety of compliance actions have been imposed by the Registrar and the Complaints and Compliance Committee. Briefs of evidence have been prepared for a range of serious incidents and legislative breaches. Compliance action has been taken against approved providers, service providers and certified supervisors. There are fourteen educators who have also been issued with prohibition notices by the ESB; six during this reporting period. Such notices are issued when it is considered that there may be an unacceptable risk of harm to a child or children if the person were to remain at an education and care service premises or they were to provide education and care to children.

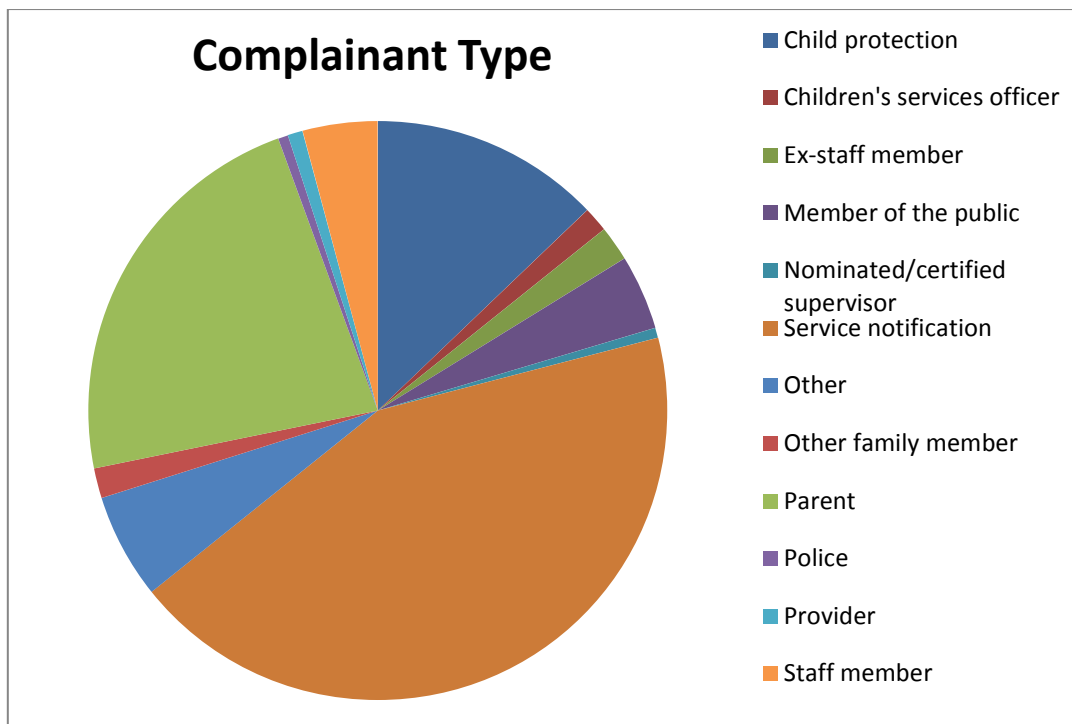
Successful compliance action taken against approved providers, services and nominated supervisors is published on the ESB's website. The ESB however is unable to publish identification information of persons who have been issued with a prohibition notice.



