

 Procedure

Regulating for Quality: Assessing and rating the quality of early childhood services procedure

Version: 1.0 | **Version effective:** 06/01/2023

Audience

All early years

Purpose

This procedure outlines the Department of Education's approach as the Regulatory Authority responsible for the assessment and rating of approved early childhood education and care (ECEC) services under the [National Quality Framework](#) (NQF).

Overview

The Regulatory Authority is responsible for assessing and rating the quality of approved ECEC services against the [National Quality Standard](#) (NQS). The NQS, which is a part of the NQF, sets a national benchmark for the quality of services.

This procedure sets out the steps to follow when conducting an assessment and rating of an approved ECEC service. It should be read in conjunction with the [Regulating for Quality: The regulation of approved early childhood education and care services policy \(R4Q\)](#). Conducting an assessment and rating of an approved ECEC service is classified as a proactive regulatory activity under the R4Q Framework.

Assessment and rating provides transparency to families and promotes continuous quality improvement. Services are assessed and rated against the [seven quality areas](#) of the NQS, and are given a quality rating for each quality area and an overall [quality rating](#). Until an approved ECEC service is first assessed and rated, it is given a rating of 'Provisional- Not Yet Assessed'. A certificate showing the service's rating must be displayed at the service at all times.

An approved provider may apply to the Regulatory Authority for an internal review (a [first tier review](#)) if they disagree with the ratings. If an approved provider is not satisfied after the first tier review, they may apply to the Australian Children's Education and Care Quality Authority (ACECQA) for a further review by a Ratings Review Panel (a [second tier review](#)).

An education and care service that is rated as [Exceeding](#) the NQS in all seven quality areas may apply to ACECQA for a rating of [Excellent](#).

An approved provider may apply to the Regulatory Authority for a [reassessment and re-rating](#). An application must include a statement setting out the reasons why reassessment is sought. An application for reassessment can only be made once every two years, and a fee applies.

This document builds on the guidance contained in Section 3 of the [Guide to the NQE](#).

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.

Regulatory officers

- Employees of the Queensland Regulatory Authority who may also be authorised and able to conduct assessment and rating visits (see 'authorised officer' below).
- Required to complete specialised assessment and rating training and testing to ensure they are applying the NQS accurately. Testing must be repeated annually.
- Support an authorised officer to complete an assessment and rating process
- May moderate draft assessment and rating reports.
- Conduct a first tier review of ratings, on application, ensuring approved providers are afforded procedural fairness throughout the process, in a way that demonstrates operational consistency, and unbiased decision-making.
- Maintain appropriate and accurate records in the approved record keeping system to support rating decisions and reporting.

Authorised officers

- Exercise their powers of entry and evidence gathering powers in accordance with the requirements of section 197 of the National Law.
- Complete all relevant training and be authorised to conduct an assessment and rating.
- May identify and prioritise services to undergo an assessment and rating.
- Undertake the assessment and rating of services, ensuring that approved providers are afforded procedural fairness throughout the process, in a way that demonstrates operational consistency, and unbiased decision-making.
- Respond to any outstanding non-compliance identified during the visit in accordance with the [R4Q policy](#).
- Perform a reassessment and re-rating of a service, as required.
- Ensure that each draft assessment and rating report is moderated by another regulatory officer or manager who has completed all relevant training.

- May moderate draft assessment and rating reports.
- Maintain appropriate and accurate records in the approved record keeping system to support rating decisions and reporting.

Managers and directors

- May identify and prioritise services to undergo an assessment and rating.
- Ensure all authorised officers who conduct assessment and rating have completed relevant training and tested 'reliable' by the Australian Children's Education and Care Quality Authority.
- May moderate assessment and rating reports, if tested 'reliable'.
- Co-ordinate and oversee the first tier review process.

Delegated officers

- Assess and rate services, and reassess and re-rate services on behalf of the chief executive under the National Law.
- Decide the outcome of first tier review applications on behalf of the chief executive under the National Law.

Process

1. Schedule Assessment and Ratings

Identify services to undergo an assessment and rating

Team Leader/Manager will:

- Identify services to undergo an assessment and rating, considering:
 - whether the service is not yet assessed
 - the service's current rating
 - time since last assessment and rating
 - any changes to the approved provider or key personnel
 - the service's compliance history
 - whether the approved provider has applied to the Regulatory Authority for a reassessment and re-rating.
- Consider service type when scheduling an assessment and rating (e.g. service types that close for school holidays).

