



# Stakeholder Reference Group

## Communique 24 – September 2023

### ECU SRG membership:

Aboriginal & Torres Strait Islander	Helen Ransom, Aboriginal Program Officer – Vocational Learning
Australian Childcare Alliance	Mel Reid-Prewer
Catholic Education Tasmania	Donna Bucher, Assistant Director Education Projects
Centre based care - long day care	Chris Symons, Centre Director, Rainbow Childcare and Early Learning Centre
Centre based care - OSHC	Tamioka Archer
Local Government provider representative	Kate Whitbread, Glenorchy City Council
Early Childhood Australia, Tasmania Branch	Annette Barwick
Early Childhood Educators of Tasmania	Sandra Mazengarb
Family Day Care Council Tasmania	Angela Stanley-Gasparin
Independent Schools Tasmania	Mark Seager, Early Years Consultant
Out of Scope services	Tracey Roberts, Wombats Child Care Centre
United Workers Union	Gwen Alcock, National Strategic Coordinator – Early Childhood, United Workers Union
Parents & Families	Vacant

The ECU SRG met in September 2023. The information below reflects the discussion and outcomes from the meeting.

For information on the Education and Care Stakeholder Reference Group (ECU SRG) and the purpose behind our quarterly meetings, please see the [Terms of Reference](#)<sup>i</sup> on the [ECU website](#)<sup>ii</sup>.

### 1 ECU Staffing Update

The newly created Director of Education and Care Unit position has been advertised and recruitment is in progress. Vidhya Chelliah continues to act in this capacity in the interim. Janelle Brennan will continue as Acting Manager Education and Care, and Charlotte Geeves as Acting Operational Manager Assessment and Rating, until April 2024.

The ECU has appointed four new Education and Care Assessors, located across the South and North. Recruitment for a Compliance Regulatory Officer has commenced.

### 2 Child Safety – ECU’s Regulatory Enforcement Powers

The ECU has regulatory enforcement powers related to child safety, which include safeguards in response to potential or occurred incidents of sexual abuse, child endangerment, and physical assault. Recent media attention has prompted the ECU to remind service providers of their regulatory powers in this area. The ECU has a Memorandum of Understanding with Tasmania Police, focusing on robust information sharing, which has proven beneficial.

The ECU can prohibit individuals who pose or may pose a significant risk to children from various roles, including being an approved provider, a nominated supervisor, or even from employment, contracting, or volunteering in an education and care service. An approved provider can apply to the ECU to seek information regarding if an individual is prohibited if they are seeking to employ or engage that individual. Decisions about partial or complete prohibition depend on individual circumstances. The ECU must establish the potential for a significant risk to children before considering prohibition. The ECU also has the authority to issue directions to exclude specific individuals, such as parents, from education and care premises while education and care is being provided.

Information on prohibited individuals is not publicly available on the ECU website but can be obtained via NQAITs for background checks by services/providers who are looking to engage an individual. However, only a simple yes/no response is provided, without further details.

### 3 Revised Approach to Complaints and Notifications

The ECU has conducted a review of its procedures and has revised its process for handling complaints and notifications raised by community members and families. As a result of these changes, parents and community members are now offered the opportunity to receive notification on the resolution of their concerns. This notification will not include specific names or details of content discussed but will inform them that an investigation has been conducted, if a breach was identified, which section of the law it relates to, and who, with legislated responsibilities the breach relates to (i.e family day care educator, nominated supervisor, approved provider).

### 4 Child and Youth Safe Organisations Framework

Tasmanian organisations that engage with children and young people will need to comply with the [Child and Youth Safe Organisations Framework](#)<sup>iii</sup> (the Framework) from 2024 onwards.

The Framework aims to promote the safety and wellbeing of children and young people from all forms of harm in institutional settings. The Framework is similar to workplace health and safety, as it represents ongoing best-practice and is not time-limited or temporary.

Use this tool to [check if your organisation will need to comply with the Framework](#)<sup>iv</sup>.

