

Draft Policy to guide co-location of Early Childhood Education and Care and Department of Education Services

Strong Partnerships between the Department of
Education and Early Childhood Education and
Care Services

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Introduction

Tasmania's Strategy for Children – Pregnancy to Age Eight Years 2018 – 2020 places the child at the centre of all decision-making. Bringing together the child, families, communities, environments and service providers to improve the education, health and wellbeing outcomes of our children. An important aspect of this is the development of collaborative partnerships between the Department of Education (DoE) and Early Childhood Education and Care Services (ECEC) – for early years and school-aged children.

Many children spend significant time in education and care services, and many teachers and ECEC professionals work with the same children and parents on a daily basis. ECEC services are an integral part of the lives of many Tasmanian children and their families, supporting workforce participation for families and providing ongoing positive learning environments for children. As such, respectful and purposeful partnerships between ECEC services and DoE are integral to quality education and care for children and their families and to ensuring that the best interests of children remain the primary consideration for all service provision.

This Draft Policy to guide co-location of Early Childhood Education and Care and Department of Education Services (Draft Policy) sits within the Strong Partnerships between Department of Education and ECEC Services Project, a key output of *Tasmania's Strategy for Children*. This project will develop an overarching framework and a suite of supporting documents to develop and govern genuine partnerships between services and implement cultural change at the ground level. A key component of this framework is the review and development of a guiding policy and process to secure and support quality ECEC services on DoE sites.

This Draft Policy aims to provide guidance for DoE and ECEC services to develop and maintain child-centred partnerships to support stronger outcomes, which will be delivered through:

- clear and consistent procurement processes
- a combined Lease/Licence and Service Agreement
- establishing governance arrangements for each site
- developing *working together agreements*
- annual reviews
- more policy support to develop stronger partnerships between DoE services, ECEC providers and families.

A range of supporting documentation such as checklists, guidelines and procedures will be prepared to support the implementation of this policy.

The intention of the Draft Policy is to create a culture of collaboration and genuine partnerships between ECEC and DoE services to ensure the best interests of children is paramount.

I. Outcomes

All children are provided with quality education and care services and seamless transitions between DoE and ECEC services.

All DoE and ECEC services work in genuine and collaborative partnership to deliver quality outcomes with the child/ren at the centre of all decision-making.

Infrastructure and services are maximised in the best interests of children.

2. Objectives

To deliver quality outcomes for children.

To support consistent and transparent tender processes that are utilised for all procurements for ECEC services on DoE sites.

To ensure that through the tendering and ongoing contract management process for ECEC services, parties develop genuine, collaborative partnerships aimed at delivering quality outcomes for children.

3. Scope

This Policy applies to all DoE sites and approved ECEC providers on DoE sites.

Tasmania's Strategy for Children recognises that supporting children in the early years extends far more broadly than the school sector. Working together and forming genuine, respectful partnerships with all stakeholders, creates a powerful platform to support all young children in Tasmania to thrive and prosper in strong, connected communities. As such, the scope of the Policy is broader than just schools.

This Policy will guide all DoE sites including Child and Family Centres, TasTAFE, LINC sites and any other sites that may procure ECEC services in future. ECEC services on TasTAFE sites are currently procured through the DoE processes with the land owned by the department, and as such, TasTAFE has been determined to fall within scope of this Policy. This will also ensure that consistent procurement processes for ECEC services will be used for all DoE sites.

Definitions

Department of Education (DoE) services

All DoE services, such as schools, Child and Family Centres, TasTAFE and LINC that may co-locate with an ECEC service.

Early Childhood Education and Care (ECEC) providers

Include not-for-profit organisations, local councils, for-profit organisations and School Associations, who have the appropriate structures, and approval, to operate and comply with national and state legislative requirements for the provision of an education and care service for early years and school-aged children. Service types currently likely to be found on DoE sites include outside school hours care, long day care and family day care. Occasional Care could also apply to co-locate on a DoE site.

Outside School Hours Care (OSHC)

Is a centre based service, providing out of school hours care. Principally for school-aged (including Kindergarten) children – usually up to 12 years of age and includes before school care, after school care, vacation care and professional learning day care (pupil free day).

Long Day Care (LDC)

Is a centre based service that provides all day or sessional care for children from birth to school age.

Family Day Care (FDC)

Caters for children from birth to 12 years of age, where children are educated and cared for in small groups, generally in the residences or approved venues of registered FDC educators.