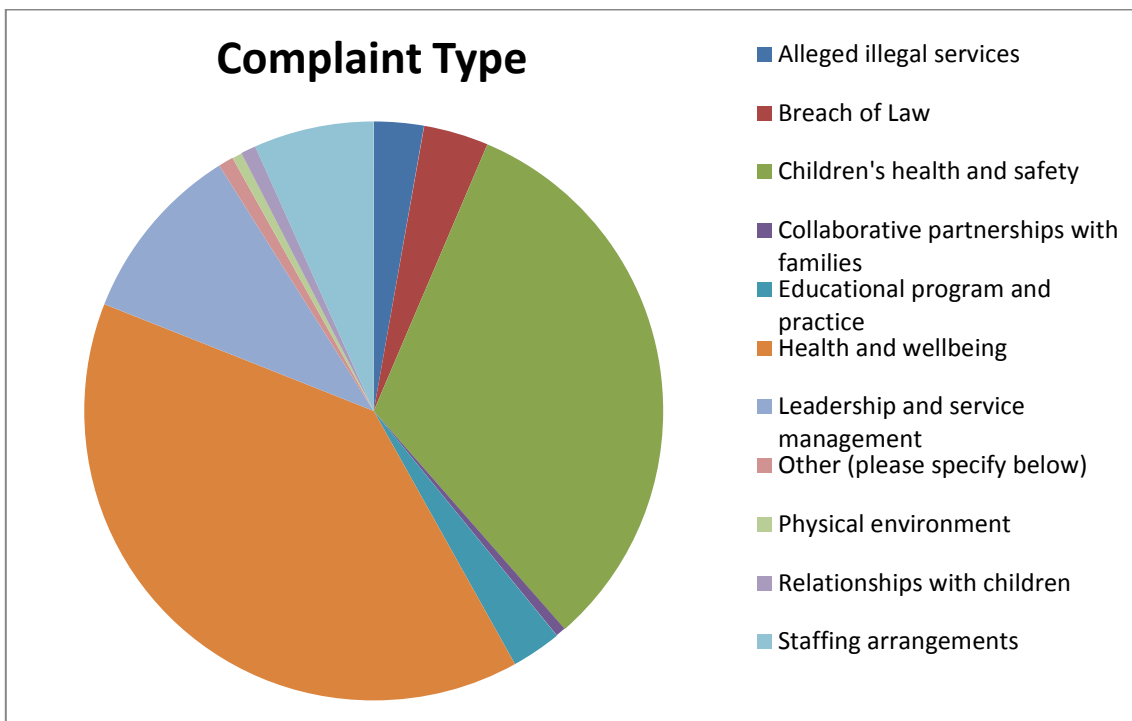
Source: NQA ITS



Source: NQA ITS



Source: NQA ITS



Source: NQA ITS

Educate and inform

The ESB 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. Until June 2016 Gowrie SA was funded by the Australian Government to provide training and support to early childhood education and care services to implement the NQF. These training sessions were attended by more than 330 educators, providers and service supervisors. Topics included Preparing for Your Assessment Visit, Risk Assessment in Family Day Care and Quality Indoor Environments for Family Day Care.

The ESB co-presented sessions were specifically targeted towards supporting family day care services to meet regulatory requirements. A family day care conference for educators was held in April 2016, which was attended by 92 educators. The focus of the conference was on program planning and educator practice. One of the keynote speakers was Perry Campbell who is the Deputy National Education Leader/Senior Manager Educational Leadership for ACECQA who explored Quality Area 1 (Educational Program and Practice) with participants.

In April 2015 the ESB, in conjunction with ACECQA and Gowrie SA, ran four workshops on cultural competence in both country and metropolitan locations. The National Education Leader, ACECQA conducted a session with authorised officers on this topic following the workshop series. Sessions were also conducted in response to invitations to speak to various groups including DECD Early Childhood Leaders, students of TAFE SA and members of the Child Care Alliance.

Evaluative feedback has been very positive about the value of information provided by the ESB at these sessions. The Early Childhood Services unit publishes information on the ESB's website, including fact sheets, and emails services as necessary: for example, providing clarification about first aid qualifications and centre based service and ratio requirements. The ESB 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 such 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 are called residual early childhood services and therefore fall outside the scope of

the National Quality Framework. The Act applies a modified version of the National Law to residual early childhood services. The task of developing regulations for residual early childhood services has been delayed by the 2014 Review of the NQF as inclusion of additional services in the scope of the NQF (such as residual early childhood services) was the subject of consultation. The findings of the review are yet to be finalised.

The ESB has implemented a number of interim measures to assist in administering the Act within the current legislative environment. To support residual early childhood services staff in understanding how the law applies to residual early childhood services, the ESB has developed information guidelines outlining the approval process and legislative requirements under the National Law as these apply to residual early childhood services. The ESB has also developed the necessary forms to support approval and notification processes.

Exemptions

The ESB has been granted delegation from the Minister for Education and Child Development to exempt residual early childhood services or classes of services from certain provisions of the requirements in the Education and Care Services National Law and Regulations pursuant to section 20 (1) of the Act. The ESB has used this delegated power to develop a process for occasional care and mobile care services to apply for an exemption from certain operational requirements that they are unable to meet, in particular, staffing arrangements and physical environment requirements. This delegation has also enabled the ESB to exclude approved in-home care services that solely provide disability services that are regulated under the *Disability Services Act 1993*, thus removing the duplication of regulatory regimes for these services.