Notify the approved provider the assessment and rating process has commenced

Authorised officer will:

- Notify the approved provider in writing (and service contact, if appropriate) that the assessment and rating process has commenced.
- Review and analyse service information (e.g. compliance history, rating and assessment history, approval history including any [waivers](#)) and the service's most recent Quality Improvement Plan (QIP) to

gain an understanding of the service before the visit, and identify any areas or practices that may be a focus of the assessment and rating. Further guidance about preparing for an assessment and rating can be found in the online Regulatory Library.

- Develop and document an evidence gathering plan in either the mobile assessment and rating application (R4Q App) or similar local document. Further guidance about developing a plan for an assessment and rating visit can be found in the online Regulatory Library.
- If applicable, organise travel and accommodation in line with department's [Domestic travel procedure](#).
- Confirm with the approved provider in writing (and service contact, if appropriate), the date of the visit and approximate time of arrival.
- Reschedule the planned assessment and rating visit if it becomes clear that the authorised officer will be unable to observe 'typical practice' during the visit.
- Create an assessment and rating record for the service in the National Quality Agenda IT System (NQA ITS). Refer to online NQAITS Library (DoE employees only).

2. Conduct Assessment

Commence evidence collection

Authorised officer will:

- Gather evidence against all the elements of the NQS being assessed in line with the NQS assessment guides, which set out the types of evidence that can be used to support element ratings. An assessment guide for each element of the NQS is contained in Section 3 of the [Guide to the NQE](#).
- Collect comprehensive, factual and objective evidence, including contextual information using a combination of the following evidence gathering methods:
 - observing practice
 - sighting relevant documentation
 - discussing observations with staff.
- If gathering evidence in person during the assessment and rating visit, the authorised officer will exercise their power under section 197 of the National Law, ensuring they that show their ID and apply powers of entry during each visit.
- If gathering evidence outside of the assessment and rating visit, a delegate of the Regulatory Authority will exercise their power under section 214 of the National Law to obtain evidence for the purpose of the assessment and rating.
- 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.
- Record evidence for the assessment and rating in the R4Q App or similar [assessment and rating instrument](#).

- Discuss any quality issues or breaches of the National Law and Regulations at the time of the visit with the primary contact person.
 - If it is a quality issue that can be quickly and easily addressed at the time of the visit (or immediately after the visit), offer the primary contact person the opportunity to address the quality issue (known as a 'minor adjustment'). Further guidance can be found in the online Regulatory Library.
 - If it is a breach that 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](#).

3. Finalise an assessment and rating

The Regulatory Authority must give written notice to the approved provider of the outcome of an assessment and the rating levels within 60 days after the completion of the assessment by the authorised officer.

Draft assessment and rating report

Authorised officer will:

- Analyse and assess the evidence gathered through the assessment and rating process against the NQS and the National Law and National Regulations to determine service ratings for each of the seven quality areas and an overall rating for the service. Use the element and standard descriptors and assessment guides in Section 3 of the [Guide to the NQF](#) which outlines the types of evidence that can be used to support element and standard ratings.
- Draft the assessment and rating report using the Queensland Regulatory Authority template available via Smart Flows in the NQA ITS including:
 - reasons and the evidence relied upon for assessing and rating the service at the decided level, ensuring there is sufficient evidence gathered to demonstrate practice for each standard being assessed
 - incorporating any relevant feedback received through the moderation process (see moderation process below).
- Once the draft assessment and rating report is prepared, provide the draft report to another regulatory officer or manager for moderation.
- Update the assessment and rating record in NQA ITS. Refer to the online NQAITS Library.

Regulatory officer/manager will:

- Moderate the draft report by checking:
 - the evidence is sufficient, relevant and supports the ratings
 - the report is clear and easy to follow and aligns with DoE [writing style guidelines](#) (DoE employees only)
 - protected information such as information that is personal to a particular individual or that identifies an individual (including children) has been removed.

Any issues found throughout moderation must be resolved by the manager/regulatory officer and/or authorised officer before the draft report is finalised. If issues cannot be resolved, contact Regulation, Assessment and Service Quality.