Occasional Care

Occasional care is a flexible service that provides education and care on an occasional or ad hoc basis from as little as one hour to a full day. Occasional care centres are family grouped and are licensed for children from birth to five years old.

Partnerships

While the term 'partnership' has a legal definition, references to 'partnership' in the context of this policy refers to DoE and ECEC services working together.

Procurement

Procurement refers to the attainment of services provided by an ECEC service on a DoE site. The use of the word 'procurement' in this document is a general term that refers to the process for selecting an ECEC service provider and developing the contractual relationship between the two service providers (DoE site and ECEC service).

Tender

The term 'tender' in this policy refers to the framework used by the Government under the Treasurer's Instructions to ensure and provide an open and transparent process.

DoE Central Office

Refers to the unit in the Department that will manage and support the procurement process, ongoing contracts and partnerships. This is to be determined.

4. Governing principles for child centred partnerships

A set of principles has been developed to govern partnerships between DoE and ECEC services.

These include:

Partners build strong, inclusive respectful partnerships with children, families, communities and each other.

Partners mutually explore opportunities to develop relationships between DoE and ECEC services, and with families, children and the community. They meet regularly, communicate and share information about children to improve service delivery to children and families. The partnership is improved by ongoing support and planning from both the DoE and ECEC services and DoE Central Office.

Partners are committed to open, honest, transparent and collaborative communication and decision-making.

Partners listen and understand the diverse perspectives and needs of each party. Communication should enhance the relationship by providing opportunities to explore each other's point of view and reach shared understanding and ultimately agreement.

Partners build and develop a climate of respect through open communications and strong and supportive relationships. They consider an issue from all perspectives and work to a mutually agreed solution from an objective position. They understand that even though both parties may not always agree, an open climate of respectful communication should be maintained.

Partners are capable, skilled and knowledgeable.

Partners recognise the importance of providing young children and their families with access to high quality connected health, education and care services, as well as recognise the need for families to have access to wrap-around ECEC and other child and family services.

Partners are both recognised as providing learning and safe play spaces, as well as supporting social and emotional development of children. Both partners recognise the skills, knowledge, experience and capabilities each other bring to educating and caring for children.

Partners are valued and supported in all communities.

Service delivery is planned and coordinated together, with a focus on maximising the use of resources. Partners understand that when services operate from a DoE site, there are many opportunities to work collaboratively with the community to support a consistent child-centred approach to service delivery.

Partners provide quality age/stage appropriate experiences and environments guided by approved learning frameworks such as the Early Years Learning Framework, (*Belonging Being & Becoming*), and the Framework for School Aged Care (*My Time Our Place*).

Under the National Quality Framework (NQF) for Early Childhood Education and Care and the *Child Care Act 2001*, the Approved Service Provider is responsible for meeting a range of requirements, including physical requirements, on the school site. In order to ensure compliance and quality, the use of the premises and facilities must be negotiated in a way that is beneficial, acceptable and meets the needs of all parties, first and foremost, children.

Regulatory frameworks and requirements should be acknowledged and supported in any agreement as being the basis of what must be upheld as a minimum standard for providing safe and suitable environments which support education, care and recreation for children. Once minimum standards are met, partnerships must then view facilities and premises in light of benefitting the child and providing a seamless transition between DoE and ECEC services.

In addition, partners should work together to develop shared understandings, with a focus on delivering quality outcomes for the wellbeing of children. By adopting shared approaches to delivering the required Learning Frameworks, partners can create a social learning environment around each child that will have a positive impact on the child's learning and overall wellbeing. For example, key outcomes across both the Early Years Learning Framework and the Framework for School Aged Care include:

- Children have a strong sense of identity
- Children are connected with and contribute to their world
- Children have a strong sense of wellbeing
- Children are confident and involved learners
- Children are effective communicators

Survey Question 4

The Governing Principles for Child First Partnerships have been developed by the Making Connections Working Group, which comprises members from both the ECEC and school sectors. The Principles will also be discussed as part of the Strong Partnerships between DoE and ECEC services project.

Is there anything that needs to be added to or deleted from the proposed principles?

5. Key elements of a quality partnership

There are a number of important features that are critical to develop effective partnerships. It is the responsibility of both parties to build trusting, respectful relationships.

Working within the *Strong Partnerships between DoE and ECEC Services Framework*

Partners are expected to work within the Framework, which is focused on developing genuine and collaborative partnerships between DoE and ECEC services. NOTE: this Framework is currently under development. Partners will be supported and assisted to implement the Framework into their services following its development. Its focus is on the development of policy, procedures and processes to support ongoing respectful partnerships between the services.