Instrument

In accordance with regulation 16 of the State Regulations, the ESB has developed the Instrument that details the record-keeping requirements for Occasional Care and Mobile Care services. The Instrument outlines key requirements relating to the documents that must be kept and the availability and accuracy of documents including confidentiality and storage. The record-keeping requirements outlined in the Instrument are mandatory.

Flow chart

A decision making flow chart has been developed by the ESB to assist the early childhood services sector to define an occasional care service in South Australia. The flow chart will enable prospective providers to determine if the service they intend to provide is an occasional care service that is regulated under the *Education and Early Childhood Services (Registration and Standards) Act 2011*.

Family day care services that are not included within the meaning of the National Law

According to the *Education and Early Childhood Services (Registration and Standards) Act 2011*, a residual family day care service is not a family day care service that is an education and care service within the meaning of the Education and Early Childhood Services National Law (South Australia). The ESB approved the *South Australian Standards for Individual Family Day Care Services* to be effective from 1 August 2015. The Standards set operational requirements for individual family day care services and are applied as a condition on an individual family day care service approval. To overcome any misinterpretation of the Law and to clearly identify the type of family day care services captured under State Regulation, the ESB has included a description of the family day care service to be regulated within the *South Australian Standards for Family Day Care Services*. This means a residual family day care service is an individual family day care service that is not delivered through the use of two or more educators to provide education and care for children.

Review of South Australian Standards for In-Home Care Services

The *South Australian Standards for In-Home Care Services* (the Standards) took effect from 1 July 2014, setting operational requirements that an approved provider of an in-home 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 2011 (the State Regulations).

With the Standards being in effect for two years, the ESB has decided to conduct a review of these to determine their suitability as describing the operational requirements for in-home care services. As a result, the ESB is currently seeking feedback to inform the review process, in particular in relation to identifying current standards that are working well; considering any issues or concerns with the current standards; identifying any standards that require updating; or considering any new standards that could be included. Feedback will help contribute to

shaping the outcome of the review process and assist the ESB to determine any new standards that may be required.

The ESB has also been consulting with certain Budget Based Funded services with a view to their inclusion in scope of the state legislation and development of service specific regulations for this service type. Work is progressing to develop appropriate regulations for these services.

At 30 June 2016 there are 128 approved residual early childhood services. This comprises 105 occasional care services, 13 in-home care services and 10 mobile care services.

SCHOOL EDUCATION

Registration

During the reporting period ESB officers performed a range of school registration responsibilities to ensure the appropriate administration of the Act. These activities included reviewing applications for new schools, applications for extension to year levels provided and movement to a new school site and/or building.

There were five new non-government schools that were approved for registration and commenced teaching students within the reporting period.

- Domino Servite College, an Independent Christian school was registered for students Reception to Year 10 and is located on the former Mt Torrens Primary School site.
- FAME, previously a campus of Cardijn College, is now a registered school providing education for disadvantaged youth in the southern areas on two campuses located at Christie Downs and Reynella.
- Seaview Christian College has been approved to open on the former Port Augusta Secondary School site for students in Reception to Year 12.
- The Specialised Assistance School for Youth (SASY) has been approved and caters for disengaged youth. SASY is located on Chesser Street, Adelaide and has included a psychologist and youth workers within their staff to provide students with multi-dimensional support.
- Adelaide International School was registered as a school CRICOS provider to cater for international students in Years 11 and 12.

There are five non-government schools progressing through the application process for registration including Aspect Treetops School, Dara Village School, IQRA College, Playford College and Youthink.

Due to a restructuring amongst some of the South Australian Lutheran Schools, Year 7 was removed from Golden Grove Lutheran Primary School, Good Shepherd Lutheran School and St Paul Lutheran School and included on the registration for Endeavour College. Garden College was previously registered for students in Reception to Year 7 and is now approved for Reception to Year 9.

Four schools were approved to change their name during the reporting period. Adelaide North Special School was previously Elizabeth Special School, Pinnacle College was previously Burc College, Playford International College was previously Fremont Elizabeth City High School and Seaview Christian College was previously Seaview Christian School.

Complaints against schools

The majority of the complaints made to the ESB regarding schools within both government and non-government sectors were resolved as per Section 30(1) of the Act by referring the complainant back to the school concerned. The ESB opened an investigation into a non-government school under Section 30(2)(a) and (b) after receiving complaints from the school community.

Schools with full fee paying overseas students (FFPOS)

The ESB is the designated authority in South Australia for implementing and assuring compliance with the Education Services for Overseas Students (ESOS) Act and maintaining the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) database for South Australian schools. To be approved and registered on the CRICOS register, schools must be registered on the Provider Registration and International Students Management System (PRISMS) by the ESB.