Send draft assessment and rating report

Authorised officer will:

- Email the draft assessment and rating report to the approved provider (and service contact, if appropriate).
- Inform the approved provider in writing about how to provide feedback to the draft report, including that:
 - feedback should focus on any factual inaccuracies in the report or critical omission of factors that existed during the assessment and rating process
 - the approved provider should submit additional evidence to support any feedback
 - excessive feedback will not be reviewed in detail, and a sampling methodology may be used
 - feedback must be submitted within 10 working days of receipt of the draft report. Authorised officers will consider any request by the approved provider to extend the 10 working days timeframe in exceptional circumstances, in consultation with their Manager.
- Arrange a time to speak with the key contact person nominated by the approved provider for the assessment and rating process, to discuss the content of the draft report and the draft ratings in more detail.

Finalise assessment and rating report and notice of rating

If feedback is received from the approved provider within allowed timeframes, the authorised officer will:

- Consider the feedback to the draft assessment and rating report and if the feedback or additional evidence supports a change in the ratings, amend the ratings. Use the element and standard descriptors and assessment guides in Section 3 of the [Guide to the NQF](#) which set out the types of evidence that can be used to support element and standard ratings.
- Acknowledge and incorporate the approved provider's feedback in the draft report including:
 - the date the feedback was received
 - a summary of the approved provider's feedback
 - the reason why a rating was or was not amended. For more information about incorporating feedback into the assessment and rating report refer to the online Regulatory Library.

If no feedback is received from the approved provider within allowable timeframes, or once feedback has been addressed and acknowledged as detailed above, the draft assessment and rating report becomes the final report.

The authorised officer will:

- Generate a Notice of Rating via Smart Flows in the NQA ITS.
- Email the final assessment and rating report and Notice of Rating to the approved provider.
- Advise the approved provider in writing they may seek a [first tier review](#) by submitting an [application](#) through the [NQA ITS](#) within 14 calendar days of receiving the final assessment and rating report. Possible grounds for first tier review include where the approved provider:

- disagrees with a rating based on the evidence described in the final report
- has additional background information about the evidence described in the final report
- believes the authorised officer did not consider all the relevant evidence available at the time of the assessment and rating
- believes the service was not given adequate opportunity to demonstrate how it meets an element or standard.
- Update the assessment and rating record on the NQA ITS. Refer to the online NQAITS Library.
- Save a copy of the draft and final report, evidence gathered during the assessment and rating process and any feedback received by the approved provider in the department's record management system.

Any complaints received about the conduct of an authorised officer will be managed in accordance with the department's [Customer complaints management policy](#).

If 14 days elapses after the final assessment and rating report and Notice of Rating is sent without an application for first tier review submitted by the approved provider, then the authorised officer may contact the key contact person for the assessment and rating process and discuss the next steps for the service's quality improvement plan.

4. First tier review (if sought by an approved provider)

Manager will:

- Acknowledge the approved provider's application for first tier review in writing.
- Ensure the first tier review is conducted by a regulatory officer who was not involved in the original assessment and rating of the service.
- Convey the outcome of the review to the approved provider in writing within 30 calendar days of the first tier review decision being made.
- Inform the approved provider in writing of their right to seek a [second tier review](#) conducted by ACECQA, if they are still not satisfied with the outcome.

Regulatory officer will:

- Conduct a first tier review of an assessment and rating decision within 30 calendar days of receiving the approved provider's application. The time frame may be extended by up to 30 calendar days by agreement between the approved provider and the Regulatory Authority, or if the Regulatory Authority requests further information. The timeframe may be extended by up to 60 calendar days where the Regulatory Authority considers there are special circumstances such as:
 - an unexpected event such as the reviewer becomes ill
 - the Regulatory Authority will be closed for a period of the review (i.e. compulsory Christmas closure)
 - an unexpected event such as a natural disaster that affects the gathering of evidence
 - an issue arises during the first tier review that requires further investigation.
- Review all relevant assessment and rating evidence including:
 - service's QIP

- evidence gathered during the assessment and rating process
- draft assessment and rating report
- any feedback from the approved provider to the draft report
- final assessment and rating report
- application for first tier review
- additional evidence submitted with the application for first tier review.
- Analyse and assess the evidence against the NQS and the National Law and National Regulations. Use the element and standard descriptors and assessment guides in Section 3 of the [Guide to the NQF](#) which set out the types of evidence that can be used to support element and standard ratings.
- Provide recommendations to the delegated officer on the outcome of the first tier review application.
- Record the reasons for a decision by drafting the 'Findings and reasons' report located in the online Regulatory Library.
- Save a copy of the decision in the department's record management system.
- Record the decision in the NQA ITS. Refer to the online NQAITS Library.
- Provide all relevant first tier review evidence to ACECQA (if a second tier review is subsequently sought by the approved provider).