Developing a shared vision

DoE services and ECEC service providers must work together to develop a shared vision, goals and values, guided by *Tasmania's Strategy for Children – Pregnancy to Eight Years* and the NQF. Having a shared vision for the delivery of services, with the child at the centre of this vision, will enable collaborative and positive outcomes to be achieved. In addition, recognising the needs, limitations and the expectations of each party at the commencement of the partnership and service delivery will increase accountability.

Communicating and working together

Partners must develop a *Working Together Agreement*, guided by the principles listed above and with a focus on supporting delivery of seamless transitions and quality service provision for children. The *Working Together Agreement* is to provide clear, agreed and consistent ways of working together in order to achieve the shared vision.

Partners will establish formal and informal arrangements for communicating with each other and with families, to encourage seamless transitions between services.

Recognising the requirements under the NQF and Child Care Act

DoE services are responsible for being aware of the current national and local requirements when initiating and supporting a partnership and understanding with an ECEC service.

Partners must recognise that OSHC services in particular need to have ongoing access to suitable space, to support children's sense of belonging, including adequate space for storage. As per the Lease/Licence Agreement, services cannot be suddenly moved from one area to another on the DoE site.

DoE services must recognise that changes in arrangements, such as the facilities or space utilised, will impact upon the service approval of the ECEC service under the NQF. In addition, DoE services must also recognise that changes in arrangements, such as access to facilities, storage and use of equipment and shared resources, will affect the quality of the service provided by the

provider. DoE and ECEC services must work together through any changes or impacts to the service provision.

Delivering a quality service, including seamless transitions

Partners should review overarching operational policies and procedures, including the principles within this document, for seamless service delivery such as:

- Service quality management and accountability
- Complaints management
- Handover arrangements
- Behaviour guidance
- Health and safety, including risk management
- Access to premises
- Use of facilities, storage and equipment
- Sharing student information as agreed with families to facilitate transitions between DoE and ECEC services; this might include daily transitions, for example when a child transitions between school and OSHC, or major transitions when a child transitions from LDC into Kindergarten.

Procurement Process

The following procedures have been developed to ensure a fair and transparent process is undertaken when procuring ECEC services on DoE sites. These processes meet the requirements under the Treasurer's Instructions for procurement of goods and services, and are aimed at delivering mutually beneficial and positive outcomes for both partners.

6. Undertaking the procurement process

Tender application process

1. Timeframes for procuring an ECEC service on a DoE site must allow 90 days for Service Approval from the Education and Care Unit (ECU) prior to the commencement of the new service. In relation to FDC, the ECU will assess the proposed site prior to approving.
2. The procurement process must follow an impartial and open tender process, with broad advertising in the local regional paper and online using the tenders website (www.tenders.tas.gov.au) to encourage competitive offers.
3. Parties must utilise the specified tender documentation, including the Tender Evaluation and Probity Plan, Request for Tender (RFT), Pre-procurement Local Impact Assessment (for procurements valued at more than \$50,000) and the Service Agreement and Lease/Licence Agreement. DoE services will be supported to complete all required tender documentation by DoE Central Office.
4. The tender application process should be open for a minimum of 2.5 weeks, noting that longer timeframes of 3-4 weeks will produce better quality submissions.

Assessment of tenders

5. An Assessment Panel must be convened to fairly assess tenders received.
6. Accurate records of the assessment process must be kept, with an Evaluation Report to be provided to Procurement (Facility Services) who will submit it to the Procurement Review Committee (PRC) for approval prior to offers being made.
7. All tenderers must be advised of the outcome of their tender submission, following PRC approval.

Appointing the successful ECEC service

8. A letter must be sent to the successful ECEC service that indicates a right to occupy, subject to service approval being granted. A template letter will be provided for DoE services to use. This letter must be submitted to the ECU within the Department of Education by the ECEC service with their application for service approval.
9. Parties must negotiate and agree on the final terms of the combined Lease/Licence and Service Agreement. The combined Lease/Licence and Service Agreement can be signed once service approval has been received.
10. A copy of the signed combined Lease/Licence and Service Agreement must be provided to DoE Central Office.

11. Both parties must give four months' notice if the combined Service Agreement and Lease/Licence Agreement will not be renewed.

Drafting Information

Internal work is being undertaken to determine which area in DoE Central Office will have responsibility for supporting the procurement process and ongoing contract and relationship management. This will be communicated to all stakeholders when the Draft Policy is finalised.