The ESB in conjunction with the ESOS Compliance Branch of the Commonwealth Department of Education and Training (DET) held an ESOS/CRICOS/PRISMS workshop in May 2016 for CRICOS registered school providers. DET representatives explained the changes to the ESOS Act and how they would impact on the school CRICOS providers. A workshop was included in the

program to provide training for PRISMS users. The event was an ideal platform for school CRICOS providers to network within their educational communities.

One non-government school, St Francis de Sales, has applied to enter the FFPOS market with students expected to commence Term 1, 2017. International Education Services (IES) is the registered CRICOS Provider for government schools. There were 22 applications from IES to either add or remove government schools from PRISMS. There were three changes requested for non-government schools in respect to FFPOS with CRICOS cancellation requests received and processed for Mary MacKillop College, Rostrevor College and Tatachilla Lutheran College.

CRICOS/ESOS related activity 1 July 2015 to 30 June 2016

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)	7 ¹	12 ¹	3 ¹	0	22
Non-government (Number of schools)	0	0	3	0	3
					25

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

Number of registered government schools (at 30 June 2016)

	June 2012	June 2013	June 2014	June 2015	June 2016
Primary	393	367	366	364	358
Secondary	69	67	67	67	67
Combined	80	79	80	82	84
Special	14	15	15	16	16
Total	556	528	528	529	525

Source: ESB School Register

Number of registered non-government schools (at 30 June 2016)

	Catholic					Independent				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Primary	68	68	68	68	68	36	36	35	36	33
Secondary	11	11	11	12	11	10	10	10	10	13
Combined	22	22	22	22	22	47	47	49	49	52
Special	2	2	2	2	2	1	1	1	1	2
Total	103	103	103	104	103	94	94	95	96	100

Source: ESB School Register

*Schools approved to enrol full fee paying overseas students (at 30 June 2016)**Government schools (at 30 June 2016)*

	June 2012	June 2013	June 2014	June 2015	June 2016
Primary	52	51	47	53	58
Secondary	40	45	45	42	49
Combined	13	13	13	18	19
Special	0	0	0	0	0
Total	105	109	105	113	126

Non-government schools (at 30 June 2016)

	Catholic					Independent				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Primary	0	0	0	0	0	5	5	5	1	0
Secondary	5	5	4	3	2	8	8	8	7	7
Combined	14	14	13	12	11	28	28	25	18	20
Special	0	0	0	0	0	0	0	0	0	0
Total	19	19	17	15	13	41	41	38	26	27

Source: ESB School Register

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

During the reporting period there was a strong focus on further establishing the ESB as a high performing organisation. A review team led by the Presiding Member of the ESB approached its review in two phases. The first phase involved the delivery of a review report providing recommendations for optimal future arrangements. The second phase, which is yet to be implemented, includes the development of a regulatory plan for moving to the next stage of maturity into its highest performing form and the development of appropriate regulations for the registration of schools.

In addition, the ESB appointed Ms Christine Chatburn to the role of Registrar of the Board. This newly created position replaces the previous three separate registrar positions for Government Schools, Non-Government Schools and Early Childhood Services.

The appointment of a single Registrar is a consolidation of a period of renewal for the ESB as it moves towards implementation of a more risk-based contemporary approach to the regulation and quality assurance of the provision of education services offered by schools, preschools, childcare centres, family day care services and residual services such as occasional care, in-home care and rural and mobile care.

Ms Chatburn brings to the role extensive experience in the regulation of vocational education and training and higher education at both a state and national level and will lead change in the operation of the ESB and its secretariat, as it pursues its reform agenda, and work collaboratively with the diverse range of providers and stakeholders in the sector.

In addition to the appointment of a single Registrar, further staffing changes likely to be implemented as a result of the review include the creation of some additional positions with a particular focus on building the capacity for school regulation.

Outside of the review work, and with a view to further establishing the ESB 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 further HR, finance, WHS, information technology and communications policies and procedures that are uniquely tailored to the ESB occurred. There has also been a continued focus on building the ESB's internal knowledge store and knowledge sharing capabilities.

At the operational level, the ESB finalised the work of its High Performance Planning Group and High Performance Focus Group, which were created to address the outcomes of staff satisfaction surveys as an improvement initiative. The groups have successfully worked together to create, implement and review new initiatives to ensure continued staff satisfaction. In doing so, the Corporate Services unit also continues to work to achieve the South Australian Government's goals concerning the One Public Sector Organisation initiative.

