

Secretariat of National Aboriginal and Islander Child Care

Submission on the Consultation Regulation Impact Statement for
Early Childhood Education and Care Quality Reforms

3 September 2009

More Information:

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Ms Joan ten Brummelaar
National Early Childhood Development Steering Committee Secretariat
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By way of email: ECECQuality@deewr.gov.au

3 September 2009

Dear Joan,

Consultation Regulation Impact Statement

Thank you for this opportunity to provide feedback on the Consultation Regulation Impact Statement for Early Childhood Education and Care Quality Reforms (RIS). This submission has been prepared in consultation with the Secretariat of National Aboriginal and Islander Child Care (SNAICC) Executive and SNAICC Members, and the **National Aboriginal and Torres Strait Islander Early Childhood Training Network**, which links practitioners, educators, trainers and advocates in this sector.

1 Background on the Secretariat of National Aboriginal and Islander Child Care

The Secretariat of National Aboriginal and Islander Child Care Inc (SNAICC) is the national peak body in Australia representing the interests of Aboriginal and Torres Strait Islander children and families.

SNAICC was formally established in 1981, elected its first national executive in 1982 and opened in 1983.

SNAICC operates from a membership base of Aboriginal and Torres Strait Islander community based child care agencies, Multi-functional Aboriginal Children's Services (MACS), family support services, foster care agencies, link up and family reunification services, family group homes, community groups and voluntary associations, long day care child care services, pre schools, early childhood education services and services for young people at risk.

SNAICC also has a network and subscriber list of over 1600 community groups, mostly Aboriginal and Torres Strait Islander, but also significant numbers of non-Indigenous community based services, government agencies and individuals with an interest in Aboriginal and Torres Strait Islander families and children.

SNAICC is governed by a national executive of Aboriginal and Torres Strait Islander people drawn from our members and operates from an office located in Melbourne, with funding provided by the Department of Families Housing Community Services and Indigenous Affairs. It is a non-government, not for profit organization.

SNAICC's mission is to provide a strong voice for Aboriginal and Torres Strait

Islander children and families through a national body that represents Aboriginal and Torres Strait Islander children's services and promotes the rights, needs and aspirations of Aboriginal and Torres Strait Islander children and families.

2 Introduction

Quality early childhood service provision is integral to a child's development and transition into school and an important part of supporting families during their children's pre-school years. In principle, we strongly support improved early childhood education and care, including a national approach to staff-to-child ratios, staff qualification requirements, regulations and ratings.

However, this is heavily qualified by the need for governments to ensure that the costs associated with these changes do not create unwanted outcomes, such as preventing families and children from accessing services, threatening the viability of community driven initiatives and culturally appropriate services, or limiting the centre's ability to provide a range of vital services.

Aboriginal and Torres Strait Islander families use both Indigenous specific and non-Indigenous specific services. For the purpose of this submission, Indigenous specific services are those that:

- are Aboriginal and Torres Strait Islander community-controlled and provide services for Aboriginal and Torres Strait Islander families and children; and
- can be either budget based services such as Multifunctional Aboriginal Children's Services (MACS) and crèches or funded by states or territories, such as Aboriginal Preschools.

We have received feedback from extensive consultation with both Indigenous specific and non-Indigenous specific services, some of which are within the scope of the current RIS. While the emphasis of this submission is on the services captured by this RIS, some points are particularly relevant to Indigenous specific, budget based services. Acknowledging that the government is planning to do further work on how a majority of Indigenous specific services will be incorporated in the National Quality Agenda, SNAICC will provide more detail on these services at a later date.

3 National Quality Standard and Ratings Framework

3.1 Staff ratios

SNAICC supports the proposed ratios, but notes that the implementation time frames must also incorporate adjusted government funding to support the changes. We are concerned that the improvements will raise fees and exclude many Aboriginal and Torres Strait Islander families. *(See also comments below under 'Implementation' on costs).*

3.2 Developing cultural competence

Increasing levels of participation in preschool and child care by Aboriginal and Torres Strait Islander children requires services to be affordable, accessible and culturally appropriate.¹ All Aboriginal and Torres Strait Islander children should be provided with culturally appropriate care, preferably within an Indigenous specific children's service and by an Aboriginal or Torres Strait Islander carer. Recognising that culture is integral to a child's wellbeing and development,² non-Indigenous specific services should demonstrate both a commitment to developing Aboriginal and Torres Strait Islander cultural competence and providing culturally appropriate programs for children.