7. Assessment of Tenders

An Assessment Panel must be convened with a minimum of three members, including:

- Site manager (e.g. Principal, CFC leader)
- Member of the relevant service community (e.g. School Association [or nominee from school community if there is a conflict of interest with the School Association], CFC or TasTAFE service user)
- The Assistant General Manager or their delegate from Learning Services.

The process for assessment of tenders must be outlined in the Tender Evaluation and Probity Plan.

Fair and equal consideration must be given to all tenders and quotations received; DoE services must be equitable in the treatment of all tenderers, deal honestly and keep accurate records to justify the process and any decisions made. This includes:

- Each Assessment Panel member must sign a confidentiality and conflict of interest declaration before the evaluation begins.
- Accurate records of discussions and decisions made must be recorded at Assessment Panel meetings.
- Each Assessment Panel member must endorse the Evaluation Report prior to submission to DoE Central Office and the PRC.
- Record of discussions and the Evaluation Report is to be stored centrally.

Survey Question 5

Should any changes be made to the composition of the Assessment Panel?

8. Selection Criteria

To support the selection criteria, tenderers are required to provide a written submission that addresses the selection criteria below.

Mandatory criteria

- Proof of solvency (demonstrated through a letter from the service's accountant confirming solvency at the point in time of the tender process).
- A minimum insurance requirement of \$20 million.
- Minimum of two referee endorsements that address the Selection Criteria (written or verbal).

Selection Criteria

Quality of the service (weighted up to 40 per cent)

- Demonstrated experience of providing high quality service (of the required service type), including:
 - compliance and quality history on meeting the National Quality Standard rating or equivalent (and age ranges)
 - staff model and profile, including qualifications or equivalent.
- Demonstrated approach to education and recreation program planning, delivery and monitoring progress.
- Clearly articulated approach to risk management framework for the organisation (financial, legal, health, wellbeing and safety). This should include consideration of arrangements to support children, families, staff and the community.
- Clearly articulated local management structure (or arrangements to provide local support if this is not located in the state).

Partnership and information sharing (weighted up to 40 per cent)

- Demonstrated experience at working in partnership with DoE services (or other organisations), families and communities.
- Clear articulation of how the governing principles for child centred partnerships¹ will be imbedded in practice and maintained in the relationship with the DoE service.

Cost to families (weighted up to 10 per cent)

- Clearly articulated cost to families and carers including the proposed fees and billing structure
- Clearly articulated process for setting, revising and forecasting fees.

Guiding Note: These criteria relate to ensuring service charges are not cost prohibitive to participation by children in the local area. Providers should outline costs to families, and should consider median costs locally. Guidance will be developed to assist ECEC services to prepare this selection criterion and DoE services to assess it.

Response to the Local Small Medium Enterprise Industry Impact Statement (weighted at least at 10 per cent)

The local Small Medium Enterprise (SME) industry impact statement is an essential part of the submission and will be used in its evaluation. The statement will contribute a minimum of 10 per cent of the procurement evaluation. ECEC providers that fail to submit a statement will not be able to be scored in relation to this criterion.

The Local SME Industry Impact Statement and 10 per cent weighting is a requirement under the Buy Local Policy and Treasurer's Instructions. Further information can be found on the Government's Purchasing website: <http://www.purchasing.tas.gov.au/>.

¹ at section 5 of the Draft Policy

Optional Site Specific Selection Criteria (weighted up to 10 per cent)

DoE services may opt to include site specific selection criteria to assist in selecting an ECEC service provider that meets particular requirements. If site specific selection criteria are used, five per cent should be removed from the weighting for both the quality of the service and partnership and information sharing selection criteria.

Site specific selection criteria may include some of the following examples (noting it is up to the DoE service what its specific requirements are):

- Food provision
- Age specific education, care and recreation options
- Provision of off-site activities.

Survey Question/s 6 and 7

- Should there be the option of site specific selection criteria, or should all DoE Services use the same selection criteria?
- Are there any selection criteria (including mandatory and optional site specific) that should be changed, added to or deleted?

9. Combined Lease/Licence and Service Agreement

The purpose of the combined Lease/Licence and Service Agreement (the Agreement) is to:

- Set out the conditions for occupation of the allocated space on the DoE site (lease/licence component)
- Define the conditions of the working relationship between the DoE and ECEC services (service agreement component).