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

- completion of the ESB's migration from the Chris 5 to the Chris 21 payroll systems, assisting with the whole of State Government Chris 21 Project
- finalisation of the ESB's Records Disposal Schedule as approved by State Records
- completion of document migration to the ESB's new internal electronic document records management system, linked to document disposal, in relation to the Schools unit and the Complaints & Investigations unit
- continued improvement of access to and utilisation of the NQA ITS
- continued improvement of appropriate mobile technologies for employees working off-site
- continued improvement of internal communications technologies, in particular in the Administration area.

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. Performance management was also a focus during the reporting period and this will continue in the new financial year.

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

Informing stakeholders

As an independent statutory authority the ESB aims to be known for its mission and objectives, independent from government and non-government alliances. As part of the ESB's reform agenda initiated during the reporting period, the ESB undertook a rebranding campaign. This included launching a new trading name and agency logo.

The development of the ESB's website is also continuing to capture its rebranding and reform. The ESB strives to create a website that is a preferred first point of contact for stakeholders. It provides information regarding the ESB's responsibilities and operations, relevant legislation and regulations, and comprehensive information and links for service providers to support their compliance and improvement efforts.

Further, the ESB also completed the agenda detailed within the ESB Communication Plan 2014–16, which was developed in the 2014 financial year after an extensive review of communication and engagement activities. To achieve the plan's objectives, communications continued to be an ongoing focus for Corporate Services during this reporting period. Some of the achievements include:

- development of the ESB Communication Plan 2014–16, which assists in fulfilling the intentions of the ESB Strategic Plan 2014–16
- exploration of current branding and identity options
- launch of new trading name and visual identity
- exploration of web host and web platform alternatives
- exploration of social media options
- provision of further formal customer service training for all frontline staff
- improvements to information provision via updates and additions to the ESB 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 number of publications for stakeholders.

The ESB published three newsletters during the reporting period. Copies were distributed to all relevant stakeholders to publicise the activities of the ESB and to inform stakeholders of resources relevant to their responsibilities under the Act. Various communications concerning the ESB's review, restructure, staff changes, rebranding and reform agenda were also circulated to stakeholders as required.

Collaboration with partners

ESB employees also promoted the role of the ESB through building relationships with existing and potential partners in South Australia and other jurisdictions. The recruitment of the new

Registrar across all areas of engagement will be a strong positive with regards to building stakeholder relations. This is particularly so, as the ESB works to implement and promote itself and its new reform agenda. 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 regarding Teacher Standards and the TRB professional learning conference
- Families SA to provide documentation to service centres on the ESB’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

- The Australian Children’s Education and Care Quality Authority, ACECQA, is 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 represents the ESB. The ESB has been represented on the following committees to ensure the input of a South Australian perspective in the implementation of the NQS:

- Communications Working Group
 - Lead Assessor Network
 - NQA ITS Management Steering Group.
-
- The Department of Education and Child Development, DECD, (the state policy lead organisation for early childhood education and care), 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 Education and Training (DET) (previously Social Services) staff work closely together in relation to service approvals and compliance at the state level. Further, the ESB is represented on the Family Day Care Interjurisdictional Working Group which has been convened by the Australian Government to address increased levels of non-compliance in the family day care sector.
 - Gowrie SA (as the DET 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 ESB 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 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
- The Reference Group for Physical Environments and Facilities was formed to collaboratively develop guidance materials for approved providers and others intending to develop

services. It is comprised of ESB staff and a representative group of stakeholders in the centre based education and care sector

- The OSHC Quality Improvement Group (QIG) is convened by DECD and comprises key stakeholders in relation to the OSHC sector.

Schools

- DET regarding participation in 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)
- school leaders and leadership groups from government and non-government school sectors (to gain understanding of the practicalities of regulatory impact and the benefits of registration on school governance)
- 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 Effectiveness of Regulation
- 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

- Department of Immigration and Border Protection to establish contacts and networks with local and interstate officials
- 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 early childhood education and care 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 ESB.

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 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 ESB. 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 ESB to oversee the fulfilment of this Act. The ESB is a public sector agency, established on 1 January 2012 under the Act. Under the Act, the ESB:

- (j) is a body corporate; and
- (k) has perpetual succession and a common seal; and
- (l) can sue and be sued in its corporate name; and
- (m) 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 ESB (as the state regulatory authority) commenced operations from 1 January 2012.