Delegated officer will:

- Determine the outcome of the first tier review application.
- Review and approve 'Findings and reasons' report before it is sent to the approved provider by the manager.

Definitions

Term	Definition
Australian Children's Education and Care Quality Authority (ACECQA)	An independent national authority that works with the Australian and state governments to administer the National Quality Framework for children's education and care.
Approved education and care service	Any education and care service that has been granted a service approval by the Regulatory Authority under the Education and Care Services National Law. 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.
Approved provider	An individual or organisation that holds an approval that allows them to provide one or more early childhood education and care services.

Term	Definition
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.
Assessment and rating	<p>A quality-rating process undertaken by the Regulatory Authority of education and care services under Part 5, Division 1 of the National Law.</p> <p>Education and care services are assessed by authorised officers and rated against the National Quality Standard in seven quality areas.</p> <p>At the conclusion of the process, an education and care service rating is determined and published on a National Register and must be displayed at the service.</p>
First tier review	An internal review, requested by an approved provider under section 141 of the National Law, of the rating levels determined by the Regulatory Authority for an education and care service.
National Quality Agenda Information Technology System (NQA ITS)	<p>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.</p> <p>The NQA ITS supports the technical implementation of the NQF such as monitoring and compliance and assessment and rating.</p>
National Quality Framework	<p>The National Quality Framework (NQF) sets out the national approach to regulation for early childhood education and care services and 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.
Moderation	A process whereby a draft assessment and rating report is reviewed before it is sent to an approved provider. Moderation must be performed by an authorised officer who is 'reliable' to assess and rate services. Issues identified by a moderator should be resolved to the satisfaction of both parties before a draft report is sent.
Procedural fairness	<p>The opportunity to review any relevant and adverse material which is before the decision-maker and be given the opportunity to present a case before a decision is made.</p> <p>The decision-maker is not biased and does not have the appearance of bias.</p>

Term	Definition
	<p>The decision-maker relies upon credible evidence to make their decision.</p> <p>Denial of procedural fairness is a ground for applying for a statutory order of review under the Judicial Review Act 1991 (Qld).</p>
Reassessment and re-rating	<p>A quality-rating process undertaken by authorised officers of the Regulatory Authority, where an education and care service that has been assessed and rated is then reassessed and re-rated because:</p> <ul style="list-style-type: none"> • a delegated officer has elected to reassess and re-rate the education and care service (or element of an education and care service) under section 138 of the National Law; or • an approved provider has applied for a reassessment and re-rating of the education and care service (or any element of an education and care service) under section 139 of the National Law. <p>Reassessment and re-rating under Part 5, Division 2 of the National Law is a distinct process, and effectively replaces the original assessment and rating result.</p>
Second tier review	<p>A further review, requested by an approved provider under s144 of the National Law, of the rating levels determined by the Regulatory Authority for an education and care service.</p>
Typical Practice	<p>Practice that is generally representative of an 'ordinary day' at an ECEC service. May include incursions and excursions if these occur regularly.</p>
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.

Legislation

- [Education and Care Services National Law \(Queensland\) Act 2011](#)
- [Education and Care Services National Law](#) Part 5, Division 1 and 2
- [Education and Care Services National Regulations](#) Schedule 1

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: Monitoring and assessing compliance 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](#)
- [ACECQA Guidelines for First Tier Review](#)
- [Application for re-assessment and re-rating \(service rating\)](#)
- [Application for review of ratings by regulatory authority \(service rating\)](#)
- [ACECQA Assessment and rating process website](#)
- [Early Childhood Education and Care – National Quality Framework website](#)
- [Provisional – Not Yet Assessed under the National Quality Framework certificate template](#)

Contact

For further information, please contact:

Local [regional office](#)

Email: ecec@qed.qld.gov.au

DoE employees please contact:

Director, Assessment and Quality Improvement

Telephone: 3328 6776

Review date

6/01/2026

Superseded versions

Previous seven years shown. Minor version updates not included.

Nil

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