Term of Agreement

The Agreement will be for a tenure of five years, with the option to renew for a further term of five years.

Following the first five years tenure, both parties must undertake a formal review and agree to continue working together before the Agreement can be extended for a further term.

A minimum of four months' notice must be provided by either party to terminate the contract at the end of the term.

If a party wishes to raise any issues regarding extension of tenure, advice should be sought from the Department's Central Office.

At the end of the five plus five year tenure, all leases/licences should go to open tender to ensure the best available service provision is provided.

Survey Question/s 8 and 9

- Any comments on the length of tenure?
- What should the five year review look like? What should the threshold be for not continuing the licence/lease at the five year review?

Service Agreement Component

The purpose of the Service Agreement component is to define the conditions of the working relationship between the DoE and ECEC service. It sets out the obligations of both the DoE and ECEC service under the contract.

The Agreement will set out site specific requirements and key performance indicators (KPIs), such as:

- ECEC partner maintains (or improves) quality status under NQF and Child Care Act.
- Development of an agreed grievance resolution process, with any grievances addressed within agreed timeframes.
- Payment of cost recovery and any other fees, outgoings and/or hire charges made within the agreed timeframes.
- Both parties comply with the agreed governance arrangements, regular meeting schedule and timeframes for completing the annual review.
- Both parties comply with agreed operational policies and procedures.
- DoE service recognises and meets minimum requirements regarding site, equipment, storage and access requirements to support the ECEC service provider in its delivery of services under the NQF and Child Care Act.
- Both parties agree on and comply with actions, processes and systems to provide for smooth transitions for children.
- Both parties develop and agree on shared processes and accountability for site specific health and safety processes, such as risk management plans and emergency procedures. An example of these might be bush fire and lock down site plans.
- Both parties work together to cultivate a shared vision and understanding to achieve the best outcomes for children, which is visible at the school site and to the community. This should include a commitment to best practice, quality service delivery, and consideration of a holistic and collaborative approach to delivery of the relevant learning frameworks.
- Both parties commit to regularly reviewing the demographics and service usage and needs of the area.

The parameters of the working relationship between the DoE and ECEC service set out in the Agreement will guide the annual review.

Survey Question/s 10, 11 and 12

- Are there any areas of the Service Agreement component which unnecessarily duplicate existing processes?
- Is there anything that needs to be added to or deleted from the KPIs?
- Should the same terms of agreement apply to the different ECEC service types? (e.g. LDC versus OSHC)

Termination of the Agreement

Under current practice, there is a Termination of Lease/Licence clause built into the Lease/Licence contract, allowing the DoE service to terminate for default in circumstances such as insolvency,

conviction of an offence or failure to comply with provisions of the *Child Care Act 2001* and the *Education and Care Services National Law (Tasmania)*.

If a cause for termination is identified, the DoE service will work with the Governance Group (see section 12) and DoE Central Office to attempt to remedy any concerns or breaches of the agreement. Only as a last resort will an opinion on termination be sought from Crown Law via Facility Services.

Survey Question 13

Are there any other termination clauses that need to be considered for the combined Lease/Licence and Service Agreement?

Assignment or change of control of the Service

It is important for ECEC services to maintain open communication with DoE services regarding potential transfers of business. An ECEC service should give a DoE service a minimum of four months' notice if it intends to transfer the service or the business to a new service provider.

While DoE services will endeavour to accommodate changes in business or service structure, it reserves the right to approve the new service provider, through assessment against the Selection Criteria used in the original procurement. If the DoE service does not approve the new service provider based on an assessment against the selection criteria, it reserves the right to terminate the existing Agreement. Approval cannot be unreasonably withheld by the DoE Service.

10. New Governance Arrangements to Support Collaboration

Governance Arrangements

Governance arrangements should be established by the DoE and ECEC service to help build a collaborative relationship that supports delivery of quality services and seamless transitions for all children between services.