The ESB

The ESB 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 ESB with respect to administration of the NQF.

The ESB 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 ESB 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)
Hon John Dawkins – Presiding Member Nominated by the Minister for Education and Child Development (10 December 2015 – 28 February 2017)	Mr Barry Kahl (1 March 2015 – 28 February 2018)
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)
Mrs Sarah Bartholomeusz Nominated by the Minister for Education and Child Development (10 March 2016 – 28 February 2017)	Mr Peter Goughwin (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)	Dr 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 Hatley (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 ended during the reporting period)

Board members (Termination of appointment date)	Deputy Board members (Termination of appointment date)
Dr Neville Highett – Presiding Member Nominated by the Minister for Education and Child Development (18 December 2014 – 29 October 2015)	Mr Geoffrey Vogt (18 December 2014 – 10 December 2015)
Mr Ian Phillips Nominated by the Minister for Education and Child Development (18 December 2014 – 2 February 2016)	

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

Historically, the ESB was supported by three standing working groups and additional case specific working groups as detailed below.

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

The PFP's function was to assist the ESB in carrying out its responsibilities relating to planning, finance and personnel.

Approval, Registration and Regulation Working Group (the ARR)

The ARR's function was to assist the ESB in carrying out its responsibilities relating to approval, registration and regulation of early childhood education and care services and school education.

Audit and Risk Management Working Group (the ARM)

The ARM's function was to provide independent assurance and assistance to the ESB on risk, control and compliance frameworks and the accurate financial reporting and performance of the Authority.

Case specific Regulatory Working Groups**Approvals Committee for Early Childhood Services**

This Working Group's function was to exercise powers for the ESB's responsibilities relating to approval or refusal to approve early childhood providers and services.

Complaints and Compliance Committee for Early Childhood Services

This Working Group's function was to make decisions on compliance actions, including the cancellation or suspension of approvals or the emergency removal of children.

Internal Review of Decisions Committee for Early Childhood Services

This Working Group's function was to conduct internal reviews of its regulatory decisions for early childhood services.

School Complaints Committee

This Working Group's function was to handle complaints made against schools under the Act.

Abolition of ESB Working Groups

However, following the review of the ESB's operations, designed to gain efficiencies and implement a structure that is reflective of the maturity of the agency, the ESB's three standing working groups and four case specific regulatory working groups were dissolved effective 1 July 2016. The ESB's regulatory powers and functions are now delegated, where possible, to the Registrar and other senior managers as required.

Two new case specific regulatory working groups to be called on as required have been created as follows:

Internal Review of Decisions Working Group

Replaces the Internal Review of Decisions Committee for Early Childhood Services and encompasses both early childhood services and schools.

Schools Disciplinary Working Group

Replaces the Schools Complaints Committee but with a revised and broader scope.

The Administrative Arm of the ESB

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

Operations services units

Early Childhood Services

The Early Childhood Services unit has responsibilities and functions under the Act that relate to the education, care and early childhood services both regulated under the NQF and those regulated under state based legislation. This includes primary responsibility for the approval, monitoring and compliance, and quality assessment and rating of services in scope of the NQF in accordance with the National Law and in relation to the NQS. In addition to assessment and rating, the Early Childhood Services unit manages non-compliance through regular monitoring, taking compliance action as well as the undertaking of refusal of applications for approval, all of which continue to expend the Early Childhood Services unit's time. Responsibility for approval and monitoring applies to those services identified in the Act as residual early childhood services although these services are not assessed and rated against the NQS.

Schools Services

The Schools 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.

