

# **2019 National Quality Framework Review Terms of Reference**

## **Introduction**

The 2019 National Quality Framework Review (2019 NQF Review) is commissioned by Education Council under its functions set out in section 220 of the Education and Care Services National Law Act 2010 (Vic) (National Law).

The National Quality Framework (NQF) was introduced in 2012 and first reviewed in 2014.

This review is intended to build on the 2014 Review of the National Quality Agenda, which led to the successful implementation of significant improvements to the NQF that were well received by the early childhood education and care sector. Regular review is required to ensure the NQF is current, fit for purpose and implemented through best practice regulation.

The commissioning of the 2019 NQF Review reflects the intention of the original National Partnership on the National Quality Agenda for Early Childhood Education and Care (NP NQA) for a first review in 2014 with subsequent reviews every five years. It also reflects the sector expectation for a second review in 2019. The 2019 NQF Review will be led by the Early Childhood Policy Group through a working group comprising all jurisdictions and chaired by New South Wales.

## **Objectives**

The 2019 NQF Review seeks to ensure that the NQF continues to meet the objectives stated in section 3 of the National Law.

The 2019 NQF Review will also consider the ongoing effectiveness and sustainability of the NQF in light of the continuing evolution of the early childhood education and care sector, and whether the regulatory framework enables contemporary best practice regulation.

## **Principles**

The 2019 NQF Review will be guided by the principles contained within section 3 of the National Law and will be undertaken in line with the Council of Australian Governments requirements for best practice regulation.

## Scope

The 2019 NQF Review will assess whether the objectives of the NQF are being met.

The 2019 NQF Review will consider possible improvements to the system, including:

- The most appropriate governance arrangements for the National Quality Framework;
- Whether fees should be more closely linked to the cost of regulatory services, in line with best practice guidelines for cost recovery;
- Any changes required from the recommendations and referred matters from the Improving Quality in Family Day Care program of work commissioned by Education Council that require legislative and policy change;
- Any changes required from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), as they relate to the NQF and services regulated under the NQF;
- Issues emerging from the review of the Australian Children's Education and Care Quality Authority (ACECQA), commissioned by Education Council, where they are more relevant to this review; and
- Any further important or critical issues which may emerge from consultation with the sector, if agreed by Education Council.

As agreed by Education Council when it endorsed the final recommendations of the 2014 Review, the 2019 NQF Review will also consider residual issues deferred from the 2014 Review.

Additional issues that have emerged through national working groups and committees (ECPG, ECPG sub-groups and the Regulatory Practice Committee) may be referred to the 2019 NQF Review if agreed by all jurisdictions.

The following areas of the NQF are out-of-scope of this review:

- The Quality Areas, Standards and Elements of the National Quality Standard
- Issues already resolved by the 2014 Review except where they have been expressly deferred to the 2019 NQF Review, have been raised in other ECPG programs of work (such as the Family Day Care projects) or raised by the sector for further consideration
- The Approved Learning Frameworks.

## **Key Deliverables**

The 2019 NQF Review will include (as a minimum):

- Analysis of existing recommendations (Royal Commission and Family Day Care projects) and their implications for the NQF
- Development of an issues paper for consideration and endorsement by Education Council
- Consultation with jurisdictions and relevant regulatory bodies
- Consultation with the Early Childhood Education and Care sector, including peak bodies
- A consultation report outlining any further important or critical issues which may emerge from consultation with the sector, to be endorsed by Education Council
- A Draft Consultation Regulation Impact Statement (CRIS) for endorsement by Education Council
- A comprehensive overall communications plan, with detailed plans and messages at relevant stages.

Following the delivery of the draft Consultation RIS to Education Council, further deliverables by ECPG will include:

- Consultation on, and finalisation of, the CRIS
- A Decision Regulatory Impact Statement (DRIS)
- A final report with proposed policy recommendations.

## **Oversight**

The 2019 NQF Review will be progressed by ECPG. ECPG will report to the Australian Education Senior Officials Committee (AESOC) and through AESOC to the Education Council.

When the review has identified potential areas and recommendations for change to the NQF, an interim report will be provided to Education Council for endorsement of the issues to progress to the Draft Consultation RIS.

Proposals for change to the NQF will undergo regulatory impact analysis in accordance with the Council of Australian Government (COAG) guidelines on best practice regulation.

ECPG will provide regular updates to Education Council throughout the review process.

Once the 2019 NQF Review has been concluded, ECPG will provide a final report to Education Council on the findings and outcomes of the review.

It is noted that the Education Council's 2019 schedule may impact on the Review's timelines. To ensure that the Review is not unduly delayed, the Review may seek advice from AESOC on these key deliverables.

## **Output**

The 2019 NQF Review report, including a Draft Consultation RIS, will be presented to Education Council for consideration within 12 months of commencement.

Any recommendations for legislative or regulatory change identified in the Review report will undergo a public Consultation Regulation Impact Statement process in 2020.

A final report with a Decision Regulation Impact Statement and final proposed policy recommendations will be provided to Education Council by December 2020. Any subsequent legislative or regulatory amendments to the NQF will be developed through the Legislation Working Group for approval by Education Council.