



Regulating for quality - Monitoring and assessing compliance of early childhood services procedure

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Audience

All early years

Purpose

This procedure outlines the Department of Education's approach as the Regulatory Authority responsible for monitoring and assessing the compliance of early childhood education and care (ECEC) services approved under the [National Quality Framework](#) (NQF) and the [Education and Care Services Act 2013 \(Qld\)](#) (ECS Act).

Overview

The Regulatory Authority monitors and assesses compliance of ECEC services operating under the NQF, in accordance with the [Education and Care Services National Law](#) (Queensland) (National Law) and [Education and Care Services National Regulations](#) (National Regulations). The National Law and Regulations set out the operational and legislative requirements of approved services.

The Regulatory Authority also monitors and assesses the compliance of a small number of ECEC services operating under the ECS Act. The ECS Act covers many of the same legislative requirements as the National Law.

The Regulatory Authority monitors and assesses compliance of providers approved under the NQF and ECS Act using the risk-based approach outlined in [Regulating for Quality – Queensland's risk-based approach to regulating early childhood education and care \(R4Q\)](#).

Monitoring ECEC services is a proactive activity under R4Q used by the Regulatory Authority to assess and influence compliance with legislative requirements. The objectives of a monitoring visit are to:

- determine whether an approved provider is complying with their legislative requirements
- provide an opportunity for guidance and advice to be given to an approved provider to support compliance and promote continuous quality improvement.

This procedure sets out the steps to follow when conducting a monitoring visit to an ECEC service to monitor and assess compliance with legislative requirements. Further information on how to identify and respond to

Uncontrolled copy. Refer to the Department of Education Policy and Procedure Register at <https://ppr.qld.gov.au/pp/regulating-for-quality-monitoring-and-assessing-compliance-of-early-childhood-services-procedure> to ensure you have the most current version of this document.

compliance issues requiring a further regulatory response in accordance with the R4Q policy should be directed to regulation@qed.qld.gov.au.

This document builds on the guidance about monitoring and compliance with legislative requirements contained in the [Guide to the National Quality Framework](#), Section 5: Regulatory Authority Powers – Monitoring, compliance and enforcement.

Responsibilities

Chief executive (Director-General)

- Regulates education and care services in Queensland.
- Delegates powers under the National Law to appropriately qualified officers within the Regulatory Authority.

Authorised officers

- Exercise their powers of entry and evidence gathering powers in accordance with the requirements of section 197 of the National Law or section 157 of the ECS Act.
- Identify and prioritise services to undergo a proactive monitoring visit.
- Complete all relevant training and be authorised to conduct a monitoring visit.
- Monitor and assess compliance with regulatory requirements of early childhood education and care services ensuring approved providers are afforded procedural fairness throughout the process, in a way that demonstrates operational consistency, and un-biased decision-making.
- Maintain appropriate and accurate records in the approved record keeping systems.
- Advise approved providers of the outcome of a monitoring visit.
- Respond to any outstanding non-compliance identified during the visit in accordance with the [R4Q policy](#).

Managers and directors

- Identify and prioritise services to undergo a proactive monitoring visit.
- Ensure all authorised officers who conduct monitoring visits have completed relevant training and are appropriately authorised (i.e. R4QSkills, Adept – Core regulatory skills).
- Provide support in the event of harm or threat of harm to an authorised officer during a monitoring visit and report and manage according to the [Health, safety and wellbeing incident management procedure](#).
- Provide advice and guidance about the most appropriate regulatory response to take when a significant risk of harm to a child or other high risk issue is identified during a monitoring visit.
- Escalate serious matters to the Regulation, Assessment and Service Quality (RASQ) team when appropriate.

Regulation, Assessment and Service Quality (RASQ) team

- Provide advice and support authorised officers, managers and directors to carry out the regulatory monitoring function.
- Manage serious matters, including (but not limited to): those which pose a serious risk of harm to the health, safety and wellbeing of a child, or complex or sensitive matters.

- Refer matters to other jurisdictions or government departments such as the Queensland Police Service.

Process

1. Plan a monitoring visit

Identify a service to undergo a monitoring visit

Manager or authorised officer will:

- Identify a service to undergo a monitoring visit by considering a range of risk factors including:
 - time since last visit
 - current quality rating
 - history of non-compliance
 - whether the service has recently been approved to operate
 - any changes to the approved provider or key personnel
 - service type
 - current risks and compliance trends across education and care services and providers.
- Consider service type when scheduling a monitoring visit (e.g. service types that close for school holidays).

