



Jenny Mikakos MP

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Ms Gill Callister
Secretary
Department of Education and Training
GPO Box 4057
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Dear Ms Callister

STATEMENT OF EXPECTATIONS FOR THE DEPARTMENT OF EDUCATION AND TRAINING AS REGULATORY AUTHORITY FOR EARLY CHILDHOOD EDUCATION AND CARE

I am pleased to provide you with this Statement of Expectations in your role as the designated Regulatory Authority under the *Education and Care Services National Law Act 2010*, the *Victorian Children's Services Act 1996*, and their respective associated regulations. I understand you have delegated the majority of your powers, duties and functions to the Quality Assessment and Regulation Division (QARD) of the Department of Education and Training (the Department). This SOE applies for the period 1 July 2018 to 30 June 2019.

As Minister for Early Childhood Education, I am responsible for administering the *Education and Care Services National Law Act 2010* and the *Victorian Children's Services Act 1996* that apply to the operation of early childhood education and care and, in the case of the National Law, school aged care services. This Statement should be read within the context of the objectives, obligations and functions outlined in these Acts (as amended).

I expect the Regulatory Authority to undertake the full range of functions and powers provided in this legislation to promote the safety, health and well-being of children attending education and care and children's services. I acknowledge that the Regulatory Authority operates within the context of national applied laws and under the auspices of the Education Council, and that the Regulatory Authority holds explicit joint governance responsibilities for the implementation of the National Quality Framework in conjunction with the Australian Children's Education and Care Quality Authority (ACECQA), other State and Territory regulatory authorities and the Commonwealth Department of Education and Training. This Statement applies to those functions and activities over which the Regulatory Authority has control or flexibility in meeting outcomes. In undertaking this role, I expect the Regulatory Authority to continue to improve the efficiency and effectiveness of its regulatory activities.

I note the Commonwealth Government's decision in its 2018-19 Budget to discontinue the *National Partnership on the National Quality Agenda for Early Childhood Education and Care*, which will result

in a \$5.4 million reduction in Commonwealth funding to Victoria to support the critical work of regulating early years services to ensure their quality and the safety of children – this is a significant proportion of its budget. As a consequence I am issuing this statement for a period of one year and will continue to seek a resolution of this matter with the Commonwealth.

I recognise the significant work that the Regulatory Authority has undertaken since 2012 to implement and administer the National Quality Framework, and its continued efforts to improve the efficiency and effectiveness of its operations such as the introduction of the service tracking and recording tool (STAR). The Regulatory Authority has also raised awareness of the new Child Safe Standards for all early childhood services, and begun the implementation of the No Jab, No Play laws.

I reaffirm the following areas where there are opportunities for the Regulatory Authority to improve its performance:

- I expect the Regulatory Authority to continue to apply its best endeavours to assess and rate all eligible Victorian education and care services regulated under the National Law and report to me regularly on Victoria's performance against this expectation.
- I expect the Regulatory Authority to continue to adopt a risk-based approach to:
 - target regulatory effort to the highest risk activities, including assessing strategic regulatory risks to manage emerging sectoral compliance risks; and
 - ensure that services are adequately monitored and that notifications and complaints are investigated in a timely way.
- The Regulatory Authority should review its risk assessment frameworks on an ongoing basis to ensure that risks to the safety, health and wellbeing of children are minimised.
- I expect that the Regulatory Authority will continue to work cooperatively with the Commonwealth Department of Education and Training, ACECQA, and other relevant agencies to administer the National Law and address compliance issues associated with the family day care sector.
- I expect the Regulatory Authority to deepen its engagement with education and care providers and services and other stakeholders to inform the ongoing improvement of its regulatory activities.
- I expect the Regulatory Authority to continue to explore ways to improve the efficiency and effectiveness of business systems and processes supporting its regulatory functions, including better use of technology, to reduce regulatory burden and ensure the delivery of high quality, consistent services within prescribed timeframes.
- I expect the Department to publish an annual report on its activities as the Regulatory Authority for early childhood education and care services in Victoria as a way of ensuring public accountability and providing information about its regulatory work.
- I expect the Regulatory Authority to further improve the transparency and accountability of its regulatory and decision-making processes. The Regulatory Authority will develop more effective measures for the efficiency and effectiveness of application processes, decision-making processes, investigations and other internal processes and outcomes (including, for example, measures of timeliness).
- I expect the Regulatory Authority to support early childhood education and care providers to comply with their requirements and make available to them information to ensure an understanding of their legislated obligations.

- I also expect the Regulatory Authority to continue to provide advice to services that receive a rating of 'Working Towards the National Quality Standard' to assist them to meet the Standard.
- I expect the Regulatory Authority to enhance feedback systems to measure the effectiveness of its compliance related assistance and advice.
- I expect the Regulatory Authority to promote greater cooperation, information sharing, regulatory coherence and efficiency with other regulators and key partners in order to improve compliance outcomes and identify opportunities for improved regulatory performance. This includes working closely with the Victorian Cladding Taskforce and the Victorian Building Authority to identify and manage risks associated with combustible cladding that may exist on buildings where early childhood services operate.

Child safety and wellbeing remains an important focus for the government as is our plan to create a higher quality, more equitable and inclusive early childhood system as outlined in the *Education State Early Childhood Reform Plan: Ready for kinder, Ready for school, Ready for life*. Improving kindergartens, early childhood system infrastructure, and system foundations and practice will help achieve higher quality services. Priorities include implementing the Reportable Conduct Scheme and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, and rolling out Child Link and the child information sharing scheme.

I expect the Regulatory Authority to continue to advise and support these policies and priorities as appropriate, and to play a role in achieving them through its regulatory function and by cooperating with other regulators and departments across jurisdictions and portfolios.

I expect the Regulatory Authority to continue to identify and report on the activities it will undertake to achieve my expectations and respond to this Statement publicly. In undertaking these activities, I expect the Regulatory Authority to consult with stakeholders and the broader community as appropriate.

Reporting on progress should continue to be undertaken in the context of annual financial reporting to avoid dual reporting streams. I also expect that these expectations continue to be incorporated into the Regulatory Authority's Business Plan.

This Statement should be published on the Department's website together with the Regulatory Authority response.

I look forward to seeing the Regulatory Authority continue to work towards achieving best practice in its critical role as the regulator of early childhood education and care and school aged care services in Victoria.

Yours sincerely



Jenny Mikakos MP
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28/6/18