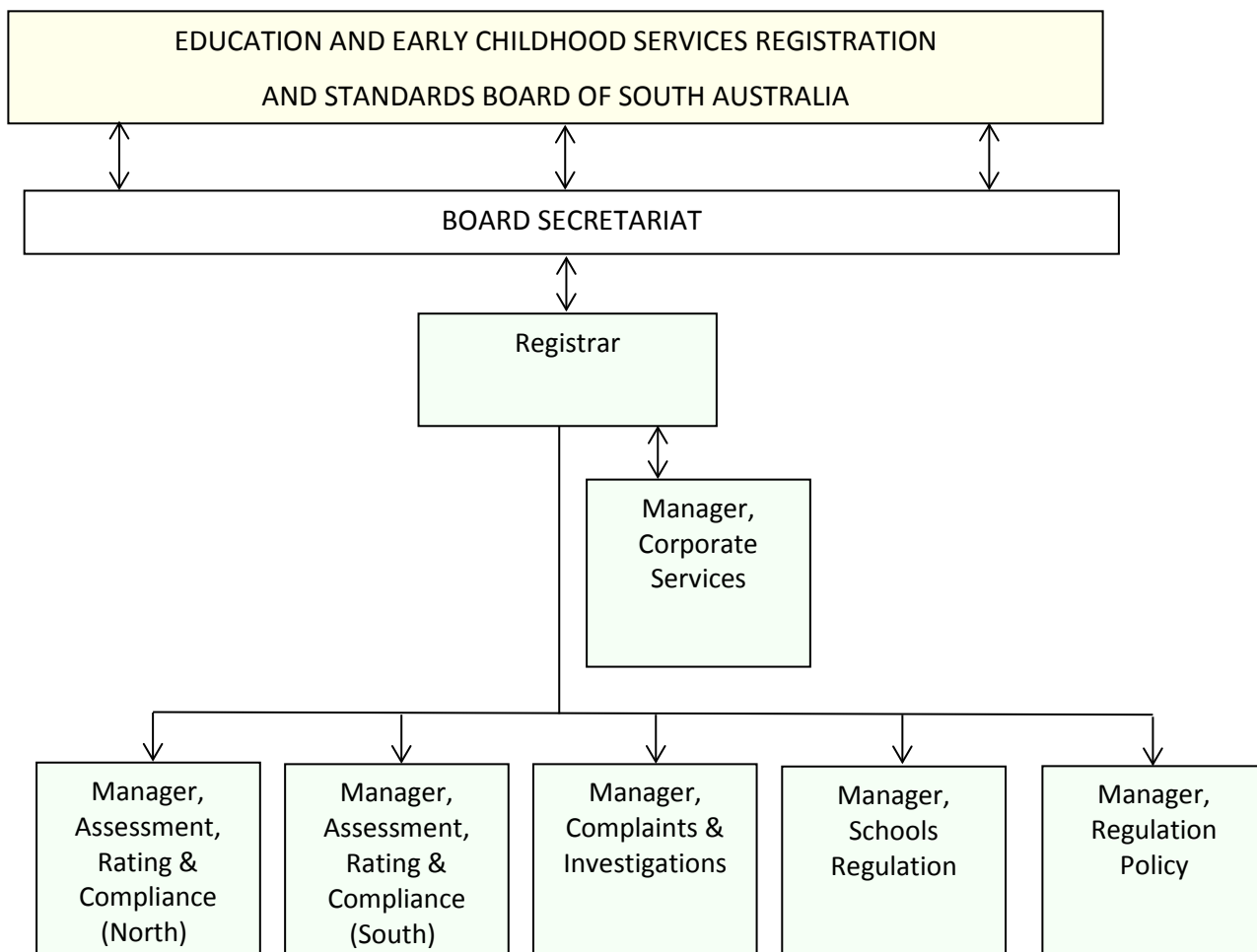
Corporate Services

The Corporate Services unit provides support to the ESB and its staff through efficiently running the corporate business, facilitating continuous improvement and ensuring 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 and records management services as well as other broader corporate services to the ESB and the provision of an advisory service concerning corporate matters as required.

Organisational structure

The proposed new organisational structure arising out of the review:



Statutory requirements

Management of human resource information

The following information relates to the ESB's employees as at 30 June 2016.

Employee numbers, gender and status

Total number of employees	
Persons	38
FTEs	36.4

Gender	% Persons	% FTEs
Male	7.89%	8.24%
Female	92.11%	91.76%

Number of persons during the 2015-16 financial year	
Separated from the agency	6
Recruited to the agency	2

Number of persons at 30 June 2016	
On leave without pay	2

Number of employees by salary bracket

Salary Bracket	Male	Female	Total
\$0 - \$57,599	0	3	3
\$57,600 - \$73,299	0	3	3
\$73,300 - \$93,799	1	24	25
\$93,800 - \$118,399	1	4	5
\$118,400+	1	1	2
TOTAL	3	35	38

Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Other (Casual)	Total
Male	2	0	1	0	3
Female	9.5	2	21.9	0	33.4
TOTAL	11.5	2	22.9	0	36.4