Cultural competence can be defined as:

a set of congruent behaviours, attitudes, and policies that come together in a system, agency, or among professionals that enable them to work effectively in cross-cultural settings.³

Developing Aboriginal and Torres Strait Islander cultural competence requires implementing and continually developing a suite of programs and activities, including, for example:

- promoting and respecting Aboriginal and Torres Strait Islander culture and child rearing practices;
- providing staff training in cultural awareness;
- respecting Aboriginal and Torres Strait Islander self determination;
- working in respectful partnership with Aboriginal and Torres Strait Islander community-controlled organisations – as service partners, not service competitors;
- engaging with Aboriginal and Torres Strait Islander communities and their organisations in respectful and culturally appropriate ways; and
- supporting Aboriginal and Torres Strait Islander staff in non-Indigenous specific organisations and creating culturally supportive workplaces.

All Aboriginal and Torres Strait Islander children must have access to services that nurture, celebrate and reinforce Aboriginal and Torres Strait Islander culture and support the development of their cultural identity.

¹ SNAICC identified key principles in its policy document 'SNAICC Service Development, Cultural Respect and Service Access Policy' (2008) SNAICC, available online <<http://www.snaicc.asn.au/policy>> at 2 September 2009.

² Secretariat of National Aboriginal and Islander Child Care, *Values Statement for Aboriginal and Torres Strait Islander children* (2007); Secretariat of National Aboriginal and Islander Child Care *Achieving Stable and Culturally Strong Out of Home Care for Aboriginal and Torres Strait Islander Children* (2005).

³ Char Tong and Terry Cross, *Cross Cultural Partnerships for Child Abuse Prevention with Native American Communities* (1991) 12, as quoted in Victorian Aboriginal Child Care Agency (VACCA), *Aboriginal Cultural Competence Framework* (2008) 23.

The clear first preference of SNAICC is for this support to be provided by Aboriginal and Torres Strait Islander community controlled services and child care workers. However, cultural competence must be incorporated into non-Indigenous specific services by ensuring that it is part of the basic training for all boards, management and staff and service requirements.

Recommendations:

- 3.2.1 Ways of including Aboriginal and Torres Strait Islander child rearing practices for Aboriginal and Torres Strait Islander children in child care programs and staff qualifications should be explored in partnership with Aboriginal and Torres Strait Islander services.
- 3.2.2 Appropriate cultural awareness training and accreditation programs for non-Indigenous management committees and staff should be developed in partnership with Aboriginal and Torres Strait Islander researchers, early childhood educators and service providers, and supported by additional government funding.⁴

3.3 Quality Rating System

As noted in the RIS, some indicators of quality are appropriately government responsibility. SNAICC is however concerned that offering a limited range of categories may create a compliance culture that discourages diversity. Cultural strengths and programming must be able to be captured in quality standards and supported by quality improvement processes. As a sector with particular issues and cultural concerns, we are concerned that the system may be seen as prescriptive and inhibiting innovation and flexibility. Presumably, the evaluation of 'process components' of quality such as the centre's programs, relationships between staff and children and community connections should be primarily user driven.

As the ratings seem to include both process and structural components of quality, they must be flexible enough to provide a useful comparison of agreed outcomes that recognise community preferences, geography and needs. For example, it would be unreasonable to expect all services to provide a breakfast program for children, whereas it is often an important and valuable program for services used by low income families and in communities where there is limited availability of affordable, nutritious food.

Recommendations:

- 3.3.1 The Quality Rating System should ensure that Aboriginal and Torres Strait Islander cultural awareness training is a mandatory requirement for all services to achieve the basic standard.

⁴ See, for example, existing information on cultural competency and training for out of home carers: Secretariat of National Aboriginal and Islander Child Care, *Foster Their Culture* (2008).

- 3.3.2 A service that achieves a 'National Quality Standard' would need to demonstrate that it is culturally appropriate and provides culturally appropriate programs for all the children, including Aboriginal and Torres Strait Islander children.
- 3.3.3 Services that do not demonstrate progress towards development of increased Aboriginal and Torres Strait Islander cultural competence should not be able to claim any excellence rating.
- 3.3.4 Ratings should be done by an external evaluator and be flexible enough to incorporate user, local community and regional feedback.

4 Licensing and Regulatory Arrangements

SNAICC supports the creation of a national regulation agency, which would ideally centralise reporting and compliance, and eliminate multiple reporting requirements. However, this system must recognise that geographic location and diversity will require flexibility and local knowledge.