The Framework sets out clear expectations for:

- how these organisations prioritise and promote the safety and wellbeing of children and young people.
- how they respond when there are concerns about a worker's behaviour towards children and young people.

There are four main elements of the Framework:

1. [The Child and Youth Safe Standards](#)<sup>v</sup> (the Standards)
2. [The Reportable Conduct Scheme](#)<sup>vi</sup> (the Scheme)
3. [The Independent Regulator](#)<sup>vii</sup>
4. [Information sharing provisions](#)<sup>viii</sup>

It is important that services and providers are aware of the requirements and have a plan in place to support their educators with the implementation of the Framework. Check out this updated [list of things you can do now to prepare for compliance with the Framework](#)<sup>ix</sup>.

Organisations may already have procedures and practices in place that mean they are complying with the Framework. For example, there is significant alignment between the new [Child and Youth Safe Standards](#)<sup>x</sup> and existing requirements under the National Quality Framework, the [National Principles for Child Safe Organisations](#)<sup>xi</sup> (PDF) and [DECYP's Safeguarding Framework: Safe. Secure. Supported](#)<sup>xii</sup> (PDF).

The [Reportable Conduct Scheme](#)<sup>xiii</sup> will be totally new. It is aimed at strengthening oversight and will do this by requiring organisations to notify and update the Independent Regulator. The Reportable Conduct Scheme doesn't replace or negate other, existing reporting obligations. Organisations may also have other reporting

obligations such as police, the Registrar of the Working with Vulnerable People Act, the Advice and Referral line or other regulators such as the ECU.

Further resources will be released in the coming weeks that will assist services and providers to understand their reporting obligations and place them within the wider context of existing reporting obligations.

Providers and services are encouraged to:

- explore the [Child and Youth Safe Organisations Framework website](#)<sup>xiv</sup> to find quick, simple resources.
- [sign up for an online forum](#)<sup>xv</sup> to learn more, in detail, about the Standards and the Scheme, and say what you'd appreciate training and support in.
- [sign up for the newsletter](#)<sup>xvi</sup> to get notified of new resources and learning opportunities.

The ECU will share more information with services and providers as it becomes available.

## 5 Child Care Subsidy – Fee Reporting and Accuracy

The Australian Government Department of Education reported that only a small number of providers are failing to report fees on StartingBlocks.gov.au or on their website, as required under Family Assistance Law. However, a large number are failing to continually update and provide accurate fee information.

Providers have been reminded of their obligations through the weekly Child Care Subsidy newsletter. Providers who have not updated fees in more than 6 months have been sent notifications in their system. Fines and infringement notices have been issued to non-compliant providers, and further regulatory action may be taken as required.

Providers are reminded that accurate and up to date fee information is important to ensure transparency for families seeking childcare.

## 6 Employer obligations – working with children checks

The Australian Government Department of Education (the Department) has updated [information about working with children checks](#)<sup>xvii</sup> (WWCCs) on its website. The Department reminds providers that they have obligations regarding WWCCs and there are serious consequences if you fail to meet your obligations.

WWCCs are required and issued under state and territory laws. The name of the check, requirements, and the application process is different in each state and territory. In Tasmania this is the [Registration to Work with Vulnerable People](#)<sup>xviii</sup> (WWVP).

Detailed information about [employer obligations](#)<sup>xix</sup> in the Tasmanian context is available on the CBOS website.

## 7 Early Learning for Three Year Olds – Update

The Early Learning for Three Year Olds (EL3) initiative is one of the first steps toward achieving the Tasmanian Government's commitment to provide access to early learning for every child in the year before kindergarten.

The Department for Education, Children and Young People (DECYP) continues to work in partnership with families, community members, ECEC providers and other stakeholders in the co-design process. Workshops have taken place across the five trial site locations, with discussions centred on the specific needs of each community.

DECYP will shortly begin further community engagement and research across Hobart and Launceston to understand the supports and actions needed for expansion of EL3 in these areas.

For more information visit the [Early Learning for Three Year Olds](#)<sup>xx</sup> website and the [What We Heard Report](#)<sup>xxi</sup>.