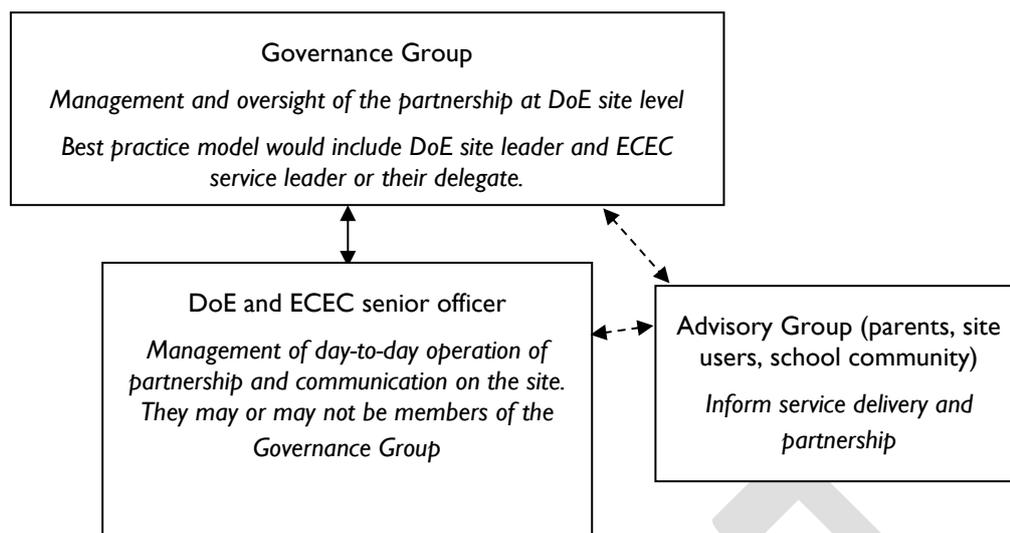
The governance group that is established should be appropriate to the context and suit the needs of both services. A best practice governance model would include the DoE site leader and the ECEC Service Leader or their delegate. Senior staff involved more closely in the operation of the services may also be beneficial to include in the Governance Group.

The role of this group is to support the smooth running of the partnership, including development of the WTA and undertaking annual reviews. The group should meet regularly – at a minimum once a term for school sites, or once a quarter for non-school sites.

To support the smooth running of the partnership, it would be helpful for a senior officer from both the DoE site and the ECEC service to be given responsibility for managing the relationship and day-to-day operation of the partnership, and for supporting the annual review process.

The DoE and ECEC service may choose to establish an advisory group of parents, site users and the school community to inform service delivery and the ways of working together.

Example governance model that could be used by ECEC and DoE services



Working Together Agreement (WTA)

After service approval is granted and the Agreement is finalised, the DoE and ECEC service should establish their preferred governance arrangements and develop a WTA, following the template provided by the Department of Education.

A WTA is a simple document, with a purpose of establishing a desirable way for the DoE and ECEC service to work together. The WTA is not to be confused with the combined lease/licence and service agreement. The Agreement sets out the legal parameters of the relationship between the DoE and ECEC service. The WTA is an informal, living document, which outlines how the two services will work together.

Arrangements for use of space

When assessing the need for provision of an ECEC service on a DoE site, the DoE service should give careful consideration to the space requirements of the ECEC service. An ECEC service receives service approval to deliver the defined service type (i.e. LDC, OSHC, FDC etc) in the approved space.

It is understood that on occasion the DoE service may require use of the space allocated to the ECEC service. While it is important to minimise such occurrences, the DoE service must consult the ECEC provider in identifying a suitable alternative space for the ECEC service to use. The ECEC service requires adequate notice (four weeks if possible) to enable them to meet their regulatory requirements, noting that in some instances the ECEC provider may seek advice from ECU on the suitability of the alternative space.

Annual Reviews

The Agreement should be reviewed annually by the Governance Group, following the standard 'annual review template'. The annual review should be undertaken in one of the regular meetings of the governance group. The template will require parties to review and report fulfilment of the KPIs under the Agreement and the agreed way of working together established in the WTA. The annual review should have a continuous improvement focus, as well as a focus on the key partnership elements and the governing principles for partnerships outlined in this Policy. A report

detailing the outcome of the annual review must be signed by both partners and records filed with DoE Central Office.

Partners should work together, through the Governance Group, to remedy any issues identified in the annual review. DoE Central Office should be notified of any issues that have arisen through the annual review process.

Survey Question 14

What should the annual review look like?

11. Supporting Material

A range of materials will be developed to support implementation of the Draft Policy, these may include, but are not limited to:

- Roles and responsibilities
- Tender assessment guide
- Combined Lease/Licence and Service Agreement
- WTA template and example
- Guidance for annual and five year reviews
- Quality guide – key questions and explanations for OSHC and the NQF
- Guidance for ECEC and DoE Services in relation to the cost to families' selection criterion.

Survey Question 15

- What supporting material is required to assist implementation of the Draft Policy?

Survey Questions 16

- Do you have comments on any other aspect of the Draft Policy?