Recommendations:

- 4.1.1 The national regulation agency should include dedicated Aboriginal and Torres Strait Islander positions. The role and scope of these positions should be developed in consultation with Aboriginal and Torres Strait Islander services.
- 4.1.2 The scope of the role of the national regulation agency staff working with services with Aboriginal and Torres Strait Islander children should be developed in consultation with these services. For example, this may range from mandating and accrediting cultural awareness training to ensuring there are the necessary resources and support for the transition to the new reporting and compliance requirements.
- 4.1.3 There should be continued and expanded funding for support services that can increase the capacity of services with Aboriginal and Torres Strait Islander children.
- 4.1.4 The national regulation agency should establish staffing ratios and requirements for both Indigenous specific and general services that legitimate increased employment of Aboriginal and Torres Strait Islander staff.
- 4.1.5 Regulatory criteria need to be established in conjunction with workforce planning, and appropriate access to education and training that will allow services to find staff to meet the new standards.
- 4.1.6 Regulatory changes must take into account questions of access to services by families in need and ensure there is funding to make this possible. *(See also comments below under 'Implementation' on costs).*

5 Implementation

5.1 Cost distribution/Funding

Funding for the improvement of child care services will fail to achieve policy objectives if it results in the exclusion of children and families unable or unwilling to use these services. Achieving this ambitious agenda must be matched by additional targeted government funding, to cover the flow-on of the costs of increased staffing, staff qualifications and ratings to parents. Otherwise the proposed changes will exclude or reduce access by low income families to services. There is also the risk that such changes will only force a wider gap between the quality of services, particularly where staffing is problematic, such as in regional and remote areas.

To illustrate the need for changes in funding, low income full time users of Commonwealth accredited services receive the maximum Child Care Benefit (CCB) (\$180/week) if the family earns less than \$40,000/year, which reduces on a pro rata basis. Including the tax rebate of 50% (at a maximum of \$7,778 p.a.)), a very low income parent would receive the maximum of \$330 a week to offset bills ranging up \$480 a week. This would leave an impossible gap of \$30 a day that would need to be met. Further changes will exacerbate this gap, and those who can pay higher gap fees may get better quality services.

Recommendations:

- 5.1.1 Recognising the considerable impact of gap fees for low income families, services with a many users from low income, high need families should receive additional government funding that would allow real costs of quality services to be met without excluding low income users.
- 5.1.2 There is also concern that inequalities may be increased by a national roll-out for those services in regions with a high proportion of children from low income families. This is exacerbated by high Aboriginal and Torres Strait Islander birth rates, age distribution and low incomes. SNAICC recommends that an equitable share of early childhood funding must be allocated specifically and quarantined for Aboriginal and Torres Strait Islander communities and services.

5.2 Exemptions

There has been discussion at the public forums of 'exemptions' for services that are unable to meet the new standards. SNAICC's concern is that this would reduce their access to additional government funding, so these services would fall further behind other services. Government must provide assurances that all services will get access to funds for extra training, recruitment and other costs associated with the standards.

Recommendation:

- 5.2.1 Governments should put forward proposals for additional funding and resources targeting services that would need to upgrade staff qualifications and services to meet COAG aims.

5.3 Staffing and training

As mentioned above, all Aboriginal and Torres Strait Islander children should be provided with culturally appropriate care, preferably within an Indigenous children's service and by an Aboriginal or Torres Strait Islander carer. This requires both increasing and targeting funding for existing and new Aboriginal and Torres Strait Islander staff to increase qualification levels and skills.

In addition, all communities have children with disabilities, children with behavioural issues, children that have witnessed violence and been traumatised, children with chronic health issues, children whose first language is not English and children who come from a culture other than the dominant culture. Training to meet these needs should also be offered to non-Indigenous staff to ensure they can work effectively with Aboriginal and Torres Strait Islander children and communities.

Given the considerable need for more Aboriginal and Torres Strait Islander staff, the recruitment and training of Aboriginal and Torres Strait Islander staff must be supported with targeted funding that also covers flexible delivery of training. This may include on site training or off site blocks of training supported by accommodation and travel allowances. This is particularly important in remote and rural areas. Funding must also cover backfilling of positions while staff are away upgrading qualifications.

Funding needs to be provided for the development of accredited training and recognition of prior learning of Indigenous knowledge related to family relationships, child rearing and cultural requirements. This will both formalise existing knowledge and allow the inclusion of such subject matter in specialist and generalist early childhood training and education programs.

Recommendations:

- 5.3.1 Potential and current Aboriginal and Torres Strait Islander staff must be supported to attain the required qualifications, with a particular emphasis on recruiting Aboriginal and Torres Strait Islander staff for services which are used by Aboriginal and Torres Strait Islander families.
- 5.3.2 Government should consider targeted subsidies, scholarships and waiver of fees for the required qualifications for Aboriginal and Torres Strait Islander staff and potential staff. This should include additional support for Aboriginal and Torres Strait Islander staff that have achieved a recognised level of child care certification and wish to articulate to a higher degree.

- 5.3.3 Urgent funding should be provided to start the process of developing Aboriginal and Torres Strait Islander knowledge components in early childhood education and training programs, as a key part of the quality upgrade program, not just Indigenous specific services.

6 Support and Forward Planning: Inclusion of Indigenous specific, budget based services

We are aware that governments are planning further work considering how Indigenous specific budget based services will be incorporated in the National Quality Agenda, and look forward to involvement in this process.