## 8 2023 Meetings

Next meeting is scheduled for 28 November 2023. We encourage providers, services, educators, families, and communities to contact their SRG representatives, should they wish to raise any issues for consultation or provide information to the ECU. Details of [SRG members](#)<sup>xxii</sup> can be found on the [ECU website](#)<sup>xxiii</sup>.

Janelle Brennan  
Manager, Education and Care Unit  
Department for Education, Children and Young People

## Links

- <sup>i</sup> ECU SRG Terms of Reference - <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Education-and-Care-Unit-Stakeholder-Reference-Group-Terms-of-Reference.pdf>
- <sup>ii</sup> ECU website - <https://educationandcare.tas.gov.au/>
- <sup>iii</sup> Child and Youth Safe Organisations Framework | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework>
- <sup>iv</sup> Will my organisation have to comply with the Child and Youth Safe Organisations Framework | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/Will-my-organisation-have-to-comply-with-the-Child-and-Youth-Safe-Organisations-Framework>
- <sup>v</sup> The Child and Youth Safe Standards | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/child-and-youth-safe-standards>
- <sup>vi</sup> The Reportable Conduct Scheme | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/reportable-conduct-scheme>
- <sup>vii</sup> The Independent Regulator | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/the-independent-regulator>
- <sup>viii</sup> Information sharing provisions | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/information-sharing-and-the-child-and-youth-safe-organisations-framework>
- <sup>ix</sup> What can my organisation do now to prepare for the Child and Youth Safe Organisations Framework? | Department of Justice - <https://www.justice.tas.gov.au/carcru/tasmanian-response-to-the-royal-commission/news/news-items/what-can-my-organisation-do-now-to-prepare-for-the-child-and-youth-safe-organisations-framework>
- <sup>x</sup> The Child and Youth Safe Standards | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/child-and-youth-safe-standards>
- <sup>xi</sup> National Principles for Child Safe Organisation | Child Safety Australia - <https://www.childsafety.gov.au/system/files/2022-09/english-national-principles-feb-2019.pdf>
- <sup>xii</sup> DECYP's Safeguarding Framework: Safe. Secure. Supported. | Department for Education, Children and Young People - <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Safeguarding-Framework.pdf>
- <sup>xiii</sup> The Reportable Conduct Scheme | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/reportable-conduct-scheme>
- <sup>xiv</sup> Child and Youth Safe Organisations Framework | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework>
- <sup>xv</sup> Online forums | Department of Justice - <https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/child-and-youth-safe-organisations-framework-forums>
- <sup>xvi</sup> Subscribe to the Child and Youth Safe Organisations Framework newsletter | Department of Justice - [https://comms.justice.tas.gov.au/link/id/zzzz616d73fe0fe68615/page.html?prompt=1&parent\\_id=zzzz616d4ce1542a2179](https://comms.justice.tas.gov.au/link/id/zzzz616d73fe0fe68615/page.html?prompt=1&parent_id=zzzz616d4ce1542a2179)
- <sup>xvii</sup> Working with children checks | Department of Education - <https://www.education.gov.au/early-childhood/provider-obligations/background-checks/working-children-checks>
- <sup>xviii</sup> Registration to work with vulnerable people | Consumer, Building and Occupational Services - <https://www.cbos.tas.gov.au/topics/licensing-and-registration/work-with-vulnerable-people>
- <sup>xix</sup> Employer obligations | Consumer, Building and Occupational Services - <https://www.cbos.tas.gov.au/topics/licensing-and-registration/work-with-vulnerable-people/employer-obligations>
- <sup>xx</sup> Early Learning for Three Year Olds | Department for Education, Children and Young People - <https://www.decyp.tas.gov.au/about-us/community-and-engagement/early-learning-for-three-year-olds/>
- <sup>xxi</sup> What We Heard Report - <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/What-we-heard-Report.pdf>
- <sup>xxii</sup> SRG members | Education and Care Unit - <https://educationandcare.tas.gov.au/stakeholder-reference-group/members/>
- <sup>xxiii</sup> ECU website - <https://educationandcare.tas.gov.au/>