Prepare to conduct a monitoring visit

Authorised officer will:

- Create a visit record against the service record in the NQA ITS. Refer to online NQAITS Library.
- Review and analyse service information to gain an understanding of the service and decide what type of monitoring visit to conduct: an 'announced monitoring visit' or an 'unannounced monitoring visit'. Service information to consider when deciding on the type of visit to conduct may include (but is not limited to):
 - the quality improvement plan
 - compliance history
 - most recent assessment and rating report
 - information received about the service from complaints or notifications
 - outcome of other monitoring activities or recent regulatory activities such as an investigation
 - information received from other regulatory systems and agencies.
- If an announced monitoring visit will be conducted, notify the approved provider in writing (and service contact, if appropriate) including the time, date, who will attend, and any documents or information the service is requested to provide either before the visit or on the day of the visit. Where a non-urgent request for documentation is made, the authorised officer may issue a written notice under section 206 of the National Law, allowing the approved provider 14 days to respond to the request. Documents that may be requested before the visit include (but are not limited to):
 - names and qualifications of educators

- staff schedules
- policies and procedures.
- For both announced and unannounced visits, prepare a visit plan using either the mobile monitoring application (R4Q App) or Monitoring visit report available via Smart Flows in the National Quality Agenda IT System NQA ITS (DoE employee only). The visit plan sets out the scope of the visit and criteria to be assessed including:
 - which compliance obligations the visit will focus on
 - areas to observe (which may be linked to the [Regulatory Priorities](#))
 - documents to obtain or sight during the visit
 - questions or prompts for discussion.
- If applicable, organise travel and accommodation in line with the department's [Domestic travel procedure](#).

2. Conduct an announced or unannounced monitoring visit

Commence a monitoring visit

Upon arrival at the service, the authorised officer will:

- Show their identity card issued under section 196 of the National Law to the nominated supervisor or contact person.
- Announce their visit and outline their entry powers under the [National Law](#).
- If applicable, advise the primary contact person at the service (for example, the nominated supervisor) that the visit will be audio recorded (as allowed under section [197\(2\)\(b\)](#) of the National Law).
- If taking photos (as allowed under section 197(2)(b) of the National Law), advise the primary contact person at the service, and avoid taking photos of individuals, or confidential or sensitive matters.
- Follow all the requirements of the service, for example, sign in and sign out procedures, and familiarise themselves with emergency procedures and the location of exits.
- Seek consent to operate equipment, enter locked areas or touch personal items.
- Leave the premises immediately if feeling threatened, intimidated or unsafe. Once safe, document the incident in a file note and report it to the manager or director without delay.
- In addition, if gathering evidence at a family day care residence:
 - comply with the Regulatory Authority's approved process for conducting home visits, which aligns with the broader Department of Education's [conducting home visits procedure](#).

Further guidance on conducting visits to educator homes can be found in the online Regulatory Library.

Collect and document evidence

Authorised officer will:

- Gather comprehensive, factual and objective evidence, including contextual information relevant to the objectives of a monitoring visit, and in accordance with the scope and criteria of the visit (as set out in the visit plan) using a combination of the following evidence gathering methods:

- observe practice
- discussing observations with staff
- sighting relevant documentation.
- Record evidence of both compliance and non-compliance with legislative requirements at the time of the visit in the R4Q App or similar Monitoring visit report available via Smart Flows on the NQA ITS. If photos are taken, each photo must be included in the record of evidence with the following information:
 - date, time and name of person who took the photograph
 - a description of the photograph
 - the issue the photograph relates to.
- Provide advice and guidance to educators and other staff at the time of the visit about how to maintain and/or improve compliance and quality.
- Discuss any breaches identified at the time of the visit with the primary contact person.
 - If the breach can be quickly and easily remedied at the time of the visit (or immediately after the visit), offer the primary contact person the opportunity to remedy the breach. Further guidance can be found in the online Regulatory Library.
 - If the breach cannot be quickly and easily remedied, compliance action may be pursued in accordance with the [R4Q policy](#).
- If a breach is assessed to be high risk (for example, a child is observed suffering as a result of poor operating practices, or is at risk of imminent danger):
 - stop the monitoring visit
 - take steps to manage the immediate risk, which may include making immediate contact with the manager or director to report the issue and seek assistance
 - discuss the regulatory response that should be made with the manager or director
 - obtain medical or police assistance or call on other government services, if required. Further guidance can be found in the online Regulatory Library.

Manager or director will:

- Provide advice and guidance about the most appropriate regulatory response to take.
- Escalate significant or serious matters to the Regulation, Assessment and Service Quality (RASQ) team in central office when appropriate. Further information on Referring significant matters can be found in the online Regulatory Library.