It is obvious that the concerns raised above would be magnified for Indigenous specific budget based services that cater for disadvantaged families, particularly rural and remote services. This places particular importance on ensuring that the challenges facing non-Indigenous specific services are effectively considered prior to the roll out of the National Quality Agenda for all services. It also requires current funding levels for budget based services to be closely considered against their staffing, infrastructure and program provision needs.

Outlined below are preliminary concerns that will be addressed in greater detail once government consultation on budget based services begins, but require consideration at this point in the consultations.

6.1 Rationale for staged rollout and exclusion of budget based services

During SNAICC's conversations with a senior official at DEEWR on 12 August 2009, DEEWR informed us that the rationale behind the focus on some services before extending it to incorporating all services (and specifically, the budget based, Indigenous specific services) was to avoid creating additional pressure on these highly valued services. We agree that it is important to conduct rigorous field tests, but we still have some concerns that this may mean that such services' needs for upgraded staffing and funding will be overlooked or delayed.

Recommendation:

- 6.1.1 This aim should be clearly communicated by government to all services not within the scope of the RIS to avoid unintended, ongoing uncertainty in the sector. It should also be accompanied by a timeline for the transition as outlined below.

6.2 Recognising Aboriginal and Torres Strait Islander preference for community controlled services

While many Aboriginal and Torres Strait Islander families use non-Indigenous specific services, a large proportion of Aboriginal and Torres Strait Islander families will choose to only use Indigenous specific, community controlled services such as Multifunctional Aboriginal Services

(MACS), crèches and Indigenous 'Innovative' or 'flexible' services, even where non-Indigenous alternatives exist. Many of these families would not use services that had different non-community based management models for the reasons listed below. These are basically non accredited and budget based funded, but we again note there are some accredited Aboriginal and Torres Strait Islander services that will be included in the first round changes or may be forced to become unaccredited.

These early childhood services support family functioning within Aboriginal and Torres Strait Islander communities by assisting families in these communities to meet the cultural and developmental needs of their children. Indigenous holistic child care services provide family support programs such as counselling, financial planning, professional medical check ups, nutrition programs, free bus services, mobile playgroups and other programs reflecting community needs. Non-Indigenous services do not respond to community needs and do not embed culture in all aspects of their service delivery in the way that Indigenous specific services do; for this reason Indigenous specific services are the preferred option for many families and for some families the only option with which they feel safe. Such views may be changed in the future, were more mainstreamed services to offer programs with significant Indigenous control, staffing and culturally appropriate programming.

One other major factor is costs. With a commitment to the philosophy that it is in the child's best interests to work with the family and community, these multiple types of family support services are often provided for a nominal amount to keep the services accessible to all income levels.

The choice of these services is by no means completely driven by convenience or cost, with some services reporting families driving over 30 kilometres to use the service. This commitment to Aboriginal and Torres Strait Islander controlled services reflects many other assessments of what is working for Aboriginal and Torres Strait Islander families in other types of human services.

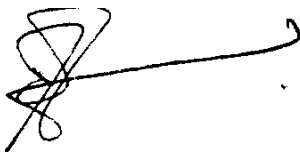
However, ongoing feedback from budget based, Indigenous specific services has emphasised the need for additional funding to meet the significant demand in the community. While budget based services have shown considerable support for changes to ensure quality service provision, there is concern that the exemptions discussed at the public consultations would result in budget based services remaining underfunded and unable to meet the high service standards expected in the sector. This would have the undesired effect of creating a two-tiered system of early childhood services.

Recommendations:

- 6.2.1 Indigenous specific services, both budget and CCB funded, must first be supported to meet current shortfalls in funding for infrastructure upkeep, staff recruitment, training and retention. It is essential that these costs are not passed onto the predominantly low income families that use these services.
- 6.2.2 Funding increases to either CCB or budget based services must be able to absorb costs of the new requirements, and any proposals for funding changes should be considered in partnership with these services that are acutely aware of the local needs. We note that Aboriginal Preschools, currently state funded, will also be included in the first round of changes and will need to be provide funding to ensure they remain affordable and able to meet quality requirements.
- 6.2.3 Related services (such as the Indigenous Professional Support Units (IPSUs) and state based, for example, the Aboriginal Education Consultation Group (AECG)) that may be required to assist budget based services in any transition period would also need increased funding and support.
- 6.2.4 A rollout of the Agenda must be based on a coordinated plan, created in partnership with all services. This is vital to ensure that the implementation process does not overwhelm local initiatives or fuel greater discrepancies between Indigenous specific and non-Indigenous specific services.

Thank you again for the opportunity to provide feedback. We look forward to further discussions on the National Quality Agenda.

Yours sincerely,



Frank Hytten
SNAICC Executive Officer

**With the concurrent of the Aboriginal and Torres Strait Islander Early
Childhood Training Network**