PERSONS	Ongoing	Short-term contract	Long-term contract	Other (Casual)	Total
Male	2	0	1	0	3
Female	10	2	23	0	35
TOTAL	12	2	24	0	38

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	0	1	1	0	1	50	1	50	100
Total	0	0	0	1	1	0	1	50	1	50	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 hours leave per full time equivalent employee

Leave Type	2015–16
Sick leave	6.7
Family carer's leave	2.7
Miscellaneous special leave	0.7

Workforce diversity: Aboriginal and/or Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 - \$57,599	1	3	33.33%
\$57,600 - \$73,299	0	3	0%
\$73,300 - \$93,799	0	25	0%
\$93,800 - \$118,399	0	5	0%
\$118,400+	0	2	0%
TOTAL	1	38	2.63

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	0	0	0%	9.7%
25-29	0	1	1	2.63	11.2%
30-34	0	3	3	7.89%	10.7%
35-39	0	5	5	13.16%	9.6%
40-44	0	5	5	13.16%	11.4%
45-49	0	8	8	21.05%	11.1%
50-54	0	6	6	15.79%	11.4%
55-59	1	7	8	21.05%	9.1%
60-64	2	0	2	5.26%	6.7%
65+	0	0	0	0%	3.6%
TOTAL	3	35	38	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	10	10	26.32%
Number of employees who speak language(s) other than English at home	0	1	1	2.63%

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	2	34	36
Compressed weeks	0	0	0
Part-time	0	8	8
Job share	0	0	0
Working from home	2	30	32

Performance development

The ESB 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 2016-17 financial year as the ESB finalises its updated draft performance management policy, guidelines and framework.

Documented review of individual performance management

Employees who have been with the ESB for more than 12 months	% Total workforce
A review within the past 12 months	100
A review older than 12 months	0%
No review	0%

Leadership and management development

During the 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 2015–16 financial year.

Overseas travel

There was no overseas travel taken by public sector employees.

Work health safety and injury management

The ESB is committed to the management of safety and wellbeing. The ESB receives and closely reviews Work Health Safety (WHS) reports at least quarterly and WHS is regularly discussed as a standing item in Senior Management Meetings. Staff in leadership roles have undergone WHS training to ensure the agency is up-to-date with legislative requirements. It is anticipated that all Emergency Control Wardens will be retrained in the new financial year. A corporate WHS Management Committee works to ensure adequate risk management and continuous improvement of internal WHS policies and procedures. A suite of WHS policies and procedures were drafted as agency specific documents, taking into account current legislation pertaining to the ESB. This included the creation and implementation of new emergency procedures. The entire WHS framework has been reviewed 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 no workers compensation expenditure during the reporting period. Note that the

ESB assumed the responsibility of its own workers compensation liability on 6 June 2014 along with the transfer of payroll.

Disability Access and Inclusion Plans

In December 2011 the South Australian Government, in response to the disability reform report *Strong Voices: a Blueprint to Enhance Life and Claim the Rights of People with Disability in South Australia (2012-2020)*, announced that agencies will produce annual Disability Access and Inclusion Plans aligned with the National Disability Strategy policy areas and replacing Promoting Independence – Disability Action Plans for South Australia.

The ESB is committed to this initiative and the development of a Disability Access and Inclusion Plan as required.

External consultants

	Number	Total \$
<i>Below \$10,000</i>		
Purpose of Consultancy		
Various	5	\$8,897
<i>Above \$10,000</i>		
Purpose of Consultancy		
Review of organisational structure	2	\$67,273
	Ann Elizabeth Doolette Innisfree Australia Pty Ltd	
Total: 7 consultants		Value: \$76,170

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 ESB received two requests for information under the Freedom of Information (FOI) provisions during the reporting period. One applicant was granted partial access to the requested information. The other was refused on the grounds the requested information was exempt. 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 2015–16 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 2015–16 financial year.

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

Financial statements

Attachment A contains the ESB'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
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
DECD	Department for Education and Child Development
DET	Department of Education and Training (Commonwealth)
ESB	Education and Early Childhood Services Registration and Standards Board of South Australia
ESOS	Education Services for Overseas Students
FFPOS	Full fee paying overseas students
FOI	Freedom of Information
NQA ITS	National Quality Agenda Information Technology System
NQF	National Quality Framework
NQS	National Quality Standard
OSHCsa	OSHC Association of SA Inc.
PRISMS	Provider Registration and International Students Management System
WHS	Work Health Safety