RASQ team

- Assess information referred and decide whether to:
 - Commence a formal regulatory compliance response.
 - Refer the matter back to the manager or director of the managing office with reasons and guidance. Further guidance can be found in the online Regulatory Library.

- Disclose information to another jurisdiction or government department. Further guidance can be found in the online Regulatory Library.

3. Finalise a proactive monitoring visit

Finalise monitoring visit report and prepare outcome advice

Authorised officer will:

- Finalise the monitoring visit report ensuring all evidence of compliance and non-compliance is recorded in the report.
- Advise the service in writing of the outcome of the monitoring visit by sending an outcome letter. The content of the outcome letter should be tailored to reflect the findings of the monitoring visit. Further guidance can be found in the online Regulatory Library.
- Record the outcome of the monitoring visit in the NQA ITS. Refer to the online NQAITS Library.
- Save a copy of the finalised monitoring visit report and evidence gathered during the visit including photos in the approved record keeping system.
- Respond to any outstanding non-compliance identified during the monitoring visit (i.e. a breach that has not been addressed to the satisfaction of the Regulatory Authority or has not been addressed within the timeframe provided by the Regulatory Authority) according to the residual risk of the breach. Refer to the online Regulatory Library.

Definitions

| Term | Definition |
|--|---|
| Approved provider | An individual or organisation that holds an approval that allows them to provide one or more early childhood education and care services. |
| Authorised officer | A person authorised by the chief executive's delegate under section 195 of the National Law in the Instrument of Authorisation of Authorised Officers under the Education and Care Services National Law to exercise the powers, functions, authorities and duties, conferred or imposed on authorised officers. |
| Early childhood education and care service | This encompasses all service types regulated in Queensland under the NQF and the Education and Care Services Act 2013 (Qld) . This includes long day care services, family day care services, outside school hours care services and preschool programs including those delivered in schools unless expressly excluded. |
| National Quality Agenda Information Technology System (NQA ITS) | An online suite of web portals that is managed by the Australian Children's Education and Care Authority (ACECQA) on behalf of the Australian Government, and all State and Territory Governments. The NQA ITS supports the technical implementation of the NQF such as monitoring and compliance and assessment and rating. |

| Term | Definition |
|-------------------------------------|--|
| National Quality Framework | <p>The National Quality Framework comprises the:</p> <ul style="list-style-type: none"> • Education and Care Services National Law (Queensland) • Education and Care Services National Regulations • National Quality Standard for assessing the quality of education and care services • Assessment and quality rating process • National approved learning frameworks. |
| Quality Improvement Plan | <p>The approved provider of a service must ensure that a Quality Improvement Plan (QIP) is in place for the service. The purpose of the QIP is to assist approved providers to self-assess the service's performance in delivering quality education and care, and to plan future improvements. A QIP must include:</p> <ul style="list-style-type: none"> • an assessment by the approved provider of the quality of practices at a service against the National Quality Standard, the National Law and National Regulations • identification of areas that the approved provider considers may require improvement • a statement of philosophy for the service. |
| Unannounced monitoring visit | <p>A monitoring visit that is conducted without giving prior notice or warning to the early childhood education and care service.</p> |
| Regulatory response | <p>A spectrum of regulatory responses is available to authorised officers when breaches of the National Law or Regulations are suspected or found such as issuing a compliance direction or emergency action notice. For a list of Regulatory Authority powers and enforcement options, see Section 5 of the Guide to the National Quality Framework.</p> |

Legislation

- [Education and Care Services National Law \(Qld\) Act 2011](#)
- [Education and Care Services National Law](#)
- [Education and Care Services National Regulations](#)

Delegations/Authorisations

- [Delegation of Director-General's Powers under the Education and Care Services National Law, Section 262](#)
- [Director-General delegations under the Education and Care Services National Law](#)
- [Director-General delegations under the Education and Care Services National Regulations](#)

- [Instrument of Authorisation of Authorised Officers under the Education and Care Services National Law](#)

Policies and procedures in this group

- [Regulating for Quality: The regulation of approved early childhood education and care services policy](#)
- [Regulating for Quality: Assessing and rating the quality of early childhood services procedure](#)
- [Regulating for Quality - Determining applications for early childhood services procedure](#)

Supporting information for this procedure

- Nil

Other resources

- [ACECQA Guide to the National Quality Framework](#)
- [Early Childhood Education and Care – National Quality Framework website](#)

Contact

For further information, please contact:

Local [regional office](#)

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DoE employees, please contact:

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Nil

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